



# 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*  
*Steven D. Bond, Interim City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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**Wednesday, October 11, 2023**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

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

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilman Billy Hobbs

Councilman Hobbs gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Ms. Gwyn Lomax, along with Ms. Vireen Streater, Ms. Edna Johnson, and Ms. Bernice Bundick, were presented with a proclamation recognizing the Read Across America program. These ladies are retired teachers and are working with students after school on CHROME activities.

Mayor Tuck recognized Dr. James Ford and his students from the Hampton University Scripps Howard School of Journalism and Communications who were in attendance at tonight's meeting.

Mayor Tuck read the following statement reminding the public of behavior at Council meetings: During the month of September, the behavior and actions of some members of

the audience have resulted in the disruption of the orderly conduct of City Council proceedings. As the Mayor and presiding officer of City Council meetings, I feel it is incumbent on me to remind the public that the Council has adopted rules to address this.

On March 9, 2022, the Hampton City Council adopted the Hampton City Council's Citizen Participation Policy, which can be found in its entirety on the City's website. As part of that document, there are outlined rules governing decorum and order during council meetings.

Specifically, Section 4.2 of the policy states that: "No person shall address the city council while seated or standing in the audience area. Stomping of feet, whistles, yells, heckling, clapping, and other similar behavior from the audience which may interfere with the meeting, is prohibited.

Section 5.1 of that same policy states: "The mayor shall preserve order and decorum over city council meetings and is authorized to unilaterally enforce compliance with the Policy by declaring individuals out of order and taking any of the following other actions, among them "ejecting from the meeting room any person who:

1. Violates the Policy or other City Council procedures and who fails to come to order after a warning by the mayor;
2. Disrupts any meeting of the City Council if such disruption prevents or interferes with the orderly conduct of such meeting."

The reading of this statement is to remind you of the Council's expectation that we are able to conduct meetings in an orderly fashion. In the event that does not occur, an individual or individuals will be called out of order and warned that the behavior must cease. Should the disruption continue after the warning, any person contributing to the disruption will be ejected, at which time I will briefly recess the meeting while they are escorted from the Council Chambers and the City Hall Building.

Thank you for your attention and, with that, we will continue tonight's meeting.

Mr. Henry Morgan shared a few photographs and provided a summary of the activities that have taken place while celebrating the 75th anniversary of War Memorial Stadium. Mayor Tuck recognized Mr. Morgan as he will receive the Colonial Virginia Council, Boy Scouts of America People Who Move America Award with a program to take place at Christopher Newport University on December 7th.

## **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 Hobbs, seconded by Councilmember Brown, 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. [23-0298](#) Resolution Authorizing an Advance of \$12,159,440 from the City's General Fund Unassigned Fund Balance to the Capital Projects Fund for Hampton City Schools Maintenance; Maintenance of Public Properties; Parks, Recreation and Leisure Services Maintenance; and, the Human Services Relocation Item approved.

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

2. [23-0305](#) Resolution to Establish the Hampton VA 250 Committee as a Hampton City Council Appointed Committee  
Item approved.

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

3. [23-0300](#) Approval of the minutes from the September 13, 2023, Legislative Session and the September 27, 2023, ceremonial session of City Council  
Item approved.

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

**PRESENTATIONS, PROCLAMATIONS, AWARDS**

**PUBLIC HEARINGS**

Ms. Glass read the protocol for public hearings.

## Use Permits

4. [23-0281](#) Use Permit Application No. 23-0281 by T Peninsula North Parking VA LLC to Permit Multifamily Dwellings at the Unaddressed Parcel at the Intersection of Cunningham Drive and Hartford Road [LRSN: 13002016] to be Located Between Cunningham Drive and the Surface Parking Lot and Between Hartford Road and the Parking Garage

**Attachments:** [Application](#)  
[Conditions](#)  
[Staff Report](#)  
[Staff Presentation - updated](#)  
[Applicant Presentation](#)

City Manager Mary Bunting explained that, because item number four, 23-0281, and item number five, 23-0283 both deal with the Peninsula Town Center (PTC), there will be one presentation for both items however, they will require two different votes. She introduced Mr. Donald Whipple, Chief Planner, to make the presentation.

Mr. Whipple explained that use permit number 23-0281 is for the new construction of two buildings for multi-family dwellings located at the intersection of Hartford and Cunningham by T Peninsula North Parking of Virginia LLC. Use permit 23-0283 is the proposed conversion of retail space that exists on Merchant Lane by Peninsula Main Virginia LLC. Mr. Whipple displayed maps showing the locations. The area is currently zoned C-2 in the Coliseum Central Overlay District. Mr. Whipple displayed the land use map which shows the area is recommended for mixed use.

Mr. Whipple shared public policies associated with the request which include: evaluating land uses from a regional, City-wide, and neighborhood perspective; encouraging a mix of land uses that would be appropriate for each district; promoting Hampton as a retail destination not only for travelers, but also being the first retail choice for the City residents; and strengthening the ability of older commercial industrial areas to support new and expanded business activity. He shared that PTC also has guiding policies from the conservation plan for the Coliseum Mall project which was instituted when Coliseum Mall was redeveloped into the current PTC. The policies include encouraging residential developments that will be integrated with commercial and office uses; constructing separate retail buildings that would be arranged along pedestrian-oriented streets and small parks; and incorporating office and housing spaces into retail buildings. The Coliseum Central Master Plan contains a more direct guided policy which includes concentrating retail

development in the core; encouraging denser development in and around identified nodes; and developing appropriate relationships between residential and commercial uses. He displayed a graphic showing the 2015 recommendations for future use in which there would be a commercial core with adjacent residential development.

