



# City of Hampton

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

## Council Approved Minutes - Final City Council Legislative Session

*Mayor Donnie R. Tuck*  
*Vice Mayor Jimmy Gray*  
*Councilmember Chris L. Bowman*  
*Councilmember Eleanor Weston Brown*  
*Councilmember Steven L. Brown*  
*Councilmember Billy Hobbs*  
*Councilmember Chris Snead*

*STAFF: Mary Bunting, City Manager*  
*Cheran Cordell Ivery, City Attorney*  
*Katherine K. Glass, Clerk of Council*

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**Wednesday, August 11, 2021**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

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

**Present:** 7 - Councilmember Chris L. Bowman, Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead and Mayor Donnie R. Tuck

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilwoman Chris Snead

Councilwoman Snead gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

Mayor Tuck welcomed visitors to Council Chambers who were students from Phoebus High School and Hampton High School, participants in the Academies of Hampton who, as part of an extended learning opportunity, worked with ECPI to construct a ventilator. Jacob, one of the students, also demonstrated the ventilator. The students were presented with City coins and pins. Attending were: (from Phoebus High School) James Harris, Executive Principal; and Albertina Jackson, Extended Learning Coordinator; and Teachers Trina McLean; Sherry Murphy; and students Corey Bell; Kyler Brinkley; Justin Hendrick; Alexander Michel; Arden Michel; Hannah Redd; and Jacob Rowland; (from Hampton High School) Lonnnette

Heckstall, Extended Learning Coordinator; Shameka Pollard, Executive Principal; and Teachers Kari Espada and Siera Jenkins; and students Brianna Thompson; Kayla Lewis; Carl Jones; and Joshua Whichard. Also present were ECPI Business Partners Chris Fritzel and John Olsen. John Spallone, Business Partner from Spectrum, was unable to attend.

Mayor Tuck read the following summary about the Breathe Easy challenge in which the participants being recognized were involved.

Throughout the summer, Hampton City Schools provided high school students with enrichment opportunities for a deeper dive into their interests while connecting their interests with access to explore and investigate career fields aligned with their future goals. This program is the Summer 2021 Business Institute, which is coordinated through our Academies of Hampton Extended Enrichment Learning (EEL) program. EEL provides authentic projects and work-based learning opportunities through engagement with local businesses, colleges and community resources that connect the traditional school time to out of school time driven by a student's passion.

Creating access to authentic, real-world business challenges allows students to design and develop a solution to address a specific business challenge through teamwork, collaboration, research and on-site visits. Through this four-week program, rising juniors and seniors work together as consultants to create a product to present to the business partners to resolve or impact their needs. Each challenge-based learning is related to a career academy and demonstrates the integration of academic, technical and research skills in creative and critical thinking, problem-solving, collaboration and communication in career exploration. In addition, the Summer Business Institute allows student teams to work directly with an assigned employer or industry partner to learn more about their industry's processes while applying academy skills to tackle and complete real-world, industry-specific challenges.

Seventeen students from Phoebus and Hampton High School spent their summer break with ECPI University and Spectrum to provide a service to their community and people around the world.

Through the students' passion for engineering and interest in helping their community be a better place to live, students took on the challenge, "Breathe Easy," to engineer a prototype that transforms a manual resuscitator into a functional low-cost ventilator. With the guidance of their instructor from ECPI, Chris Fritzel, and business partner from Spectrum, John Spallone, students successfully created a 3-D prototype to move on to the next creation phase.

Students were excited to see their creation come to fruition and share it with their peers, teachers, administrators and guests during their formal presentation on August 4. They are eager to continue their work and partnership with ECPI and Spectrum as they move forward on the "Breathe Easy" project, moving from prototype to testing, modification and build.

Mayor Tuck also complimented City of Hampton staff who worked on the City's resiliency efforts and earned an Honor Award from the New Orleans Chapters of the American Institute of Architects at their recent Design Awards. The Honor Award is the highest designation a project can receive. Mayor Tuck then read a few of the comments from the awards presentation.

