



City of Hampton

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

Council Approved Minutes - Final City Council Work Session

Mayor Donnie R. Tuck
Vice Mayor Jimmy Gray
Councilmember Chris L. Bowman
Councilmember Steven L. Brown
Councilmember Hope L. Harper
Councilmember Billy Hobbs
Councilmember Martha Mugler

STAFF: Mary Bunting, City Manager
Cheran Cordell Ivery, City Attorney
Katherine K. Glass, CMC, Clerk of Council

Wednesday, February 22, 2023

1:00 PM

Council Chambers

CALL TO ORDER

Mayor Tuck called the meeting to order at 1 p.m. and indicated that Councilwoman Mugler had a prior commitment and is expected to be a bit late to the work session.

DONNIE R. TUCK PRESIDED

AGENDA

[23-0043](#) Motion to take item #2 23-0010 out of order to place it first on the agenda.

A motion was made by Councilmember Hope Harper and seconded by Councilmember Billy Hobbs, that this Motion be approved. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs and Mayor Tuck

Out: 1 - Councilmember Mugler

2. [23-0010](#) Public Art Program Presentation

Attachments: [Presentation](#)

City Manager Mary Bunting introduced Mr. Richard M. Parison, Jr., Artistic Director to make the presentation.

Mr. Parison explained the Public Art Program vision which seeks to build an artistic

legacy by: celebrating the diversity and history of Hampton, providing for public spaces that define the City's humanity, identity, and character, and enabling neighborhoods to reveal their own character.

Mr. Parison covered the five-year program goals which include: commissioning public artwork whose goals and strategies align with current and future Strategic Plans and incorporating public art into public and private development to benefit the City and its communities. He noted that submissions will be assessed by Subject Matter Experts. Support from City staff, leadership, City Council, and the community will be needed to manage a program of this scale.

Mr. Parison shared an example of what a Public Art Program would look like in Hampton. He shared that Mayor Tuck was recently contacted by Statues for Equality. Mr. Parison and Ms. Rebecca Spurrier met with the organization several times. Ninety-nine percent of the world's statues have represented men for decades. Statues for Equality are internationally recognized artists who create statues that are meant to represent women and those who identify as the female gender, by inspiring, celebrating successes, and telling the community's most important stories.

Mr. Parison shared information on the Percent for Art Programs which are used at the federal, state, and local levels to provide funding for Public Art Programs through a variety of mechanisms. He provided statistics on several Virginia Cities, as well as Doral, Florida which is similar in size to Hampton, which are currently funding Public Art Programs.

Mr. Parison introduced Mr. Benjamin Naidorf and Ms. Bonnie Brown, both from the City Attorney's office, to explain funding and ordinance options.

Mr. Ben Naidorf explained several funding options. The most expansive option would be to adopt a Percent for Art ordinance in which City Capital Improvement Projects (CIP) above a certain cost threshold would be required to set aside one percent of the total project cost for Public Art, giving the City total control over the content of the art. He shared information on how the City of Richmond uses this program to fund Public Art. The second option would allow the City to negotiate the content of art, or contribution to an art program by adopting a policy incorporating Public Art into agreements with Business Improvement Districts (BID) and developments. The third option would be for the City to fund Public Art through direct General Fund contributions, giving the City more total control over the content without the full funding commitment of the one percent program.

Ms. Brown shared information on the zoning ordinance options for funding. The first option which would amend the zoning ordinance to require Public Arts to be

incorporated into private developments would not allow the City to control the content. Examples would be the City's arts and cultural districts, and pedestrian-oriented zoning districts like Phoebus or downtown. The second option would amend the zoning ordinance through the zoning incentive program to allow developers to voluntarily opt-in to a monetary donation to a public art fund in exchange for certain benefits. The City would be required to use the money toward art associated only with that project and could not go into a general art fund.

Mr. Parison concluded the presentation with a review of the funding options and the benefits of each. He shared, for example, that the General Fund option could start with a pilot allocation of \$50,000, however, he noted that that would result in a very small piece of public art. He stated that, should City Council select one of these options, the Hampton Arts staff would work with City Legal and Hampton Commission on the Arts to draft Public Art Guidelines to be reviewed by several stakeholders. They would work with the City Attorney's office and other departments on permits, zoning, and legal steps; and would draft a schedule for artist calls and work submissions.

