



City of Hampton

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

Council Approved Minutes - Final City Council Legislative 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
Cynthia Hudson, Interim City Attorney
Katherine K. Glass, MMC, Clerk of Council

Wednesday, September 11, 2024

6:30 PM

Council Chambers

DONNIE R. TUCK PRESIDED

Mayor Tuck called the meeting to order at 6:30 p.m. All members of the City Council were present.

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

INVOCATION - Councilman Billy Hobbs

Councilman Hobbs gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

Following the pledge of allegiance, Mayor Tuck acknowledged that tonight is Interim City Attorney Cynthia Hudson's last meeting and thanked her for all she has done for the City.

Ms. Hudson thanked Council for their confidence in her and for the opportunity to return for this brief engagement. She noted that she was happy to be of service again.

Mayor Tuck announced that the new City Attorney, Courtney Sydnor, was at the afternoon session and will begin working Monday, September 16th.

Mayor Tuck also noted that he was happy to return to the schedule of two meetings per month this month.

[24-0418](#) Motion to Take the Mayor's Comments Portion of the Agenda Out of Order

The Mayor requested to take the Mayor's Comments portion of the meeting out of order to allow time for the guests who were being recognized to arrive.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, to take the Mayor's Comments portion of the agenda out of order. 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

CONSENT AGENDA

Clerk of Council Katherine Glass read the protocol for the consent agenda and a summary of the consent items.

Approval of the Consent Agenda

Motion made by Councilmember Mugler, seconded by Councilmember Harper, to approve the Consent Agenda. 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

1. [24-0373](#) Review and Approval of the Hampton-Newport News Community Services Board FY24-25 Performance Contract Amendments with the Department of Behavioral Health and Development Services

Attachments: [FY24-25 Performance Contract Amendments](#)
[FY25 Budget Review](#)

Item approved.

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

2. [24-0371](#) Resolution Supporting the Phoebus Partnership and the Goals of its Main Street Program

Attachments: [Letter from Phoebus Partnership](#)

Item approved.

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

3. [24-0385](#) Approval of the minutes from the work session of September 27, 2023, July 10, 2024, and the special closed session meeting of August 14, 2024.

Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

DISPOSITION OF CERTAIN PUBLIC HEARING ITEMS DEFERRED FROM JUNE 12, 2024

City Manager Mary Bunting provided the following information. While Council was exploring with the community what the short-term rental (STR) procedures would be, they deferred several short-term rental applications to today. Four of those have qualified for a zoning administrator permit review, and those follow the rules that Council enacted on June 12, 2024, the new regulations for STRs that limited the number of STRs throughout the City, and how close they could be to one another. Those regulations went into effect on September 1. Also included in those regulations, was an administrative permitting process for STRs. STRs that meet conditions can now be permitted under the administrative process that does not require City Council action. At the June 12 meeting, five were deferred to tonight's meeting, and four of those five (items four through seven on the agenda) met the conditions necessary for the administrative process and converted to zoning administrator permits which do not require Council action. Those applications will be processed by the zoning staff administratively, and applicants will be notified as to whether their applications were approved or denied in accordance with these regulations. The remaining use permit did not satisfy the condition needed to proceed under the administrative process and will be heard tonight under item number nine as a use permit during the public hearing portion of the agenda.

Ms. Bunting added that because those four items were deferred to tonight, staff wanted to give a process by which the action would be recorded in the legislative agenda. Tonight, staff is requesting to remove them from the City Council agenda

for the reasons articulated. Ms. Bunting opened the floor for questions.

Vice Mayor Gray asked if all four applicants had been made aware that these are being moved and that they have the ability to apply for these through the new process.

Ms. Bunting explained that they are actively in the process and do not have to reapply. Their applications will be shifted over and are being moved from this process to the permit process and they have been notified of that.

Ms. Glass said that the motion required is that items four through seven, 23-0190 through 23-0224, be removed from the agenda for the reasons described by the City Manager.

4. [23-0190](#) Use Permit Application by Loretta O'Brien-Parham to Permit a Short-Term Rental (STR) at 3808 Chesapeake Ave [LRSN: 2002617]

Attachments: [Staff Report](#)
[Planning Commission Resolution](#)
[Presentation](#)

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Use Permits be removed. 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. [23-0221](#) Use Permit Application by FUM Properties, LLC to Permit a Short-Term Rental (STR) at 136 S Second St [LRSN: 13004183]

Attachments: [Staff Report](#)
[Planning Commission Resolution](#)
[Presentation](#)

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Use Permits be removed. 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

6. [23-0223](#) Use Permit Application by Blossom by the Sea, LLC to Permit a Short-Term Rental (STR) at 406 N Second St [LRSN: 12007148]

Attachments: [Staff Report](#)
[Planning Commission Resolution](#)
[Presentation](#)

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Use Permits be removed. 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

7. [23-0224](#) Use Permit Application by Antoinette Smith to Permit a Short-Term Rental (STR) at 526 Settlers Landing Road [LRSN: 2003217]

Attachments: [Staff Report](#)
[Planning Commission Resolution](#)
[Presentation](#)

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Use Permits be removed. 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

MAYOR'S COMMENTS

Carlton Ashby introduced children from the Young Achievers Academy of Sixth Mount Zion Baptist Temple to present affirmations and poems to Mayor Tuck in honor of his dedication to making a difference in our community and the lives of our children.

Mayor Tuck thanked the participants and commended them for a great job.

PUBLIC HEARINGS

Ms. Glass read the protocol for public hearings.

Rezoning

8. [24-0278](#) Rezoning Application by D.R. Horton, Inc. to Rezone Four Parcels Located at 31, 39, 41, and 49 Semple Farm Road [LRSN: 6001077, 6000966, 6001076, and 6001075] Totaling +/- 7.93 Acres, from One-Family Residential (R-11) District to Townhouse Multifamily Residential (MD-1) District with Conditions to Construct Townhomes on Fee-Simple Lots

Attachments: [Application](#)
[Staff Report](#)
[Planning Commission Resolution](#)
[Presentation](#)
[Applicant Presentation](#)
[Community Meeting Notice](#)

Ms. Glass read the title for the item. Ms. Bunting introduced Senior Planner Davis Pemberton to make the presentation.

Mr. Pemberton greeted those on the dais and introduced the item stating that this application is for the rezoning of four parcels located along Semple Farm Road from One-Family Residential (R-11 District) to Townhouse, Multi-Family Residential (MD District) with conditions to construct town homes. He then began reviewing the slide presentation which includes the description of the site location as the northern portion of Hampton near NASA Langley Air Force Base and York County and the description of the proposal (the proposed number of units, building materials to be used and amenities).

Mr. Pemberton displayed the slide of the concept plan which shows some of the buildings in the surrounding area. He shared that in June of this year, prior to the Planning Commission meeting, staff received feedback from faculty, staff, parents and students at the Hampton Roads International Montessori School concerning the overall development and ongoing concerns that they are experiencing with their property. Following this, subtle changes were made to the overall concept plan, including the addition of a fence along the shared property boundaries with the Hampton Roads International Montessori School and apartments, and alterations to the pedestrian path for the development.

Mr. Pemberton highlighted more components of the overall development including a six-foot fence, landscaping, and EV charging stations. He noted that the development would stay outside of the Virginia Power easement there.

Mr. Pemberton spoke about the proposed building elevations and the Hampton Community Plan which designates the property as high density residential and rural

density residential. He indicated that the proposed density of the project falls between the two. He continued with the next few slides and spoke about surrounding uses in the area; proposed density; public policy (Hampton Community Plan); and proffered conditions which are related to the number of units, conformance with the concept plan and elevations, building materials, fencing, landscaping, lighting, resiliency and sustainability components and community amenities.

Mr. Pemberton shared staff's analysis of the proposal: The proposed development and density aligns with future land use recommendations. The proposed development serves as an appropriate transition between high intensity uses and single-family neighborhoods. The high-density development concentrated along the eastern portions of Semple Farm Road is not currently affected by wetlands, which does allow for greater maximization of the land. It allows for a healthy mix of single family, multi-family dwellings without overtaxing existing infrastructure. It provides more housing opportunities. It is located close to Langley, NASA and the HRC Business District and may potentially cater to their workforces.

Mr. Pemberton noted that the applicant was prepared to present to Council and also stated that staff and the Planning Commission recommend approval of the application with 14 proffered conditions. He then opened the floor for questions and comments.

