



# 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*  
*Cheran Cordell Ivery, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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**Wednesday, April 12, 2023**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

Vice Mayor Gray called the meeting to order at 6:31 p.m. All members of the City Council were present with the exception of Mayor Tuck who is attending a convening to discuss effective gun violence prevention strategies.

**Present:** 6 - Councilmember Chris L. Bowman, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Hope L. Harper, Councilmember Billy Hobbs and Councilmember Martha Mugler

**Excused:** 1 - Mayor Donnie R. Tuck

### JIMMY GRAY PRESIDED

### INVOCATION - Councilwoman Hope Harper

Councilwoman Harper gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

There were no comments at this meeting.

### 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 Bowman, seconded by Councilmember Harper, to approve the Consent Agenda. The motion carried by the following vote:

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

1. [23-0102](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate the Fiscal Year 2023 Litter Prevention and Recycling Program Grant Awarded by the Virginia Department of Environmental Quality  
Item approved.

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

2. [22-0147](#) Resolution Authorizing the Execution of a Deed of Lease With the Commonwealth of Virginia, Department of General Services for Approximately 100 Square Feet of Office Space Known as Office Number 656 Located on the 6th floor of 1 Franklin Street in Downtown Hampton

**Attachments:** [DSBSD City of Hampton - Deed of Lease - 3 22 2023 & Exhibit B](#)  
[Exhibit A - DSBSD Hampton - Space Plan](#)  
[Exhibit C - No Firearms sign July 2021](#)  
[Exhibit D - W9 - COV Substitute](#)

Item approved.

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

3. [23-0105](#) Approval of the minutes from the City Council Work Session of March 8, 2023, and the Ceremonial Session and Legislative Session of March 22, 2023.  
Item approved.

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

#### PRESENTATIONS, PROCLAMATIONS, AWARDS

There were no presentations, proclamations, or awards.

#### PUBLIC HEARINGS

Katherine Glass, Clerk of Council, read the protocol for public hearing, stated that there would be a combined public hearing on the next four agenda items, and read the titles of items four (4) through (7).

4. [23-0111](#) Resolution Approving the Relocation of the Braddock Cannon, Currently Located within Victoria Boulevard, to a Portion of 4701 Victoria Boulevard, Which will be Dedicated to the City

**Attachments:** [Exhibit A - Vacation Agreement](#)

City Manager, Mary Bunting made the following statement: These four matters collectively involve a proposal by the Hampton Yacht Club to vacate a portion of City-owned right-of-way, relocate the Braddock Cannon approximately 50 feet, rezone the vacated area and surrounding parcels, and apply for a use permit for a marina to the vacated area and surrounding parcels. Deputy City Attorney Bonnie Brown will provide the staff presentation on all four items, after which there will be a joint public hearing. As has been noted before, the City is under no obligation to vacate the City-owned right-of-way, move the Braddock Cannon, or give the Cannon to any other entity. These items are being presented for your review at the request of the Yacht Club. No other entity submitted a letter of intent to acquire the cannon during the 30-day period during which it was offered to the public.

Ms. Bunting introduced Deputy City Attorney Bonnie Brown to make the presentation. Ms. Brown began by addressing the cannon's location and relocation. She displayed several maps showing its location in the southeast portion of the City at the intersection of Victoria Boulevard and Bridge Street. She explained that the Hampton Yacht Club has applied to vacate a portion of the Victoria Boulevard City-owned right-of-way to make improvements to their entrance. This involves a proposal to relocate the cannon by approximately 50 feet.

Ms. Brown shared a brief history of the cannon which was installed by the National Society for the Colonial Dames of America in 1916 to commemorate British General Edward Braddock's landing in Hampton in 1755 during the French and Indian War.

The Colonial Dames have consented to and support the Hampton Yacht Club's proposal.

Ms. Brown displayed several graphics including a diagram showing that the cannon is not located within the Victoria Boulevard Historic District which is designated by both the Federal and State governments. Ms. Brown noted that the State Department of Historic Resources verified that the cannon is not within the historic district.

