

City of Hampton

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov



Agenda

Wednesday, February 14, 2024

6:30 PM

Council Chambers

City Council Legislative Session

Mayor Donnie R. Tuck
Vice Mayor Jimmy Gray
Councilmember Chris L. Bowman
Councilmember Steven L. Brown
Councilmember Hope L. Harper
Councilmember Billy Hobbs
Councilmember Martha Mugler

STAFF: Mary Bunting, City Manager
Steven D. Bond, Interim City Attorney
Katherine K. Glass, CMC, Clerk of Council

WELCOME TO THE HAMPTON CITY COUNCIL MEETING

Because of the large number of matters that need consideration, the City Council has established a meeting format and certain guidelines for citizen participation. These help ensure that everyone who wishes to speak can do so, and that the Council can benefit from hearing as many different people as possible in the shortest time.

ORDER OF BUSINESS

Agenda items are taken up one at a time in the order in which they are listed. Matters on the consent agenda are routine and are adopted by one motion without separate discussion. However, items can be moved from the consent agenda to the regular agenda upon request by a member of the Council. Keep in mind that the agenda is for the convenience of the public and the Council, and that it can be altered by the Council at any time without prior notice when the Council considers it in the public's interest to do so.

CITIZENS ARE INVITED TO PARTICIPATE

The City Council has adopted a Citizen Participation Policy and City Council Public Hearing & Public Comment Protocol to encourage participation by citizens in City government and to ensure its meetings are conducted in an efficient and orderly manner. Citizens are encouraged to review both documents prior to attending City Council meetings. The Citizen Participation Policy and City Council Public Hearing & Public Comment Protocol are available on the City's website and copies can be provided upon request to the Clerk of Council. Please take note of the following key provisions contained in the above-referenced documents.

(1) No person shall be permitted to enter a City Council meeting with the following items:

- Large objects that may be used as weapons, including but not limited to batons, sticks, knives, or other cutting tools;
- Large banners, signs, flags, or other displays;
 - Permitted banners, signs, flags, or other displays shall be limited to 3'x5'; composed of paper, cardboard, foamboard, or fabric; and shall not contain wood, metal, or plastic supports or handles.
- Megaphones, bullhorns, whistles, or other devices designed to emit loud noises;
- Laser pointers, flashlights, or other devices designed to emit lights;
- Food or drink; and
- "Selfie" sticks.

(2) The City Council has adopted a three (3) minute time limit policy for individuals desiring to address issues before this body. If you wish to address the City Council on a public hearing item or as part of the general public comment period, you must sign in before the meeting in the lobby of City Hall. Speaking on topics not appearing on the agenda as public hearing items is handled under the public comment portion of the meeting.

If you are with a group of people, you may want to have a spokesman or two present your position to the Council and have others in agreement recognized by standing. The Council will always try to hear everyone who wishes to speak on a subject, but sometimes discussion has to be limited due to time. If the previous speaker has stated your position, you may make that known by reference (for example, "I agree with the position stated by Mr. Jones and have nothing further to add").

Meetings of the Council are formal proceedings, and all comments are recorded. For that reason, you are requested not to speak from your seat or out of turn. When you are called by the presiding officer, please follow these steps:

- (1) Come forward to the speaker's podium.
- (2) State your name
- (3) State your conclusion and give facts and other data to back it up.
- (4) If you represent a group or organization, ask the others to rise and be recognized.
- (5) If you have a written statement, give it and other supportive material to the Clerk for the record.

Thank you for taking your time to participate in the Council meeting. Good government depends on the interest and involvement of you and your fellow citizens. We invite you to return.

CALL TO ORDER/ROLL CALL**INVOCATION - Councilman Billy Hobbs****PLEDGE OF ALLEGIANCE TO FLAG****MAYOR'S COMMENTS****CONSENT AGENDA**

1. [24-0059](#) Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Andrew L. Smallwood, Jr. to Allow an Encroachment into Two Areas of a City of Hampton Sanitary Sewer Easement for the Installation of a Six-Foot Privacy Fence
2. [24-0060](#) Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton, Kyle Ellis and Sasha R. Congiu, also known as Sasha C. Ellis, to Allow an Encroachment into a Portion of a City of Hampton Drainage Easement for the Installation of a Six-Foot White Vinyl Fence.
3. [24-0031](#) Resolution to Amend the Fiscal Year 2024 Council Approved Budget and Appropriate a total of \$6,092,394 from the Capital Budget (Projects) Committed Fund Balance Account to the Capital Budget (Projects) Fund to Complete Equipment/Vehicle Acquisition, Enhanced Maintenance and Other Projects
4. [24-0052](#) Approval of the minutes from the October 11, 2023, legislative session; October 25, 2023, work session; November 8, 2023, legislative session; January 10, 2024, work session; January 24, 2024, 9:00 a.m. special session, ceremonial session, and legislative session of the City Council.

