



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

Wednesday, January 11, 2023

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

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

Present: 7 - Councilmember Chris L. Bowman, Councilmember Billy Hobbs, Mayor Donnie R. Tuck, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Hope L. Harper and Councilmember Martha Mugler

DONNIE R. TUCK PRESIDED

INVOCATION - Councilman Steven L. Brown

Councilman Brown gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck welcomed the newest members of City Council: Councilwoman Hope Harper and Councilwoman Martha Mugler.

Tonight's Mayor's Comments focused on Hampton football teams and those in attendance were presented with Hampton City Council coins.

He recognized the Virginia Eagles represented by many of their youth players and President- Asa Jenrette, Vice President- Marissa Howell, Football Commissioner- Wilbur Mann,

Fundraising Coordinator- Britney Cain, Secretary- Ashley Jenrette, Coach Mike Newhall-8U, Coach Tyree Lee-8U, Coach Jeterry Cain-8U, Coach Robert Preston-10U, Coach Lavonte Battle-10U, Coach Mike Smith-14U, and Coach Mercer-14U.

Mayor Tuck also recognized Maurice Ward, Athletic Director; James Harris, Executive Principal; and Jeremy Blunt, Varsity Head Football Coach along with some of the players of the Phoebus Phantoms, Class 3 State Champions.

Finally, Mayor Tuck recognized the Virginia Crusaders represented by Larry Stith - Owner/Head Coach, Laticia Stith - GM/Co-Owner, Mike Swain - Assistant Coach, Steven Rodriguez -Player/Media, Steve Coleman - Player/Coach, Jeffery Carter - Player, Tyriq Drewery - Player, Damien Artis - Player, Lesley Young - Player, and Justin Banks - Player.

CONSENT AGENDA

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

Approval of the Consent Agenda

Motion made by Councilmember Brown, seconded by Councilmember Hobbs, to approve the Consent Agenda. The motion carried by the following vote:

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

1. [22-0361](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate the Fiscal Year 2023 Court of Virginia Behavioral Health Court Docket Grant Awarded by the Supreme Court of Virginia

Attachments: [Award Letter](#)
[Signature Page](#)
[Special Conditions](#)
[Certifications and Assurances](#)

Item approved.

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

2. [23-0001](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate the FY 2023 American Rescue Plan Act (ARPA) Grant Awarded by Virginia Department of Criminal Justice Services

Attachments: [ARPA 2023 AWARD LETTER](#)
[Notice of Funding Opportunity ARPA 2023](#)
[ARPA Grant Proposal Overview](#)
[Grant Routing Form - 2023 ARPA](#)

Item approved.

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

3. [22-0364](#) Resolution Requesting the Virginia Department of Transportation to Add Certain Streets to Those Classified as Principal and Minor Arterial Roads and Collector Roads and Local Streets
Item approved.

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

4. [23-0003](#) Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Hampton University to Allow an Encroachment into the City's Right of Way for Installation of New Chilled and Heat Utility Lines Below the Ground's Surface at or Near 230 William R. Harvey Way, 220 William R. Harvey Way, 211 William R. Harvey Way and College Place

Attachments: [Signed Agreement - E1](#)
[E1 Power Point Presentation](#)
[HU Encroachment EXHIBIT E1](#)

Item approved.

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

5. [23-0004](#) Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Hampton University to Allow an Encroachment Into the City's Right of Way for Installation of New Chilled and Heat Utility Lines Below the Ground's Surface at or Near 208 William R. Harvey Way and 211 William R. Harvey Way

Attachments: [E2 Power Point Presentation](#)
[Signed Agreement - E2](#)
[HU Encroachment EXHIBIT E2](#)

Item approved.

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

6. [23-0005](#) Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Hampton University to Allow an Encroachment Into the City's Right of Way for Installation of New Chilled and Heat Utility Lines Below the Ground's Surface at or Near 208 William R. Harvey Way and 2 Frissell Avenue

Attachments: [E3 Power Point Presentation](#)
[HU Encroachment EXHIBIT E3](#)
[Signed Agreement - E3](#)

Item approved.

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

7. [23-0006](#) Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Hampton University to Allow an Encroachment Into the City's Right of Way for Installation of New Chilled and Heat Utility Lines

Below the Ground's Surface at or Near 148 William R. Harvey
Way and 2 Frissell Avenue

Attachments: [E3 and E4 Power Point Presentation](#)
[HU Encroachment EXHIBIT E4 and E5](#)
[Signed Agreement - E4 and E5](#)

Item approved.