Ms. Brown's next topic was the vacation agreement which governs the terms under which, if the cannon were moved, it would be moved. The terms of the agreement indicate the size of the parcel to be vacated and the permanent dedication of a 15 by 23-foot portion of their property located at 4701 Victoria Boulevard. The hardscaping and landscaping of the dedicated portion of land would be reviewed by the City during the design review process and the design approved before any materials are installed. Additional conditions of the agreement require that the cannon be located outside the Yacht Club's fence line, remain outside the historic district, and remain open and accessible to the public at all times. Ms. Brown displayed a diagram of the proposed site which would allow for the construction of a four-foot, ADA (Americans with Disabilities Act) accessible walkway.

Ms. Brown shared legal considerations affecting the application. The Code of Virginia governs relocation, alteration, and removal of certain war monuments, and, while it does not apply to this one, Council has elected to follow the procedures outlined in the statute. This includes a public hearing after 30 days' notice which the City published in the local newspaper on February 5th, February 23rd, and March 2nd. The public hearing was held on March 8th. After the completion of the public hearing, City Council voted to continue the relocation process as proposed by the Yacht Club. On March 11th, City Council published a notice in the Daily Press, offering for 30 days, the cannon to "any museum, historical society, government, or military battlefield." The offer period closed on April 9th with no letters of intent received by any other entity.

The next topic of the presentation pertains to the application to rezone the property from R-13 and DT-2 to DT-2 with proffered conditions, and the application for a use permit for a marina. Ms. Brown provided background information on the Hampton Yacht Club which was established in 1926. There have been a series of land use permits for expansion since 1968, with the most recent in the spring of 2022. She displayed several graphics of the proposed area to be rezoned. Parcel A includes the area where the cannon currently sits along with property already owned by the Yacht Club. The use permit application for the area includes Parcel B, which is an area to the south of Parcel A that will be used to launch small boats that are no more than 20 feet in length. Ms. Brown displayed a concept diagram that shows an

improved entrance, additional parking, and an expanded plaza. The area is also part of the Chesapeake Bay Preservation District and none of the elements of the proposal conflict with the district. The future land use plan calls for mixed-use and reflects the continuation of the Yacht Club.

Ms. Brown shared applicable public policy which includes promoting physical and visual water access, and encouraging further development of boat launching facilities while preserving and enhancing the character of the historic residential neighborhood. The staff analysis of the rezoning and use permit proposal indicated that there is no significant change to the current use, the piece of Victoria Boulevard which is currently a public street effectively functions as an entry to the Yacht Club, and the proposed conditions conform to the adopted policy.

Ms. Brown shared the recommended conditions which include limiting the permitted use to a private club and marina with an approved use permit, and limiting site development to parking, a plaza, and entry improvements. There is also a condition that requires no new buildings be built within the rezoning area to preserve views of the waterfront from the public street. The use permit conditions regulate the marina operation. The conditions limit the size of the boats permitted to be launched on the small parcel.

Ms. Brown shared that the staff recommends approval of the relocation and vacation agreement, the rezoning with eight conditions, and the use permit with 10 conditions.

In response to Councilwoman Mugler, Ms. Brown explained that all four items are very intertwined and difficult to separate so they should be voted up or down together.

In response to Councilman Hobbs, Ms. Brown stated that the telephone pole on the corner of the relocation site is located outside the dedication area in the right-of-way.

Vice Mayor Gray introduced Mr. Larry Cumming, Esquire, to present on behalf of the applicant. Mr. Cumming shared that the current Commodore of the Yacht Club, Mr. Doug Miller, and the former Commodore, Ms. Leigh Chapman were present. Also in attendance was Mr. Marshall Finley, who serves as the Club historian and development director. He explained that their intention is not to change the use of any of the properties included in this proposal but rather to clean up the land use designations so they conform to what has been done on the properties for many years. The only change is the appearance and function of the main entrance to the Yacht Club. This involves the relocation of the cannon and the vacation of the end of Victoria Boulevard which is already surrounded by Club-owned property. These

changes will create a more appropriate entrance and clear the visibility of the water. He shared a concept graphic of the proposed entrance to the Yacht Club that would be created.

Mr. Cumming requested rebuttal time at the end of the public hearing, if necessary.

