



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, March 8, 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 City Council present.

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

DONNIE R. TUCK PRESIDED

INVOCATION - Councilman Steven Brown

Councilman Brown gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Donnie Tuck introduced Councilwoman Martha Mugler and Councilwoman Hope Harper to make a presentation for International Women's Day and Women's History Month.

Councilwoman Mugler began by saying that, in recognition of International Women's Day, it is an honor to join Councilwoman Harper in acknowledging the women who have gone before them on this Council and blazed the trail. They took turns sharing information about these women.

Beginning with the innovator, Anne Kilgore, was the first woman elected to Hampton City Council and the first female Mayor of the City. She served from 1959 until

1980. Two of her signature projects include the construction of the Hampton Coliseum and Hampton City Hall.

Martha Ailor was the second woman elected to Hampton City Council. She served from 1976 until 1980. She was known for her humanitarianism, and as a former YWCA Youth Director, and member of the Board of Visitors at Christopher Newport University.

Brenda Wharton-Taylor was the first African-American woman to be elected to Hampton City Council in 1982 and she served until 1990. She was the only woman serving on Council during her entire tenure.

Linda McNeeley was elected in 1990 and served until 2002. She served as Vice Mayor with Mayor Locke which was the first time two women served as Mayor and Vice Mayor in Hampton. She was mostly focused on Hampton Parks and Recreation.

Ruthann Kellum transitioned from elected school board to Hampton City Council. She served from 1992 until 1996. She continues to serve as an active member of our community, currently serving as Chair of the Planning Commission.

Dr. Mamie Locke served on Hampton City Council for eight years. She was the first and only African-American female Mayor. She was elected to the Virginia Senate in 2004 and has represented the Second District since that time. She continues her work there as a ranking senior member.

Angela Leary served from 2004 until 2011 and was instrumental in advancing the revitalization of the King Street corridor.

Molly Joseph Ward transitioned from her position as our elected City Treasurer and served as Mayor from 2008 until 2014 when she was appointed to President Barack Obama's administration. She later served in Virginia as the Secretary of Natural Resources. She came back to Hampton and served again as our elected City Treasurer.

Christine Snead worked for the City of Hampton for 34 years, 15 of them as the Budget Director, and was the first African-American Budget Director for the City of Hampton. She was elected in 2012 and served until 2021, and was subsequently elected as our first African-American City Treasurer.

Linda Curtis began her service as an appointed member of Hampton City Council in 2013 after retiring as Hampton's Commonwealth's Attorney. She served as Vice

Mayor for five years and served on Council until 2020. She was known for her passionate support of Hampton's law enforcement.

Theresa Schmidt served on Hampton City Council from 2014 until 2018. After the Fox Hill Athletic Association building, also known as the Nike site, was destroyed by a tornado, she was a passionate advocate for the current Fox Hill Neighborhood Center.

Eleanor Brown, a prominent local attorney, served on Hampton City Council from 2018 until 2022 and was a strong supporter of environmental issues and advancing the coastal resiliency projects that we are now engaged in.

Michelle Ferebee, a lifelong resident of Hampton, is the Deputy Director of the Office of Strategic Analysis, Communications, and Business Development with nearly 40 years of service to NASA Langley. Ms. Ferebee was appointed to serve in 2022 for one full year. She served on the Economic Development Authority (EDA) for two terms, equaling eight years, and was Chair of the EDA prior to her appointment to Council.

These women were just phenomenal. Their service was memorable. Their impact was remarkable. Their example was phenomenal. But they will always be "The Honorable."

Mayor Tuck shared his delight with the impressive research Councilwoman Mugler and Councilwoman Harper put into the presentation. He stated that it is a great reminder of the women who have served on our Council and served as Mayor, and the impacts they made.

City Manager Bunting made the following comments on an unrelated matter. Last week the Mayor hosted a town hall. One of the issues that came up was some confusion around the potential redevelopment of the site displayed on the screen, which is commonly called the Pressey Otley property located right off Kecoughtan Road. The resident had alleged that she was hearing from multiple people that the City was going to take African-American homes to make way for a road. Ms. Bunting stated that neither she nor the Mayor had any idea what she was referring to. The resident insisted that there was indeed something afoot and Ms. Bunting promised to look into it the following day because the City does receive unsolicited proposals from developers. This property is owned right now by Hampton Redevelopment and Housing Authority, and they might have received something Ms. Bunting was unaware of. Ms. Bunting and her staff followed up the next day and were able to confirm that the City has no plans to build a road for whatever development happens at the Pressey Otley to LaSalle Avenue. No developer has

submitted a proposal that the City is aware of. There is no situation currently in which a road would take the place of existing houses. Staff checked with Public Works Planning and the Hampton Redevelopment and Housing Authority, which is the owner of the property as mentioned. She shared that what is listed is the Master Plan which was displayed on the screen to show what is being envisioned in that area. It shows the main entrance at Kecoughtan with another entrance and exit at Moss Avenue leading to Ivy Home Road. This document describes what the City and community goals are for the area and is given to any prospective developers that reach out to the City. That does not mean, as someone mentioned, that the houses might be purchased. There could be someone out there knocking on doors asking to buy properties. Whoever that is, if indeed it is happening, is not an agent of the City. It is not the City's approach to take homes for this type of residential redevelopment. Having had good attendance at the town hall, she wanted to clarify the information for the record so no one was left with the impression that the City was working to take people's property.