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

8. [22-0365](#) Motion to Accept Donation of Equipment Valued at Approximately
\$90,000.00 Annually from the Coliseum Business Improvement
District to the City for use by the Hampton Police Division.

Item approved.

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

9. [22-0326](#) Approval of the minutes from the legislative session of November
9, 2022, the special, work and legislative sessions of December
14, 2022, and the special meeting of January 4, 2023.

Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

Ms. Glass read the protocol for public hearings.

Rezoning

10. [22-0292](#) Rezoning Application by Romero Properties, LLC to Rezone +
1.3 Acres Located at 924 Old Big Bethel Rd [LRSN:4000717]
from Residential Transition (RT-1) District to Multifamily
Residential (M-4) District with Conditions

Attachments: [Application](#)
[Updated Proffer Statement - 1/11/23](#)
[Staff Report - 1/11/23](#)
[Presentation](#)

City Manager, Mary Bunting introduced City Planner, Olivia Askew to make the presentation. Items 22-0292 and 22-0293 were presented together.

Ms. Askew shared that new proffers were introduced at the last City Council meeting in December for this application. Those were to reduce the number of units, amend details of the concept plans, and other changes. She displayed maps of the undeveloped site located near the intersection of Big Bethel Road and Todd's Lane and shared that there are a variety of land uses in that area including a large church, an assisted living facility, heavy commercial and light commercial uses, and single-family and medium-density housing. Ms. Askew shared the proposed concept plan which includes four buildings with two-story, for-rent, townhome-style units. Four front-loading garage units face the interior drive within the site and a five-unit building with rear-loading garages that faces Big Bethel Road. She displayed the pedestrian-friendly amenities and proposed community amenities including a swing set, grilling stations, seating, and a location for an electric vehicle charging station. The driveways are proposed to be permeable pavers. There will be high-level material fences along the perimeter of the site. Ms. Askew shared renderings of the site provided by the applicant.

Ms. Askew shared that the 15 proffered conditions include limiting land use to multi-family dwellings and limiting the number of units to a maximum of 13. This would result in a density of ten units per acre, which is considered to be medium-density in the City's community plan. The concept plan includes the use of high-quality building materials and resilient and sustainable elements. The site is zoned RT-1 residential district, which is a unique zoning category within the City that was part of a widely supported comprehensive rezoning in 2000. The rezoning was a compromise between the residential character of the neighborhood and the expanded commercial uses desired by property owners. The RT-1 district is intended to be a transition between the single-family and non-residential areas along Big Bethel Road that would allow uses compatible with the single-family area, follow a residential scale, and not significantly increase traffic. The district is unique not only for where it is located, but also for the design standards not typically seen, the limitations on roof type, and building style.

Ms. Askew pointed out that, in the current zoning, townhomes are allowed by-right, and multi-family with a use permit. However, some of the proposed standards restrict how development can be done on-site which is why the applicant is seeking

rezoning. She shared the future land use map showing the Big Bethel area as a residential corridor with commercial nodes, with this site as a mixed-use development. Surrounding future land uses are high-density residential, public, semi-public, and low-density residential. Ms. Askew shared applicable public policies which include maintaining and encouraging a diverse mix of housing, protecting adjacent neighborhoods, and having compatible uses. Staff analysis showed that the proposed application for medium-density residential is appropriate for the area as identified on the future land use map and is supported by the community plan. She noted that the layout of the site allows for a connected future phase development, which is not proposed, but would allow the whole island within Big Bethel Road and Old Big Bethel Road to be developed in a cohesive manner. Staff recommended eight conditions attached to the use permit, including compliance with the proffered conditions, maintenance and installation of community amenities, and properly marked electric vehicle charging stations. Additional conditions were provided to Council in the presentation package. Staff recommended approval of rezoning 22-0292 with conditions, and use permit 22-0293 with eight conditions. The Planning Commission recommended the denial of both applications.

In response to Vice Mayor Gray, Ms. Askew stated that the virtual meeting held related to this project was attended by about five to ten people. Concerns were raised about the traffic impact on schools and other concerns typically heard when there is an increase in density. The people invited to the meeting were within a 1/10th mile radius of the site, which is the same area advertised to. The applicant may have more information on the attendees.