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

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

1. [21-0201](#) Resolution Authorizing Execution of a Right of Way Agreement Granting a 20' X 270' Easement (Totaling 5,400 Square Feet +/-) to Dominion Energy Virginia Over Property Located at 1908 Coliseum Drive (LRSN 7001217) in Order to Provide Electrical Services and Utilities to a Public Facility Located on Property Owned by the City of Hampton, Virginia for Public Use for the Hampton Virginia Aquaplex

Attachments: [Right of Way Agreement](#)

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

2. [21-0211](#) Resolution Authorizing Execution of a Right of Way Agreement Granting an Easement Consisting of 6,000 Square Feet +/- to

Dominion Energy Virginia Over Property Located at 231 Lincoln Street in Order to Provide Electrical Services and Utilities to a Public Facility Located on Property Owned by the City of Hampton, Virginia for Public Use for the new Mary W. Jackson Neighborhood Center

Attachments: [Dominion Agreement - 231 Lincoln Street](#)

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

3. [21-0212](#) Resolution Authorizing Execution of a Right of Way Agreement Granting a 15' X 245' Easement Totaling 3,675 Square Feet +/- to Dominion Energy Virginia Over Property Located at 65 Hall Road in Order to Provide Electrical Services and Utilities to a Public Facility Located on Property Owned by the City of Hampton, Virginia for Public Use for the Fox Hill Neighborhood Center Addition

Attachments: [Dominion Agreement - 65 Hall Rd](#)

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

4. [21-0215](#) Ordinance Vacating Any and All City of Hampton Interest In An Alley Containing 1,746+/- Square Feet Located Between Two Parcels: Parcel A - Owned by Thomas E. Gray Addressed as 205 Atlantic Avenue (LRSN 12006130), and Parcel B - Owned by Samantha R. Taylor Addressed as 211 Atlantic Avenue (LRSN 13006583)

Attachments: [Vacation Agreement - Atlantic Avenue](#)  
[205 Atlantic Avenue Council Presentation](#)

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

5. [21-0207](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate the 2022 Virginia Homeless Solutions Program Grant Awarded by the Virginia Department of Housing and Community Development

**Attachments:** [Routing Form](#)  
[Renewal Contract](#)  
[Overview](#)

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

6. [21-0229](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget and Accept and Appropriate the 2021 Summer Food Service Program Grant for Children through the U.S. Department of Agriculture (USDA)

**Attachments:** [Grant Routing Package](#)

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

7. [21-0210](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate the 2022 Children's Services Act Annual Allocation Awarded by the Virginia Department of Education

**Attachments:** [2022 CSA Routing Form.pdf](#)  
[2022 CSA Overview.pdf](#)  
[CSA FY2022 Allocations.pdf](#)

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

8. [21-0209](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate the Employment for Temporary Assistance for Needy Families (TANF) Participants Grant (BEN-19-024-03 Renewal #2)

**Attachments:** [Overview](#)  
[Routing Form](#)  
[Renewal award agreement](#)

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

9. [21-0225](#) Resolution To Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate \$777,275 in Additional Revenue Share Funding and \$322,369 in Additional Urban Construction Initiative Funding from the Virginia Department of Transportation to the Capital Projects Fund for the North King Street Phase IV Project and Transfer Bond Funds of \$76,735 From the Pembroke Avenue Bond Projects, \$298,735 from the Commerce Drive Extension Bond Projects, \$101,264 from the Todds Lane Big Bethel Bond Project and \$150,541 from the Freeman Drive Reconstruction Bond Projects to the North King Street Phase IV Bond Project

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

10. [21-0200](#) Resolution Authorizing an Advance of \$8,721,005 from the City's General Fund Unassigned Fund Balance to the Capital Projects Fund for certain Hampton City Schools Maintenance and Technology Investments, Maintenance of Public Properties (Facilities), Citywide and Traffic Maintenance, Virginia

Department of Transportation (VDOT) Local Match, Citywide Street Resurfacing, and Enhanced Park Maintenance & Buckroe Boardwalk Projects

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

11. [21-0226](#) Resolution to Transfer \$4,500 from the Bridge Street Bridge Bond Project to the Power Plant Parkway Sidewalk Bond Project within the Capital Projects Fund

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

12. [21-0224](#) Resolution Naming Rooms in the Fox Hill Neighborhood Center

Attachments: [Overhead Diagram with Existing Room Numbers](#)

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

13. [21-0191](#) Approval of the minutes from the legislative sessions of April 28, 2021 and July 14, 2021, and the work sessions of May 26, 2021, and July 14, 2021.