In response to Councilman Hobbs, Mr. Pemberton said that he would defer to the applicant about whether affordable housing is part of the proposal.

Councilman Brown asked if the concerns brought up by the Montessori School had been resolved; if there is an expansion plan to add more units in the future; how residents are informed of the project; and whether anyone was opposed to the project during the community meeting (if one was held).

Mr. Pemberton said that staff, the applicant and the development team met with the Hampton Roads International Montessori School and all of their concerns have been addressed (mainly the fence), but the applicant may want to elaborate. With regard to an expansion plan, Mr. Pemberton shared that currently, there is no plan for expansion, but if that comes up in the future, an amendment to this rezoning would be required.

Mr. Pemberton talked about how residents are being informed about the project. Notification postcards are being sent to surrounding property owners within point one mile of the properties in question, a sign was posted on the property prior to the Planning Commission meeting, and ads are being run in the Daily Press.

Mr. Pemberton said that no community meeting was held for this project, and unfortunately, there was a switch of staff members on this application leading to lack of communication on Mr. Pemberton's part, for which he apologized. He added that it is standard practice and recommended to hold a meeting, but not a requirement.

Councilman Brown stated that community meetings are very important to him, particularly when residents speak to him about projects. He asked how do we know if the community is in agreement with this project?

Mr. Pemberton shared that he was in contact with a property owner along Semple Farm Road who indicated that he heard about the application through the Daily Press. He clarified that this owner was not within the point one mile buffer, therefore, did not receive a notification postcard.

In response to Councilman Bowman's questions, Mr. Pemberton clarified that the townhomes will be for sale, but the applicant will have to provide the price point. With regard to wind load, the units are designed to meet wind loads with climate change and resiliency components with expected elevated storms in the future (such as 110 mile per hour wind loads - category 2 hurricane).

Mr. Timothy O. Trant, II, Esquire, introduced the applicant's team and began giving the presentation on behalf of the applicant. He noted that Mr. Pemberton covered the details of the application well, and therefore, he would only highlight a few additional points.

Mr. Trant highlighted D. R. Horton, Inc., with the following information. Founded in 1978, one of the nation's largest home builders built and sold over one million homes in that intervening period of time, and are currently building in 33 states. The perspective that Horton brings to the table is that their stability and experience and the economy of scale is a unique value proposition that they bring to their customers. They also have an experienced local development team that Mr. Trant has worked with for years.

Mr. Trant shared the benefits of the proposed project that would warrant approval. It will provide quality, new housing stock in the immediate vicinity of some of the City's largest employment centers, such as NASA/Langley, the Hampton Roads Business Park, and the Wythe Creek Commerce Park. It is an efficient utilization of an infill property (which is rare in an urban locality like Hampton). It serves as a nice transition between the intensity of uses on that corridor. The development on Semple Farm Road is esthetically pleasing and has contributed to the character of that corridor - one of the design objectives was to honor that and contribute to that esthetic. Mr. Trant noted that much emphasis was put on the entrance features, the

landscaping and design of the street frontage, therefore, they are confident in contributing to the esthetic of that corridor and complementing the character of that area.

Mr. Trant opened the floor for questions and comments.

Vice Mayor Gray thanked Mr. Trant for the presentation. He expressed concern that no community meeting took place and explained that receiving community input prior to a decision being made is a critical step in every rezoning, therefore, it would be difficult for him to support the project tonight knowing that the community has not had an opportunity to weigh in. He added that it looks like a good project and there is a need for new development and housing in Hampton, and suggested deferring the item until a community meeting is held. He reiterated that he could not support this tonight knowing that we missed the community input step in the process.

Mr. Trant said that we understand the expectation and we missed the opportunity. He reiterated that they have interacted with the Montessori School and reached an agreement addressing many of their concerns. The school has also submitted a letter of support and is prepared to speak in favor of the project tonight. He added that with the advertising of the public hearing for the Planning Commission (in June) and the deferral until August, they felt as though notice went out to the public and if there was interest in the community, they would have heard about that. He apologized if they were wrong in that aspect and took full responsibility in the matter.

Councilman Brown said that this is the reason he initially brought up the question. He assured everyone that he supports developers doing great things in our City, but believes that citizens have a right to voice their concerns. In addition, he has respect for the Montessori School, which is a great part of the community, but they are not all inclusive and we missed the opportunity to hear the voices of other people. He said for those reasons, he is unable to support the project tonight.

Councilman Hobbs asked if the applicant is opposed to having a community meeting before Council votes on this.

Mr. Trant said that time is of the essence with these projects (contractually) and we want to be successful; however, if Council would like a community meeting to be held, the applicant will respect and honor that.

In response to Councilman Bowman, Mr. Trant spoke about the price point for these townhomes. He shared that they submitted a project narrative, as a part of their application, and identified the projected price point in today's dollars to be in the \$350,000 range. He noted that there is that time period before the homes actually

get built, but that is what they are projected to sell for in today's dollars.

Mayor Tuck opened the floor for additional questions from Council. No questions were posed.

Mayor Tuck opened the public hearing.

PUBLIC HEARING:

The Mayor called upon the first speaker, Michelle Dantonio.

Ms. Michelle Dantonio greeted those on the dais, introduced herself and made the following statement: I am the Head of School for Hampton Roads International Montessori School. Over the past two months, we have worked with D.R. Horton to go ahead and alleviate some of the concerns that we have had and brought up before the June meeting, and then since then. I would like to express our support at this time for the proposed rezoning of the property at Semple Farm, as outlined in the application. I appreciate the efforts of D.R. Horton in addressing the concerns that we previously brought up to the Council. The proposed rezoning reflects their response to our community feedback and demonstrates commitment to responsible development. D.R. Horton's modifications show an effort to align their plans with the needs and expectations of local stakeholders, particularly in relation to the multiple concerns that we had brought up. The adjustments made, which include, but are not limited to, changing the route of the walking path and installing the fence, should enhance the compatibility of the new development with the surrounding community. These key changes address the issues and provide assurances that the project will be developed in a manner that benefits all parties involved. I believe that approving the rezoning request will contribute positively to our community by facilitating well-planned growth while respecting the needs of the existing institutions and residents. I urge the City Council to consider these improvements favorably and to support the rezoning application. Thank you for your attention to this matter. I trust that the City Council will make a decision that reflects both the appropriate adjustments made by D.R. Horton and the best interest of Hampton. Thank you.

The Mayor called on the next speaker, Charis Winder.

Ms. Charis Winder greeted those on the dais, introduced herself and made the following statement: I'm a senior at Phoebus High School, and I'm here on behalf of my numerous family members and neighbors who reside on Semple Farm Road, specifically my grandmother, Stephanie Winder, who couldn't be here tonight. Her letter reads, Dear Hampton City Council Members, my husband and I have resided on Semple Farm Road for nearly 18 years. Our son and his family also reside on

Semple Farm Road. My husband, his parents, sister and other relatives have been lifelong residents. We are seriously concerned about this rezoning issue. There are already two apartment complexes, Falcon Creek and Briton Trace, within a fourth of a mile of each other. We have experienced the following matters since these apartments have been built. They include increased late-night walkers along the street, trespassers that freely come onto residential property, trash thrown in our ditches and yards by walkers and drivers, gunshots that occur at late night, (and) children under age 12 that are without parental guidance walking on the street without sidewalks. This is very dangerous with the increase of traffic on the street. Elderly people using wheelchairs and scooters on the street as transportation, people walking dogs along the street without sidewalks, traffic often speeding or racing up and down the street, (and) increased personal property tax that is already too high. Multi-family residents do not pay this. This burden falls on single-family homeowners. Not enough streetlights to feel safe on Semple Farm Road. Since there's no plan to widen or add sidewalks along Semple Farm, we can only imagine the horrible effects a zone change can cause. We attended previous meetings before Briton Trace and Falcon Creek were built, and afterwards, promises about traffic entrance and exit control did not happen. Many Falcon Creek residents pull out recklessly in front of oncoming cars entering Semple Farm Road. It's been a concern that a serious accident will eventually happen. I dread to think another multi-family dwelling being located across from Falcon Creek will only add more noise disturbances and more traffic to Semple Farm Road. We, as homeowners on Semple Farm Road, do not feel safe in an area that we have resided in for so long. Please reconsider to not change the zoning on Semple Farm Road. Please keep our street R-11 as single-family homes. We take great pride in our homes and yards being well kept, and have paid our fair share of personal property taxes. I would like to believe I have a voice that would be heard and considered in this important matter. I am sure Councilmembers would feel the same way in their own neighborhoods. Sincerely, Stephanie C. Winder. Thank you for your time.