Councilman Brown shared that as a member of the Planning Commission who was in attendance at the meeting, the neighbors were concerned about whether the units would be for rent or sale and what effect that would have on the value of their properties. Ms. Askew confirmed that the intention of the applicant continues to be that the units will be for rent and not for sale.

In response to Councilman Bowman, Ms. Askew explained that permeable pavers will be used for the driveways only and not the sidewalks.

Mayor Tuck referenced one of the graphics displayed during the presentation showing a new development on Big Bethel Road and asked for information on the type and quantity of housing to be built in that location. Ms. Askew explained that the development referenced sits to the north, across from the church, and would be categorized as medium-density residential. There will be approximately 50 to 75 manor-style townhomes resembling large single-family homes.

In response to Mayor Tuck, Ms. Askew stated that the development to the north will

have a four-way stoplight along with another entrance adjacent to the church. In regards to this application, she noted that the Public Works staff reviewed the application and did not find a need for a traffic analysis to be completed.

Mayor Tuck stated that while he thinks it is a great design, he expressed concerns with the way the development is planned to sit on the lot and also with potential traffic.

Councilwoman Harper stated that she visited the area after being contacted by one of the residents in the neighborhood. She shared that concerns were expressed to her over the Assisted Living facility and cars racing on (Topping Lane) near Ian Road.

Mayor Tuck welcomed Mr. Moses Romero, speaking on behalf of the applicant. Mr. Romero provided background on Romero Properties, which is a small, minority-owned business started by his father 15 years ago in Northern Virginia. Romero Properties manages its properties long-term.

Mr. Romero thanked Ms. Askew and the staff for their guidance and support in developing a plan that benefits Romero Properties, the City, and its residents. After presenting the initial redevelopment plan in the spring of 2022, they held a community meeting with residents who were within a 1/10th mile radius of the property to discuss issues like improvements to Old Big Bethel Road and stormwater management. With the input of staff and the community, changes were made to address safety, resiliency, walkability, connectivity, and other issues. He shared that a deferral was requested to allow sufficient time to revise the plan and proffers to address concerns that were brought up by the Planning Commission and the community and to review those changes. Mr. Romero shared the proposed amenities for the property including high-quality construction, open concept layout, luxury interior finishes, and community amenities they believe will attract young professionals and families. He concluded by stating their belief that the proposed redevelopment aligns with the original intent of the RT-1 zone to serve as a transition between single-family and nonresidential uses and that rezoning to medium-density, multi-family would further contribute to the diversity of housing types in the area. He thanked Council for their time and requested to reserve rebuttal time after the community concluded their comments.

In response to Vice Mayor Gray, Mr. Romero stated that rental rates have not been locked in yet, but the market-rate rent in the area is approximately \$2,000-\$2,400 for a comparable unit. He shared that their market research showed that with 75 for-sale condo units being built close by, there is very little demand for sales in the area. While that could change in the future, there is currently no plan to make these

units available for sale.

Vice Mayor Gray asked, given the community members who spoke out against the development at the Planning Commission meeting, and those who met with Councilwoman Harper, why there was not anyone signed up to speak at this meeting? He inquired whether they believed that with the Planning Commission's recommended denial, was it believed that that was the end of the conversation. In response, Ms. Askew stated that it is hard to predict why a public may come at some point and not others, and ensured that the public hearing was advertised as required. She further stated that staff does their best to educate the public and notes that the Planning Commission's conclusion is a recommendation and the final decision is with City Council.

Ms. Bunting clarified for the record that the slide showed staff recommended approval with eight conditions, but there are 15 proffered conditions, and should there be a motion to approve, it would need to say "the rezoning with 15 conditions and the use permit with eight."

In response to Councilwoman Mugler, Ms. Askew stated that the high-density area shown in orange on slide 16 is two portions of an existing assisted living and nursing home that has been in that location for quite some time.

Mayor Tuck opened the public hearing. There were no speakers signed up so he closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Zoning Ordinance - Map be denied. The motion carried by the following vote:

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

Nay: 2 - Councilmember Bowman and Vice Mayor Gray

Use Permits

11. [22-0293](#) Use Permit Application by Romero Properties, LLC, to Permit Multifamily Dwellings at 924 Old Big Bethel Road [LRSN: 4000717].

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

Presented by Olivia Askew, City Planner. Items 22-0292 and 22-0293 were presented together.