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

## PRESENTATIONS, PROCLAMATIONS, AWARDS

## PUBLIC HEARINGS

Ms. Glass read the protocol for public hearings.

## Rezoning

14.     [21-0203](#)     Rezoning Application by Ryan Corbelli to Rezone 208 Brightwood Avenue [LRSN 1006398] from Neighborhood Commercial (C-1) District to One Family Residence (R-4) District with Proffered Conditions for the Purpose of Constructing a Single Family Residence

**Attachments:**   [Staff Report](#)  
                          [Elevations](#)  
                          [Proffered Conditions](#)  
                          [Full Application](#)  
                          [Concept Plan](#)  
                          [Presentation](#)

Ms. Glass read the title for the item.

City Manager Mary Bunting introduced Planning and Zoning Division Manager, Mike Hayes, to make the presentation.

Mr. Hayes greeted those on the dais and shared information about the application related to site location (behind the White Oak Lodge in Wythe); Zoning (currently zoned C-1, but may have never been used as commercial); the Future Land Use Plan (calls for low density residential in this area); and other policies within the Hampton Community Plan and the Kecoughtan Master Plan. This information is provided in the slide presentation.

The next few slides of the presentation that Mr. Hayes reviewed displayed several images of the concept plan and the proposed elevations which have been reviewed by staff. These plans were found to be in keeping with Hampton's Pattern Book developed with the assistance of consultants who looked at some of the historical neighborhoods in downtown and the Kecoughtan Corridor areas. Mr. Hayes noted that this concept is an adaptation of the historical character while allowing for an attached garage.

Mr. Hayes reviewed the next slide of the presentation which listed some of the proffered conditions related to the character of the home. These conditions will also ensure that future additions or changes to the home will maintain the character of this location.

Mr. Hayes concluded the presentation and stated that staff believes that this proposal is in keeping with the adopted plans and policies including the Kecoughtan Road



Corridor Master Plan. He announced that staff and the Planning Commission recommend approval of the item with the seven proffered conditions.

Mayor Tuck opened the floor for questions. No questions were posed.

Mayor Tuck opened the public hearing. There were no speakers on the item. The Mayor closed the public hearing.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Rezoning be approved with seven proffered conditions. The motion carried by the following vote:

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

15. [21-0223](#) Rezoning Application by Marlyn Development Corporation to Rezone a Parcel at 1963 West Pembroke Avenue [LRSN: 13004215], Totaling +7.82 Acres, from General Commercial [C-3] District to Multifamily Residential (MD-3) District with Proffered Conditions

**Attachments:** [Application](#)  
[Proffered Conditions](#)  
[Staff Report](#)  
[Presentation](#)  
[Applicant's Presentation](#)

Ms. Glass read the title for the item.

City Manager Bunting introduced City Planner, Olivia Askew, to make the presentation.

Ms. Askew greeted those on the dais and shared information about the application related to zoning (rezone from C-3 to MD-3) and site location (the intersection of West Pembroke Avenue and G Street near the War Memorial Stadium and the future location of the Wythe Fire Station).

Ms. Askew pointed out that there is currently an approved existing site plan under C-3 zoning which allows for a Build America type development or a business incubator.

Ms. Askew continued sharing information about the application. The Future Land Use Map calls for low density residential, and the Land Use Plan calls for more business and industrial to remain at the northern side of West Pembroke Avenue, while the southern side of west Pembroke Avenue is a mixture of residential and commercial.

The next several slides of the presentation that Ms. Askew reviewed provided information and images related to public policies, proffered conditions, the concept plan, proposed elevations and amenities.

Ms. Askew shared that on June 30, a community meeting was held at The Woodlands, a site similar to the site being proposed and a site that was also developed by Marlyn Development Corporation. The meeting was held at this location to show the community what the proposed project might look like. Those in attendance largely had positive feedback. In addition, representatives from an adjacent property owner, the Delta Foundation (a fraternal organization which does community work with senior citizens and others in the community) were in attendance and provided feedback that they were excited about this development.