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 Mugler, 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

1. [23-0036](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget by appropriating up to \$1,295,134.02 of the FY22 Excess EMS Fees from the Assigned Fund Balance.

Attachments: [FY22 Budget Performance Report](#)

Item approved.

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

2. [23-0052](#) Resolution Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement, and Related

Instruments, and Determining Other Related Matters to Acquire
Up to Two Fire Trucks and Related Equipment

Attachments: [Davenport Report](#)

Item approved.

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

3. [23-0054](#) Resolution Approving of the City of Hampton's Participation in
the Proposed Settlement of Opioid-Related Claims against Teva,
Allergan, Walmart, Walgreens, CVS, and their Related Corporate
Entities, and directing the City Manager to execute the
documents necessary to effectuate the City of Hampton's
Participation in the Settlements

Item approved.

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

4. [23-0038](#) Approval of the minutes from the City Council special retreat
session on January 25, 2023, the special and work sessions of
February 8, 2023; and the ceremonial and legislative sessions of
February 22, 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

Use Permits

5. [23-0024](#) Use Permit by Crown Castle USA, Inc. to Increase the Height of
a Commercial Communication Tower Six (6) Feet for a Maximum
Height of One-hundred Thirty-nine (139) Feet Located at 534 E
Mercury Blvd. [LRSN: 12001708]

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

Ms. Bunting introduced Mr. Davis Pemberton, City Planner, to make the presentation. Mr. Pemberton shared a map displaying the location of the tower near the Phoebus district, off East Mercury Boulevard. He provided a brief history of the tower which was first constructed in 1992 at a height of 123 feet before a 2001 use permit approval increased the height to 133 feet. The proposed use permit would allow no new carriers to the tower; would include a new 10-foot tower extension and new T-Mobile equipment. New ground equipment includes a raised ice bridge, new feedlines, and new fiber cabinets. Mr. Pemberton shared pictures of what the tower currently looks like and what it would look like once the modifications are complete.

The property is currently zoned C-3 general commercial with surrounding residential neighborhoods as shown on the zoning map displayed by Mr. Pemberton. Future land use for this parcel is high-density residential. He addressed public policy related to the application which includes, evaluating land use proposals from several perspectives, safeguarding the integrity of existing neighborhoods, following a master planning process that identifies and addresses land use, and coordinating with service providers to plan for replacement, maintenance, and expansion of local infrastructure. Mr. Pemberton shared the placement hierarchy contained in the master plan which lists the most preferred location being on existing towers. He shared that the installation and improvement of infrastructure is included in the Phoebus master plan.

Mr. Pemberton shared the recommended conditions which include, but are not limited to, use only for this property, and the site design must comply with elevations and concept plan. Additional recommended conditions are included in the package presented to Council. Staff and the Planning Commission recommend approval of item 23-0024 with nine conditions.

In response to Councilman Bowman, Mr. Pemberton stated that there are no issues with airspace for the military and commercial airports.

In response to Councilman Brown, Mr. Pemberton explained that the additional height requested is so the applicant can add more modern equipment with faster speeds. In response to Councilman Brown's second question, Mr. Pemberton stated that he has not received any objections from neighbors.

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

closed the public hearing.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, that this Use Permit be approved with nine (9) conditions. The motion carried by the following vote:

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

6. [23-0032](#) Use Permit Application by Eddie Bowen Incorporated T/A Pay Here Used Cars to Permit a Storage Facility 3 at 1721 & 1723 W Pembroke Avenue [LRSN 1002462 & 1002461]

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

Ms. Bunting introduced Mr. Donald Whipple, Chief Planner, to make the presentation. Mr. Whipple shared several maps displaying the location and zoning of the site off of Pembroke Avenue. The site is currently zoned C-3 general commercial. He provided information about the use permit application proposal which would allow over 53,000 square feet of outdoor storage for recreational vehicles, green areas, and landscaping and fencing. Mr. Whipple displayed graphics of the current site and what it would look like once repurposed, showing the green areas and ingress/egress location. The land use map shows that the recommended use is commercial.