Mr. Whipple provided background information on the multi-family history of PTC. It currently contains the Chapman residential housing which was completed in 2009. There were 23 residential units added to the second and third floors of the EVO entertainment building in 2017, along with additional units as part of the Macy's redevelopment project in 2020. In 2022, 52 units were provided when the retail space on the north side of Merchant Lane was converted into residential apartments.

Mr. Whipple presented information on Use Permit number 23-0281, the Hartford Townhome Apartments, which would contain 21 townhome units in two newly constructed buildings that would be near the Chapman. There will be seven two-bedroom units and 14 one-bedroom units with no unit less than 900 square feet. The proposal is to share the amenities that currently exist at the Chapman, including a rooftop garden terrace with gas grills, a community room/fitness center, bike storage, and an outside dog park. He displayed a few illustrations of the concept plan to show what the proposed buildings would look like.

Mr. Whipple explained the recommended conditions should the use permit be approved. The conditions include a requirement for a use agreement that ensures that the shared amenities are provided for the new units; a recommended condition regarding the management of the property; getting the necessary occupancy permits; and complying with the applicable laws. Staff analysis shows that PTC is an urban, mixed-use lifestyle center; is consistent with the City's land use policies; and is in line with the Coliseum Central Master Plan recommendations. Staff and the Planning Commission recommend approval of Use Permit 23-0281 with the eight recommended conditions.

Mayor Tuck welcomed the applicant's representative, Mr. Peyton Millinor, of AZT Corporation. Mr. Millinor shared that the applicant thinks this is an ideal use to bring in high-quality residential homes, an excellent opportunity to increase the tax base in Hampton, and a creative use to Peninsula Town Center.

In response to Councilman Brown, Mr. Millinor explained that there will be both one and two-bedroom apartments. Comparable units in the market currently rent for \$1,100 to \$1,500, which is equal and commensurate with the rent that is being received for the other apartments in Peninsula Town Center. He shared that this process and the construction process are expected to take 12 to 18 months.

Mr. Whipple continued his presentation with Use Permit 23-0283 which is the conversion of existing retail tenant space into approximately nine multi-family units ranging in size from 978 to 1,596 square feet. Eight of the units will be one-bedroom units and the largest would be a two-bedroom unit. In a similar fashion to the previous Use Permit, the amenities would be shared with the Chapman. Mr. Whipple shared several pictures showing the location.

In addition to the standard use permit, staff is recommending the number of units be capped at nine. Other recommended conditions include the Coliseum Central design standards, the shared amenities agreement, and the management condition. Staff analysis shows that, as with the previous use permit, PTC is an urban, mixed-use lifestyle center; is consistent with the City's land use policies; and is in line with the Coliseum Central Master Plan recommendations. The existing mix of uses in the center is separated by floors. Typically, mixed-use buildings are merged vertically which means the mix of uses is separated by the floors. In this instance, this is a single-story building so the mix of uses would be on the ground floor. Staff has concerns that there is no overall plan for how much retail would continue to be converted into residential units, and with the loss of leasable commercial square footage within the center. He displayed pictures of the building and shared that the applicant has indicated there would be no external modifications, only improvements to add some type of shading obscuring the storefront windows and allowing for privacy.

Mr. Whipple stated that staff believes that this proposal is not consistent with the City's plans and policies; is not where the plans intended for additional residential to occur within the overall development; has safety and privacy concerns since there is no separation from street-level activity; and presents a loss of leasable retail space and contributes to the erosion of the commercial core.

Mr. Whipple referenced the new Axis building which was built as 100% residential. The first floor residential is raised off the street similar to the Element Hotel, and has a central lobby for entry which provides more safety. Staff recommends denial of Use Permit 23-0283. Planning Commission did recommend approval with the nine recommended conditions.

In response to Councilman Brown, Mr. Whipple confirmed that this proposal is to convert retail space to residential. There was no public meeting held for current residents and businesses in the typical way, however, it has been presented to the Coliseum Central Business Improvement District which is supportive of both proposals.

Mayor Tuck welcomed Mr. Millinor, the applicant's representative, back to the

podium. Mr. Millinor stated that he understands the complexity that Mr. Whipple has indicated is involved, but shared that the intent is to replace 9,500 square feet of dead, dark retail space that hasn't been leased in five years. The 405 residential units currently in the center have consistently been 97 to 99% occupied. There is a high demand for housing with Langley continuing to bring new personnel to the area. They would rather those people come to Hampton than lease apartments in Newport News. He expressed the applicant's willingness to work with Mr. Whipple and his team to try to make the exteriors more attractive or lively than perhaps what has been done directly across the street. He shared that they went through a similar process just a year and a half ago, when the City approved the conversion of very similar dead retail, to Class A multi-family. He displayed a graphic showing where 97% of PTC's commercial occupants are. With the unfortunate loss of Macy's, they lost that draw in the northern part of the center.

He also shared some photos of the planned Class A finishes and modern look that is planned for these nine units.

Mr. Millinor addressed Mr. Whipple's statement that 42% of PTC's retail space has been converted to multi-family since 2022. He stated that only nine percent has been converted since 2015 and 173,000 square feet of retail space has been added. He also addressed Mr. Whipple's statement that the proposed change of use is inconsistent with existing City and District Plans for PTC. He stated that multi-family use is called out as favorable in the Community, Coliseum Central Master, and Conservation Plans.