In response to Councilman Brown, Mr. Parison stated that there have not yet been any specific locations identified in the City for the art. He noted that they would make sure to be equitable in reaching the entire community. He stated that any number of art types would be possible including, but not limited to, murals, installations, and graffiti-type art.

Vice Mayor Gray shared how art can be used to tell a story by bringing it out of the books. Seeing the statues of Frank Baker, James Townsend, and Shepard Mallory at the Fort Monroe Visitors and Education Center helps us to interpret and understand our history and tell the stories of our City. He shared that it is a moving tribute to see statues at Hampton University's Historic Legacy Park of Martin Luther King, Rosa Parks, George Bush, and others who visited the facility. Vice Mayor Gray shared his hope that the City will proceed with looking for opportunities to expand the public art in the community. He agreed that, Mr. Parison's example of the \$50,000 General Fund allocation would not do much, but believes that understanding the size and scale of art and its meaning should be a driving factor in the amount of funding needed, and hopes the Arts Commission will be valuable in helping to understand that.

Mr. Parison agreed that scope and commitment are important. He noted that people often ask why an artist wouldn't want to create the art for free just for the exposure, but that would be the same as a small business owner doing something for free.

Mayor Tuck commented that, regarding the first option presented, the City is not

building many new buildings. In regards to the second option, trying to influence what the business improvement districts or developers do may be a challenge. He stated that the only remaining option is the third one, but the proposed amount of \$50,000 is too small. Mr. Parison clarified that the amount is a starting figure that would hopefully grow as the years progressed.

Mayor Tuck requested Ms. Bunting share her thoughts on the first option. Ms. Bunting shared that the first option plays a role in setting an expectation for future building. She stated she believes the funding can be met in the budget each year and that the thought from her office and the budget team is to set an initial amount to work out the kinks of the project. Thereafter, each year's budget could include whatever amount the City can afford. She stated that it may be worthwhile for the City to look into placing an art installation at the Mary Jackson Center and Fox Hill Neighborhood Center since they each represent very diverse, different parts of the City. Other new buildings such as the Circuit Courthouse would be an ideal location for an art installation related to justice or social equity. She stated that the first option presented would not only be for new buildings but also the major refurbishment of existing buildings. Both options can play a role, but Ms. Bunting thinks the third option is the best way to get started with the amount determined in the budget process with guidance from Council.

Mayor Tuck mentioned that Council talked about doing artistic projects around the City several years ago. He asked if there was a particular concept in mind or if it would be possible to do them on panels so they can be moved from one location to another. Mr. Parison confirmed that public art can be portable and the guidelines would provide the opportunity for different types of installations such as some type of performing and visual events, and sculptures.

In response to Councilman Brown, Mr. Parison shared that Diana Blanchard Gross, Visual Arts Center Manager, and Danny Devlin, Education Manager already work to integrate students from the Hampton School system into the performing and visual arts programs.

Ms. Bunting stated for the record that the Arts Commission has been doing local art grants for some time at various schools where student art is displayed, including Kilgore where each picket on a fence was painted by a student, and the love installation at Armstrong. These programs can be expanded but she wanted to give recognition to the great work already being done. Mr. Parison shared that there are approximately five to six grants per year submitted by several performing and visual arts teachers that are funded by the commission.

Mr. Parison responded to Mayor Tuck that when he talks about performing arts, he

is referring to something similar to historical re-enactments.

In response to Vice Mayor Gray, Mr. Parison confirmed that art in empty storefronts is a popular form of temporary art.

1. [23-0044](#) Historic Carousel Option Evaluation Study

Attachments: [Consultant Presentation](#)
[Staff Presentation](#)

City Manager Bunting shared that the Downtown Hampton Development Partnership (DHDP) asked the City to consider moving the carousel to create a larger open waterfront space for the public and increase the water view shed. She stated that the City wants to clear up any misinformation that the move is to facilitate waterfront condos. She shared that the City requested Mr. Tom G. Tingle, AIA, Guernsey Tingle Architecture, Interiors, and Planning to prepare an analysis regarding the ability to relocate the carousel without negative impact. She stated that it is one of only seven wooden carousels in the country and is part of Hampton's history. The City wants to know what would need to be done for the carousel to remain at its current location in a building that was not built to current flood standards; and if the DHDP request is honored, what the cost would be to move the carousel to Mill Point as recommended by the DHDP, or to its former location in Buckroe as requested by many people.