Ms. Askew reiterated that this project is in alignment with several public policies and would fulfill a need in the community. She added that staff and the Planning Commission recommend approval of the item with 15 proffered conditions and then opened the floor for questions. No questions or comments were posed.

#### **PUBLIC HEARING:**

Mayor Tuck opened the public hearing.

Mr. Tim Trant, representative of the applicant, greeted those on the dais, thanked Ms. Askew for the thorough presentation and noted that her presentation covered most of what he was going to share. He also noted that a few others who are working on the project were in attendance and then introduced Marlyn Development's Chief Financial Officer, Brian Staub, to give remarks.

Mr. Staub greeted those on the dais and made the following statement about Marlyn Development: We are a construction and development company that has been based in Hampton Roads for over 30 years. We are proud to be an employee-owned company which makes every member of our staff 100% committed to our goals. As a general contractor, we have built over 11,000 apartment units of all types, but developing and building quality senior housing is our primary mission. We have developed over 1,300 age-restricted apartments including three senior communities in the City of Hampton: Sinclair Commons, Somerset at Town Center

and The Woodlands at Phoebus. They are all over 99% occupied which demonstrates the critical need to create more of this type of housing. We recently held a community meeting at The Woodlands and the response from attendees was overwhelmingly supportive of the proposed Arbors at Pembroke project. With our area's aging population, communities like The Arbors will provide a safe and carefree lifestyle rich with amenities that seniors want. Also, it provides a housing opportunity for those who do not want to leave the area where they grew up, raised families and actively participated in their communities. Thank you for considering our application tonight.

Mr. Staub opened the floor for questions. No questions were posed.

Mr. Trant returned to the podium and said that his slide presentation includes some images of the proposed site as well as similar projects should Council want him to display them. He then gave closing remarks indicating that Marlyn Development is excited to be a part of this project which it believes will be a catalyst for further investment and revitalization. He clarified that this is more of a complimentary project that will have less of an impact on the adjacent neighborhoods than the current by-right business uses. He closed his remarks stating that Marlyn Development thinks this project will enhance the aesthetics of the corridor and will address an important housing need.

Mr. Trant and Mayor Tuck opened the floor for questions from Council.

Councilman Bowman asked if there is a new fire house between this complex and the War Memorial Stadium?

Mr. Trant replied stating that he believes the site is located between the two.

Mayor Tuck closed the public hearing.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Chris Bowman, that this Rezoning be approved with 15 proffered conditions. The motion carried by the following vote:

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

## Use Permits

16. [21-0204](#) Use Permit Application No. 21-00007 By Medical Management

International, Inc (Banfield Pet Hospital) To Operate A  
Veterinarian Office/Hospital At 1123 W. Mercury Boulevard  
[LRSN 7001212]

**Attachments:** [Application](#)  
[Narrative Statement](#)  
[Impact Statement](#)  
[Survey](#)  
[Staff Recommended Conditions](#)  
[Staff Report](#)  
[Presentation](#)

Ms. Glass read the title for the item.

City Manager Bunting introduced Planning and Zoning Division Manager, Mike Hayes, to make the presentation.

Mr. Hayes greeted those on the dais and shared that the site location is at the former Golden Corral site in the Coliseum Central District. He also clarified that this is a portion of a redevelopment proposal and is not necessarily for commercial development in the area; instead, it is specifically for the veterinary office.

Mr. Hayes continued reviewing the slide presentation which provided some background information about the application and information related to zoning, the Future Land Use Plan, public policies, the concept plan and the floor plan. He noted that the applicant has requested flexibility with hours of operation; however, there is no intention for this to be a 24 hour emergency operation, instead, the intention is for it to be a standard veterinary hospital.

Mr. Hayes shared that Banfield Pet Hospital is proposed to be one of the three suites at the site, however, there is potential for future expansion with the expectation that there will be three users within the building.

Mr. Hayes reviewed the remaining slides of the presentation which displayed images of various angles of the building, listed some of the conditions attached to the application and provided a summary analysis of the application.

Mr. Hayes clarified that the purpose for the hospital is to provide medical services to animals and in some cases provide overnight medical care; however, it will not serve as a facility where animals can be dropped off to be kept over a weekend for an owner to leave town, for example. He also reminded everyone that one Banfield Pet Hospital already exists in our area; however, the applicant has been non-committal

on whether it plans to maintain two locations or if this would be a replacement of the existing location.