Mr. Millinor stated that the applicant believes the best use for the space now and in the foreseeable future is going to be residential. Because it is a lot more expensive to go from retail to multi-family use, if retail comes back in demand in that area in the future, it can be reverted. PTC is 97% occupied for all of its retail which is highest in Hampton Roads for retail. He shared that there is no parking near the space so for someone going shopping, especially with a child or a senior family member, they don't want to have to walk 100 feet away if they don't have to. Prospective retail tenants have had concerns with that.

Ms. Bunting clarified for the record for the Council members that the incremental tax revenue does not accrue to the benefit of the City budget. It accrues to the benefit of the Community Development Authority (CDA). When the project was built, incremental revenue was pledged to the debt service and if the debt service isn't fully covered, then the property owner has to write a check for the difference. So the incremental tax revenue of \$29,000 is going to accrue to the benefit of the developer. And I'm not disputing whether that's good or bad. I just wanted to make sure because when someone reads that, or the paper writes about it, people tend to

think the citizens are getting access to that additional \$29,000 of revenue and that would not be the case.

In response to Vice Mayor Gray, Mr. Millinor stated that the residential occupancy rate as of today is 97%. He confirmed for Vice Mayor Gray that there are military personnel living in the hotel in the town center, and while building new homes for them will cause a loss of occupancy at the hotel, it is for the greater good.

Vice Mayor Gray asked Mr. Millinor to display the diagram of the commercial core. He stated that a few years ago there were concerns with the lack of parking in the commercial core and while there is a parking garage nearby, many people don't like to use it. He stated that he understands the applicant has shared their concerns with parking and because there is not enough parking in that interior core it is difficult to get the foot traffic needed to support retail. He is aware that they have made other attempts to try to resolve that problem, including a couple of plans regarding changing the parking to angled parking as opposed to parallel parking, but ran into some problems with the fire department needing to be able to need to have a turning radius for emergency equipment. He explained that he is stating this because he knows the applicant has attempted to address this problem with parking and foot traffic with other options, as opposed to just looking to convert the space.

Councilwoman Harper noted that she was one of the people on the Planning Commission who did not support this plan. She quoted the leasing agent who said that "to disallow retail to multi-family will use will send a clear message that Hampton is not a safe place for an investor to invest in property. Investors will see a reduction in the property rights by the City as a continual threat and risk to the investment." She stated that she has an issue with that comment because she believes that Hampton is a great place for an investor to invest. She stated that she still will not support the project because she feels that will take away commercial possibilities and opportunities within the City in that area. She stated that she does not believe that they can't get anybody into that space. She asked Mr. Millinor to address why retailers left those spaces. Mr. Millinor replied that their sales would not support their ability to remain open. Several tenants were offered percentage rent as a way to say "Please stay we'd love to have you here," and to try to generate traffic and interest to the north part of Town Center. The retailers said their sales volumes were so low that even if they were to pay a small amount, sales are well below the store average and don't justify covering the cost so they were unable to stay open.

Councilwoman Harper shared that she has heard from various merchants, including some that are no longer tenants of PTC, that the rent is too high. She stated that she believes that by working a little harder, good quality commercial tenants can be found for those areas. As a native of Hampton, Councilwoman Harper stated that



economic development is very important to her. She recently shared with Mr. Millinor that she was bothered by the leasing agent's statement that it would send the wrong message to investors.

In response to Councilman Bowman, Mr. Millinor stated that the anticipated rent for the residential units is \$1100 to \$2000 per month.

Councilman Brown stated that while he did not hear the statement made by the leasing agent, hearing it now is concerning. He shared that he has also heard that the rents are astronomical. Also concerning to him are the incremental taxes that will go to the CDA and not the City's revenue, as well as the conversion of former first-floor retail to residential. He stated that he does not think it fits into the integrity of the community.

Mr. Millinor shared that space in this building was renting for \$12 to \$14 per square foot, compared to the building in front of Target which rents for \$38 to \$42 per square foot. They are in the process of negotiating the lease in the building by EVO Entertainment which is well under \$20 per square foot.

Ms. Bunting clarified the incremental tax revenue benefits go to the Community Development Authority and not to the City of Hampton.

Mayor Tuck opened the public hearing and welcomed Ms. Ava Green. Ms. Green greeted Council and made the following comments: I am the manager for the Peninsula Town Center's Property Owners Association (POA). Thank you so much for your time today and for allowing me to speak. I've been with the company for over six years, and I have had the opportunity and pleasure to be a part of Peninsula Town Center's transformation into what it has become. I do agree with Mr. Millinor. The POA believes that the highest and best use for the space is multi-family at this point. In my history at the property, there has been little customer traffic in this area of the North Building D area of the center, especially after the closure of Macy's. It happens to be one of the quiet areas of the Town Center now, which would make it ideal for residential. I do understand that there are some concerns as far as safety goes. We currently have ground-level apartments in Building B. We do not have any complaints from those tenants as far as safety concerns. The majority of our complaints are coming from tenants on the second to third levels, complaining about nearby tenants, noises, use that kind of thing, but nothing from the ground floor level. I have also personally, over the years met with retailers in Building D which is currently vacant. I've met with them regularly. Their biggest complaint was low traffic. They ended up becoming the lowest-performing stores. They just could not support it anymore. That is why they went out of business. We tried working with them. We've also worked out multiple percentage rent deals based on a very small percentage of

their sales to keep them here in our center. Even that kind of offer was not sustainable for them and they pulled out. It has been a very big concern of mine that we are not going to be able to lease these units, so I was very excited when the owners let me know of the potential project to convert to residential, as I know that our residential does do well and the residents do shop, dine, and play at Peninsula Town Center. That will generate additional sales for our tenants and restaurants.