Ms. Bunting introduced Ms. Molly Ward, with the DHDP to begin the presentation. Ms. Ward provided an overview of DHDP's vision for Carousel Park which has been endorsed by DHDP's Board of Directors and presented to the Council in the past. The usable public space at Carousel Park currently consists of a series of interlocked pavers, a small beach, and a small fenced-in dog park. The carousel sits at the back of the property in a building whose design does not allow the ability to see inside. The park has four large recessed drains surrounded by dirt and debris to direct all of the area's runoff directly into the Hampton River. The park is seldom used aside from the occasional special event as the pavers and lack of trees and grass are too hot in the summer and unappealing the rest of the year. Because this area of the City is prone to flooding, standing water can regularly be found in several areas of the park. Significant improvements are needed to the park, and the carousel's building and elevation to combat the effects of flooding, runoff, and sea level rise. The understanding of the impacts of runoff and water quality, resiliency and flooding, and design and management of public spaces has changed significantly since the park was constructed. The age of the park and harsh conditions have accelerated its decline. Ms. Ward displayed a graphic of the DHDP's vision to address the park's problems and transform the space to capitalize on the beauty of its waterfront location by creating an open, green, and

environmentally friendly park. To create the vision, the carousel would need to be moved. The vision includes a place for the carousel at Mill Point Park that would protect it from the elements, sea level rise, and flooding.

Ms. Ward introduced Tom G. Tingle, AIA, Guernsey Tingle Architecture, Interiors, and Planning, to present the options for moving the carousel. Mr. Tingle shared that, over the last two years, his company has worked with the DHDP to develop the implementation plan he is presenting. He explained the goals of the plan which include identifying readily achievable improvements for a more active, vibrant, and friendly community; enhancing infrastructure for underutilized parcels of land for new developments; and prioritizing the City's investments in the private sector. Short-term, mid-term, and long-term investment plans were presented to Council several years ago and Mr. Tingle indicated they are currently working on the short-term implementation plans. Mr. Tingle reported that numerous stakeholder outreach and input sessions have been conducted over the last two years. Mr. Tingle displayed several maps showing the study area, gravitational nodes, and connections, which include Riverfront Park and Mill Point Park. He displayed a map showing nine implementation focus areas identified. Two of those affect the recommendations for what to do with the carousel and they are Carousel Park (referenced in the presentation as Riverfront Park) and Mill Point Park.

Mr. Tingle presented four options for the carousel. The first option is to leave the carousel in its current location. He shared information on the current and future flood elevations. The strengths include being the least expensive option at just over \$300,000, and its location close to the Virginia Air and Space Museum where it has been for the last 30 years. The plan's weaknesses include the negative impact on future Riverfront Park development, potential flooding, and poor visibility.

The second option presented would be to keep the carousel in its current location and address the issue of future flooding by reconstructing the building to an elevation of 11 feet (it currently sits at about five feet above sea level), and creating more visibility. The strengths of this plan are that it keeps the carousel in its current location close to the Virginia Air and Space Museum, provides improved flood protection, and more visibility. Its weaknesses include the negative impact on the future development of Riverfront Park, needed improvements to the park, and the higher cost of over \$2.5 million.

The third option is to relocate the carousel to Mill Point Park which is a more intimate recreation and entertainment venue. Mr. Tingle shared information from the implementation study regarding the revitalization of Mill Point Park which includes expansion and improvement of the amphitheater space. This location would provide a higher elevation, a more visible space for the carousel, and a visual draw for the

Queen Street corridor. The downside to this plan is that it reduces the available green space by approximately 10% and has a cost of over \$2.5 million.

