



City of Hampton

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

Notice of Action 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
Courtney R. Sydnor, City Attorney
Katherine K. Glass, MMC, Clerk of Council

Wednesday, December 11, 2024

6:00 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6 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 - Councilwoman Hope Harper

Councilwoman Harper gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck announced that the applicant on item #24-0278 had withdrawn their rezoning application so that matter is being removed from the agenda.

The following Hampton City Schools students were recognized for having their artwork featured on the City's holiday cards:
Bethel High School - Dayla Philman, Kecoughtan High School - Aliyah Boyce, Hampton High School - Angela Chen and James Sidebottom, and Phoebus High School - Nakia Boykin.

Mayor Tuck read and presented a letter to Johnny Sain,

nephew, and Gary Macklin, long-time employee and friend recognizing the many contributions of Clark's Feed Store.

Councilwoman Harper shared a plaque that Hampton received for placing 10th in Digital Cities. She picked up the award during the National League of Cities gathering in Tampa, Florida in November.

Mayor Tuck introduced Bill Mullis, the owner of Larry King Law Langley Speedway. Mr. Mullis thanked the city for a wonderful partnership and showed a video highlighting the speedway.

Mayor Tuck shared that Hampton earned a perfect score of 100 on the 2024 Municipal Equality Index demonstrating how inclusive our laws, policies, and services are to the LGBTQ+ community.

Mayor Tuck also congratulated Phoebus High School's football team as they travel to Lynchburg this weekend to the State Class 4 Finals championship game and stated that we're hoping for a 4-peat.

He also announced that today Hampton was notified by the Environmental Protection Agency that it has been awarded over \$20 million that will be used in the Aberdeen Gardens neighborhood to create a sustainable, resilient future by addressing immediate flooding challenges and fostering economic growth through targeted green infrastructure, community engagement, and workforce development.

CONSENT AGENDA

Approval of the Consent Agenda

Motion made 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. [24-0446](#) Resolution to Amend the Fiscal Year 2025 Council Approved Budget to Accept and Appropriate the 2024 Emergency Management Performance (EMP) Grant Awarded through the Virginia Department of Emergency Management
Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck
2. [24-0477](#) Resolution to Amend the Fiscal Year 2025 Council Approved Budget to Accept and Appropriate the Fiscal Year 2025 Litter Prevention and Recycling Program Grant Awarded by the Virginia Department of Environmental Quality
Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck
3. [24-0493](#) Resolution to Amend the Fiscal Year 2025 Council Approved Budget to Accept and Appropriate the Maternal, Infant and Early Childhood Home Visiting Program Grant Awarded by the Commonwealth of Virginia's Department of Health to the City of Hampton, Virginia (Youth, Education, and Family Services Department, also known as Healthy Families) to Continue the Parents As Teachers and Home Visiting Education and Support Program
Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck
4. [24-0498](#) Resolution Approving the Fiscal Year 2024 Year-End Budget Adjustments
Item approved.

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

5. [24-0499](#) Resolution to Amend the Fiscal Year 2025 Council Approved Budget and Appropriate a total of \$829,624.63 from the General Fund's Assigned, Committed, and Restricted Fund Balance accounts to the General Fund Operating Budgets of the City Attorney; City Treasurer; Civic and Community Support; Clerk of the Circuit Court; Commonwealth's Attorney; Community Development; Emergency Management; Grant Matching Funds; and, Office of Youth and Young Adult Opportunities to complete activities started in Fiscal Year 2024

Item approved.

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

6. [24-0500](#) Resolution to Amend the Fiscal Year 2025 Council Approved Budget and Appropriate a total of \$1,079,616 from the Capital Budget (Projects) Committed Fund Balance Account to the Capital Budget (Projects) Fund to Complete the State-required Implementation of a Medical Exchange System; and, Other Projects

Item approved.

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

7. [24-0501](#) Resolution Authorizing a Petition to the Commonwealth Transportation Board to Transfer Certain Real Property Acquired for the Construction of a Portion of Commander Shepard Boulevard to the City of Hampton Pursuant to Virginia Code §§ 33.2-1001 and 33.2-907

Item approved.

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

8. [24-0510](#) Resolution Directing City Attorney to File a Petition with the Circuit Court Regarding Vacancy in Constitutional Office of the Commissioner of the Revenue

Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

9. [24-0515](#) Resolution in Recognition of Councilman W. H. "Billy" Hobbs, Jr.
A motion was made by Councilmember Steven Brown and seconded by Councilmember Martha Mugler, 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

10. [24-0516](#) Resolution in Recognition of Councilman Chris Bowman
A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, 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

Mayor Tuck passed the gavel to Vice Mayor Gray.