Mr. Whipple explained public policy related to the application which includes evaluating land use proposals from several perspectives, encouraging a district-appropriate mix of uses, and encouraging corridor-oriented development to strengthen commercial use and protect adjacent residential neighborhoods. Staff analysis shows that the site is in an existing commercial corridor and will have minimal impact on the adjacent neighborhood. It also shows that it is an appropriate shared use of underutilized commercial property, with the used car sales continuing on the remaining portion of the parcel.

Mr. Whipple shared that a community meeting was held on February 2, 2023. Staff recommends seven conditions including the use permit, storage operation, green area, lighting, and hours of operation. He noted that all vehicles must be contained within the proposed area, must remain in operable conditions at all times, and no work or maintenance can occur in the storage area. Planning Commission and staff

recommend approval of item number 23-0032 with seven conditions.

In response to Mayor Tuck, Mr. Whipple explained that nullification means the applicant has up to two years to establish the use and if they do not, the use permit would go away.

Councilwoman Mugler asked what was immediately behind the site. Mr. Whipple stated that it is surrounded by fencing on all sides, but would have to ask the applicant what it is used for. Councilwoman Mugler asked whether the applicant would consider an additional shrub row in this area.

In response to Councilman Bowman, Mr. Whipple stated that the site has an existing six-foot chain link fence that may have to be adjusted.

In response to Vice Mayor Gray, Mr. Whipple shared that one property owner was in attendance at the community meeting held on February 2, 2023. Vice Mayor Gray shared that a few years ago, the City amended the zoning code to restrict the storage of recreational vehicles to a limited number and size on any property because they were being stored in all manner of ways in residential neighborhoods. With the limited opportunities in Hampton for recreational vehicle storage, adding 48 spaces as indicated in the proposal, serves a huge need for the community. For this reason, Vice Mayor Gray is in support of this item.

The applicant, Ms. Christina Brady, addressed Councilwoman Mugler's questions regarding what is at the back of the site and whether they would consider an additional shrub row. She stated that the lot currently contains used cars. She indicated that there is a 12-foot wooden fence, followed by approximately 50 feet of land, and another 12-foot wooden fence. Any shrub row installed would only be seen by the applicant.

Mayor Tuck opened the public hearing. He welcomed Ms. Willie Press to speak. Ms. Press made the following comments: I know what the young lady is saying about what's there. Our neighborhood lived through 20 years of that being in front of us. During that time, Codes and Compliance had a difficult time getting them to do as the plan said they were going to do. Green space that was supposed to be in the front never happened. Green space that was supposed to be in the back never happened. They did everything on Saturday, Sunday, and on holidays so that Codes and Compliance and the City wouldn't catch them doing it. There was a tree at the back corner that they were not supposed to be cutting down at all and the road goes by there now between the rubber company and the dirt road, and it was on that property. They cut it down. Not only that, they have filled everything in, all of the green space, or would be green space, with asphalt. So, with filling in all this asphalt,

it leads me to believe they're not going to remove or excavate all that asphalt for green space. I know what they have presented and I know it looks pretty, but if you had to live through what we have lived through, it wouldn't be pretty. I had one neighbor who had to erect a barrier from the ditch that they created so the water would not get in her space. That asphalt is higher, they build it up higher than our land so the runoff would ultimately fill the ditch and run onto our property. No one did anything about it. We called every weekend until they did the asphalt. Nobody did anything about it. They didn't stop doing it. So now, they want to increase their income because they don't have as many cars to sell. Now, I have a problem with that. How can we be assured that these vehicles will be operable? That these vehicles will be in their yard and on weekends somebody may want to say (unintelligible). Mayor Tuck indicated to Ms. Press that her allotted time had expired.

Mayor Tuck closed the public hearing. He asked Ms. Bunting to address an issue that occurred several years ago regarding runoff at the back of the lot. Ms. Bunting stated that she vaguely recalls the issue, but not well enough to speak about it. She asked if Mr. O'Neill or one of the staff present had the details, which they indicated they did not.

Mr. O'Neill responded to Mayor Tuck's question about how the seven conditions will be enforced. He shared that because the conditions are a requirement of the application, they are legally binding conditions, and would be enforced through code enforcement, community development, and public works.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Bowman, that this Use Permit be approved with seven (7) conditions. The motion carried by the following vote:

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

Other Items

7. [23-0063](#) Public Hearing to Consider the Relocation of a Cannon known as the "Braddock Cannon," which is Currently Located in the Victoria Boulevard Right-of-Way Adjacent to the Hampton Yacht Club

Attachments: [Staff Presentation](#)
[Hampton Yacht Club Presentation](#)