PRESENTATIONS, PROCLAMATIONS, AWARDS**PUBLIC HEARINGS****Use Permits**

5. [23-0350](#) Use Permit Application No. 23-0350 by Hampton University to Permit a Private University at 2 Eaton St. [LRSN: 2003199]

Ordinances

6. [24-0013](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 3, Section 3-3 Entitled, "Additional Standards on Uses" to Include a Limitation on the Hours of All Outdoor Play Activities for Day Care 1, Commercial in The Neighborhood Commercial (C-1) District
7. [24-0014](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 6, Article I, Section 6-2 Entitled, "Development Standards in General" to Permit Outdoor Dining and Outdoor Play Areas Associated with Day Care 1, Commercial and Day Care 2, Commercial Uses in the Neighborhood Commercial (C-1) District
8. [24-0015](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 8, Article V Entitled "Downtown Districts" To Permit Outdoor Play Areas Associated with Day Care 1, Commercial and Day Care 2, Commercial Uses in the Downtown Districts
9. [24-0016](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 9, Article III, Section 9-23 Entitled, "Modification to Permitted Uses" to Permit Outdoor Play Areas Associated with Day Care 1, Commercial and Day Care 2, Commercial Uses in the Overlay - Coliseum Central (O-CC) District
10. [24-0006](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 3, Section 3-2 Entitled, "Table of Uses Permitted" to Add "Mitigation Bank" as a Permitted Use Within all Zoning Districts
11. [24-0007](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 2, Section 2-2 Entitled, "Definitions" to Add a Definition of "Mitigation Bank"
12. [24-0075](#) Ordinance Accepting the Bid Submitted by Cellco Partnership d/b/a Verizon Wireless for a Nonexclusive Franchise Agreement to Use and Occupy the Streets and Public Rights-of-Way Located within the City for the Purposes of Constructing, Installing, and Maintaining Network Facilities for Wireless Services and for Providing Wireless Infrastructure Services within and through the City
13. [24-0076](#) Ordinance Accepting the Bid Submitted by Crown Castle Fiber LLC for a Nonexclusive Franchise Agreement to Use and Occupy the Streets and Public Rights-of-Way Located Within the City for the Purposes of Constructing, Installing, and Maintaining Network Facilities for Wireless Services and for Providing Wireless Infrastructure Services Within and Through the City

14. [24-0077](#) Ordinance Accepting the Bid Submitted by Cox Wireless Access, LLC for a Nonexclusive Franchise Agreement to Use and Occupy the Streets and Public Rights-of-Way Located Within the City for the Purposes of Constructing, Installing, and Maintaining Network Facilities for Wireless Services and for Providing Wireless Infrastructure Services Within and Through the City

Resolutions

15. [24-0051](#) Resolution Authorizing the Execution of a Revocable License Agreement Between the City of Hampton and Youth Sailing Virginia, Inc. to Use a Portion of the Mill Creek Pier

PUBLIC COMMENT

GENERAL ITEMS

Appointments

16. [24-0065](#) Consideration of an Appointment to the Athletic Hall of Fame
17. [24-0066](#) Consideration of an Appointment to the Board of Review of Real Estate Assessments
18. [24-0067](#) Consideration of Appointments to the Hampton Clean City Commission
19. [24-0068](#) Consideration of Appointments to the Hampton Federal Area Development Authority
20. [24-0069](#) Consideration of Appointments to the Mayor's Committee for People with Disabilities
21. [24-0070](#) Consideration of an Appointment to the Hampton Economic Development Authority
22. [24-0073](#) Consideration of Appointments to the Parks & Recreation Advisory Board
23. [24-0079](#) Consideration of an Appointment to the Hampton VA 250 Committee

Recommendation:

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

MISCELLANEOUS NEW BUSINESS

ADJOURNMENT

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