Mayor Tuck closed the public hearing.

City Attorney, Cheran Ivery asked Ms. Green if she was a representative of the applicant, to which Ms. Green said yes. Ms. Ivery stated that, under our rules, Ms. Green would be disallowed from speaking so her comments should not have come in. It was not clear to Ms. Ivery whether or not she was a representative of the applicant, but the applicant was afforded 10 minutes to speak. Ms. Green then stated that she is a representative of the Property Owners Association, which is separate. Ms. Ivery stated for the record that Ms. Green initially said she was a representative for the applicant, then said she was not. Ms. Ivery stated for the record that if Ms. Green was a representative for the applicant, she would not have had the three minutes.

Vice Mayor Gray stated that there are concerns about the conversion of commercial space to retail, but we also know the demand for residential units in our City. We realize the squadron gradually moving up here from Florida to Langley Air Force Base has generated a huge need for additional residential units. We're not able to accommodate all of them yet but hopefully, with some of the other projects that will come online in the future, we'll be able to do that. He stated that he is not as concerned about the mixture or the balance of commercial and residential at the PTC, primarily because of what's been added at the PTC since 2015. Even though some commercial space has been converted to residential, he doesn't have as much of a concern about the balance in this mixed-use development. However, he does have concerns with the current look of the commercial space under the Chapman building, which is across the street from the proposed development. They converted units and it has a very bland, blank look to it. Even though people are living in most of that space, it still looks like empty storefront spaces. He stated that he thinks there needs to be some work done to try to give that a more lively or more appealing appearance. Vice Mayor Gray supports the proposal that was presented but would like to see if they can find a way for the developer or the owners to make the glass front look better than what is across the street from it. That way there won't be a whole block that just looks like empty retail space.

Councilwoman Mugler shared that as someone who loves to shop, no one wanted PTC retail to thrive more than she did. She stated that she does believe that the

Peninsula Town Center has tried in many ways to make that retail at that end of the project work. The numbers were low there. She had the opportunity to work in PTC for about nine months, during which time the retailer she worked for was underperforming in its chain and that was a problem. She believes that at one point in the history of PTC, some of the businesses that were brought in were paying little to no rent at the onset to entice them to come and stay. They stayed as long as they could, but their numbers just could not help them survive. That quadrant has been you know, as has been described tonight. That area has been very quiet. Since Macy's pulled out there were still some thriving businesses there but unfortunately, we are at a place where retail is struggling and Hampton is not the exception. That's a trend across the entire country. Twenty-five percent of Hampton's retail sales come from online sales. She doesn't think that what they're asking is out of line, especially with the new retail space that has been added and is doing quite well in the front quadrants of the project. She stated that she agrees with Vice Mayor Gray, that the exterior portion of the building that's proposed, as well as the Chapman, would benefit from a more aesthetically pleasing exterior. She hopes that her colleagues will consider all those things as we move forward on this.

Councilman Hobbs shared that the bland look that is on the first-story apartments doesn't look good. He uses the shopping center quite a bit but when he turns on that street and sees all the empty storefronts, he can see it turned into residential but something would have to happen to make it look more pleasing and for him to be able to support it.

Mayor Tuck shared that he and Mr. Tabani have had conversations in the past and one of the reasons he said that the businesses along that area were not thriving was the fact that they were interior and there was no way of people knowing that they existed. Because of a restriction by the Coliseum Central BID (Business Improvement District), there wasn't the possibility of advertising for them. Even though we are inclined to believe that brick-and-mortar retail stores are on their demise, we had a presentation this past Friday at the State of the Region that said it is on the way back. A number of the articles he has read said that retail is not dead. It takes some creativity, but brick-and-mortar can survive. He shared that one of the conversations he had with Mr. Tabani was that you have to make the shopping there more experiential and try and find those kinds of businesses like Painting with a Twist, Skyzone, and Latitude where you can't get that experience by sitting in front of a computer or phone. Mayor Tuck stated that he cannot cause a business owner to lose money knowingly and if they're having difficulty in leasing those spaces after a genuine effort for five years, then who is he to say that they need to try for another five years or try harder? He agrees with his fellow Council members that what is under the Chapman is not a good look and if changes aren't made it will look vacant just like the Chapman and will still look vacant.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Bowman, that this Use Permit be approved with eight (8) 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

5. [23-0283](#) Use Permit Application No. 23-0283 by Peninsula Main VA, LLC to Convert Existing Retail Suites into Residential Apartments at 1631, 1641, 1651, 1661, 1671, and 1675 Merchant Lane [portions of LRSN 13004973]

**Attachments:** [Presentation for City Council 1-8-24](#)  
[Applicant Presentation](#)  
[Application](#)  
[Conditions - revised](#)  
[Conditions Redline - revised](#)  
[Staff Report - revised](#)  
[Conditions - October](#)  
[Staff Report - October](#)  
[Staff Presentation - revised October](#)  
[Staff Presentation - revised 11 8 2023](#)

Please see item number 23-0281.

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Billy Hobbs, that this Use Permit be deferred to the City Council Legislative Session, due back on 11/8/2023. 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

6. [23-0294](#) Resolution Authorizing the Transfer From the City of Hampton to Hampton Redevelopment and Housing Authority of Property Identified as LRSN 1004044 (100 Maple Avenue) Containing an

Approximate Total of 0.13 ± Acres (5,795 ± Sq. Ft.)