Ms. Bunting made the following statement: The next matter on the agenda is a public

hearing regarding a proposal by the Hampton Yacht Club to relocate a cannon which is currently located within the Victoria Boulevard right-of-way, to a new location approximately 50 feet away on what would be City-owned property. Earlier in the day, it came to the City's attention that an ad was incorrectly run in today's Daily Press which presumes that the City Council will vote to relocate the Braddock Cannon this evening. The Daily Press has acknowledged that the ad was run in error and will run a correction statement. The City Council's decision on this matter has not been made. They will consider the relocation of the cannon tonight following a public hearing. If the City Council does vote to continue the relocation analysis, the City will publish an ad in the newspaper soliciting offers from qualified entities for a 30-day period regarding the disposition of the cannon. As to the substance of the item, Deputy City Attorney, Bonnie Brown, who is also serving as the interim Community Development Director, will provide a presentation concerning the cannon and the legal procedures that the City is following to review the proposal. I would like to reiterate that the City is under no obligation to vacate the City-owned right-of-way, move the cannon, or give the cannon to any other entity. This item is being presented for your review at the request of the Yacht Club.

Ms. Brown shared 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 showed several graphics including a diagram showing that the cannon is not located within the Victoria Boulevard Historic District. The proposal would relocate the cannon from the center of Victoria Boulevard to the northeast corner of the intersection in an area currently owned by the Yacht Club. The 15 by 23-foot area would be dedicated to the City at no cost. The cannon would be outside the Yacht Club fence line, and easily accessible to the public. The Yacht Club will fund the relocation if approved by Council.

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 is occurring at this meeting. Following the public hearing, if Council votes to continue the relocation process, the City must, "offer the monument of memorial for relocation

and placement to any museum, historical society, government, or military battlefield,” for a period of 30 days. Following that period the City will review any offers, with Council retaining the sole authority to determine the final disposition of the cannon and is under no obligation to convey the cannon to any entity. After this 30-day period is completed, the City may decide to retain ownership of the cannon in the manner proposed by the Yacht Club or otherwise.

In response to Councilman Bowman, Ms. Brown stated that under the Yacht Club’s proposal, the cannon will remain on City-owned property and remain in City ownership so the City would be responsible for maintaining the monument.

Ms. Brown introduced Ms. Leigh Chapman, former Commodore of Hampton Yacht Club, to make a presentation on behalf of the Yacht Club. Ms. Chapman shared that in 2018 the Yacht Club began a master planning process to help consolidate the 12 parcels they own to create a better sense of place. They also want to reduce impervious surfaces and create a more pleasing aesthetic for the guests and neighborhood. One focus of the master plan was the construction of a club entrance. There are three components involved: moving the cannon as proposed to improve access to it, acquiring the Victoria Boulevard right-of-way, and opening the view shed to the Hampton River from Victoria Boulevard. All plans and submittals have indicated that the cannon will be in front of the club’s fence and fully accessible with walkable access all around. In regards to the view shed from Victoria Boulevard, Ms. Chapman shared that the downtown master plan was shared with the landscape architect who developed the master plan for the yacht club. Maintaining the view shed to the water is one focus of the downtown master plan and Victoria Boulevard is one of the areas indicated in the plan. She shared that the downtown master plan was put together with “recommendations from Downtown Hampton Development Partnership (DHDP), Hampton First, the faith-based community, downtown neighborhoods, and from individual stakeholders.”

Ms. Chapman shared the steps required to construct the formal entrance to the Yacht Club. After presenting their plan to the Colonial Dames, the DHDP, and neighbors in the historic Little England neighborhood, they received resolutions of agreement from each, which were submitted to the City as part of the request for right-of-way. The Yacht Club then approached City officials for input, indicating there would be no cost to the City. Because the right-of-way would fall under Yacht Club ownership, it would bring increased tax revenue and decreased maintenance costs to the City. She stated that they have several rezoning and use permits on schedule for the March/April meeting, as well as the City Council hearing and approval of the vacation agreement.

Ms. Chapman listed some benefits of moving the cannon which include, improved

and safer access to the cannon for interested people, and it will be surrounded by improved and appropriate hardscaping and well-maintained landscaping. In addition, the right-of-way and south portion of the property provide a beautiful vista of the water and boats from Victoria Boulevard and Bridge Street. The cannon will be publicly accessible, as the club's private property will be delineated by the entrance.

Ms. Chapman thanked members and neighbors in the audience who support the plan and asked them to stand for recognition. Approximately eight individuals in the audience stood in support of the relocation of the cannon. Mr. Larry Cumming, Esq. asked to reserve the remaining time for rebuttal. The Clerk indicated that 3 minutes and 52 seconds of the time was left.

Mayor Tuck opened the public hearing and introduced the first two speakers, Mr. Jason Erbecker and Mr. Douglas Miller.