Mayor Tuck opened the public hearing. There were no speakers signed up to speak on the items and the Mayor closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Use Permit be denied. The motion carried by the following vote:

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

Nay: 2 - Councilmember Bowman and Vice Mayor Gray

12. [22-0356](#) Use Permit Application by Nakeisha Cummings, to Permit a Restaurant 3 for Extended Hours at 4111 W Mercury Blvd [LRSN: 13003605].

Attachments: [Conditions Redline PC Amended](#)
[Conditions Clean PC Amended](#)
[Conditions Original Staff](#)
[Application](#)
[Staff Report](#)
[Presentation](#)

Ms. Bunting introduced City Planner, Davis Pemberton to make the presentation. This is his first time presenting before Council.

Mr. Pemberton displayed a map showing the location of the proposed application by Pink Fish Seafood Bistro for a use permit for restaurant 3 in the limited commercial or C2 district. The applicant has requested extended operating hours and live entertainment. He displayed the proposed layout which includes a banquet area, an indoor, live entertainment performance area, and an outdoor dining area located in the rear portion of the restaurant. The property is currently zoned limited

commercial or C-2, with low-density residential, R-11 to the south of the property. Mr. Pemberton shared applicable public policy related to the application, which would be to promote compatibility and synergy among different land uses, safeguard the integrity of existing residential neighborhoods, encourage a mix of land uses that is appropriate for each district, and nurture small and startup businesses. Staff analysis showed that the existing scale of commercial development supports the extended hours of operation. However, the proximity of the outdoor dining area adjacent to residential neighborhoods could have potential negative impacts. The staff's recommended conditions include hours of operation and live entertainment Sunday through Thursday, 5 a.m. to 12 a.m., and Friday through Saturday, 5 a.m. to 2 a.m. However, staff also recommended that outdoor dining hours be limited to 5 a.m. to 10 p.m. Sunday through Saturday. There are also conditions related to the location of indoor live entertainment, banquet area use, capacity, security, sound, and ABC license expiration and revocation. Additional conditions can be found in the package and staff report provided to Council. Staff recommended approval of item 22-0356 with 16 conditions. The Planning Commission recommended approval of item 22-0356 with 15 conditions, which includes modifications to outdoor dining hours to align with the regular restaurant hours.

In response to Vice Mayor Gray, Mr. Pemberton shared that the public meeting held at the Asher Institute was advertised and there were no attendees. The only feedback he received was from a citizen requesting to receive the notification via mail.

In response to Councilwoman Mugler, Mr. Pemberton stated that the distance between the outdoor dining area and the single-family homes on Candlewood Drive is approximately 70 feet.

Mayor Tuck opened the public hearing. There were no speakers signed up to speak and the Mayor closed the public hearing.

Ms. Bunting stated that Council would need to indicate whether the motion is for the staff's 16 recommended conditions or the Planning Commission's 15 conditions, with the difference being the outdoor dining hours. She clarified that the staff's recommendation was for outdoor dining hours to end at 10 p.m. Since there was no opposition, the Planning Commission recommended the outdoor dining hours align with the restaurant operating hours.

Mayor Tuck shared from experience that, even though there was not any opposition, once certain hours are exceeded neighbors tend to complain.

Councilman Brown shared that the Planning Commission decided that the hours

should be aligned with the restaurant's operating hours and that if there are problems or complaints from neighbors, disciplinary actions can be taken. The applicant is moving from an existing location across the street, where there were no complaints or violations, to this larger location.

A motion was made by Councilmember Steve Brown that this Use Permit be approved with 15 conditions as recommended by the Planning Commission. The motion died for lack of a second.

A motion was made by Councilmember Chris Bowman and seconded by Councilmember Billy Hobbs, that this Use Permit be approved with the staff's recommended 16 conditions. The motion carried by the following vote:

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

Nay: 2 - Councilmember Brown and Councilmember Mugler

13. [22-0346](#) Use Permit Application by the Hampton/Newport News Community Services Board (H-NNCSB) to Permit a Mental Health/Substance Abuse Treatment Facility at 300 Marcella Road [LRSN: 7001308]

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

Ms. Bunting introduced Chief Planner, Donald Whipple to make the presentation.