Attachments: [Deed of Gift - COH to HRHA - 100 Maple Avenue](#)

Ms. Bunting stated that the City owns the parcel in question and has received an inquiry regarding interest in the property for a single-family home residential purpose. The City Council has designated the Hampton Redevelopment and Housing Authority (HRHA) as the agency to implement the City's community plan as it relates to residential development. Transferring the property to HRHA is consistent with this policy. They have agreed to dedicate to the City a portion of the City property for the public right away. A deed of dedication to the city will be recorded immediately following the recording of the deed transferring the City property to the Housing Authority. Staff recommends approval.

Mayor Tuck opened the public hearing. No one was signed up to speak so he closed the public hearing.

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

## Other Items

7. [23-0279](#) Comprehensive Plan Amendment to Adopt the 2021 Newmarket Creek Pilot Project Area Water Plan by Reference into the Hampton Community Plan (2006, as amended)

Attachments: [Resolution](#)  
[Newmarket Creek Water Plan](#)  
[Presentation](#)

Ms. Bunting stated that Council had been briefed on items 23-0279 and 23-0286 previously, however, they had not gone to the step of incorporating them as community plan amendments into the overall City Comprehensive Plan. The prior plan that Council had signed off on, the Newmarket Creek pilot project area water plan as well as the new plan that was presented to Council recently, for downtown Hampton, Phoebus, and Buckroe, also be added to the Comprehensive Plan. She introduced Resiliency Specialist, Olivia Askew to make the presentation.

Ms. Askew provided a history of Resilient Hampton. The conversation around water and Hampton began with the 2012 Comprehensive Waterways Committee and then

moved in 2015 to the Dutch Dialogues, which was a conversation between experts in the field of flooding, Hampton, Norfolk, and Louisiana, and that served as a catalyst for the Resilient Hampton initiative. From that catalyst came the Living with Water plan, which established the guiding principles, goals, and values; and identified a need to do watershed-level implementation plans to study how water moves through the City, and ways to reduce flooding throughout the City. The Newmarket Creek Pilot Project Water Plan was completed in 2021 and the City is currently implementing pilot projects and educational programming from that plan. The downtown Hampton, Phoebus, and Buckroe plan began in 2021 and was wrapping up in the summer of 2023. The hope is to move forward with projects and educational programming from that plan. Ms. Askew displayed a graphic showing the outlines of both watersheds. The Newmarket Creek watershed extends into Newport News and encompasses a large part of the more urban, upland area of Hampton. The downtown, Phoebus and Buckroe watershed contains the three historic urban cores of the City.

A water plan looks at the landscape from the bottom up starting from a physical condition and moves to how people interact with the land. It also looks to establish a vision, engage the community, and energize them to take resilient action on their own. These are projects-based plans that identify and present projects to achieve the vision that was established, by using the guiding principles that were established in 2015. The projects look to increase benefits within the community by reinforcing the assets that a community identifies for its neighborhood and strengthening partnerships. Both plans are the result of countless partnerships and many hours of community members partnering with the City and saying that they care about the future of Hampton, and they care about how water interacts with the City.

Ms. Askew shared applicable public policy which both water plans look to allocating space for water so that we are reducing risks to our property owners, making sure that water is an asset, promoting best management practices and helping development projects incorporate those, and aligning our land use and land development codes and ordinances to support the goals of the Resilient Hampton Initiative.

The implications of adopting both plans as part of the comprehensive plan include assisting City staff with informing City Code and Zoning Ordinance Amendments to align with our goals, informing decisions regarding our Capital Improvements Projects, and providing standardized guidance for incorporating resiliency elements in new developments.

Ms. Askew shared information on the North Armistead Avenue Road Raising, the Big Bethel Blueway, and Lake Hampton which are the three pilot projects of the

Newmarket Creek Water Plan. Lake Hampton's formal groundbreaking happened in August 2023 but construction has been happening since June 2023. Big Bethel Blue will be the next project to go out to bid with construction hopefully starting a year from now, if not sooner. This summer the City was awarded \$30 million from the Federal Emergency Management Agency (FEMA) for the North Armistead Avenue Road Raising project and will be proceeding with the permitting process with construction hopefully beginning within the next year or two.

Ms. Askew shared information on the Downtown, Phoebus, and Buckroe pilot projects. There are two for downtown because they work together. The Downtown Waterfront Defense System looks to protect the downtown core from flooding, and the Downtown Water Management District deals with the water behind the defense system. The Long Creek Blue Bay looks to protect neighborhoods and Buckroe, and the Mellon Green Street Demonstration looks to demonstrate how to do a Green Street that deals with stormwater in a vibrant neighborhood in the City. Staff and the Planning Commission recommend approval of both comprehensive plan amendments 23-0279 and 23-0286.

Mayor Tuck opened the public hearing. There was no one signed up to speak so he closed the public hearing.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, that this Community Plan amendment 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

8. [23-0286](#) Comprehensive Plan Amendment to Adopt the 2023 Downtown Hampton, Phoebus, & Buckroe Water Plan by Reference into the Hampton Community Plan (2006, as amended)

**Attachments:** [Resolution](#)  
[Downtown Hampton, Phoebus, and Buckroe Water Plan](#)  
[Presentation](#)

Please see item number 23-0286.

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Chris Bowman, that this Community Plan Amendment 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

At 8:13 p.m. Mayor Tuck called a ten minute recess.

## **PUBLIC COMMENT**

Ms. Glass read the protocol for public comment.

Mayor Tuck welcomed the first two speakers, Mr. Michael Mulheran and Mr. Gale Harvey.