Mr. Erbecker greeted Council and made the following statement: While it might take Ms. Chapman a few minutes to walk there, it takes me less time to crawl, if need be. That gives me a vantage point of the parcel that is in question and gives me the opportunity to reinforce exactly what she said about safety. So this is not just aesthetics, this is, no kidding, safety. The stop sign that is at Victoria and Bridge is advisory nature only which generally makes sure that cars are travelling at less than 35 miles per hour when they take that corner. There have been some close calls there and people are standing out in the middle of the street. I think that is to be avoided. Moving the cannon just a few feet to the north, in a green space that allows people to walk around it, to look at it, to take pictures and whatnot is advantageous both to the history and to the overall aesthetic of what our neighborhood and historic Little England is going to do. I know my neighbor that lives directly across the street from me is onboard with this plan as well. This is our neighborhood and we are vested in it and we take ownership of our neighborhood. This is a good thing and I hope that our opinion, as the people most affected, would ring loudly. Thank you for your time.

Mr. Douglas Miller greeted Council and made the following statement: I am a long-time member of Hampton. I moved here in 1964, grew up in the Yacht Club, and climbed on this cannon as an 11-year-old taking sailing lessons at the club. I signed up because I am the current Commodore of Hampton Yacht Club. I hope to amplify the comments that Ms. Chapman offered you and after hearing them I really have nothing to add. So, I don't need to say anything further, I just wanted to let you know that I was here and to thank you on behalf of all the board members for considering our proposal. Thank you very much.

Mayor Tuck welcomed Ms. Brenda Marks. Ms. Marks greeted Council and made the

following statement: You have my package and I want to run through them quickly. The first photograph is the current location of the cannon. The second photograph is the original location of the cannon. This is a 1926 photo. The bridge behind it is the bridge you had to walk over to get to the Yacht Club that, at that time, stood on stilts in the creek. The third picture is the same thing, a picture of the cannon dated April 1966, sitting along the waterfront. These three documents are important because it should stand out that the City of Hampton has already abandoned part of Victoria Boulevard and moved the cannon for the Yacht Club once. The fourth picture I have given you I am going to disagree with Ms. Brown, on her representation that the historic district went to the opposite side of Victoria. I took the Hampton History Museum map and using the longitudinal and latitudinal descriptions of the historic district that you can find at the National Historic Preservation site, I used those to shade this. Number one is the original position of the cannon when it was first placed. Number two is where it sits now. Number three is where the Yacht Club is proposing it be moved. As far as the objection to it being moved, I do not have a dead-set one, but I would strongly encourage the Council to vote that it be moved to location number four, which is the corner right across the street. But putting it on that piece of land keeps it within the boundaries of the historic district. I say that because Hampton is gradually whittling away our historic properties. The next picture in the package is to represent that fact. This is the downtown historic district. The highlighted yellow, this map came from the package submitted to the National Historical Registry. The yellow outline outlines the original downtown historic district. The block that is colored blue and the peach or orange color, when they do their revisions, the Hampton downtown historic district will be reduced by that entire block because, yes, Hampton did an archaeological dig. The archaeological dig did not preserve the historic designation of the land. Mayor Tuck indicated to Ms. Marks that her allotted time had expired.

Mayor Tuck closed the public hearing.

In response to Councilman Brown, Ms. Chapman stated that the state chapter of the Colonial Dames gave their endorsement and provided a resolution in support of the plan following her presentation of the plan to them. They felt it was a good idea to maintain the cannon into the future in that location. Councilman Brown stated that the organization's core value is to preserve American history, artifacts, memorials, and things that have shaped the history of our Nation, and they do not take these types of things lightly. He commended the Yacht Club for being able to get their endorsement. He stressed that he wants citizens to be aware that this has been done thoughtfully.

Vice Mayor Gray referenced Ms. Marks' statement that the historic district includes the area where the cannon is and asked if the Deputy City Attorney could address

that. He shared that he received a copy of the application submitted for the historic district from the Yacht Club which showed that it was outside of the area. Ms. Brown explained that the historic district had been checked in detail and displayed the map that was part of the nomination form for the historic district. She stated that the map is consistent with the verbal boundary description that is a narrative paragraph included on the nomination form, and it specifies that the boundary runs down the west side of Bridge Street to a point, referenced as point I. It then runs to the south out to the water and around. Both the map associated with the nomination form for the historic district and the narrative description reflects that it does not include the area where the cannon is.

Mayor Tuck asked when the nomination form was dated and why there is a controversy between what Ms. Brown says is valid and what Ms. Marks says is valid. Ms. Brown stated that the nomination form is dated 1984. She explained that she does not have the exhibits that Ms. Marks provided to Council but is aware of social media posts reflecting a sub-division plat of this area that was shaded in. The historic district does not follow the boundaries of that sub-division plat, it is a portion of the neighborhood. She is not able to explain the discrepancy with what was submitted at this meeting.