Mayor Tuck called on the next speaker, Mathew Winder.

Mr. Mathew Winder greeted those on the dais, introduced himself and made the following statement: I have lived on Semple Farm Road all of my life. For a brief period, I was in school in Columbus, Ohio. There have been several attempts to rezone areas of Semple Farm Road, Briton Trace was one, Falcon Creek was another, and each of these times of rezoning issues came forward, there was great opposition from our community. Some of those things we could not change, because basically Briton Trace was downgraded from Commercial to multi-family. Now, we were promised, basically by this committee, other individuals who were sitting at the time, that we would be protected, basically because of our concerns about R-11 being maintained, that it would be something that would be maintained

for us. The integrity of our community is at stake. Once again, every time a developer comes along and purchases land and changes the zone, it puts additional pressure on the next property, adjacent properties, and this is what we've had to deal with for several...30 years or so. The traffic issues, like my wife, my granddaughter just mentioned, are realistic. I didn't hear anything about a traffic assessment with this project. We have not had any opportunity to meet with the developer. I was told that a sign was placed there. I go down the street every day. I live on the street every day, and when I mentioned this to your zoning individual, he said, well, he put the sign out himself. Well, I know we did not move a sign, and therefore, we have no advantage by moving a sign. And therefore, I'm wondering, how did the sign disappear within a day from the time it went up? There has been great opposition all of the time (every time) that we've had zoning applications, but we have not heard anything about this. The only way I heard about this situation was reading it in the newspaper on the Sunday after the Wednesday that started, and the individuals who are here now are here because of the fact that while word of mouth, we went out and had to say something about the zoning application. This builder has a capacity to maintain the same type of R-11 zoning housing. You can build 25 to 30 homes within that area that would go along with the design and the desires of our community to develop a great community. We've lived all of our lives, and it was individual homes that were there. We don't - we're not against development, but we are against multi-family development. We want individuals who have yards, who can raise their families and can be proud of a neighborhood. That's what we've done. I purchased land on Semple Farm Road. My family lives on Semple Farm Road. We've built. I'm a contractor. I built my house. My son - we built my son's house. My cousins are here right now, so we want to develop. Alright.

Mayor Tuck indicated that Mr. Winder's speaking time had expired and said that he was the last person that signed up. He closed the public hearing and called for additional questions or comments from Council.

Vice Mayor Gray asked how much time staff will need to do the appropriate notices for the community meeting and what is the best deferral date.

Planning and Zoning Administration Manager Mike Hayes said that this could potentially return at the second meeting in October, but bringing it back in November would be the best option. This would allow time to get materials prepared and make potential changes or resolutions that come about at the Planning Commission meeting.

Mayor Tuck opened the floor once more for discussion.

Councilman Hobbs wanted to be clear that a community meeting will take place prior

to voting on the application. Ms. Bunting noted that staff would help facilitate a meeting, but cannot compel the applicant to hold the meeting. They must commit to it, so it would be best for them to answer that.

Mr. Trant said that the applicant will absolutely hold a community meeting and inform Council of when it will take place.

A motion was made by Councilmember Steven Brown and seconded by Vice Mayor Jimmy Gray, that this rezoning application be deferred to the City Council Legislative Session, due back on 11/13/2024. 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

Use Permits

9. [23-0222](#) Use Permit Application by Antionique & Twaitney Addison to Permit a Short-Term Rental (STR) at 404 N Second St [LRSN: 12007147]

Attachments: [Conditions](#)
[Staff Report](#)
[Planning Commission Resolution](#)
[Presentation](#)

Ms. Glass read the title for the item.

Ms. Bunting introduced the item stating that five applications were deferred to today. Earlier in the meeting, we disposed of the four that could be handled by a zoning administrator's permit. This application could not be handled administratively and is required to come before Council due to the conditions associated with it. She called upon Mr. Pemberton to return to the podium to address this item and speak about those conditions.

Mr. Pemberton stated that this is a use permit application to permit a short-term rental (STR) within the two-family residential, R-8, residential zoning district. He reviewed the presentation which includes the site location (in the Buckroe area, off of the intersection of Pilot Avenue and North Second Street); and an arial image of the property in relation to other previously approved short-term rentals. Highlighted in green on the map are grace period STRs, those which received zoning approval

and a business license prior to the December 2022 amendment, which then required STRs have a use permit. Mr. Pemberton explained that grace period STRs have until the end of calendar year 2024 to come into compliance and receive the necessary permits to continue operating and maintain their status. This subject property is within or closer than 300 feet to another previously approved STR. Overall, the property is approximately 1,200 square feet and features three bedrooms, and one on-site parking space, which is in need of resurfacing. The short-term rental use requires two on-site parking spaces to accommodate the proposed use. This application does not meet one of the conditions to transfer to a zoning administrator permit, which means it requires action by City Council.

Mr. Pemberton spoke about the recommended conditions for the subject application, some of which include limiting overnight lodging capacity to eight, limiting the number of bedrooms to three, and limiting the number of common spaces, such as a living room, to be used as a sleeping area to one. In addition, a driveway or driveway addition would need to be installed and maintained prior to operation to accommodate the parking requirements of the use. Additionally, no events would be permitted and the maximum number of people on the property between 7AM and 10PM (which aligns with the City of Hampton's zoning ordinance) would be limited to 16. Lastly, there were recommended conditions concerning the responsible local person and the operational characteristics of the STR.

Mr. Pemberton shared staff's analysis of the application. Based on the adopted STR amendments that were adopted in June and August, the STR would not meet the proposed 300-foot separation requirement, and the application is not eligible to convert to zoning administrator permit when the ordinance went into effect, as there is not enough parking on site, therefore It requires Council action. Additionally, in the event the application is denied, the applicant and anyone else interested in operating an STR can submit an interest form to be notified of any existing STR ceases to operate in the STR zone.

Mr. Pemberton said that staff recommends denial of the item as the application does not meet the requirements within the adopted zoning ordinance. He then opened the floor for questions from Council. No questions were posed.

PUBLIC HEARING:

The Mayor called on the applicants to speak and reminded them to state their names.

Ms. Antonique Addison greeted those on the dais, introduced herself and made the following statement: I own the property at 404 North Second Street. Since March of

last year, March 13, 2023, is when we first submitted our application. With the guidance of Mr. Pemberton, we corresponded several times about the proper things that needed to be in the application. He would say, you need to fix this. We would fix that. Since then, as you guys know, there's been a lot of discussion about short term rentals. So, when it would come time, then we would get emails that said it's been pushed back, so that's since March of last year. We never were told that we needed to pave the driveway or do any kind of change to the driveway. I do remember a discussion in the very beginning of last year when I was submitting my application that we had to comply with having two parking spaces. And I remember asking Mr. Pemberton through email correspondence, is it okay if...the picture that was shown, you could see one space had been kind of blocked off of wood, and there's a space next to that, and we said, well, can't that qualify as two spaces that cars can park? So, we were under the impression that that qualifies. As far as how many people can sleep in that home, we get families all the time that come with a minivan with kids and parents and a dog, and so everybody doesn't need to drive a car in order to come, and yes, we do advertise that we have a sofa bed, so we have three bedrooms, and we have a sofa that also can sleep. Everyone don't want to sleep in the same bed, so I think it's understandable that the way we advertise is to provide comfort for our guests. That doesn't necessarily mean we have a house that requires three or four vehicles. It was just two days ago that Mr. Pemberton sent me an email saying... oh, sorry, your driveway is why you're being denied, and then, oh, by the way, the 300 feet rule. Well, I don't see how that's fair, because I can fix the driveway in a week, so if the driveway was the issue, why wasn't that told to me in an adequate time so I could take action and make changes. That's not a problem. So, I feel like, respectfully, I should have had the opportunity to make those changes so that I can be in compliance, because I've been working on this since a year ago, over a year ago. So, that's all I have to say.