Mr. Mulheran greeted Council and made the following comments: I just want to say thank you again to the City of Hampton for this Saturday's Phoebus Fall Festival. Specifically, I just want to say thank you to the leadership, specifically the Mayor and the Council. The City of Hampton's American Theatre this Saturday in their lobby, during this event Phoebus Fall Festival, sponsoring a resource center for our gay, lesbian, bi, transgender, queer, plus community. Again, I just wanted to say thank you, but more specifically, to the City employee who works at the American Theater, the Art and Education Director who spearheaded this event for Saturday, as well as Gabe Diaz of the City of Hampton. Thank you.

Mr. Harvey greeted Council and made the following comments: I have been a resident of Hampton for more than 60 years. Thank you for allowing me to speak. In the 1970's I went through a stressful divorce and suffered severe depression for three years and have empathy for others who have had similar experiences. Pre-COVID, I worked with Chris Bowman as a poll greeter during several elections. He was always conscientious, courteous, and friendly at these events. This year, I read several newspaper articles and saw several TV news clips, stating Chris Bowman had been robbed and extorted in early 2022. This case, I think, is now scheduled for a hearing in the Hampton General Court at the end of this month. I was attending a partisan political committee meeting on September 12 of this year. At the end of the meeting, an attempt was made to publicly shame Chris Bowman because of the robbery and extortion news events. This appears to have been a personal political agenda. I respectfully suggest that Hampton City Council not become involved in personal political agendas but let the Hampton District General Court do its job. In my opinion, Chris Bowman has been victimized in at least three ways. I don't want to participate in further abuse by being complacent and silent. Thank you.



Mayor Tuck welcomed the next two speakers, Mr. B.J. Estes and Ms. Michelle Beverly.

Mr. Estes greeted Council and made the following comments: I'm from Hampton, Virginia, Phoebus to be exact, born and raised. I am a community leader. Here on behalf of my organization Fit Kings and a lot of concerned citizens of the City of Hampton that I spoke with. We have a problem in the City. My goal here and I'm not, one thing I just want to bring awareness and let a lot of stuff be known. So, we have a problem in the City of Hampton with coyotes running wild and it's getting very out of hand. On my phone, I have plenty of videos. I know I can't show it here but I have videos. I have factual evidence. I've been doing a lot of research on coyotes and habits of coyotes because they're becoming more, their behavior is more rad. They're coming out broad daylight and I have three videos on my phone, Kecoughtan Road, LaSalle Avenue, and right up the street Pembroke Avenue. There was a whole family of six at Sweetbriar and Brittany right behind them. So, the statistics say to clap your hands and yell at the coyotes, and that usually scares them away but it also says they do not come out in daytime. They have been coming out in the daytime, feeding in the middle of the street, cars are riding by, and all kinds of stuff. Now I'm going to get to the factual part. The factual part is, that certain legislators, certain rules, certain laws in the City of Hampton, it is number one, Animal Control is not allowed to hunt, track, or get these animals unless they are sick or wounded. Private citizens are not allowed to hunt or shoot at the coyotes. So, I find it odd that if my five-year-old nephew is getting attacked, and I'm licensed to carry and everything is getting attacked by coyotes, I cannot shoot this guy in order to save my nephew's life. It is getting to the point where they are out here in packs, and they're out here in the streets on a regular basis, every night, a lot of areas of Hampton, and they are breeding. They don't breed at the pace of rabbits, they breed at a higher rate. So because Animal Control cannot do nothing, because private citizens cannot trap or hunt or do nothing. The only other viable option that I see or that I can think of is for the City to hire a private contractor and get them to come in and start the process. Because if we do not do nothing, they're going to breed at such a pace it is going to be dangerous. And I actually know people who are a mother and a child who actually had to run to their house, because a guy stopped them and said there was coyotes two blocks away. Thank you.

Ms. Michelle Beverly greeted Council and made the following comments: I am here in the support of my Councilman and my friend, Chris Bowman. I just wanted to state that I have known Chris Bowman, for approximately five years. Councilman Bowman has shown me, I won't go into the detail, because the guy that just spoke before me has stated the reason that we're here with this situation with Councilman Bowman. But I would just like for the record to state that I am here in support of

Councilman Bowman. I have known him for approximately five-plus years. I knew him before he ran for Councilman, I had the opportunity to watch him in many, many situations with the City, supporting the City. Councilman Bowman has always shown me and the people that I'm around nothing but respect. And this is something that I have always received from Councilman Bowman. I am here to state that what I see in him is a humble, hard-working, dedicated, and polite individual. This is what he has portrayed to me before this situation has come to light. He was always willing to help and engage, and never displayed any inappropriate action or behavior from the ones that he was around when I was around. Councilman Bowman, before this situation arise has always come and visited my home church that was before and he's always displayed a help to be helpful. He has always been there for the last three years working with the Peninsula Food Bank, before he ran for Councilman. He only stopped when COVID came along. But he still called our church to see if there was anything that he could do in this capacity. Chris Bowman has done a lot for the citizens so I want us to remember what he has done for the citizens. And at the same time, I am not excusing his actions by any means. What I would like to see is that my friend and the Councilman get help for whatever the situation is. Because there arises a time where all of us need help at one time or another for things that we may be going through. So, I just want to say and remind the citizens of the good he has done despite the situation that he is in that I am not condoning at all. And I would like to say that he has appeared at my church. Thank you.

Before welcoming the next speakers, Mayor Tuck explained that in the past there have been individuals who, when their time has expired, have continued to talk and become disruptive, precipitating the need for the Sheriff's deputies to approach and ask them to leave. For that reason, he tries to maintain consistency and remind someone when their time has expired.

