



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

Wednesday, November 8, 2023

6:30 PM

Council Chambers

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. Mayor Tuck stated that the City Manager, Mary Bunting, is away at an international conference and Brian DeProfio, Assistant City Manager, is sitting in her place.

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 - Vice Mayor Jimmy Gray

Vice Mayor Gray gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck recognized Hampton Youth Commission members in attendance: Iyanna Hollis; Helena Folkerts; Chelsey Ndykwu, Chair; Angela Chen, Vice Chair; and Shaunte Moore, Secretary; along with staff representatives Donald Whipple and Monica Meharg. Ms. Chen, Ms. Ndykwu, and Ms. Moore shared activities the Youth Commission has been involved in which include a boot camp and retreat, in-school surveying, and the Teen Town Hall with the Mayor. They will be working on their grant hearing as well as updating the youth master plan. They shared that they have

partnerships with Alternatives, Inc.; Youth Advisory Group (Y.A.G.) overseen by the Department of Diversity, Equity, and Inclusion; and the Office of Youth and Young Adult Opportunities.

They conducted an in-school survey in October 2023 in all four of the City's high schools, with over 400 students participating. The main topics of interest included how local government works, taxes, school life, and public safety. They explained that they were asked several questions by Council.

The first question they were asked was what the youth do for fun in the City. They narrowed it down to three main categories: City facilities, attractions, and activities. They often visit the libraries, community and neighborhood centers, beaches, and parks. They like to hang out with friends and play sports. Some of the main attractions they like are Peninsula Town Center (PTC), YMCA, Busch Gardens, and ice skating.

The second thing they were asked was what fun things they would like to do in the City that don't currently exist or need to be improved. They broke this down into three categories: new attractions, improvements, and activities. Examples that were given to them for activities were playing sports, video games, drawing, writing, creating, and having a walkable City. Concerts, parades, giving back to the homeless, better field trips, and learning about the City's history, and having safe places to hang out were listed among the improvements. New attractions include aquariums, mini-golf, arcades, and amusement parks.

The third thing they were asked was, if they were to leave the City to go to college, what would draw them back to Hampton? The three categories they broke it down into were: attractions which accounted for 59%, community which accounted for 21%, and unknown which accounted for 20%. In terms of community, they would like to have a safe, family environment and walkable City. Attractions would be things like festivals, career opportunities, art museums, and good restaurants and scenery.

In 2024, they plan to have the youth respected, engaged, active, and prepared. The results from the boot camp, meetings, survey, and town hall will be integrated into their upcoming youth master plan.

There have been 30 applicants for the Grants Hearing which will be held on Monday, December 18, from 6:00 p.m. to 7:30 p.m., in Council Chambers.

In response to Councilman Hobbs, Ms. Ndykwu stated that they would like to see organized activities for the youth, however, there are safety concerns.

Councilman Brown thanked the commission members for their involvement and for helping Council understand what their needs and concerns are. In response to Councilman Brown, Ms. Ndykwu stated that they would like the City to be walkable, however, the schools have recently begun providing Hampton Roads Transportation (HRT) passes for anyone who doesn't have transportation to events.

Councilwoman Harper shared that she was pleased to see that they were able to get over 400 students to participate in the survey. In response to Councilwoman Harper's question about whether any of them were interested in local government, Ms. Ndykwu stated that she wants to be a lawyer.

Councilwoman Mugler stated that she was impressed with the survey and the way the information was broken down. The information they provided will be useful to Council in prioritizing things for the budget. In response to Councilwoman Mugler, Ms. Ndykwu stated that she does use the HRT pass during daytime hours.

Vice Mayor Gray stated that as the City's representative on the Hampton Roads Transit Commission, he is pleased to hear that they are using the bus passes and hopes they will encourage others to use them as well. He welcomed them to share their thoughts about how it works with him or any of the Council members.

In response to Vice Mayor Gray, Ms. Ndykwu shared that walkability in the City means being able to walk to the events that are happening in Hampton, and being able to walk to interact with the community or with your neighbors.

In response to Councilman Hobbs, Ms. Ndykwu shared that they were not aware of the teen police program, but that she and Ms. Moore had participated in the Commonwealth Attorney's mentor program in their sophomore year.

Mayor Tuck commented that he believes most of Council saw in the presentation that students would like to see what possible part-time jobs exist with various departments in the City. He asked that Assistant City Manager DeProfio take that back to the City Manager, and for Council to consider that, when looking at the budget for next year to see if they can create some opportunities. Ms. Ndykwu stated that they think that would be something that would appeal to youth. She feels that while some don't want to get involved, there are a lot who do want to learn more about how the government works.

Mayor Tuck addressed the mention of safe spaces in the presentation and asked if there was a particular incident that happened that made the youth concerned about their safety. Ms. Ndykwu said everything happening at Buckroe Beach is a concern.