Mr. Hayes stated that the Planning Commission and staff recommend approval of this item with seven conditions.

Mayor Tuck opened the floor for questions.

Councilman Bowman asked about the other potential tenants. Mr. Hayes deferred the question to the applicant who responded to the question later in the meeting.

In response to Councilwoman Snead, Mr. Hayes clarified that the former Golden Corral building will be demolished and the proposal includes building a brand new building.

**PUBLIC HEARING:**

Mayor Tuck opened the public hearing.

Mr. William Mosley thanked Council for hearing the special use application and stated that he works for the developer and was present on behalf of Banfield Pet Hospital. He also acknowledged the wonderful job Mr. Hayes did on the presentation and opened the floor for additional questions from Council and the Mayor.

Mayor Tuck also opened the floor for questions or comments. None were posed. Mayor Tuck thanked Mr. Mosley.

Mr. Mosley returned to the podium to address Councilman Bowman's question about potential tenants. He shared that one other tenant, Freddy's Frozen Custard & Steakhburgers which is based out of Kansas, is scheduled to be located there. This will be its second location as there is currently one other location in Suffolk. Mr. Mosley also noted that some options are being considered for the middle tenant which will be approximately 2,000 square feet; however, nothing has been confirmed.

Councilman Bowman thanked Mr. Mosley for the information and said that he looks forward to enjoying the custard.

Mayor Tuck closed the public hearing.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Use Permit be approved with seven proffered conditions. The motion

carried by the following vote:

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

## Ordinances

17. [21-0216](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 2 Entitled, "Definitions" Pertaining to Definitions of Sign, Flag, Off-Premises Advertising Sign, and Sign Area

Attachments: [Redline](#)  
[Presentation](#)

Ms. Glass read the titles for this and the next item and announced that there will be a joint public hearing and presentation on the items; however, the items require separate votes.

City Manager Bunting introduced Zoning Administrator, Hannah Sabo, to make the presentation.

Ms. Sabo greeted those on the dais, shared that these amendments are related to Chapters 10 and 2 of the Zoning Ordinance entitled Signs and Definitions (respectively) and then turned the floor over to Deputy City Attorney Bonnie Brown to speak about legal considerations.

Ms. Brown greeted those on the dais and reviewed the first half of the presentation which provided background information and legal considerations about the amendments.

Ms. Sabo returned to the podium to review the second half of the presentation which provided information about current flag regulations; the proposed definitions of flag, sign, sign area, and off premises advertising sign; the proposed regulations for permanent flags (residential and commercial); permit requirements; and temporary signage for occasions such as Election Day and federal holidays.

Ms. Sabo stated that staff and the Planning Commission recommend approval of both Zoning Ordinance Amendments and then opened the floor for questions.

Councilman Hobbs asked if large commercial flags that have been displayed for years will be grandfathered in.

Ms. Sabo explained that these amendments would put a restriction on the size and number of flags allowed on a commercial property and those businesses would have to come into compliance; however, there is additional signage permitted for car dealerships and other types of uses that would not change. She noted that car dealers are a unique use in their needs for signage, and, therefore, additional square footage may be allowed for car dealerships depending on the number and types of vehicles being sold.

In response to Councilwoman Snead's question about citizens being permitted to place small flags in their yards, Ms. Sabo shared that the proposal includes a two-pronged approach to permanent flags. Citizens will be allowed to display up to three small flags year-round and will be permitted to display an unlimited number of flags during federal holidays for a limited period of time.

Items 21-0216 and 21-0217 were presented by Hannah Sabo, Zoning Administrator.

Mayor Tuck opened the joint public hearing. There were no speakers and the Mayor closed the public hearing.

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

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

18. [21-0217](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 10 Entitled, "Signs" Pertaining to Temporary Signs and Flags

**Attachments:** [Redline](#)  
[Temporary Signage Table - Redline](#)  
[Temporary Signage Table](#)  
[Presentation reference](#)

Both items 21-0216 and 21-0217 were presented by Hannah Sabo, Zoning Administrator and Bonnie Brown, Deputy City Attorney.

Mayor Tuck opened the joint public hearing. There were no speakers and the Mayor closed the public hearing.