11. [24-0517](#) Resolution in Recognition of Mayor Donnie R. Tuck
A motion was made by Councilmember Billy Hobbs 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

Vice Mayor Gray returned the gavel to Mayor Tuck.

PUBLIC HEARINGS

Rezoning and Use Permits

12. [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
- As Mayor Tuck announced earlier in the evening, this rezoning application was withdrawn by the applicant and is removed from the agenda.
13. [24-0431](#) Rezoning Application by Brooks-Joseph Memory Care I, LLC and Brooks-Joseph Memory Care II, LLC to Rezone +/- 1.09 Acres Located at 1807 W Queen Street [LRSN: 3004763] from One Family Residential (R-11) District to Multifamily Residential (MD-4) District with Conditions for a Nursing Home
- Donald Whipple, Chief Planner, gave a presentation. The applicant, Arnita Snead Brooks, accompanied by Mark Snead, also gave a presentation. The Mayor opened a joint public hearing on 24-0431 and 24-0342. There were no speakers so the Mayor closed the public hearing.
- A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, that this Zoning Ordinance - Map be approved with nine (9) conditions. 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. [24-0432](#) Use Permit Application by Brooks-Joseph Memory Care I, LLC and Brooks-Joseph Memory Care II, LLC to Operate a Nursing Home at 1807 W. Queen Street [LRSN: 3004763]

Donald Whipple, Chief Planner, gave a presentation. The applicant, Arnita Snead Brooks, accompanied by Mark Snead, also gave a presentation. The Mayor opened a joint public hearing on 24-0431 and 24-0342. There were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Hope Harper and seconded by Councilmember Steven Brown, that this Use Permit be approved with ten (10) conditions. 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. [24-0462](#) Rezoning Application No. 24-0462 by Cavalier Homes, LLC to Rezone +0.29 Acres at 1814 Kecoughtan Road [LRSN 1005156] from Neighborhood Commercial (C-1) District and One Family Residential (R-11) District to the Multifamily Residential (MD-4) District with Proffered Conditions in Order to Convert an Existing Commercial Building to Multifamily

Mike Hayes, Planning and Zoning Administration Division Manager, gave a presentation. The Mayor opened a joint public hearing on 24-0462 and 24-0463. There were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Zoning Ordinance - Map be approved with nine (9) conditions. 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. [24-0463](#) Use Permit Application No. 24-0463 by Cavalier Homes, LLC for Multifamily Dwellings at 1814 Kecoughtan Road [LRSN 1005156]

Mike Hayes, Planning and Zoning Administration Division Manager, gave a presentation. The Mayor opened a joint public hearing on 24-0462 and 24-0463. There were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Hope Harper and seconded by Councilmember Chris Bowman, that this Use Permit be approved with seven (7) conditions. 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. [24-0452](#) Use Permit Application by Wilson Randolph Rylander to Permit a Private School Use at 66 Big Bethel Road [LRSN: 3005824] by Amending the Conditions of Use Permit No.1034 in Order to Broaden the Permitted Age Range of the Existing School, New Mount Olive Christian Academy

Donald Whipple, Chief Planner, gave a presentation. The Mayor opened a public hearing and there were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Chris Bowman and seconded by Councilmember Martha Mugler, that this Use Permit be approved with nine (9) conditions. 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

At 7:41 p.m., Mayor Tuck called a ten minute recess.

18. [24-0454](#) Use Permit Application by Sherquita Tucker to Permit a Restaurant 3 to Include Live Entertainment and Outdoor Dining at 1144 Big Bethel Road [portion of LRSN: 4002763]
- Donald Whipple, Chief Planner, gave a presentation. There was a question as to why there wasn't a community meeting. The City Attorney indicated that if it isn't in the ordinance we can't require it but she can look into it to see if there is any prohibition that keeps us from requiring a community meeting. The Mayor opened a public hearing and there were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Hope Harper, that this Use Permit be approved with thirteen (13) conditions. 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

19. [24-0468](#) Use Permit Application No. 24-0468 by Everside Properties, LLC, to Permit a Short-term Rental (STR) at 1536 Morgan Dr [LRSN 12003152]
- Han Vu, City Planner, gave a presentation. The Mayor opened a public hearing and there were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Martha Mugler, that this Use Permit be approved with fifteen (15) conditions. The motion carried by the following vote:

Aye: 5 - Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

Nay: 2 - Councilmember Bowman and Councilmember Harper

Ordinances

20. [24-0465](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 9, Entitled "Overlay Districts", to Amend Article II, Entitled "O-CBP - Chesapeake Bay Preservation Overlay", to Update and Correct Cross-References to the Stormwater Management and Erosion Control Ordinance

Jessica Kraus, Assistant City Attorney, gave a presentation on all three items 24-0465, 24-0467, and 24-0468 . The Mayor opened a public hearing and there were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Hope Harper, that this Zoning Ordinance - Text 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

21. [24-0467](#) Ordinance to Amend and Re-Enact the City Code of the City of Hampton, Virginia by Amending Chapter 35, Entitled "Subdivisions", to Update and Correct Cross-References to the Stormwater Management and Erosion Control Ordinance

Jessica Kraus, Assistant City Attorney, gave a presentation on all three items 24-0465, 24-0467, and 24-0468 . The Mayor opened a public hearing and there were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Steven Brown, 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

22. [24-0469](#) Ordinance to Amend and Re-Enact the City Code of the City of

Hampton, Virginia by Amending Chapter 35.1, Entitled "Site Plans", to Update and Correct Cross-References to the Stormwater Management and Erosion Control Ordinance

Jessica Kraus, Assistant City Attorney, gave a presentation on all three items 24-0465, 24-0467, and 24-0468 . The Mayor opened a public hearing and there were no speakers so the Mayor closed the public hearing.

A motion was made by Councilmember Hope Harper and seconded by Councilmember Chris Bowman, 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

PUBLIC COMMENT

The following individuals spoke during the public comment period: Dion Witherspoon, Pauline Vona, and Ken Elazier. Charlene Thompson and Robert Smith were called but not present to speak.

The City Manager, Mary Bunting, provided responsive comments about pavement markings and assessment questions. She also summarized Council's afternoon discussion about Shell Road and Greenbrier Avenue.

GENERAL ITEMS

Ordinances

23. [24-0504](#) Ordinance to Amend and Re-Enact City Code of Hampton, Virginia by Adding Chapter 9, Building and Development Regulations, Article I, In General, Section 9-13 to Conform to Current State Code Authority Regarding Vacant Building Registration.
- Mary Bunting, City Manager briefed council on the update on the authority of the state code regarding vacant building registrations.

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Steve Brown, 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)

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Steven Brown, that this Appointment be deferred to the City Council Legislative Session, due back on 2/12/2025. 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. [24-0411](#) Consideration of Appointments to the Citizens Police Advisory Group (CPAG)

A motion was made by Councilmember Hope Harper and seconded by Councilmember Steven Brown, that Appointed Bob Boester (Community at Large) to fill the unexpired portion of a term until January 31, 2026; Michael Bullock (Community at Large) to fill the unexpired portion of a term until January 31, 2026, Stephen Deane (Faith Community) to fill the unexpired portion of a term until January 31, 2026; and Tony Sandefur (Nonprofit Representative) to a term ending on January 31, 2027. The two higher education appointments will be done at a later date. 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. [24-0505](#) Consideration of an Appointment to the Peninsula Agency on Aging
- A motion was made by Councilmember Hope Harper and seconded by Councilmember Steven Brown, that Thomas Fukawa be appointed to fill the unexpired portion of a term until December 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
27. [24-0506](#) Consideration of an Appointment to the Planning Commission
- A motion was made by Councilmember Harper and seconded by Councilmember Brown to reappoint Michael Harris to his first full term which will expire on November 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. [24-0507](#) Consideration of Appointments to the Neighborhood Commission
- A motion was made by Councilmember Hope Harper and seconded by Councilmember Steven Brown, to appoint Pam Kelly to fill the unexpired portion of the District 4 term until June 30, 2027, and Lakia Davidson to a full term for District 2 until December 31, 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
29. [24-0511](#) Consideration of an Appointment to the Eastern Virginia Regional Industrial Facility Authority (EVRIFA)
- A motion was made by Councilmember Hope Harper and seconded by Councilmember Steven Brown, that Jimmy Gray be appointed in the place of Donnie Tuck effective immediately. 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

30. [24-0514](#) Consideration of Appointments to the Board of Zoning Appeals

A motion was made by Councilmember Hope Harper and seconded by Councilmember Steven Brown, that Sean Cummings be reappointed to a first full term expiring on December 31, 2029; Melissa Story be appointed to the unexpired portion of a term beginning December 31, 2024, and ending on December 31, 2025, and that Jonathan Oliveras be appointed as an alternate to an 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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

Mayor Tuck and the members of City Council shared their holiday wishes.

ADJOURNMENT

The meeting adjourned at 9:08 p.m.

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