Councilwoman Harper made the following motion: I move that we continue to review the Hampton Yacht Club's proposal to relocate the cannon and publicly offer the cannon to any qualified entities as defined in the statute for a period of 30 days. The motion was seconded by Councilman Hobbs and passed on the following vote:

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

8. [23-0048](#) HOME-ARP Allocation Plan & Plan Year 2021-2022 Annual Action Plan Amendment

Attachments: [Presentation](#)
[Allocation Plan](#)
[Allocation Letter](#)

Ms. Bunting introduced the Housing and Neighborhood Services Manager, Mr. Jonathan McBride to make the presentation. Mr. McBride shared that the City of Hampton is designated as an entitlement community by the Department of Housing and Urban Development (HUD). This qualifies the City to receive an annual allocation of funds to support housing needs within the community. The funds are directed through a consolidated housing plan that is adopted by Council every five

years, with the most recent having been in 2020. An annual action plan is adopted to allocate funds for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs. The City currently receives approximately \$1.5 million in allocations. The CDBG-CV (Covid Funds) was a one-time allocation of \$1.2 million in 2021 which has about 3.5 to 4 years remaining to use the funds. The HOME American Rescue Plan (HOME-ARP) funds are similar to the HOME program which typically funds the home rehab program, down payment assistance, and habit housing redevelopment activities.

Mr. McBride shared that the allocation Hampton is receiving is just over \$1.9 million in HOME-ARP funds. He explained that with the HOME program, qualified populations are usually based only on income, whereas the HOME-ARP qualified populations include the homeless or those at risk of homelessness, and other populations where assistance would serve those with the greatest risk of housing instability. In addition, those fleeing or attempting to flee domestic violence, sexual assault, stalking or human trafficking would qualify. More information on each of the categories can be found at the hudexchange.info website.

Mr. McBride shared that HOME-ARP-eligible activities include affordable rental housing, Tenant-Based Rental Assistance (TBRA), supportive services, and non-congregate shelter. The City began the plan consultation process in the fall of 2022 with several local and regional agencies, with the assistance of the Planning Commission. Data was collected via online surveys and a virtual consultation held in January of this year.

Mr. McBride provided a summary of the challenges agencies face. These include a lack of affordable housing, a lack of staff needed for intensive case management, barriers due to history, facility barriers, and limited capital funding. There are several critical gaps in being able to provide services, which include but are not limited to, lack of affordable housing, insufficient earned income to secure or maintain housing, lack of centralized services, and lack of staff to provide outreach and housing stabilization.

Mr. McBride shared the proposed HOME-ARP funds distribution. Affordable rental housing would receive 41% of the allocation and supportive services would receive 54%. In addition, 5% would be allocated to operating capacity support for agencies providing services, however, there is a limit of \$50,000 to \$75,000 based on the agency's operating budget.

Rental housing activities that are eligible under the HOME-ARP program include the acquisition, construction, and rehabilitation of rental housing, including the conversion of non-residential buildings. Mr. McBride explained that for homeless

services providers, the McKinney Vento Supportive Services is a broader definition of homelessness they can provide services to. This creates the opportunity to provide funding over several years. He noted that the funds being allocated under this plan are available until 2030. There are numerous eligible supportive service activities, however, the Department of Human Services has identified housing search and counseling services, case management, and landlord/tenant liaison as priorities.

The community input meeting was held in January, 2023, followed by the publication of the draft plan for comment in February. Mr. McBride shared that there have not yet been any comments received. The public hearing and Council adoption are taking place at this meeting. Any plan comments from this meeting and any amendments will be submitted along with the plan to HUD by the end of March, with HUD approval anticipated this spring. Requests for proposals are expected during the summer with awards projected for fall.

In response to Councilwoman Harper, Mr. McBride stated that any funds not spent by 2030 will be reclaimed by HUD. Councilwoman Harper asked how the funds will be allocated to each agency Hampton wishes to support. Mr. McBride stated that the agencies who were involved in the consultation process have no commitment to funding and have only been providing advice on the populations they support. Assuming HUD approves the plan, there will be an application developed and criteria for reviewing proposals. Decisions will be made primarily on whether the applicant is meeting the goals identified in the plan, and how those populations are served.

Vice Mayor Gray shared that he had asked for a presentation on homeless services that are being accessed through the Housing Crisis Hotline. He asked if the funds will be managed through the Housing Crisis Hotline or the Housing and Neighborhood Services department for individuals who may need them.