Mayor Tuck provided the following explanation in response to Ms. Addison: Last year, we put most all of the STR applications on hold while we worked through a number of issues. So, it's not just the driveway itself which is a concern. What happens is, in many neighborhoods, there's not sufficient on-street parking to accommodate additional vehicles that would be generated by STRs. Now, you say just only one family with the minivan, or whatever, but that's not the case throughout. One of the things that we did as a Council, we were concerned about too many STRs being in one area, one region, on one street. So, what we did in that intervening time was to come up with additional requirements related to separation in terms of distance from one another, whereas before we didn't have one. We initially drafted 500 feet, that then became 300 feet. I'm not sure if you recall the map that was shown. Yours is within 300 feet of an existing STR, so that is one aspect of this. The other thing we talked about would be the density. We didn't want one or two neighborhoods to have an overwhelming amount of STRs, so we decided that

based on the population within this area or census track, there can only be 1% (at least that's our starting point). So, if there are 300 homes in an area, there couldn't be more than 30 STRs within that particular district. The reason that actually yours wasn't permitted to be under this new process, which you call a zoning administrative permit, was because of both the driveway primarily (because you didn't have enough...you had to have at least two spaces on site) and the other would have been the density area, the separation. Yours is within 300 feet of another existing STR. I think one of the recommendations was that if that STR ceases to exist, you can apply again, but that is the reasoning as to why you couldn't go through this new process called ZAP, and that's why you had to have a use permit, and that's why the recommendation is that it be denied because you are within 300 feet of an existing STR.

Mr. Twaitney Addison greeted those on the dais, introduced himself and made the following statement: So, pertaining to the application on the 300 feet apart, my opinion is the members should think about this. The applicant set up this project prior to the rules was put out, so the board should think about it before and say, okay, these applicants are already in. They are within the 300 feet, so we should put a waiver for these applicants that are already in but applications afterwards, then we enforce this rules. So, my personal, I think it is not fair for us who is right there already before the rule was put in place, and then the rule put in place, there's supposed to be some kind of grandfather. Okay, they were grandfathered in, because application is there and they established business prior to we setting the rules because if the rules was there before we set up business, then we are at fault, period. And then when it comes to the driveway thing, it's two weeks to fix, so, if (inaudible word) - driveway is our issue, it can be fixed, but we are thinking that the 300 feet, I think, is not realistic, because I'm sure my application is in before these other people that within the 300 feet.

Mayor Tuck responded: I fully understand your position about the fairness of what happened, but we paused that whole process of applications and approving those. In fact, we paused the process of hearing applications because we were starting to get a number of applications within a close proximity of each other, so we stopped that process to come up with better rules, better requirements. Initially, we even thought about 500 feet, but we came up with 300, again, because first of all, we wanted to be fair. If we had 500 feet, there'd be fewer STRs operating in those districts. So, yes, your application was in before we made our final decision on the rules, but so were others, and they will also be impacted. The issue is that Council felt like there had to be more requirements in order to ensure that the process went more smoothly, and unfortunately, you got caught up in it, but you're not the only one that will be caught up in a situation where somebody applies and there's already an existing STR within 300 feet.

Ms. Addison: So, we're basically the sacrificial lamb.

Mayor Tuck: No, you're not the sacrificial lamb.

Ms. Addison: Our house is a nice house. It's clean. We keep it clean. We keep our yard clean. We take special care with our home. We use that home, not just for guests, but our family comes there from out of town. We take a lot of pride in that property, and we really feel like what you're saying is, oh, the driveway...oh, 300 feet, and this was over a year ago. If someone had said, even six months ago, it's the driveway, then we would have fixed that driveway right away, and then that couldn't be something you could use against us and those other four people, who you did approve, who I would love to know the dates that they submitted their applications... I just don't feel like it's fair, and I know you all's job is to overall, and we're just two little people in the community, so we are the ones that have to suffer, but I don't, I just don't think it's fair, and I don't think it shows that you guys support people who are just trying to invest in Hampton City. We live in Hampton. We pay taxes here. Anything that we get for our home is to make the community look beautiful, and we take pride in that, and I just don't feel like we've been properly represented, respectfully. I know what you're going to say about...you know, refer back to that. I hear that. I'm very clear on that, but I don't need to, you know, explain to you guys how hurtful that is as someone who followed all the rules, followed up with Mr. Pemberton. Two days from today, I was told...Oh, by the way, it's your driveway. Really? I just don't see how that's fair.

Mayor Tuck responded: I fully understand and I appreciate the fact, and I think that everyone who does an STR feels the same way about their property - that they maintain it, that it's a wonderful place for people, families who want to come here for vacations, or whatever, to reside, and so it's not an aspersion against what you have, what you're offering as a product. What this is, is, in fact, those other four that were sent through our process were not approved. They are only allowed to go through that process because they met certain conditions, whether or not they'll be approved, I don't know, and neither of us knows, but you're not being treated anymore, any less fairly than anybody else who applied last year at the point that we halted hearing applications because we decided we wanted to come up with better rules related to how we utilize STRs in our City. And, so, it's unfortunate, but, that's the rule right now - is that we cannot have more than one within 300 feet. There are some exceptions, but right now, the ruling is that you can't have more than one within 300 feet. So, it's not just your driveway. It's your driveway that brought you here before the Council, but it's the fact that yours is within 300 feet of another, is a reason why the recommendation was for denial.

Ms. Bunting made the following statement: We definitely handled them in the order of application (because you asked where were the others in comparison). Before we even started the STR permitting process, we had STRs that had gotten proper zoning approval and business license approval, and those are what we call grandfathered, so those got the first dibs in the density cap. After those, it went in the order of application. So, it is strictly being done by first in, first process, but because, as the Mayor mentioned, each of the districts has a maximum cap, so we can protect the character of neighborhoods, as well as the separation requirement, then we have to judge applications that come later by what has already been approved, but no one leapfrogged over you. The pavement did not affect that determination of order. That just had to do with whether it could be handled administratively or whether it had to come before Council. If it could have been handled administratively, we would be recommending denial for the reason that the Mayor cited, but I can assure you, we absolutely went in order, but there were quite a few that were already grandfathered because they had gotten the proper business licenses and zoning approvals before we ever started the use permit process.

Mr. Addison: So, I have a question here, just for knowledge basis. So, for this 300-foot separation. Always at the community. What is the advantage/disadvantage (unable to decipher) of the community if we operate within the 300 feet? If there is short-term next door to each other. I don't see the disadvantage to the community, because it's not like it's taking away from the community in an issue.

Mayor Tuck indicated that the Addison's speaking time had expired and offered one last explanation: The fact of it is, the reason we have a separation requirement is because individuals and communities don't want the community to become primarily a transient community. There are people who buy homes to live in those homes, and they live in neighborhoods, and they want stability in those neighborhoods, and we're trying to balance between having neighborhoods that have stability and neighborhoods or individuals who want to rent out maybe an extra room or rent out a house for a weekend, and that's where we are on that. So, it's not about the City trying to go into business as far as allowing rentals within communities. We are still trying to stabilize communities, and STRs is now an aspect of allowing individuals who, again, don't occupy a house full-time, to be able to rent that. We also recognize that we don't have all the hotel rooms we need, so this becomes another way of individuals who want to visit our City for events or whatever, to be able to stay in some place that is, as you said, is a quality living environment.

Mayor Tuck reiterated that the Addison's speaking time had expired and closed the public hearing.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, that this Use Permit be denied. 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

Resolutions

Prior to the public hearing on items 10 through 18, the City Manager provided a summary of the items. Mayor Tuck opened the public hearing. There were no speakers signed up to speak on any of the items and the Mayor closed the public hearing.

10. [24-0357](#) Resolution to Amend the Fiscal Year 2025 Council Approved Budget to Accept and Appropriate the 2025 Children's Services Act Annual Allocation by the Virginia Department of Education.

Attachments: [Grant Proposal Overview - CSA 2025.pdf](#)
[Grant Proposal Overview - CSA FY25.pdf](#)
[CSA Allocation FY2025.pdf](#)

Ms. Bunting stated that the next nine items are part of one public hearing, but require individual votes. She explained that State Code provides that if more money is received (from either the state or federal government) than what was adopted in the budget, we are required to amend the budget. In addition, if the amount that changes the budget is in excess of 1%, a public hearing is required.