Mayor Tuck welcomed the next two speakers, Mr. Randy Bowman and Mr. Troy Ketchmore.

Mr. Bowman greeted Council and made the following comments: I'm here tonight because I was given some bad information or wrong information so I wanted to clarify. We have started a petition to remove, Chris Bowman. We were told a number, but we're fastly getting back on track, we have the correct number. So, as you run the City, you guys need to understand what's going on. We have about 25 people that are actually on a team. We have collected a ton. I mean, a ton from different civic organizations, different civic communities, different areas of Hampton. People are coming to us at a rapid pace. So, the petition is here. I will have the petition at every location possible. We understand where we need to go in the public. We can't be in public places, crowding people, we're going to do this dignified, we're going to do it in unity. Because the people are speaking out, they

are coming out. It's not about an African American thing. It's not about what someone said, or me trying to raise my platform. It's not about anything personal that I'm doing. It's about the community. When I tell you my restaurant is flooded, they're picking up forms because they don't want to see you in office. And as you sit there, Mr. Bowman, your etiquette is not of a City Council member, you're just rared back. That is another reason why you need to be removed from City Council and step down. I don't care how many bookbags, or how many school supplies you buy, not even a tractor-trailer load could satisfy Hampton citizens. This petition will be outside if anybody wants to sign it tonight. Thank you.

Mr. Troy Ketchmore greeted Council and made the following comments: I am the Program Director for Ketchmore Kids Incorporated. As we come upon a season of running for office, we are about to start a campaign, the Please Stop Shooting campaign. This is a campaign that's dear to us. This is a message that that we stand behind and in honor of that, and everybody out there is entitled to a sign, we want everybody to come out and get involved because gun violence is the number one topic on our agenda. I do gun violence intervention and prevention. Sister Katherine, we have left all of your signs. So anybody willing to put these signs in the yard, stand on this, and validate this principle, stop shooting. The public can reach us at [Ketchmorekids.org](http://Ketchmorekids.org). Hit our website, get your signs, put them in your yard, and help us push this Stop Shooting campaign. And on another note, on November 25th, we along with Runway Rules Academy, will be hosting our third annual Black Excellence Gala at the Air and Space Center in Hampton beside The Landing Hotel. We hear a lot about gun violence, particularly black-on-black crime. This is a night that we're celebrating Black Excellence. We're highlighting community partners, people that don't necessarily get the attention we get. We're highlighting those that are on the ground with us that they're getting awards. So we got invites for y'all to come out, come celebrate with us, and let's stop the violence, stop the shooting. Y'all join us in that campaign. Thank you.

Mayor Tuck Welcomed the next two speakers, Mr. Aaron Weaver and Mr. Robert Pekarek.

Mr. Weaver greeted Council and made the following comments: First I'd like to extend a request, one that I believe Mayor Tuck also shares with me because Buckroe Beach, I believe it's essential for Parks Department to place clear name signage on our shelters, allowing our citizens, visitors, and Mayors to easily identify each one. Small improvements like this make the most significant differences in the experience for those visiting our public spaces. I must take a moment to express my heartfelt gratitude to David Hunt, Jonathan McBride, and the entire Housing and Neighborhood Services Division, presenters Gabe Diaz and also Ms. Monica Meharg, and all the panelists of the Hampton Leadership Academy. Your dedication

and passion to the community and our City does not go unnoticed. You all are truly gems and sparkle in the fabric of our community. However, there is an issue that must be addressed immediately for the safety and well-being of our City employees. I will soon send an official request both through email at council@hampton.gov and via certified mail because Councilman Bowman likes to lie and say he doesn't receive anything from council@hampton.gov, which he does and they do a perfect job with that. I'm requesting that there be a security upgrade, either Sheriff, security guard, or police officer, specifically when Bowman is around during City duties and City property. This step unfortunately became necessary due to several reports regarding Councilman Bowman's behavior. This behavior causing discomfort among our female colleagues in the City cannot be ignored. Additionally, the fact that there have been multiple special trainings, multiple, to address such behaviors is deeply concerning and sad that obviously these special trainings are not working. I must stress the importance of integrity and public service. Regrettably, there are attempts by Bowman to whitewash history and divert from the real issues at hand. When individuals in positions of power seek to downplay their actions and play the victim card, it does not only disservice to the public trust. When Bowman may wish to present a different narrative, the facts speak for themselves. As the highest-rated criminal and admitted criminal in the City, his presence is a black mark on the City's reputation. And we the citizens request that he resign effectively immediately and get the mental health that he says he deserves was just a disqualifying factor, but we're going keep going. As fellow Council members and City, the City should not be in the position that they are because of him. Because he's not helping the City and because of his ego and pride. Dr. Rick Rigsby once wisely said, "Ego is the anesthesia that deadens the pain of stupidity. Pride is the burden of a foolish person." Let's say that one more time, "ego is the anesthesia that deadens the pain of stupidity. Pride is the burden of a foolish person.' These words resonate now more than ever. It's essential for us.