Councilman Mugler stated that she has visited the site of the proposed location for the cannon and viewed the telephone pole that sits directly in front of the dedication site. She stated that she has expressed her concern to staff and her fellow Council members as early as March 7th. She asked if the Yacht Club would be inclined to agree to bear the cost of making a change to where the telephone pole is. Mr. Cumming shared that he does not have a clear picture of the pole but explained that it is on the other side of the public sidewalk in the right-of-way. He stated that the pole will not obstruct the visibility, nor will it obstruct the access to the property. He stated that having moved power poles in the past, it would probably cost hundreds of thousands of dollars. Ms. Chapman explained that they have worked very hard to prioritize views of the water because that is what the community expressed in the community plan.

Councilwoman Mugler commented that she appreciated the accessibility aspect and has been to the site, walked all around it, and got a good feel for what things look like. She stated that she respectfully disagrees that it is not an obstruction to the view of the cannon because when driving past the proposed cannon location, the pole is there with the long extender. She stated that she has a real problem with the obstruction of the view and would have difficulty supporting the proposal.

Mr. Cumming commented that the property where the pole sits is public property and there are poles up and down the street. He shared that he is uncertain of what type of utility is on the pole. He stated that the applicant is happy to cooperate with the Downtown Hampton area partnership (Downtown Hampton Development Partnership) and if taking down and relocating poles is what they want to do they will help with that. For this particular item, he does not think it makes good sense from the Yacht Club standpoint.

In response to Councilwoman Mugler, Ms. Chapman explained that they are in the medium to mid-range stages. They are currently getting bids from two contractors about moving the cannon. They have reached out to find a structural engineer. They hope to see some action this summer, however, having agreed to host a large regatta in August, it may not happen until late summer or early fall for completion of the cannon relocation. The new entrance is not expected to be finalized until late 2023, or early 2024.

Vice Mayor Gray opened the public hearing. He called the first two speakers, Ms. Brenda Marks and Mr. Jason Erbecker.

Ms. Marks made the following comments: I have provided y'all with a package that I put together. Y'all know that I'm not adamantly against moving the cannon, but I do have a problem with the fact that we are giving them 6,840 feet and we are getting back 345. In the package I have given you, I went this weekend with a 35mm camera and stood five feet away from the cannon. You have photos of what you'll get. You get a little more with a cell phone, but to get full-length pictures you have to stand 27 feet away from the cannon. With a 35mm camera and 14 feet away. Ms. Mugler, thank you for your question. If you look on page seven of my package, there is a picture of the person who went with me and I had him stand 14 feet away from where the front of the camera is supposed to be. He is standing in the traffic lane of Bridge Street, so safety is not why it is being moved. Anybody who wants to take a picture with it will be standing in the street, but if you look, the guidewires in that power pole are dead between where you have to stand to take the picture and where they want to put the cannon. The second single sheet that I gave you just shows that there are two win-win possibilities. The first one is leaving the cannon where it is, abandoning half of the Victoria Boulevard space there, and putting their entrance behind it. The second one is moving it where I said it should go all of the time, over to the side opposite where they want to put it, but that the size of the parcel they should give should be at least, as I pointed out in there, what it would take to get 14 feet away on all four corners to take the pictures. I think it should be reworked and looked at a little bit better so we get a little more land. I want to read this real quick. Given your feelings expressed to the media of Norfolk being tacky by doing behind your back to devise their underhanded plans that have now impacted our City, I offer you this, welcome to our club. You have now experienced first-hand the pain your constituents feel on a regular basis when the people we respected and trusted make these decisions and don't let us know anything about them until it's too late to do anything about it. Thank you.