Ms. Bunting shared that we received quite a bit of money in federal and state grants and then gave the following summary about those funds. In total, items 10 through 18, exceed the 1% threshold, hence, the requirement for a public hearing. These items were advertised in the newspaper so the public could comment on it during the public hearing if they wished. She shared that item 10 relates to the Children's Services Act. These are comprehensive services provided to at-risk youth. The base allocation from the state is roughly \$6.9 million. We have a match of \$2.2 million and our match was budgeted for in the budget. We are receiving more state money than expected, so we have to adopt that. Item number 11 relates to the victim witness program. The City has been awarded \$246,744 in federal flow through funds, and \$156,190 in state special funds for a grand total of \$402,934. The next item is a foster grandparent program amendment award. This grant encompasses

three funding sources, an award from the federal government in the amount of \$435,633, a contribution from the city of Newport News in the amount of \$20,000 and our already existing appropriation, the general grant fund of roughly \$70,000. Number 13 is a grant for the employment and training for Temporary Assistance for Needy Families (TANF). The City has been awarded \$91,923.99 in federal funds. Number 14 relates to money that we have received from the state for our various water plans, the Fox Hill Grandview and Harris Creek water plan, the ADAPT Long Creek Blueway Project and our stormwater modeling, phase one. In total, we have received \$360,000 for the Fox Hill, Grandview, Harris Creek, and \$775,000 for the ADAPT Long Creek Blueway Project, and \$1,933,200 for the stormwater modeling citywide. Number 15 is the library grant. We received \$57,019 more than we budgeted. Items 16 and 17 are awards from the Virginia Opioid Abatement Authority. Number 16 is for the Hampton City Jail substance abuse jail-based medication treatment services model. We received \$156,347 for that. Number 17 is a joint project between Hampton and Newport News, in concert with the Community Services Board (CSB) to provide for the ongoing cost of a mobile medical unit to be operated by the CSB, as well as supportive services. The Office of Opioid Adjustment has agreed to appropriate \$1.6 million between fiscal 25 and fiscal 29. Finally, number 18 is an award from the state in the amount of \$63,725.81 for the Hampton General District Behavioral Health Docket.

Ms. Bunting closed stating that staff has been busy in applying for and being successful in getting state and federal allocations. She reiterated this exceeds the 1% threshold, thus the public hearing. She also reiterated that one public hearing can be held for all of the items, but they require separate votes.

Mayor Tuck opened the public hearing. There were no speakers and the public hearing was closed. A motion was made by Councilmember Martha Mugler and seconded by Councilmember Billy Hobbs, that this Resolution-Budget 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

11. [24-0374](#) Resolution to Amend the Fiscal Year 2025 Council Approved Budget to Accept and Appropriate the 2025 Victim Witness Program Grant awarded by the Virginia Department of Criminal Justice Services

Attachments: [25-O1029VW22-Hampton VW SOGA-revised Information for FY25 Victim Witness Grant - LG Grant-Routing-Form for Victim Witness grant 2025 Revised Victim Witness 2025 Overview](#)

Mayor Tuck opened the public hearing. There were no speakers and the public hearing was closed. A motion was made by Councilmember Hope Harper and seconded by Councilmember Billy Hobbs, that this Resolution 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

12. [24-0384](#) Resolution to amend the Fiscal Year 2025 Council Approved Budget to Accept and Appropriate the 2024-2025 Foster Grandparent Program Grant Amendment Awarded by the Corporation for National and Community Services (CNCS).

Attachments: [Grant Routing Form FGP FY2025.pdf](#)
[Grant Proposal Overview - FGP FY2025.pdf](#)
[FGP Notice of Grant Award FY2025.pdf](#)
[FGP NN Contribution FY2025.pdf](#)

Mayor Tuck opened the public hearing. There were no speakers and the public hearing was closed. A motion was made by Councilmember Steven Brown and seconded by Councilmember Hope Harper, that this Resolution-Budget 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

13. [24-0386](#) Resolution to Amend the Fiscal Year 2025 Council Approved Budget to Accept and Appropriate the Employment and Training for Temporary Assistance for Needy Families (TANF) Participants and Income Eligible Grant (BEN-24-060 No. 2)

Attachments: [Grant Routing Form - Employment TANF Grant FY2025.pdf](#)
[Grant Proposal Overview -Employment TANF Grant FY2025.pdf](#)
[Employment TANF Grant Award FY2025.pdf](#)

Mayor Tuck opened the public hearing. There were no speakers and the public hearing was closed. A motion was made by Councilmember Chris Bowman and seconded by Councilmember Martha Mugler, that this Resolution-Budget 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

14. [24-0392](#) Resolution to Amend the Fiscal Year 2025 Council Approved Budget and Accept and Appropriate to the Grants Fund, the Fox Hill, Grandview, and Harris Creek Water Plan; ADAPT Long Creek Blueway Project; and Citywide Stormwater Model: Phase I Virginia Community Flood Preparedness Fund Grants Awarded by the Virginia Department of Conservation and Recreation

Attachments: [Water Plan_Award Letter](#)
[Water Plan_Grant Routing Form](#)
[ADAPT Long Creek Blueway_Award Letter](#)
[ADAPT Long Creek Blueway_Grant Routing Form](#)
[Citywide Stormwater Model_Award Letter](#)
[Citywide Stormwater Model_Grant Routing Form](#)

Mayor Tuck opened the public hearing. There were no speakers and the public hearing was closed. A motion was made by Councilmember Martha Mugler and seconded by Councilmember Hope Harper, that this Resolution 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

15. [24-0401](#) Resolution to Amend the Fiscal Year 2025 Council Approved Budget to Accept and Appropriate the Increased Allocation of State Aid from the Library of Virginia for the Fiscal Year 2025 to the Public Library

Attachments: [Award Letter](#)

Mayor Tuck opened the public hearing. There were no

speakers and the public hearing was closed. A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Bowman, that this Resolution 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

16. [24-0403](#) Resolution to Amend the City Council Approved Fiscal Year 2025 Budget to Accept and Appropriate a Grant Award from the Virginia Opioid Abatement Authority for the Hampton City Jail Substance Use Jail-Based Medication Assisted Treatment Services Project

Mayor Tuck opened the public hearing. There were no speakers and the public hearing was closed. A motion was made by Councilmember Martha Mugler and seconded by Councilmember Billy Hobbs, that this Resolution 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

17. [24-0404](#) Resolution to Amend the City Council Approved Fiscal Year 2025 Budget to Appropriate from the General Fund Restricted Fund Balance Funds to be Paid to the City of Newport News to be Used as a Portion of the Local Match Contribution for Certain Cooperative Grants from the Virginia Opioid Abatement Authority for which the City of Newport News is Serving as the Fiscal Agent

Mayor Tuck opened the public hearing. There were no speakers and the public hearing was closed. A motion was made by Councilmember Hope Harper and seconded by Councilmember Steven Brown, that this Resolution 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

18. [24-0408](#) Resolution to Amend the Fiscal Year 2025 Council Approved Budget to Accept and Appropriate the Office of the Executive Secretary of the Supreme Court of Virginia Specialty Dockets Grant, Hampton General District Behavioral Health Docket.

Attachments: [Grant Award Letter](#)
[Grant Acceptance Letter](#)

Mayor Tuck opened the public hearing. There were no speakers and the public hearing was closed. A motion was made by Councilmember Martha Mugler and seconded by Councilmember Hope Harper, that this Resolution 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

PUBLIC COMMENT

Ms. Glass read the protocol for the public comment period.

Mayor Tuck indicated that several people signed up to speak and that he would call on them two at a time. He also asked that speakers alternate using the podium and the free-standing microphone.

Mayor Tuck called on the first two speakers, Teresa Roundy and John Rodenberg.

Ms. Teresa Roundy greeted those on the dais, introduced herself and made the following statement: I'm a citizen, resident of the City of Hampton, and business owner and I'd like to talk about the homeless tonight. We've all seen the homeless walking around with the shopping carts, the tarps, sleeping in doorways and stuff. You have to think, with winter coming on, the cold weather and the rain, what can we do? Here's one item here. This is Barb. She'd like to show you her home. This is made out of campaign signs. So, if you have... we've got campaigns going on now. So, if you take two campaign signs, the large ones, would take this side and this side, and it's the coroplast. If you add a little bit more then you have a shelter for her to sit under. You have the doorway that she can open up and get in for safety from the elements. We would take wheels and put on the back. You could put things on here where she could pull it, or you can do an attachment to put on the back of a bicycle. Her home wouldn't come apart like this, but we did this so you could see. Inside, there would be enough room for her to sleep and then have ... where you take the smaller signs, you could make shelving and things like this and put in here. This could be made very simply. You use zip ties and gorilla tape and

then you can use the foundations. There are many different foundations, like the pallets that people just throw out - the businesses. So, you know, upcycle, your campaign signs. Also, how would this go about? Well, in a past life, I did community service (supervisor) and some things. So, when the courts gives community service, the courts and probation, we could get on the list to have those people help build these and Barb, she doesn't want a hand out, she wants a hand up, okay. So, she's willing to work for her home. So, give a value to it. Say 100 community hours. That's two and a half full weeks of working, and then that way she can earn her home. I think you value things more when you earn it, and you know, there's a couple other things, but I'll be here if you want to - have any questions.