Mr. Robert Pekarek made the following comments: I moved here in June of this year and I'm just up here to talk about mandatory parking minimums. And if I have time, maybe a little bit about biking lanes. I live about two blocks from here and I bike every day from my house here in downtown Hampton, all the way up to Langley Air Force Base. There's a bunch of us who, in our office, our office is about 10 people, and three of us bike. Most of us have just come from graduate school in walkable areas, bikeable areas. We have been talking about this a lot in our office and I said that I was going to come to the Council meeting and share my thoughts a little bit on how we want to make downtown Hampton specifically a more walkable and bike-friendly place. One of the things that we thought could be an actionable step that maybe could be taken at some point in time is reducing or eliminating mandatory parking minimums. Within the City of Norfolk, they recently back in May of 2022, instituted something where they eliminated the mandatory parking

minimums within the railroad district. And I'm just going to read some of the benefits of eliminating mandatory parking minimums. Some of what it can do is it can reduce the cost. So developers, under the current rules, are required to pay for parking spots based on the square footage of the building that they are constructing or the number of residences within an apartment. Eliminating mandatory parking minimums can lead to cost savings that can be invested in other aspects of development. It's also a more efficient use of land. So, eliminating parking minimums can encourage the use of land for more productive purposes such as housing, retail, and green spaces, rather than having these big parking spots or parking lots. It also improves urban design. Without parking minimums, cities can be designed to be more walkable, bike-friendly, and transit-oriented, leading to more vibrant and attractive urban areas. It also has a reduced environmental impact. So if your parking spaces mean fewer impervious surfaces, which can reduce stormwater runoff and its associated pollution, can also encourage the use of public transport and reduce greenhouse gas emissions. It also can benefit affordable housing. By eliminating parking minimums, housing costs can be lowered because then developers don't have to, they aren't burdened with the costs of building unnecessary parking spots. It also can reduce traffic congestion because it discourages car use and can result in less traffic congestion and shorter commutes. If you don't have a ton of parking lots spreading out the area, somebody will park once and then walk around the downtown area from restaurant to restaurant or shop to shop, instead of parking one spot, going in the spot, and then getting out, getting their car, driving somewhere else, parking there getting it going to that restaurant. I also want to say that I love Queen Street, and how that is a car-free zone and the strip of bars and restaurants there. I love that. I also went back to Google Maps and looked at the bike lanes that have been, or the multi-use pathway that's been instituted up King Street, and I really liked that as well. That's been great to see that that's happened over the last 10 years.

Mayor Tuck stated that, concerning the mandatory parking minimums, several national publications have talked about that. In the state of Virginia, the City of Richmond is one of the first ones that have done that and Hampton is looking at it.

Mayor Tuck shared that Vice Mayor Gray had asked about Mr. Weaver's comments about Buckroe. The Mayor explained that this past Saturday, there was an event down there and he was given instructions to meet at the shelter which was near place, but it wasn't that location. He hesitated to talk to the Parks and Recreation Services Director about either painting or putting block letters on those so they could be distinguished very easily. He was looking for the Starfish shelter but was actually at the Sand Dollar for about 20 minutes and almost left because he thought the event wasn't going to occur. He happened to see where Starfish was and it wasn't where he was told it would be. Had he known to walk up to the sign that was up and look, he

would have known that but he only looked at the little emblems that were on each of the shelters. He recognized the lighthouse but didn't know what the Starfish or Sand Dollar was.

Ms. Bunting shared that Council previously asked staff to look at the minimum parking and it is on the schedule for the next afternoon work session on October 25th at one o'clock. Part of the conversation will be about the rules and regulations, and how things are changing. She said that we want to be innovative and we want to lead but there's also a tension. Ironically, yesterday, they met with a neighborhood that was complaining that an existing business didn't have enough parking so they were blocking the neighbors in the neighborhood that was adjacent to it. She stated that she recognizes that there's probably an opportunity to update the ordinances and be more flexible. The meeting will be the start of conversations but no action will be taken that day. For those who are unable to attend the meeting, it will be played on TV and can also be accessed via the Internet. At some point in the future, after Council provides direction, there will be evening comment sessions.

Ms. Bunting stated that the request for signage at the Buckroe shelters is a good suggestion as she didn't realize they weren't clear. She shared that staff will figure out a way to make them more clear for everyone involved.

In regards to the coyotes, Ms. Bunting that the Animal Control limitations are not in place because Council decided to restrict them but rather it is a state law that deals with wildlife management. While there is nothing that Council can do directly, she indicated that she would ask the Animal Control staff and Assistant City Manager, Steve Bond, to contact the State Department of Wildlife Management to come and evaluate the situation. They will provide a recommendation on how to proceed, and with that, permission so it can be addressed. It may require hiring a wildlife relocation expert, who is the only one authorized to move them. She explained that the State doesn't want the City moving or relocating wildlife unless a public safety problem can be documented. She hopes to be able to provide an update at the next Council meeting.

## GENERAL ITEMS

### Appointments

9. [23-0198](#) Consideration of Appointments to a Hampton VA 250 Committee  
A motion was made by Councilmember Brown and seconded by Councilmember Mugler that this Appointment be deferred to the City Council Work Session, due back on 11/8/2023. 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**

Councilman Brown shared that he was privileged to represent the City of Hampton on September 29th, for the Hampton City Schools Film Festival at the New American Theater. It was the High School Oscars, a black-tie gala with the red carpet under the lights. Each high school did a short film presentation and the winner was The Fear of Fall by Kecoughtan High School. He recognized Carter Bunting as the program assistant in the film. He shared that the great thing that happened was that the number one film would be premiering at the Virginia Film Festival. The four short films were so good that The Virginia Film Festival accepted the film from each of the high schools, Seeing the young people in character is something to be proud of. He expressed his pride in the Hampton school system, and the City of Hampton for highlighting such young people with great talent and ability.

**MISCELLANEOUS NEW BUSINESS**

There were no items of new business.

**ADJOURNMENT**

The meeting adjourned at 8:52 p.m.

**Contact Info:**  
**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**

\_\_\_\_\_  
Donnie R. Tuck  
Mayor

\_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_