Mr. Whipple shared a map of the proposed location located within the Coliseum Central area of the City at 300 Marcella Road across from its intersection with Hartford Road, in a limited commercial C-2 zone with the Coliseum Central Overlay. He provided a definition of a mental health/substance abuse treatment facility as defined by the City's zoning ordinance. Mr. Whipple provided background information on recently approved zoning ordinance amendments that allow this use within the zoning district subject to an approved use permit. The facility would have to be operated by either a Community Service Board or a state-licensed hospital. Mr. Whipple displayed diagrams showing the proposed site which was originally constructed as Sentara's emergency room and has continued to serve as a medical facility since Sentara's move to their new location. Proposed improvements to the

site include a refurbished exterior, enclosed outdoor patio, fencing, landscaping, parking area resurfacing, and security upgrades. He provided information on the operational details for the facility, whose primary customers would be those that are being transferred to the site per an Emergency Custody Order and walk-in individuals who are voluntarily seeking assessment and/or treatment.

Mr. Whipple displayed the land use map which shows that the area has been identified by the City's community plan and the Coliseum Central master plan as mixed-use. He shared applicable public policies which include working with Federal and State agencies to address health and human services facility needs and providing an adequate level of services without burdening neighborhoods with excessive institutional uses. He shared the community facility objectives which include addressing the needs of special populations, providing community facilities that meet those needs, promoting necessary partnerships, and investing in the maintenance and preservation of new and existing facilities. The security plan includes restricted access, security cameras, 24/7 patrol, and separate parking areas for patients and staff.

Mr. Whipple explained the recommended conditions which include the capacity, certification, security, and other components. Staff analysis determined that the proposal is consistent with policies, serves a need for individuals in crisis, provides relief for Hampton Police Division, and includes a comprehensive security plan. Staff recommended approval of item number 22-0346 with 11 conditions.

In response to Councilwoman Mugler, Mr. Whipple indicated that staff would have access to the facility by electronic key access.

Mayor Tuck opened the public hearing. He introduced the first speaker, Daphne Cunningham, Deputy Executive Director of the Hampton-Newport News Community Service Board (CSB), who is representing the applicant. Ms. Cunningham greeted Council and expressed her thanks for the opportunity to speak. She introduced Ms. Natalie Christian, Executive Director; Mr. Patrick McDermott, attorney; and Mr. Ron Clarke, administrator of their current crisis stabilization unit, who were in attendance. Ms. Cunningham began by sharing that the wait for a bed in a psychiatric facility is over 43 hours and individuals in crisis are in local emergency departments, not receiving psychiatric treatment. Admission to private hospitals is often denied, and state hospitals are often at capacity. When a psychiatric bed is found, law enforcement officers are taken out of the community to provide transportation, which may require driving an individual in crisis six hours one way to a state psychiatric hospital, often after having sat in the emergency department with the individual for a matter of days. Every day the CSB staff spends countless hours searching for a psychiatric bed for an individual who needs immediate help. Not only

is this the state of care for the individuals who live in our community, but it is so monumental throughout the Commonwealth that Governor Youngkin recently commissioned a statewide interagency task force to tackle it. She stated that as the community's publicly funded behavioral health care provider, they see it as their responsibility to respond to the needs of this community. Operating their own crisis receiving center provides an opportunity for the completion of their crisis continuum and reduction of reliance on external entities for solutions. The Hampton-Newport News CSB provides emergency mental health response and assessment for hospitalization to more individuals than any CSB in Hampton Roads. She shared that they average about 4,000 assessments annually, which is one of the largest volumes in the Commonwealth. When fully operational, the B.J. Roberts Behavioral Health Center will provide 16 residential beds where an individual can remain in treatment for up to five days, and in some cases longer, freeing up the state hospital beds for those who need long-term psychiatric hospitalization. There will also be sixteen 23-hour chairs where individuals may be observed while it is determined whether additional behavioral health services are indicated. Law enforcement officers will be able to drop individuals off at the site and return to their duties of protecting the community. Individuals will also be able to walk in for treatment, and a full array of ancillary crisis services will be available in this one location. Ms. Cunningham shared that they have operated a residential crisis stabilization unit for over a decade, and it was the only regional crisis stabilization unit in Hampton Roads that remained open throughout the pandemic. She stated that they are committed to the same level of dedication in the operation of the B.J. Roberts Behavioral Center.

Vice Mayor Gray asked if this 16-bed facility will be the only one in this region or on the peninsula that is able to handle people who are in a mental health crisis. Ms. Cunningham responded by saying it might not be the only one that is planned for this entire region. However, they believe that, since they would operate the facility, they would have more input into the ability to bring people in without relying on external entities for support.