Mr. John Rodenberg greeted those on the dais, introduced himself and made the following statement: I am Vice President of Development and Marketing at VersAbility Resources, and I am here this evening to personally invite each and every one of you to our 70th Anniversary Gala, which will be October 24. VersAbility Resources has been a significant nonprofit in this community now for over 70 years. We were founded by families wishing to care for their loved ones, individuals with disability. We now serve, every year, over 1,500 people across the United States. We are, of course, based here in Hampton, but because of our services and our employment of people with disability, we are able to actually serve people as far away as Honolulu and San Diego. On October 24, we are going to have a wonderful affair where we're going to have community leaders and philanthropists, dignitaries like yourself. Mayor Tuck has already registered. I am personally here to invite you. I hope that you will join us. This is a wonderful time to lift up our services to people with disability, and I hope that you will join us. Thank you very much for your time.

Mayor Tuck called on the next two speakers, Dennis Greene and Michelle Bowen.

Mr. Dennis Greene greeted those on the dais, introduced himself and made the following statement: I'm a volunteer with the U.S. Military Veterans Hall of Fame. The Hall of Fame inducts up to eight veterans per calendar year, concluding with an annual gala to celebrate those who serve with honor, corresponding as closely as possible with Veterans Day. I'm proud to announce that the Board of Directors chose to celebrate this year's inductees right here in Hampton, Virginia, at our Convention Center on Saturday, November 16, 2024. The organization has worked closely with City officials since February, and looks forward to an outstanding celebration. So, please go to usvetshalloffame.org for more information. We ask for a \$99 tax deductible donation to the organization that includes a seat, it includes dinner and networking with national, state and community leaders. There is the possibility, and we've been told, that News Nation has confirmed with us that our event is on their calendar, so we may get national coverage here. News Nation

reaches 50 million households. So, thank you for the opportunity to address you this evening. I'm available here for questions that you may have about the event. I will leave a few from last year. Our ceremony was conducted in Atlanta, Georgia, and I'll leave some cards with our email on it, with our website on it. All the information you would need to know about it, if you just go to usvetshalloffame.org, it's right there. Thank you.

Ms. Michelle Bowen greeted those on the dais, introduced herself and made the following statement: I've been a resident of Hampton since 1996. I'm here to speak about the many drug overdoses and deaths from drugs in our community. My son, Taylor, died of an overdose of heroin laced with Fentanyl on June 6, 2019. Taylor was 28. He was funny and hard-working, and he would give the shirt off his back to help someone in need. He was a welder, and he loved his skill. He began to go downhill after losing an apprenticeship at Liebherr. He was fired due to having an elevated blood alcohol level at work. That's when he made the choice to engage in hard drugs, such as cocaine and heroin, and that's when the poor choice became the disease of addiction. He was hospitalized twice for drug impairment at Sentara Careplex, here in Hampton. The first time, he was treated and he was released. The second time, I had to fight. I had to fight for help. I found a willing patient advocate at Sentara who helped me find a rehab facility for him. He was at The Farley Center for 30 days, which is not enough time. He also was hospitalized in Virginia Beach after relapsing. Once again, he was treated and released, and there was no help. There was no consequence for having drug toxicity. The last time he went for help was at Riverside Hospital. He walked in on his own accord, struggling and crying for help. I went to the ER that day and asked to speak with the nurse that was caring for him, and I told him Taylor's story and his struggles. An hour later, he was released with no follow up strategy at all, and my son died that night. I believe that we need change here in our City and our sister cities. I would like to see hospitals and law enforcement come together to hold addicts accountable for their actions. I'd like to see rehab facilities be at least a minimum of 60 days, if not more. And also day centers, day centers where addicts can come to when they're having a hard day and they're alone and they need - we need volunteers to step up and help facilitate those. My heart is broken. I was left feeling alone and confused, and I don't want that for anybody else. We need to take action. Losing loved ones to these drugs has got to end and I don't know where God will lead me in this quest for change, but I would listen for His direction. Thank you for your time. I'm available anytime to answer further questions.

Mayor Tuck called on the next two speakers LaToya Fleming and Dawn Mann.

Ms. LaToya Fleming greeted those on the dais, introduced herself and made the following statement: Before we begin, I'd like to honor the lives that were lost and the

heroes who emerged on this day, 23 years ago. We remember their courage and resilience, which continues to inspire us in our efforts to create safer and stronger communities. August 26, I met Michelle Bowden. She shared her testimony and her effort and determination and drive for change inspired today. Today, I would like to present a standard across the City of Hampton, a proposal which I presented and printed out to everyone, a proposal which outlines a comprehensive approach to addiction treatment, ensuring that individuals are treated with dignity and respect. At the point of pickup, immediate steps must be taken to ensure physical and mental safety. This includes a medical assessment and mental health evaluation. Once the evaluation is completed, a caseworker is assigned to both the individual and their family, providing coordination and emotional support throughout the recovery process. The family is to be notified as soon as the individual is stable and have a tailored treatment plan created, addressing both short-term and long-term goals. Before leaving the hospital, the individual will have a clear recovery plan in place, supported by ongoing communication between the counselors, case managers and the family. This holistic approach ensures the individual and their loved ones are all involved from the start. As part of the Hampton Economic Development Plan for 2025, we're proposing utilizing one of the planned housing units or repurposing an abandoned warehouse to establish a rehabilitation facility. The staff can (be) composed of veterans, such as military and retired officers, due to their ability to provide leadership and resilience to rehab programs offering a unique understanding of trauma and recovery. Their ability to empathize with those facing hardships make them invaluable in guiding individuals through their path to sobriety. In return, this will provide immediate assistance and serve as a long-term investment to our community health and safety. Together, we can create a system that offers real hope and recovery for our community and thank you all. Have a wonderful day.

Ms. Dawn Mann greeted those on the dais, introduced herself and made the following statement: I'm here to talk about cat registration in City Hampton. I know if I have one outdoor cat or if I have five outdoor cats, I know I have to register in City of Hampton, and I know there's two ways to do that. I can get them City-licensed. If I get them a City license, then I know that I have to have the City law. I have to have a collar on, and I know I have to have a tag on the collar. But, I feel that's unacceptable, because I rescued a cat that had a collar on, and her leg was stuck in the collar, and the collar was so tight that it ripped her chest open, and she ended up having more than 30 stitches in her five-pound body. So, that's very unacceptable to me. I will never use a collar, but there is another way that you can register your cats in the City of Hampton, and you can register them as a feral colony. However, when you do register them as a feral colony, you have to get your neighbors on each side of you to agree for you to have a feral colony, whether it's one cat or five cats. Well, why should I have to have him agree or have his permission for me to have cats when he doesn't have to have my permission to have a dog, when his dog

comes in my yard almost daily to poop, but he doesn't have to have my permission, but I have to have his permission to have cats? I just don't understand, so I believe that if we could make this process of this registration of a colony easier in the City of Hampton, then maybe the City of Hampton would have more than just three registered colonies. How can we make this easier for the cat colonies to be registered? How, as taxpayers, can we advocate and who is responsible for this process, and how can we go about changing it? Where can we go? Who can we contact to get this on the way to improvement? And before I leave, I would like to remind everybody in the audience, in November, there is an election, so please vote. Make Hampton better. Thank you for your time.

Mayor Tuck called on the next two speakers, Kristin Schultz and Runita Hill.