Mr. McBride shared that because Hampton is an entitlement community, the Housing and Neighborhood Services department oversees the funds, but the agencies they support are responsible for managing them. For example, the Hampton Department of Human Services will manage the funds for the services they offer, but Neighborhood Services will make sure they are complying with HUD guidelines. Ms. Bunting shared that Hampton is the lead entity for the Greater Peninsula Housing Consortium and their phone number is advertised on City signage. Vice Mayor Gray shared that, the feedback he has received from people he has referred to the Housing Crisis Hotline, is that they don't get any services. He hopes that, with this money available, people will be able to get assistance. Ms. Bunting shared that, the normal funds that flow through the federal and state government to the Housing Consortium, do have strings attached that prevent some from being eligible for the

services offered through federal and state funding. Mr. McBride shared that after speaking with Dr. Temoney-Porter, his understanding is that the McKinney Vento definition allows for a broader opportunity for services to be provided. He explained that the reason for using the Housing Crisis Hotline is that they use one service to track the resources that are being provided to an individual to ensure they are not providing duplicate services.

Councilman Brown stated that he envisions these funds being used to find a housing advocate to advocate for people needing housing. He shared that, children were a big consideration during his time at the Housing Authority. The lack of housing stability and the trauma of moving around and living out of a suitcase can have serious adverse effects on children. He hopes that we are more intentional about looking for case management that will result in people getting the help they need. He shared that, approximately 20 years ago, Hampton had signed off on a regional approach to homelessness to eradicate it within 10 years. Mr. McBride acknowledge Councilman Brown's concerns and restated that case management was identified as one of the priorities. He explained that the regional support is focused on looking for housing opportunities and not necessarily providing services across the region. Hampton has a limited housing stock so partnering with the Consortium allows the City to take advantage of opportunities in another city within the region.

Mayor Tuck shared that most of the region is trying to deal with the affordable housing issue. In the past, each locality has looked at it from its standpoint and now they are trying to look at it as a region. He shared that he read an article in the Washington Post several years ago about Baltimore residents who were given housing vouchers. The study showed that even though individuals were given the opportunity to live in a better community, they were not choosing to for reasons similar to what was presented by Mr. McBride. Family and community support was also a big factor in their decision not to move. Mayor Tuck asked the former Hampton Redevelopment and Housing Authority Executive Director at that time if Hampton was experiencing the same problem - people not moving into opportunity areas. He found that it was happening to some extent. He shared that while there may be opportunities for housing in York County, for example, they have no public transit system. If a resident does not have dependable transportation, it is not reasonable to take advantage of the housing opportunity. He stated that the challenge is constructing affordable housing. The region is facing challenges with affordability, not for those we perceive as low income, but for military families, police, fire, City staff, and teachers. The challenge is there is not enough money being put forward to it and there are not enough partners. Hampton partners with Habitat for Humanity, among others, to try to provide housing. There are also churches providing housing through Habitat for Humanity. The challenge remains that there is not enough to meet the need. Mayor Tuck recently had a conversation

with someone who has been here since January, and he asked how they happened to become homeless in Hampton. The individual stated that she had missed a ride to Baltimore and has been here since. She stated that Hampton needs an advocate for homeless individuals, as was mentioned by Councilman Brown.

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

PUBLIC COMMENT

Ms. Glass read the protocol for public comment.

Mayor Tuck welcomed the first two speakers, Mr. Erik Richards and Mr. Andrew Stith. Mr. Richards greeted Council and made the following comments: Although I did not know a gentleman was going to speak about homelessness, I was going to share my experience with a few homeless people. I work just up at the intersection of King Street and Mercury. I have run into a number of homeless people and I have three experiences with them that I think you should be aware of. One of them I know you already are. The first experience is, two people who are disabled were actually rejected from homeless shelters. One of them had seizures and the other one was in a wheelchair and unable to lay down. I wanted to bring it to your awareness that there are people out there with special needs and I definitely as a community activist, think that these are things that people at homeless shelters could do, apply first aid if someone is having seizures. You don't need to be a doctor to do that. If a family member has a seizure, they have classes on what you can do in an emergency and it's better than leaving them on the streets. I don't know where they are now, and I pray for them. I know for the nice lady who couldn't lay down, she was in a wheelchair, some places don't have beds, they have mats on the floor. It would be easy to go online and buy a reclining chair for under \$100. The last thing I wanted to let you guys know, I would have spoken with the gentleman before, St. Jerome Church in Newport News can actually, I'm not sure how many people they can house, but I want to say it's a huge number, maybe up to 100. The priest said their halls could hold, I believe a couple hundred people. At work, I encounter so many homeless people coming in and on the streets asking for cash and I tell them to go to the CSB (Community Service Board) and I tell them to go to St. Jerome Church, just because there's a lot of space there. I just think that people, as the gentleman said, lack the knowledge to get to the shelter and the willpower. Before my time runs out, the last thing I want to let you know is that I ran into a man who was receiving benefits, but he was using it to spend on a hotel. Rather than stay at a homeless shelter and save the money up for a car to go to work. That was just a case of a man who had a severe lack of judgment on how to use his funds. Thank you very much Councilmen and Councilwomen.