The final option presented would be to return the carousel to its former location at Buckroe Beach. Mr. Tingle displayed an aerial photo of the possible location of the carousel within one of the greenspaces at Buckroe Beach. Suggestions include incorporating other recreational activities such as a nine-hole miniature golf venue. The positive outcomes of this plan include returning the carousel to its original historic location complimentary to beach activities, greater visibility, and improved flood protection. The drawbacks to this option are the requirement for a more structurally sound building, the effects of the salt air, the effects of visitors utilizing the carousel in wet clothing, storm surge, and a cost of over \$2.8 million.

Mr. Tingle shared additional considerations which include conservation easements and areas at all three locations. He concluded with a summary of each of the options.

Vice Mayor Gray asked how the environmental effects would be any different at the Buckroe location today than they were during the years the carousel was located in an enclosed space in the salt environment at Buckroe.

Mr. Tingle shared that the carousel dates back to the 1920s when it was part of the amusement park. They have spoken with the original manufacturer of the carousel and discovered there is not a strong pattern for historic carousels around the country in terms of how protected they are and the environment they are in. He shared that many of the historic carousels in existence are still outside. Mr. Tingle stated that they recognize that while it was at Buckroe it was going through a period of deterioration. Because the carousel is on the National Register, the standards are higher and today's protection would need to be better than in the past. Vice Mayor Gray shared that he is aware of comments and concerns about the relocation, with many saying it should not be touched. He stated that regardless of whether it is this Council or another in the future, even if the carousel was to remain in its current location he feels that there is an obligation to protect it from the effects the environment may have on it.

Councilman Brown and Mr. Tingle both agreed that regardless of where the carousel goes, something must be done to preserve its quality and integrity.

Councilman Brown referenced Mr. Tingle's comment that the carousel would most likely be used less in the winter if relocated to Buckroe and asked what the difference is between its use during the winter at Mill Point versus Buckroe. Mr. Tingle responded that there is typically a higher level of activity at beach locations in

the summer than in the winter, while downtown locations have more consistent usage throughout the year. He stated that they have not done a market study to determine how many people there would be at Buckroe versus downtown.

Councilman Brown stated that how the historic carousel is marketed is important so that people know where it is located, and its historical significance.

Mr. Tingle responded to Councilman Brown's question regarding the loss of greenspace if the carousel is relocated to Mill Point by saying that the implementation plan recommended that the Riverfront Park be looked at as the primary area for gathering space with many of the events moved to that location rather than remaining at Mill Point.

Ms. Bunting shared in response to Vice Mayor Gray's question regarding the additional environmental considerations at Buckroe, that they have been accounted for which results in the higher cost presented. She shared that the City wants to make sure the carousel is preserved and protected and would not do anything to harm or cause deterioration to the carousel.

Mayor Tuck commented that the vision presented by DHDP for downtown is transformative and he supports it. He shared that Norfolk, Portsmouth, and Virginia Beach all have entertainment venues that Hampton does not have. He thinks a plan can be developed to preserve and possibly relocate the carousel.

Ms. Bunting introduced Ms. Angela King and Ms. Bonnie Brown from the City Attorney's office and Community Development to share information on the conservation easement and master plan. Ms. King shared information on open space deed restrictions to Carousel Park related to its initial development which was funded in part by the Commonwealth with funds related to open space. The restrictions allow redevelopment for public outdoor purposes. Private development, such as use for restaurants or retail, would require a release of deed restrictions from the Department of Conservation and Recreation. A replacement conservation area would also have to be identified. This was previously completed in 2006 with an adjacent parcel of land, and the restrictions were placed on a portion of Mill Point Park which Ms. King displayed. The carousel would be permitted on this portion of Mill Point Park provided the Department of Conservation and Recreation is notified before relocation.

Ms. King displayed a graphic of the portions of Buckroe Beach that have been under conservation easement since 2010. The Carousel would be permitted at Buckroe as a building or structural incidental to public recreation, however, the impervious surface would be limited to 5% of the total easement. A 2017 study by

the Virginia Outdoors Foundation shows that there are approximately 12,000 square feet of space remaining before the 5% cap is reached. Before any relocation, the City would need to notify the Virginia Outdoors Foundation. At Ms. Bunting's request, Ms. King confirmed that the carousel is within the remaining size restriction at 4,174 square feet.

