



City of Hampton

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

Notice of Action City Council Legislative Session

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

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

Wednesday, February 14, 2024

6:30 PM

Council Chambers

This document serves as an interim record of the legislative actions of the City Council and will be replaced by the final narrative minutes once those are approved by the Hampton City Council.

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:35 p.m. All members of the City Council were present except for Councilwoman Harper who Mayor Tuck indicated was ill.

Present: 6 - Councilmember Chris L. Bowman, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, Councilmember Martha Mugler and Mayor Donnie R. Tuck

Excused: 1 - Councilmember Hope L. Harper

INVOCATION - Councilman Billy Hobbs

Councilman Hobbs gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

There were no comments from Mayor Tuck this evening.

CONSENT AGENDA

Approval of the Consent Agenda

Motion made by Councilmember Hobbs, seconded by

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

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

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

Item approved.

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

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.

Item approved.

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

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

Item approved.

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

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.
Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

There were no presentations, proclamations or 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]
Presented by Urvi Patel, City Planner. The applicant briefly spoke. The Mayor opened the public hearing. There was no one present to speak and the Mayor closed the public hearing. A motion was made by Councilmember Brown and seconded by Councilmember Hobbs, that this Use Permit be approved with 14 conditions. The motion carried by the following vote:

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

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
A presentation on agenda items 6 through 9 was given by Davis Pemberton, City Planner. Following the presentation, the Mayor

opened the joint public hearing on these items. There was no one present to speak on items 6 through 9, and the Mayor closed the public hearing.

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Chris Bowman, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

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

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

A presentation on agenda items 6 through 9 was given by Davis Pemberton, City Planner. Following the presentation, the Mayor opened the joint public hearing on these items. There was no one present to speak on items 6 through 9, and the Mayor closed the public hearing.

A motion was made by Councilmember Hobbs, and seconded by Councilmember Mugler, that this agenda item be approved. The motion carried.

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

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

A presentation on agenda items 6 through 9 was given by Davis Pemberton, City Planner. Following the presentation, the Mayor

opened the joint public hearing on these items. There was no one present to speak on items 6 through 9, and the Mayor closed the public hearing.

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

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

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

A presentation on agenda items 6 through 9 was given by Davis Pemberton, City Planner. Following the presentation, the Mayor opened the joint public hearing on these items. There was no one present to speak on items 6 through 9, and the Mayor closed the public hearing.

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

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

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

A presentation on agenda items 10 and 11 was given by Allison Jackura, Zoning Administrator. Following the presentation, the

Mayor opened the joint public hearing on both of these items. Nichole McGill spoke and the Mayor closed the public hearing.

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

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

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"

A presentation on agenda items 10 and 11 was given by Allison Jackura, Zoning Administrator. Following the presentation, the Mayor opened the joint public hearing on both of these items. Nichole McGill spoke and the Mayor closed the public hearing.

A motion was made by Councilmember Chris Bowman and seconded by Councilmember Martha Mugler, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

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

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

The City Manager introduced items 12 through 14. Mayor Tuck opened the public hearing on item 12 and the only speaker was Nichole McGill. The Mayor then closed the public hearing.

A motion was made by Councilmember Steven Brown and

seconded by Councilmember Chris Bowman, that this Ordinance-Non-coded be approved. The motion carried by the following vote:

- Aye:** 5 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs and Mayor Tuck
- Out:** 1 - Councilmember Mugler

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
- Mayor Tuck opened the public hearing on item 13 and the only speaker was Nichole McGill. The Mayor then closed the public hearing.

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

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

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
- Mayor Tuck opened the public hearing on item 14 and the only speaker was Nichole McGill. The Mayor then closed the public hearing.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Bowman, that this

Ordinance-Non-coded be approved. The motion carried by the following vote:

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

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
- Interim City Attorney Steven D. Bond introduced the item. Mayor Tuck opened the public hearing. Since there were no speakers, he closed the public hearing. A motion was made by Councilmember Martha Mugler and seconded by Councilmember Chris Bowman, that this resolution be approved. The motion carried by the following vote:

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

PUBLIC COMMENT

The following individuals spoke during the Public Comment Period: Nichole McGill, Nancy Little, Lisa Edwards-Hendry, Craig Knopp, Katilyn Hough-Oakes, Kelly Handly, Celeste Miller, Nikia Miller, Jeannie Belgrave, Regina Mays and Johnnie Carroll.

GENERAL ITEMS

Appointments

16. [24-0065](#) Consideration of an Appointment to the Athletic Hall of Fame
- A motion was made by Councilmember Hobbs and seconded by Councilmember Mugler, that this Appointment be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the following vote:

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

17. [24-0066](#) Consideration of an Appointment to the Board of Review of Real Estate Assessments

A motion was made by Councilmember Hobbs and seconded by Councilmember Mugler, that this Appointment be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the following vote:

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

18. [24-0067](#) Consideration of Appointments to the Hampton Clean City Commission

A motion was made by Councilmember Hobbs and seconded by Councilmember Mugler, that this Appointment be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the following vote:

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

19. [24-0068](#) Consideration of Appointments to the Hampton Federal Area Development Authority

A motion was made by Councilmember Hobbs and seconded by Councilmember Mugler, that this Appointment be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the following vote:

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

20. [24-0069](#) Consideration of Appointments to the Mayor's Committee for People with Disabilities

A motion was made by Councilmember Hobbs and seconded by

Councilmember Mugler, that this Appointment be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the following vote:

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

21. [24-0070](#) Consideration of an Appointment to the Hampton Economic Development Authority

A motion was made by Councilmember Hobbs and seconded by Councilmember Mugler, that this Appointment be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the following vote:

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

22. [24-0073](#) Consideration of Appointments to the Parks & Recreation Advisory Board

A motion was made by Councilmember Hobbs and seconded by Councilmember Mugler, that this Appointment be deferred to the City Council Legislative Session, due back on 2/28/2024. The motion carried by the following vote:

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

23. [24-0079](#) Consideration of an Appointment to the Hampton VA 250 Committee

A motion was made by Councilmember Martha Mugler that Demetria Sweat be appointed to a term expiring October 31, 2026. The motion carried by the following vote:

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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Ms. Bunting indicated that short term rentals were discussed in the afternoon work session and that video is available on line for viewing and the recommendations will be brought forward to the Planning Commission and City Council at a later date.

MISCELLANEOUS NEW BUSINESS

There were no items of new business.

ADJOURNMENT

The meeting adjourned at 8:01 p.m.

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