Mr. Erbecker greeted Council and made the following comments: Thank you for your attention tonight. I have spoken to you before at the last hearing. As a reminder, I live on the corner of Bridge and Victoria, on the south side of Victoria. Unfortunately, my neighbors across the street were unable to come tonight, but both of us were afforded the opportunity, we got an invitation to lunch at the Yacht Club where the previous commodore talked to us about the overall plan for Hampton Yacht Club. I am, by nature, a very cynical man, but it was very clear, very early, the level of depth of thought that went into this overall plan. Not just with the cannon itself, not just with this rezoning, but overall what the Yacht Club is trying to do at large. I have to say that it's impressive and it is a win, not just for our neighborhood, but I think for Hampton. I think the Yacht Club is a jewel in Hampton's crown and it is inextricably

linked with Historic Little England. The activities that take place there are part of the fabric of our neighborhood. It is not a collection of houses that are built next to each other or near each other, it is a true neighborhood. This is an enhancement of that. I understand that there is a pole in the way. There is always going to be something. We can always find something. But I'll tell you, the way I look at that is that it is an aesthetic issue rather than a blocking of the view, sightline issue. Is it ideal? No. But is it something worth ripping the plan apart? I don't think it is. From one spot it will become a factor and then in 3.6 seconds at 25 miles per hour, it will no longer be a factor. As far as the taking of pictures, being there on the corner, I see all kinds of people wandering the neighborhood, walking their dogs, we do get people that I surmise will be from out of town that stop and look at the cannon. And they do, where the cannon is now, already stand in the street. So there is no change or up-side, down-side there. I think that the plan that the Yacht Club has is a win for everyone. Thank you.

Mr. Cumming waived the request for rebuttal. Vice Mayor Gray closed the public hearing.

A motion on both 4 (23-0111) and 5 (23-0110) was made by Councilmember Chris Bowman and seconded by Councilmember Billy Hobbs, to approve the relocation of the Braddock Cannon pursuant to the terms of the accompanying vacation agreement. The motion carried by the following vote:

**Aye:** 5 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper and Councilmember Hobbs

**Nay:** 1 - Councilmember Mugler

5. [23-0110](#) Resolution Approving a Vacation Agreement Between Hampton Yacht Club, Incorporated and the City of Hampton, Virginia Pertaining to Vacation of a 6,840± Square Foot Portion of a Public Right of Way Known As Victoria Boulevard

**Attachments:** [Vacation Agreement](#)  
[Exhibit A - Vacation Area](#)  
[Exhibit B - Dedication Area](#)

Please see the discussion listed under item number 23-0111.

A motion on both 4 (23-0111) and 5 (23-0110) was made by



Councilmember Chris Bowman and seconded by Councilmember Billy Hobbs, to approve the relocation of the Braddock Cannon pursuant to the terms of the accompanying vacation agreement. The motion carried by the following vote:

**Aye:** 5 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper and Councilmember Hobbs

**Nay:** 1 - Councilmember Mugler

6. [23-0019](#) Rezoning Application by Hampton Yacht Club, Inc. to Operate a Marina at the Eastern Terminus of Victoria Boulevard, Including 4709 and 4710 Victoria Boulevard [LRSNs: 13004507 and 13004508], as well as a Portion of Victoria Boulevard, which is the Remaining Portion east of Bridge Street, which is Proposed to be Vacated

**Attachments:** [Application](#)  
[Proffer Statement](#)  
[CC Staff Report](#)  
[Presentation](#)

Please see the discussion listed under item number 23-0111.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Bowman, that this rezoning application be approved with eight (8) conditions. The motion carried by the following vote:

**Aye:** 5 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper and Councilmember Hobbs

**Nay:** 1 - Councilmember Mugler

7. [23-0020](#) Use Permit Application by Hampton Yacht Club, Inc. to operate a marina at the eastern terminus of Victoria Boulevard, including 4709, 4710, and 4712 Victoria Boulevard [LRSNs: 13004507, 13004508, and 2003822], as well as a Portion of Victoria Boulevard, which is the Remaining Portion East of Bridge Street, which is Proposed to be Vacated

Attachments: [Conditions](#)  
[Exhibit A Survey](#)  
[Exhibit B Final](#)  
[Application](#)  
[Staff Report](#)

Please see the discussion listed under item number 23-0111.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Bowman, that this use permit be approved with ten (10) conditions. The motion carried by the following vote:

**Aye:** 5 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper and Councilmember Hobbs

**Nay:** 1 - Councilmember Mugler

## **PUBLIC COMMENT**

Ms. Glass read the protocol for public comment.

Vice Mayor Gray indicated that two people signed up for public comment and introduced the first speaker, Ms. Gaylene Kanoyton.