Ms. Kristin Schultz greeted those on the dais, introduced herself and made the following statement: I had previously spoken about the cats. I'm going to speak a little differently tonight. I have 10 interesting facts for you all about the City of Hampton with regard to its cat situation. The first fact is that the Peninsula Regional Animal Shelter has a full-service vet clinic. Number two, the Peninsula Regional Animal Shelter (PRAS) is paid for by our tax dollars. It is the highest intake shelter in Virginia, serving four different cities. The Peninsula Regional Animal Shelter has a Friends of the Peninsula Regional Animal Shelter, 501, c3 nonprofit that works with PRAS. The shelter recently received a grant of \$40,000 from Casey. We have a lack of transparency regarding how many healthy cats are euthanized. Those statistics are very hard to find online. I am proposing a spay and neuter clinic through Peninsula Regional Animal Shelter, because currently, PETA (People for the Ethical Treatment of Animals) has a wait list until November of 2024 to get your animals spayed and neutered. So, our citizens are at the mercy...on average, that costs between \$300 and \$500 for fixing your cat, which is an extraordinary amount of money in this day and age. The cost to euthanize a cat when it is trapped and brought into the Peninsula Regional Animal Shelter is comparable to the cost to spay and neuter. So, there is no reason why we cannot have one or two days a week, a month, for citizens to bring their animals to the Peninsula Regional Animal Shelter to be spayed and neutered for a low-cost fee. There are many moral implications of euthanizing a healthy cat. Healthy cats are brought into the shelter and after a five-day hold, your pet potentially is at the mercy of the vet there and can be euthanized. This is unacceptable for our City. We need better spay and neuter services. We currently do not have any, unless you want to wait months to go through the PETA snip van, which is the recommendation of Hampton City. Thank you.

Mayor Tuck reminded everyone that applauding is not allowed in chambers.

Ms. Runita Hill greeted those on the dais, introduced herself and made the following statement: I am a retired Army First Sergeant and the Executive Director of PLANU Inc. This is Tawana Randolph. She is a retired Senior Deputy Sheriff and also the Board Chair for PLANU Inc. We're here on tonight to tell you a little bit about our organization, PLANU. We provide re-entry services for men and women that are re-entering from incarceration. We know the City of Hampton has the Star Center, and we are now working with Sheriff Bowden to provide some of those comprehensive wrap-around services, but what we've done over the past year is we've served over 600 meals. We have provided over 1,000 articles of clothing, 1,500 toiletry kits, 100 pairs of shoes, 200 winter kits through our great cover up - which is hats, socks, gloves and blankets for homeless persons. We've logged over 250 volunteer hours in food kitchens and outreach, and we have logged over 1,500 hours of peer recovery support services for men and women that are suffering or recovering from addiction and mental health issues. The reason why we're here today is because we want to make a difference in the community in which we both live. We live here in Hampton, and we're having a domestic violence rally on October 5th. One out of every four women and one out of every nine men experience severe intimate partner physical violence and sexual violence. Domestic violence costs over \$8.3 billion annually in medical costs, lost productivity and legal expenses. Victims of domestic violence are twice as likely to experience depression, anxiety and also to carry on domestic violence and face other challenges in education, as well as social development. And we wonder why our kids are having a hard time in school. We don't know what it is that they're experiencing at home. This is not just your everyday rally. This is not something we're doing for financial gain. We are in support with Bon Secours, HRCAP (Hampton Roads Community Action Program), Sentara, Next Step Therapeutic Services LLC, Sheriff Bowden, the City of Hampton, and Atlantic Union Bank, not to mention, Councilwoman Hope Harper will also be speaking at this rally as well. We want the City of Hampton to commit to partnering with us. We've asked to use the main stage at Buckroe Beach. We're not asking for any type of, you know, extracurricular activities. We just would like to be able to use the stage so that we can spread the word from the stage. In addition to that, we applied for the Opportunity Connect Event Grant, and we have not heard anything from that. We would like to hear from that.

Mayor Tuck indicated that Ms Hill's speaking time had expired and then called on the next two speakers, Melanie Paul and Craig Knopp.

Ms. Melanie Paul came to the podium and said... Thank you so much. Her interpreter then made the following statement on her behalf: I was planning to talk myself tonight, but I had dental surgery recently, so I'm having a difficulty talking tonight, so my interpreter will be speaking for me - what I wrote, but I might add

something at the end, some comments, just in case. Hopefully, you can understand me when I add something at the end. Statement: Residents who are not spaying or neutering their cats, but allowing them to go outside, are the ones contributing to the cat overpopulation. This is where our City needs to develop more spaying and neutering services for individuals to have their cats fixed. Allow me to read one of our City codes, which, in my opinion, is not working and not enforceable. That is section 5-39 B. It says: It shall be unlawful for any person to permit any cat owned or kept by him to run or go at large within the City, unless the cat is spayed or neutered and properly licensed in accordance to article four. The first violation of this section shall constitute a class four misdemeanor. When I served in the Hampton Animal Control Advisory Board, we found only 35% of cats in our City had licenses, as per our data at that time from the Hampton licensing office. Now state law - I will refer to down here: No person shall permit any female dog or cat in heat to go at large in the streets or remain on his premises, to the annoyance of the neighbors. It does not mention male cats, and they are 50% of that problem. Senator William Stanley, he was a huge supporter of all animals from Franklin County, introduced a bill to reduce animal overpopulation. The bill would create an animal sterilization program that would reimburse participating veterinarians, for surgeries they perform on eligible cats and dogs. I encourage everyone who cares about cats and dogs to contact his office and support the bill in the next 2025 Session.

Ms. Paul made the following statement: Thank you. What these individuals are doing for the homeless, pitiful cats in this City is showing compassion and to (inaudible word) the cat population was brought on by irresponsible citizens. These individuals - I myself have used our many resources and context to help these cats (inaudible word). The cats that I helped died. I found very good homes for them, but I used (inaudible word). Let me quoted the ...

The remainder of Ms. Pauls' statement was inaudible. The Mayor also indicated that her speaking time had expired.

Ms. Paul made a few more remarks as she left the podium, but they were inaudible.

Mr. Craig Knopp greeted those on the dais, introduced himself and made the following statement: I'm just here - I have a couple of odds and ends and things I would like to talk about. I listened to everybody talk tonight. I just had a couple questions that some different people brought up that I had some interest or a piece in. Recently, I've had a neighbor that got a new electrical vehicle, and I don't really know all that much about what the regulations are for state and the City, so I started looking into it. I really didn't come up with anything from the City, but I'll follow up with an email on that, because I really don't know what to ask, so I'll probably just

follow up with an email on that. One of the things, though, when the lady was talking about the short-term rentals tonight, is I was wondering, when someone goes to buy a house here, and let's say they're trying to use it for a short-term rental or rental type property, do they have the ability to contact the City to see if they are within that 300-foot range? Okay, that's one of the things I was kind of curious about, with people coming new to the City, looking for opportunities for, you know, growth and wealth. Also, one of the other things, like I said, I followed up with this a couple meetings ago, but little more on the homeless. I did follow up with the signs that we have out there. We have that number that's on there. It provides some additional info on there. I got lost in it. I really don't know how to use the number on there, but I do have one thing. Is there somebody that we could talk to about possibly getting cards to hand out to the homeless? I don't know if that'd be beneficial or not. That's probably a waste of time and resources or not, but just kind of curious on that. If anybody's asked that question. Once again, I'll just follow up with an email on that, but that's all I have. Thank you very much. You guys have a good night.

Mayor Tuck called for the last two speakers, Regina Parks and Jeannie Belgrave.

Ms. Regina Parks greeted those on the dais and began her statement with: I'm here to speak about the cat issue. Basically, I live in a city in Norfolk, and I too... She then introduced herself and continued with her statement: I too had a cat colony around my area, and I was able to find a TNR group herding cats that was able to do the spay and neuter out of Portsmouth and Norfolk, SPCAs. I would like there to be some solution to the spay and neuter clinic here, as y'all don't have one, and it is really hard to get into PETA to make that appointment. You got to keep calling. I've done it. You got to keep calling and calling and calling, wait for a call back. Hopefully you don't miss it. Pretty much, that's it. Thank you for your time.

Ms. Jeannie Belgrave greeted those on the dais, introduced herself and made the following statement: This evening, I'm here to talk about something that recently came to me, you know, was brought to my attention, and it is about a program called NexTrex, which Hampton City Schools are involved with and it is about collecting bags. So, if they collect 1,000 pounds of plastic bags and they're rewarded with a recycle plastic bench, I wonder if the City of Hampton is already involved in it, or if we could get involved in it, how can we go about it? How? Who do I need to talk to? Maybe, you know, involving the residents of the City of Hampton will help, not only collecting plastic bags, but also with this program, NexTrex, we could get free plastic benches, recycled plastic benches, and put them in gardens or somewhere around that, you know our community can enjoy. That's all I have for now. Thank you so much for your time.

Mayor Tuck indicated that Ms. Belgrave was the last person signed up to speak and

then called upon City Manager Bunting for remarks.