Mayor Tuck introduced the next speaker, Ms. Natalie Christian, who is also representing the applicant. Ms. Christian greeted Council and expressed her thanks for allowing them to speak, and requested Council's support for the B.J. Roberts Behavioral Health Center, also known as the Crisis Receiving Center. She shared that per the code of Virginia, Community Service Boards are a point of entry into a publicly funded behavioral health system. The Hampton-Newport News CSB is one of the largest, serving approximately 12,000 annually. The CSB was developed in 1971 as an extension of local government and is governed by a 15-member Board of Directors who are appointed by the two Cities. She stated that the Commonwealth and the nation are heavily impacted right now by the mental health crisis. The development of this crisis receiving center will address that. She shared that the

Department of Behavioral Health and Developmental Services has asked them to develop these programs in this region. She stated that she believes there is a crisis receiving center in operation in southwest Virginia, and nine centers that are in the development stage. She shared that their goal is to get individuals out of the emergency room and into the care that they need. Ms. Christian shared that their Sentara representative, Mr. Carl Clark, was in attendance. They have been working with Sentara, the Department of Behavioral Health Services, and both Cities on this initiative. She stated that they believe they have complied with everything they have been asked to do by Coliseum Central with the exception of identifying individuals who come to the center for services. They are unable to put license plate readers on the cars of individuals seeking services, as that is a violation of their human rights. With the CSB and Sentara right down the street where many of these folks are being boarded for days at a time, they feel like this is an ideal location. She stated that their attorney has handouts for the Council containing an overview of CSB activity and a specific outline of this project.

In response to Councilman Hobbs, Ms. Christian confirmed that the CSB currently provides the clinical services for the Behavioral Health Docket and the Drug Court programs, both of which fall under Clinical Director, Ryan Dudley. She stated that she feels like the Behavioral Health Docket is helping many people who would otherwise not receive treatment, some of whom may end up needing crisis care, which is what this receiving center is for. Many of the individuals on the Behavioral Health Docket have severe mental illness and could benefit from this facility.

Vice Mayor Gray thanked Ms. Christian and Ms. Cunningham for the presentation and stated that it is important to have a facility like this in our region since there are none, as mentioned in the presentation. In addition, he shared that as of the beginning of October 2022, the total number of hours spent by Hampton Police Division on emergency custody orders and temporary detention orders is over 11,000 hours for the year. Vice Mayor Gray stated that Council has requested assistance from the General Assembly to help provide some relief on this issue. He stated that he finds it hard not to support this proposal since the facility is needed by the community, as well as the City, to get our law enforcement officers out of hospitals, emergency rooms, and long transports and back into the community.

In response to Councilman Bowman, Ms. Christian stated that this will help with TDOs (temporary detention orders) and ECOs (emergency custody orders), and there are still individuals who need to go to the state hospital or to a private hospital, but some can be diverted from the emergency room and be seen, treated and released, without needing to be admitted to a state or private hospital. Councilman Bowman applauded the applicant for their efforts, as the beds that would be provided have been needed for many years.

Ms. Christian confirmed for Councilwoman Harper that the facility would take walk-ins as well as referrals. She stated that it is an adult facility, however, if a child shows up at the facility they will triage the case and have the CSB Youth and Family Services get involved to find appropriate placement and services for the child.

Mayor Tuck clarified that Ms. Cunningham and Ms. Christian were not signed up for the public hearing, but rather were presenting on behalf of the applicant.

Councilman Brown made the following statement for the record: I am a member of the Hampton-Newport News Community Services Board, which is the applicant that we have heard from tonight regarding the use permit. I also have consulted with our City Attorney, and while I am not paid for my services on the board, out of an abundance of caution and to avoid any appearance of impropriety or conflict, I have recused myself from discussion regarding the use permit application and will not be voting on this matter tonight. I shall abstain.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Hope Harper, that this Use Permit be approved with eleven conditions. The motion carried by the following vote:

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

Abstained: 1 - Councilmember Brown

PUBLIC COMMENT

Ms. Glass read the protocol for public comment.