Ms. Kanoyton greeted Council and those in the audience and made the following comments: I am the president of the Hampton NAACP. I just want to make a few comments about our Police Chief who is leaving us, Mark Talbot. It wasn't until 4:00 p.m. today that I decided to come and speak. That is because I had several conversations with people over the course of the week and they were unaware of the accomplishments that our Chief has done in the City. It wasn't publicized so I wanted to come here and talk about his accomplishments. Chief Talbot came to this City and he reduced murders by 30%, and non-fatal shootings by 25% last year. Of course, the numbers went up in January but in Hampton, people who know each other are the ones who are committing the violence. We don't have stranger-on-stranger crimes. He implemented a data-driven policing strategy that is laser-focused on violence and repeat offending. He created a vulnerability list of victims and offenders designed to focus attention and support on the individuals most likely to shoot or get shot. He employed a geographic-based policing approach instrumental in reducing violence and increasing resources in several key, long-term hotspots. He designed and instituted several evidence-based policing strategies that were instrumental in our dramatic reduction in fatal and non-fatal shootings. He

implemented an extensive neighborhood canvassing process to put police on foot, in neighborhoods, following nearly all serious crimes. He operationalized procedurally community engagements with relational policing, which prioritized authentically and fairly, partnering with residents and co-producing safer neighborhoods. He eliminated the use of coercive policing methods such as car chases for minor offenses, indiscriminate stops and searches, and heavy-handed sweeps. I can go on some more with that. I will say that his principles met the principles of the NAACP that we advocate for. I want to thank the Council people who made the positive comments on his way out. I just hope that that should have happened before then, but it did happen. I do want to thank our City Manager who always includes us and the community in the selection of police officers. But this is not about racism, I want to be clear about that. This is our first black Chief but it's not about racism. I think it's a little more than that. I think it might have been something with (inaudible). But let me just say this, he was involved in the community. He did a great job of reorganizing our police department and we have all seen a difference in our police officers. I want to thank you for allowing me to speak. Thank you for your service and bless your hearts. Thank you.

Vice Mayor Gray introduced the next speaker, Mr. Michael Bostic. Mr. Bostic greeted Council and made the following comments. I am a union representative with the National Association of Letter Carriers. I am a resident here in Hampton, Virginia. I came here in 2005 by way of Katrina. There have been open arms and one of the most beautiful aspects of this City has been the crime rate. Coming from a big city like New Orleans, every day there was something happening. I can tell this, every single day, multiples. But when you come to a City like Hampton, and you have a City Council such as yourself, and Ms. Bunting I think you were instrumental in Chief Talbot coming here from Pennsylvania. Seeing the results of the crime rate dropping down by 30%, I hate to say that I'm sorry we're losing a great man. But I think he's done a wonderful job. To those who are in Norfolk who may be balking, I hope that we are not going to get another little CRT (Critical Race Theory) lesson. And politics, as usual right now, because even though it might not be in the books, we are getting it every day I think. A lot of kids are learning it, so thanks to politics and to media. I want to say, Chief Talbot, he was out here with us, hand-in-hand, after that situation with the Memphis police. He is about accountability. He is definitely about community and I hope that maybe at the last minute he'll say "Hey, I want to come back to Hampton." We are losing a great guy. We support him and I hope Norfolk wraps their arms around him and supports him. We know it was unusual the way things may have happened. But, sometimes you work next to somebody and you're doing some work and that person that might be good for the job is right next to you and you don't even realize it. That can happen so I hope Norfolk will embrace him. Thank you very kindly for your words and y'all have a successful City Council meeting.

**GENERAL ITEMS**

There were no general items.

**REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES**

There were no reports but the City Manager shared that a briefing on the budget took place during the work session and will be released on April 15th. It will be available online immediately and hard copies will be available in the library for checkout and review as of Monday. The first budget public hearing will be at the next City Council meeting which is in two weeks, followed by a first vote on the budget on May 3rd, and the second and final vote on May 10th. For those who are interested, a full briefing on the budget can be seen by watching today's afternoon session.

**MISCELLANEOUS NEW BUSINESS**

There were no items of new business.

**ADJOURNMENT**

The meeting adjourned at 7:16 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 \_\_\_\_\_