Ms. Bunting spoke about the cat concern. In summary, the Peninsula Regional Shelter services four localities and has a governance board. She indicated that she is willing to share the spay/neuter idea to the board, however, implementation will require approval from all four localities. She agreed that it is important to increase spay/neuter opportunities, but she does not have the ability to commit since Hampton is only one of four localities. Additional things for consideration include the Peninsula Regional Shelter's budget and the fact that it has the capability to spay/neuter animals, as they do for animals that are adopted, but she cannot speak to whether they have considered doing it on a regular basis. She noted that she will also share the concept with the other three City Managers.

Ms. Bunting commented on feral cat colony registration. She clarified that this is for feral cats, not home pets, and then spoke about Hampton's feral cat colony requirements. These are based on best practices as espoused by the American Veterinary Association and other organizations. Hampton also requires support from surrounding neighbors as we are responsible for making sure that feral cat colonies do not take over someone else's property, residential or business. Ms. Bunting noted that individual registration for pets does not require neighboring consent, but a feral cat colony registration does. In addition, Hampton requires animal annual registration which documents animals spay/neuter and vaccination status for the benefit and health of the community. Ms. Bunting then shared the process of how sterile cats are marked in a registered cat colony and explained that the City does not pick up marked cats randomly, particularly if they are being properly fed and cared for; however, if the colony is not registered and the City receives complaints from property owners, then the City will come out to pick up the cats.

Ms. Bunting spoke a bit more about the State Attorney General's guidance on abandoned cats; the fact that the City cannot legally support the abandonment of animals; and things the City can do to grow spay and neutering.

In terms of the plastic bags to exchange for a bench, Ms. Bunting noted that she could not say whether we will be doing that specific program; however, the Public Works team works with Hampton City Schools on recycling issues, but this would require approval from the School Board and Superintendent as Council cannot direct them on how to use school resources. She added that we can ensure that the School System is aware of the opportunity and also see if this could potentially be done on a larger scale through Public Works, the Clean City Commission or another organization.

With regard to STRs, Ms. Bunting said that she will wait for the email from Mr. Knopp. She also encouraged those who are considering buying a property for that use or wants information about the STR zoning administrator permit and other requirements, to call the City for information prior to making a large investment and finding out later that there are issues.

Ms. Bunting thanked Ms. Hill for everything PLANU Inc., is doing including addressing re-entry and domestic violence as those are concerns in all communities. She also assured Ms. Hill that she would follow up on the Opportunity Connect grant and the use of the main stage.

With regard to overdose and addiction, Ms. Bunting offered her deepest regrets to those who have lost loved ones to drug overdoses. She then shared that Hampton recently had a presentation from the feds about programs about this and announced that two of the grants she spoke about earlier deal with preventing drug abuse. One of those grants, from the state opioid settlement funds, will fund a peer recovery-oriented system of care. Our Community Services Board is also developing a peer recovery drop-in center to be operated as a non-clinical clubhouse model to assist first responders, community stakeholders and those who struggle with these issues. She reminded everyone that Council appropriated funds this evening and the City of Newport News has also done that. Hampton will also be the host community for the Veterans Hall of Fame in November.

Ms. Bunting spoke a bit about VersAbility Resources which helps individuals with disabilities find meaningful work and living arrangements.

Lastly, Ms. Bunting spoke about homelessness. She thanked Ms. Roundy for her suggestions and said that staff will explore those. She noted that she would share the ideas with the Regional Homeless Consortium and then spoke about a project the City is working on with the city of Newport News to develop a homeless center for people to transition off the streets and into permanent housing. Ms. Bunting also briefly spoke about programs that Hampton Roads Ecumenical Lodgings and Provisions Inc. (H.E.L.P Inc.), offers for the homeless to include helping the homeless during extreme weather conditions and events. Additionally, plans are underway for the City of Hampton to work with the City of Newport News to have a regional shelter.

GENERAL ITEMS

Ordinances

19. [24-0402](#) Ordinance to Repeal Chapter 13.1 and Chapter 33.2 of the City Code of the City of Hampton, Virginia in Their Entirety and Enact

Chapter 33.3 of the City Code of the City of Hampton, Virginia
Entitled "Stormwater Management and Erosion Control"

Attachments: [Consolidated SW ESC 9-11-2024 Final](#)

[Redline - Stormwater Management and Erosion Control Ordinance -](#)

[City Code Chapter 33.3 - FINAL](#)

[EXHIBIT A - Stormwater Management and Erosion Control Ordinance](#)

[- New City Code Chapter 33.3 - FINAL](#)

For the benefit of the public, City Manager Bunting said that an extensive presentation and conversation on this topic took place at the afternoon work session and that video is available for viewing online. She then provided the following summary: The State Water Control Board approved and adopted the Virginia erosion and storm water management regulation that requires an update of local ordinances, including our ordinance, here in the City of Hampton, related to storm water management and erosion control. The required regulation updates impact the City's site plan subdivision and Chesapeake Bay preservation ordinances, specifically includes references to the new phosphorus discharge limit, 0.26 pounds per acre, in accordance with the new Department of Environmental Quality regulations. They also included a Virginia runoff reduction spreadsheet for calculating required pollutant removal and a new Virginia Storm Water Management Handbook as program and technical guidance. Also of note, we are including in this updated ordinance a change to the re-inspection fee, which was changed from \$35 to 10% of the total permit fee for any third and subsequent initial and final inspections. This is to encourage contractors to follow up on any things that are noted as deficient in their first application as quickly as possible, so that we do not have ongoing impacts to the property, and we can take care of their permits in an expeditious fashion. Staff recommends approval as we must come into compliance with the new state water control board regulations.

Mayor Tuck opened the floor for questions from Council. No further discussion took place.

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Hope Harper that this Ordinance-Coded 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

Appointments

24. [24-0396](#) Consideration of Appointments to the Hampton Animal Response Team Advisory Committee (HARTAC)

Attachments: [Applications](#)

A motion was made by Councilmember Steven Brown and seconded by Councilmember Martha Mugler, that this Appointment be deferred to the City Council Legislative Session, due back on 10/9/2024. 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

27. [24-0411](#) Consideration of Appointments to the Citizens Police Advisory Group (CPAG)

A motion was made by Councilmember Steven Brown and seconded by Councilmember Martha Mugler, that this Appointment be deferred to the City Council Legislative Session, due back on 10/9/2024. 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

20. [24-0378](#) Consideration of Appointments to the Hampton Commission on the Arts

A motion was made by Councilmember Billy Hobbs to appoint Dianne Suber, Alice Capehart, and Bob Boester to first terms expiring on September 30, 2028. 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

21. [24-0388](#) Consideration of Appointments to the Mayor's Committee on People with Disabilities

A motion was made by Councilmember Billy Hobbs to reappoint

Vivian Austin, Gwendolyn Burnett, Tyrell Mullen, William Anderson, Sr., Dora Parker-Jimenez, and Venezio Jimenez to second terms ending on June 30, 2028. 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

22. [24-0391](#) Consideration of an Appointment to the Citizens' Unity Commission (CUC)

A motion was made by Councilmember Billy Hobbs to appoint David Kelley-Riddick to fill the unexpired portion of a term until September 30, 2028. 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

23. [24-0395](#) Consideration of an Appointment to the Board of Zoning Appeals

A motion was made by Councilmember Billy Hobbs to appoint Chip McErlean to fill the unexpired portion of a term until December 31, 2026. 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

25. [24-0397](#) Consideration of an Appointment to the Eastern Virginia Regional Industrial Facility Authority (EVRIFA)

A motion was made by Councilmember Billy Hobbs to appoint Leonard Sledge in the place of Steven Lynch until January 31, 2027. 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

26. [24-0398](#) Consideration of Appointments to the Hampton Economic Development Authority (EDA)

A motion was made by Councilmember Billy Hobbs to reappoint

Carlton Campbell to a first full term until September 30, 2028, and to appoint John Ishon to a first term until September 30, 2028. 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

28. [24-0406](#) Consideration of Appointments of Voting Delegate and Alternate to the Virginia Municipal League Annual Business Meeting

A motion was made by Councilmember Billy Hobbs that Councilwoman Martha Mugler serve as Hampton's Voting Delegate and that Councilwoman Hope Harper serve as the Alternate at the upcoming Virginia Municipal League's annual business meeting. 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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

Councilman Bowman made brief comments on the plastic bags into benches program as the Buckroe Improvement League has participated.

ADJOURNMENT

The meeting adjourned at 8:37 p.m.

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

Donnie R. Tuck
Mayor

Katherine K. Glass, MMC
Clerk of Council

Date approved by Council _____