Ms. Moore stated that the almost routine shootings in her neighborhood around Kecoughtan and Victoria Boulevard make her not want to go out because she doesn't want to think she can have fun and then have something happen to her. In response to Mayor Tuck, she said it is not the sound of gunfire but rather people getting shot that concerns her.

[23-0341](#) Motion to amend the agenda in order to take agenda item #14 23-0283 out of order.

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Chris Bowman that the agenda be amended in order to take agenda item #14 23-0283 out of order. The motion carried by the following vote:

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

Out: 1 - Councilmember Harper

Use Permit

14. [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](#)

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Billy Hobbs that this Use Permit be deferred to January 10, 2024. The motion carried by the following vote:

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

Use Permits - TO BE DEFERRED UNTIL FEBRUARY 28, 2024

1. [23-0190](#) Use Permit Application by Loretta O'Brien-Parham to Permit a Short-Term Rental (STR) at 3808 Chesapeake Ave [LRSN: 2002617]

Attachments: [Application - 7/12/23](#)
[Conditions - 7/12/23](#)
[Conditions \(redlined\) - 8/9/23](#)
[Conditions \(clean\) - 8/9/23](#)
[Staff Report - 7/12/23](#)
[Presentation - 7/12/23](#)
[Presentation - 8/9/23](#)

One vote was taken on 23-0190, 23-0221, 23-0222, 23-0223, and 23-0224. The motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, that these Use Permits be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the following vote:

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

2. [23-0221](#) Use Permit Application by FUM Properties, LLC to Permit a Short-Term Rental (STR) at 136 S Second St [LRSN: 13004183]

Attachments: [Application](#)
[Conditions](#)
[Staff Report](#)
[Presentation](#)

One vote was taken on 23-0190, 23-0221, 23-0222, 23-0223, and 23-0224. The motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, that these Use Permits be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the

following vote:

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

3. [23-0222](#) Use Permit Application by Antionique & Twaitney Addison to Permit a Short-Term Rental (STR) at 404 N Second St [LRSN: 12007147]

Attachments: [Application](#)
[Conditions](#)
[Staff Report](#)
[Presentation](#)

One vote was taken on 23-0190, 23-0221, 23-0222, 23-0223, and 23-0224. The motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, that these Use Permits be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the following vote:

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

4. [23-0223](#) Use Permit Application by Blossom by the Sea, LLC to Permit a Short-Term Rental (STR) at 406 N Second St [LRSN: 12007148]

Attachments: [Application](#)
[Conditions](#)
[Staff Report](#)
[Presentation](#)

One vote was taken on 23-0190, 23-0221, 23-0222, 23-0223, and 23-0224. The motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, that these Use Permits be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the following vote:

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

5. [23-0224](#) Use Permit Application by Antoinette Smith to Permit a Short-Term Rental (STR) at 526 Settlers Landing Road [LRSN: 2003217]

Attachments: [Application Package](#)
[Conditions UPDATED](#)
[Conditions](#)
[Staff Report](#)
[Presentation](#)

One vote was taken on 23-0190, 23-0221, 23-0222, 23-0223, and 23-0224. The motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, that these Use Permits be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the following vote:

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

CONSENT AGENDA

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

Approval of the Consent Agenda

Motion made by Councilmember Hobbs, seconded by Councilmember Bowman, 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

6. [23-0308](#) Resolution to Amend the Fiscal Year 2024 Council Approved Budget to Accept and Appropriate the FY2023 Edward Byrne Memorial Justice Assistance Grant Awarded by United States

Department of Justice (USDOJ), Bureau of Justice Assistance

Attachments: [FY23 Byrne Grant Proposal Overview](#)
[FY 2023 Edward Byrne Memorial Justice Grant Budget](#)
[FY2023 Byrne Award Letter](#)

Item approved.

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

7. [23-0321](#) Resolution to Amend the Fiscal Year 2024 Council Approved Budget to Accept and Appropriate the FY24 Staffing Recognition Grant Awarded by Virginia 911 Services Board

Attachments: [PSAP Staff Recognition Grant - Award Letter](#)
[Staffing Recognition Grant Hampton 911](#)
[FY24 PSAP Staffing Recognition Program - REVISED](#)

Item approved.

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

11. [23-0335](#) Resolution Accepting and Appropriating \$70,234.70 to the Capital Projects Miscellaneous Revenue Account of the Capital Project Fund to be Received from the City of Newport News as a Reimbursement for Waterline Design Costs in the Queens Way Streetscape Project based on Agreement between the City of Newport News (Waterworks) and the City of Hampton

Attachments: [Cost Sharing Agreement - Hampton NN - Queen Street Improvements](#)

Item approved.

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

8. [23-0327](#) Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Silkey and Silkey AAVH Holding, Ltd., Formerly Known as Armistead Avenue Veterinary Hospital, Ltd., to Allow an

Encroachment into the City's Right of Way for Installation of a New Pole Mounted Business Sign at 531 N. Armistead Avenue

Attachments: [Encroachment Agreement Presentation](#)

Item approved.