Ms. Brown shared zoning information related to the option to relocate the carousel to Mill Point Park. The park would require rezoning to Parks Open Space. Parking needs and flood zone compliance must be addressed. Moving the carousel to this location would be consistent with the Downtown Master Plan which calls for Mill Point to remain a park. Ms. Brown shared that Buckroe Park is already zoned appropriately for the carousel, but parking needs must be addressed. Moving the carousel to this location would be consistent with the Buckroe Master plan which calls for maintenance and expanded use as a park.

Ms. Bunting shared that, with Council's consent, staff would propose having one or two public input sessions to review the same information and clear up any misinformation. All feedback would be provided to Council so a formal item can be included on the agenda, and a public comment period held before making a decision. She stated that this would be done soon since Council allocated some American Rescue Plan Act funds for some of the infrastructure work and in order to proceed with the work the City must know whether the carousel is remaining or moving.

At the Mayor's request, Ms. Bunting explained that the carousel is currently closed due to repairs that need to be made, and the limited availability of repair experts and parts has delayed that process.

Councilwoman Mugler arrived at 2:03 p.m.

Present 7 - Councilmember Chris L. Bowman, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Hope L. Harper, Councilmember Billy Hobbs, Councilmember Martha Mugler, and Mayor Donnie R. Tuck

3. [23-0049](#) Briefing on Special Revenue Funds

Attachments: [Presentation](#)

Ms. Bunting introduced Public Works Director, Jason Mitchell, to present the annual review of special revenue and enterprise funds. She shared that user fees for solid waste, stormwater, and wastewater go into special accounts where their revenue can

only be used for those activities.

Mr. Mitchell provided an overview of Stormwater Services. He explained the stormwater fee increase drivers which include enhanced stormwater maintenance programs that would reduce neighborhood flooding. At Ms. Bunting's request, Mr. Mitchell shared that maintenance is usually done once per year, sometimes twice. The new program would allow for maintenance bi-monthly.

Mr. Mitchell shared information on projected stormwater fees through the fiscal year 2028 and a comparison of monthly stormwater bills for Hampton and the surrounding area, noting that Hampton's fees are among the lowest fees. The recommendation would be to increase stormwater fees by \$1.00 for the fiscal year 2024 and conduct an annual review of expenses and revenues to ensure the City's stormwater system aligns with customer expectations.

Mr. Mitchell provided an overview of the Wastewater program. The wastewater rate increase drivers include the operation and maintenance of a reliable wastewater system to minimize overflows and ensure reliability during inclement weather events. He shared information on the projected wastewater fees through the fiscal year 2028. The monthly charges are a combination of the sewer use fee and the sewer surcharge fee. He shared a comparison of the combined monthly wastewater bills for Hampton and the surrounding area, noting that Hampton's combined fees are among the lowest. The recommendation would be to increase the wastewater user fee by 11 cents in the fiscal year 2024 and conduct an annual review of expenses and revenues to ensure the City's wastewater system aligns with customer expectations.

Mr. Mitchell stated that Public Works' review of the projected expenses for the solid waste program did not result in fee increases for the fiscal year 2024.

In response to Councilman Brown, Mr. Mitchell stated that fee increases are driven by models that look at operating expenses: fuel cost projections, equipment replacement costs, and materials costs. The 11-cent increase for the upcoming fiscal year primarily covers the increased costs for materials and supplies.

Ms. Bunting stated that as part of the annual budget process, budget engagement sessions with the public will be held in March. The information presented will be included in what is shared with the public.

REGIONAL ISSUES

There were no regional issues to discuss.

NEW BUSINESS

There were no items of new business.

CLOSED SESSION

4. [23-0050](#) Closed session pursuant to Virginia Code Sections 2.2-3711.A.1 to discuss the appointment listed on the agenda.

At 2:26 p.m., a motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Bowman, that this Closed Session - Motion be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

5. [22-0276](#) Consideration of an Appointment to the Hampton Commission on the Arts

CERTIFICATION

6. [23-0051](#) Resolution Certifying Closed Session

At 2:36 p.m., a motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Bowman, that this Closed Session - Certification be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

ADJOURNMENT

The meeting adjourned at 2:36 p.m.

Contact Info:
Clerk of Council, 757-727-6315, council@hampton.gov

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____