Mr. Andrew Stith greeted Council and made the following comments: I have three proposals that are very important to me. The first thing is the Coronavirus Aid, Relief, and Economic Security (CARES) Act. I've seen an article in the newspaper online that you are looking for the people that are unemployed or under-employed for different reasons and they needed to go to school. I am one of those recipients. I am in a class for electrician. I have finished my first section on electrician. My story is, since I've been back here at home, it's been hard for me to hold a job and find a job since I am a disabled vet. I've been upset since 2015 since I retired. My issue is, I came out with a Masters but the problem is, I can't find funding and I still have not gotten a job yet. Everybody in America is trying to find me a job but I can't find a job, nobody will hire me. I am looking to see if the CARES Act can pay another three or four times for me in order that I can get a job. That whole electrician course I can get a job and certification. Second thing is, since I came here before, Pine Chapel, my old neighborhood, Lincoln Park and different other neighborhoods have been torn down. I wanted to find out if the City can adopt it to put signs up for that place where Pine Chapel, where Lincoln Park, where different places, to put signs up and put as a district for the people that used to stay there. It is disheartening that you used to stay there and your area when you come home 20-30 years ago, it's gone. There's districts for everything else, so I think for areas they should have a district for you for that place, named after the place and named after the City. Mayor Tuck indicated to Mr. Stith that his allotted time had expired.

Mayor Tuck welcomed Delegate A. C. Cordoza. Delegate Cordoza greeted Council and made the following comments: I just came to give a brief legislative update. As you know, the session has recently ended. I wanted to focus on the Hampton-centric legislation that I was able to get passed and then speak about budget amendments and of course the budget session coming up. We were able to get passed, HB2256, Fort Monroe, which will allow us to collect fees for goods and services and, of course, security cameras. I know you have been aware of the recent vandalisms on Fort Monroe and this may help with that problem. HB2394 gives an exception for the Freedom of Information Act (FOIA) since we all know that Fort Monroe is a huge real estate project and it is very hard to get developers to be interested in that land if they think everything they've ever done is going to be FOIA-able. That gives that protection and gives us the ability to work with more developers to help develop that land. HJ807 celebrates the life of the Honorable James Lawrence Eason, who we know passed recently and was a former Mayor of Hampton. That is it for legislation that was passed pretty much directly for Hampton. We also have budget item 312-2H, which is the language for law enforcement to be able to use contractors for some services. Even though we have a budget session coming up, I can say that was put in on both the Senate and House sides of the budget. Normally things that are in both are not up for any debate so I can't say for sure but we can say with a high degree of confidence that that will be in the end budget. Over the biennium,

\$480,000 is going to go directly to Hampton, again, in both the House and Senate budgets. Also, \$8,101,770 that will go into improvements for Fort Monroe which will help the City. So, a total of \$8,581,770 to help the City of Hampton that we can reasonably expect to go into the budget. I will be happy to answer any questions. Thank you.

GENERAL ITEMS

Appointments

9. [23-0056](#) Consideration of Appointments to the Peninsula Town Center Community Development Authority
- A motion was made by Councilmember Chris Bowman that Michael Johnson be appointed as an alternate for a first full term ending March 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
10. [23-0057](#) Consideration of an Appointment to the Hampton Economic Development Authority
- A motion was made by Councilmember Chris Bowman that Charlene Clark be appointed to a first term until March 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
11. [23-0058](#) Consideration of Appointments to the H2O Community Development Authority
- A motion was made by Councilmember Chris Bowman that Brian DeProfio be reappointed to his second term as an alternate until March 31, 2027; and that Frank Edgar be appointed to serve a first term until March 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

12. [23-0059](#) Consideration of Appointments to the Citizens Police Advisory Group (CPAG)
- A motion was made by Councilmember Chris Bowman that Dana Mitchell be appointed in the place of Walter Jones, Jr. (Community At Large) to fill the remainder of his term until June 30, 2024, and that Anthony Sadifer be appointed in the place of Hope Harper (Community At Large) to fill the unexpired portion of her term until June 30, 2026. The motion passed by the following vote:
- Aye:** 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck
13. [23-0060](#) Consideration of Appointments to the Athletic Hall of Fame
- A motion was made by Councilmember Chris Bowman that Marty O'Brien be reappointed to his second term until March 31, 2026; and that Quentin Jackson and Cheran Ivery be appointed to first terms until March 31, 2026; leaving two vacancies. The motion carried by the following vote:
- Aye:** 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck
14. [23-0061](#) Consideration of Appointments to the Wetlands Board
- A motion was made by Councilmember Chris Bowman that James Mershon (Alternate), Lynne France and Claire Neubert be reappointed to second terms which will expire on February 28, 2028. The motion carried by the following vote:
- Aye:** 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

There were no items of new business.

ADJOURNMENT

The meeting adjourned at 8:11 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 _____