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

9. [23-0329](#) Resolution Authorizing Execution of a Deed of Easement for Water Pipeline Over Property Owned by the City of Hampton Located at 1911 W. Pembroke Avenue (LRSN 1003141) and Granted to the City of Newport News to Allow the Installation and Maintenance of a Water Main and Other Appurtenances

Attachments: [Deed of Easement EXHIBIT A - Fire Station 3 - Plat for Water Main Easement](#)

Item approved.

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

10. [23-0333](#) Ordinance to Amend and Reenact City Code of Hampton, Virginia by Amending Chapter 16, Gambling, to Conform to Current State Code Authority.

Attachments: [Redline](#)

Item approved.

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

12. [23-0198](#) Consideration of Appointments to a Hampton VA 250 Committee
Item approved.

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

13. [23-0319](#) Approval of the minutes from the City Council legislative session of September 27, 2023, and the ceremonial and legislative sessions of October 25, 2023.

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

PUBLIC COMMENT

Ms. Glass read the protocol for public comment.

Mayor Tuck welcomed Mr. Michael Mulheran and Mr. Mike Petway. Mr. Mulheran greeted Council and made the following comments: I've been a homeowner for decades in Hampton. And I just want to thank the Mayor, your team of Council persons, the acting City Manager, the City Attorney as well as the Clerk to say thank you because there was finally a sidewalk made that goes across 64 on Todd's Lane as it turns into Cunningham Drive, and that's on the south side. But it's interesting to hear the youth talk about a walkable area. That's always been well used. There was always a sidewalk on the bridge overpass but neither on the side so now there's one on the side. I hope that you all continue to keep this a wonderful City, walkable, and bikeable. And for pedestrians, we have so many people in wheelchairs and such, and we have many disabled down here. The wider the sidewalk, the better. That's what I think. Thank you.

Mr. Petway made the following comments: I live on Chesapeake Avenue. And I just wanted to let you all know that we're still really concerned with STRs (Short Term Rentals). And everybody loves our neighborhood. And we're hoping for help. And hope you all have a wonderful holiday. But look for a really big crowd on February 28, because we will be here. And please help us.

GENERAL ITEMS

15. [23-0339](#) Approval of the City of Hampton 2024 General Assembly Legislative Priorities

Attachments: [Hampton 2024 Legislative Package](#)

Mr. DeProfio stated that Council was briefed on the 2024 Legislative Priorities at the October 25th meeting and this item is for the formal adoption of those priorities. There is no presentation this evening but staff will be happy to answer any questions Council may have.

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

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

Appointments

[23-0342](#) Motion to remove item #23-0331 for a separate vote.

A motion was made by Councilmember Martha Mugler to remove item #23-0331 for a separate vote. The motion was seconded by Councilmember Billy Hobbs and carried by the following vote:

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

16. [23-0322](#) Consideration of Appointments to the Athletic Hall of Fame

A motion was made by Councilmember Billy Hobbs, with no second required, that Woube Gebre and Boo Williams be reappointed to serve another induction cycle until October 31, 2026 and that Jacquelyn Wade and Frank Edgar, Jr. be appointed to serve their first induction cycle until October 31, 2026. One vacancy remains. 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. [23-0326](#) Consideration of an Appointment to the Citizens' Unity Commission

A motion was made by Councilmember Billy Hobbs, with no second required, that Dr. Shuntay Tarver be reappointed to a second term until October 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

18. [23-0330](#) Consideration of Appointments to the Golf Course Advisory Committee

A motion was made by Councilmember Billy Hobbs, with no second required, that Brandon Singleton and Judy Lawson be reappointed to second terms until November 30, 2026; and that Ralph Roberts be appointed to fill the unexpired portion of a term until March 1, 2026. Two vacancies remain. The motion carried by the following vote:

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

20. [23-0334](#) Consideration of an Appointment to the H2O Community Development Authority

A motion was made by Councilmember Billy Hobbs, with no second required, that Chad Roberts be reappointed to a second term until November 30, 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

19. [23-0331](#) Consideration of Appointments to the Peninsula Stadium Authority

A motion was made by Councilmember Billy Hobbs, with no second required, that Malik Perry be reappointed and Jerri Patrick be appointed to first full terms until March 1, 2026, and that Jim Wilson be appointed as an emeritus member. The motion carried by the following vote:

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

Abstained: 1 - Councilmember Mugler

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

There were no items of new business.

ADJOURNMENT

Prior to adjourning Mayor Tuck congratulated Sgt. Isaiah Mobley Lee on his wedding which occurred on October 28th and also announced that Jenn Green, Assistant to the City Manager, has accepted a position in another City. He expressed his appreciation for her time with Hampton as she will be moving to her new position soon.

The meeting adjourned at 7:09 p.m.

Contact Info:

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

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____