Mayor Tuck welcomed the first speaker, Mr. Michael Mulheran. Mr. Mulheran greeted Council and made the following comments: It's a great pleasure that I personally met one of the new Council members, but also the Mayor. Thank you for your time and attention. I happen to live in Coliseum Central in Hampton Club but also go to Immaculate Conception Church. I also go often to Panera and I've lived in the area or owned since 1994. I think you're redoing item number 14 on the agenda, the Solid Waste Ordinance chapter. Specifically, I'm talking about litter. Other cities define litter as people throwing out birdseed. We have many feral cats by Immaculate Conception Church that border the back of Panera through that area. We have many people contributing to that and I'm sure all of you know that we see bald eagles here. We see them at Buckroe Beach. I see them over by the Coliseum and probably you are all familiar with bird flu. The problem we had last year in the

state of Virginia said, put all your bird feeders inside. And also there is an ordinance on throwing birdseed and such. There was a gentleman that I spoke to, at Panera as well as the manager, and also I put a ticket in and they said go to public works or streets. But just finding out about this new document, 32.2 and it seems to address litter better. So my question is, when I'm coming from Immaculate Conception Church and seeing people put cat food out and tins of cat food next to the big dumpsters behind Panera, which is Immaculate Conception Church. From what I read, I can throw that away. I tried to approach the gentleman about bald eagles catching bird flu and him throwing out there right by the tables there. And as you probably know, Panera is building a bigger Panera next door. And I could see it turning into another Coney Island where you're eating your french fries and birds are going to come down and grab your french fries. But also, we have the same problem at Hampton Club. We have one feral cat right now where the City has been very proactive that I have a trap for, but we continue to have many renters there. It's a majority of renters, even though it is a condominium association and our balconies have open areas to the street, but the bottom floors have concrete openings and railings and there's a person that consistently feeds a cat there. So that's what I'm asking, is this new ordinance 32.2, is that going to cover littering, such as leaving food out for cats and wildlife, whether it be birdseed or cat food? But I was told by your wonderful publicist, Robin, that maybe I could address this to Jason Mitchell. Mayor Tuck indicated that Mr. Mulheran will be provided with a response.

Mayor Tuck welcomed the next speaker, Mr. Craig Knopp. Mr. Knopp greeted Council and made the following statement: I'll tell you what, it is a great year and we're going to be doing a lot of stuff this year. We started steamrolling with a couple of groups I volunteer with. One of the things that I definitely want to do is congratulate the new members, Councilwoman Mugler and Councilwoman Harper. Congratulations. Please do a very good job here. And also Councilman Brown and Councilman Gray, congratulations on your renewal. And, Councilman Gray, congratulations on getting Vice Mayor again. So one of the things I like to do is volunteer. I talk about it, and guys are probably tired of hearing me talk about it. But the City does a very good job of helping the services for cleanups and stuff like that. And as the gentleman here that just spoke, if he could speak with me a little bit after the meeting here, too, as well about some volunteering opportunities it sounds like he might have. One of the things I'd like to talk about is, last meeting there was a young gentleman and he was asking about a fountain in Gosnold Park. Now, I don't think a fountain would be really good, but as a lot of people know, we have the Norfolk Zoo. And as soon as you enter into the Norfolk Zoo, you've got the little sprinklers that come up from the ground and you've got a little globe ball thing right there. It's very interactive. Our young people like to go there and hang out there on very hot days. And if we ever do consider a fountain, I think that would be a good use of taxpayer money, something like that, because kids can go to Gosnold, hang out at the park

and head over there for a little refresher during the hot summer weather. One of the other things too is that I'm single and I like to get out there and mingle. During the pandemic, it kind of stunk, having to sit inside, having to go places, very limited on that. And one of the other things that I think the City could look at as a source of revenue is maybe singles events. One of the things I like to do too is with the push on electric vehicles, I'd like to ask Mary, do we have public charging stations here in the City? And if we do, do we have something marking them? So if visitors come in, they can easily access them. Also, I'd like to talk with you afterwards on a couple of things for Bluebird Gap Farm and the BMX park.

Mayor Tuck welcomed the next speaker Ms. Rebecca Knick. Ms. Knick greeted Council and made the following comments: I am the very proud wife of Lieutenant Eric Nick of Hampton Fire, who was badly burned and nearly lost his life, responding to a fire on October 21st with many others who, subsequently, saved two citizens. I come before you today as you are a new Council, and because in the end it is you who decides how the City is run, who runs it, and how it is perceived, not only by the citizens, but by the State of Virginia and America. On October 21st, I was driving my son to middle school and we received a phone call from a friend asking how my husband was doing. He told me my husband had been badly burned in the fire and we were frantic because we didn't know if he was alive or dead. We got this untimely call because your fire chief sent out a mass email at 6:30 am, and five hours after my husband nearly died. But not one person called my family to let us know. We were traumatized getting that horrible news in this way. Now we were driving down a winding road, nowhere to pull off. We tried calling person after person and nobody gave us answers. The dilemma that I present to you is that Hampton Fire has no notification of serious injury policy. None. And this is the second serious injury accident my husband has had in the past 27 months. And it is inconceivable and inexcusable that this City has continually allowed this to happen. We have had no help and no guidance from the City from that day forward, and I was frustrated that my husband was hounded to perform job functions as early as the very week he was burned. I met with the deputy chief five days after the fire and voiced my outrage because where was the help? Who was looking out for him? No one. I was told they were aware there was no notification policy, but he would welcome me coming out to help write one. I realize Hampton Fire wants me to be quiet and I know the City management doesn't want me on the phone while they try to spin conversations with my husband and, as they say, keep their house clean. But the truth is, I'm not the problem, and I am merely holding up the mirror so the problem is visible. The problem is they don't have plans in place properly when major events like the fire on October 21 happens. I'm not here to complain without offering you a solution for a small part of that problem. I have example after example of detailed successful policies from fire departments across America. I asked for a meeting to be part of writing that policy because spouses are the only ones who truly

understand how they want to be informed. Whether or not my husband ever works another day for Hampton Fire, I will not go away on this particular issue. This is about all the men and women of Hampton Fire. This is about all the men and women of fire and police everywhere. They bravely go in each and every day to protect the citizens of Hampton, never knowing. Mayor Tuck indicated to Ms. Knick that her allotted time had expired.

Ms. Bunting responded to Mr. Mulheran regarding the trash ordinance and littering. She stated that, while it's not in the trash ordinance, there is a City code that makes it a violation to feed feral cats unless they are part of a feral cat colony. The City can investigate specific locations that he noted this evening to see if there's a registered cat colony. She stated she does not believe there is, but does not want to comment without research. She stated that the Public Works Director, Mr. Mitchell, who was at the back of Chambers, would be glad to talk to Mr. Mulheran about how the trash ordinance comes into play. She noted that, separate and apart from the trash ordinance, is a provision about the feeding of feral cats which includes very specific requirements if you're a part of a feral cat colony so that we can discern them. Since they have to be registered with the City, we can research it and determine whether the locations are or are not properly licensed colonies.

In response to Mr. Knopp, Ms. Bunting indicated she would meet with him to address his questions. She indicated that she has spoken with the family of the young man who was requesting the water fountain. She shared that he was asking about a water fountain, and not the water spray activity type. The City is in the process of addressing his request. Ms. Bunting shared that when the City went out for a visit at the Aquaplex before it opened, the Mayor noted some spray activities and asked our City engineering team to get some cost estimates for consideration of water spray activities at other locations. Ms. Bunting addressed Mr. Knopp's concern regarding public charging stations for electric vehicles. She indicated that there are several places around the City that are free of charge, where they are offered in conjunction with frequently visited private locations. Ms. Bunting stated that it is a good idea that we make the locations visible on the City website and the CVB (Convention and Visitor's Bureau) site.

Ms. Bunting responded to Ms. Knick's concerns regarding the notification of serious injury policy, and stated that she was not aware that the City does not have one and will be glad to look into that and provide a report to Council.

GENERAL ITEMS

Ordinances

14. [22-0328](#) Ordinance to Repeal Chapter 32.1 of the City Code of the City of

Hampton, Virginia in its Entirety and Enact Chapter 32.2 of the City Code of the City of Hampton, Virginia Entitled "Solid Waste"

Attachments: [Ex A - Solid Waste Ordinance Chapter 32.2 \(Full Text\) - 1-11-2023 meeting](#)
[Redline - Solid Waste Ordinance Chapter 32.2 - 1-11-2023 meeting](#)

Ms. Bunting shared that item number 22-0328 had been discussed at the December meeting and several months prior to that. She stated that Council was poised to take action in December, however, there was a concern that the Mayor noted properly, that the ordinance did not address changing the penalty. She shared that the way it had initially been written was two warnings and then \$75. The Mayor suggested, and Council members present at the time concurred, that perhaps there should be a warning, then \$50, and finally \$75. The ordinance is the same as Council saw previously with the penalty modification included. She indicated that Mr. Mitchell could present item number 22-0328 again if necessary.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Bowman, that this Ordinance-Coded be approved. The motion carried by the following vote:

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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

Mayor Tuck noted that City offices will be closed on Monday, January 16, in observance of the Martin Luther King, Jr. holiday.

ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____

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