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

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

19. [21-0218](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City Of Hampton, Virginia by Amending Chapter 2 Entitled, "Definitions" Pertaining to the Definition of Cemetery

Attachments: [Presentation](#)  
[Redline](#)

Ms. Glass read the titles for items 21-0218, 21-0219, 21-0220 and 21-0221 and announced that there will be a combined presentation and public hearing on the items; however, each item requires a separate vote.

City Manager Bunting introduced Zoning Administrator, Hannah Sabo, to make the presentation.

Ms. Sabo greeted those on the dais and said that Zoning Ordinance Amendments 21-0218, 21-0219 and 21-0220 are related to cemeteries and are in conjunction with City Code Amendment 21-0221, also related to cemeteries.

Ms. Sabo shared that after receiving a number of inquiries about cemeteries, staff discovered that the current ordinance restricts the location of cemeteries to three districts in the City (LFA-1, LFA-2 and R-R). It was also discovered that the City has a number of existing cemeteries outside of those districts; therefore, a portion of the proposal is to increase where cemeteries are permitted, allowing some existing cemeteries to become conforming and permitting the expansion of legally non-conforming cemeteries up to the parcel boundaries. These amendments will also align some City Code definitions with the State Code regarding cemeteries.

Ms. Sabo reviewed the slide presentation which provided information about the proposal; the City Code Amendment; and what the proposal will allow with regard to non-conforming cemeteries.



Ms. Sabo summarized what is being proposed. Cemeteries will be added to additional districts with a Use Permit; definitions will be aligned with State Code; and the expansion of legally non-conforming cemeteries up to the parcel boundaries will be permitted. Ms. Sabo added that this is in conjunction with the City Code Amendment to remove minimum and maximum area requirements for cemeteries.

Ms. Sabo stated that staff and the Planning Commission recommend approval of the three Zoning Ordinance Amendments and staff recommends approval of the City Code Amendment for cemeteries. She then opened the floor for questions. No questions were posed.

Items 21-0218, 21-0219, 21-0220, and 21-0221 were presented by Hannah Sabo, Zoning Administrator.

Mayor Tuck opened the joint public hearing on the above stated items. There were no speakers and the Mayor closed the public hearing.

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

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

20. [21-0219](#) Ordinance to Amend and Re-Enact Chapter 3 of the Zoning Ordinance of the City of Hampton, Virginia Entitled, "Uses Permitted" Pertaining to Cemeteries

Attachments: [Presentation reference](#)

[Redline Ch 3](#)

[Redline - Table of Uses Permitted in Special Zoning Districts](#)

[Redline - Table of Uses Permitted in Standard Zoning Districts](#)

[Table of Uses Permitted in Special Zoning Districts](#)

[Table of Uses Permitted in Standard Zoning Districts](#)

Items 21-0218, 21-0219, 21-0220, and 21-0221 were presented by Hannah Sabo, Zoning Administrator.

Mayor Tuck opened the joint public hearing on the above stated

items. There were no speakers and the Mayor closed the public hearing.

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

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

21. [21-0220](#) Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 12 Entitled, "Nonconformities" to Restrict the Expansion of Legally Nonconforming Cemeteries

Attachments: [Presentation reference](#)  
[Redline](#)

Items 21-0218, 21-0219, 21-0220, and 21-0221 were presented by Hannah Sabo, Zoning Administrator.

Mayor Tuck opened the joint public hearing on the above stated items. There were no speakers and the Mayor closed the public hearing.

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

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

22. [21-0221](#) Ordinance to Amend and Reenact Chapter 10 of the City Code of the City of Hampton, Virginia, Entitled, "Cemeteries" Pertaining to Area Requirements and to Make Technical Changes

Attachments: [Redline](#)  
[Presentation reference](#)

Items 21-0218, 21-0219, 21-0220, and 21-0221 were presented by Hannah Sabo, Zoning Administrator.

Mayor Tuck opened the joint public hearing on the above stated items. There were no speakers and the Mayor closed the public hearing.

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

## Resolutions

23. [21-0213](#) Resolution Requesting the Virginia General Assembly to Amend the Charter of the City of Hampton, Virginia Pertaining to the Resignation of Councilmembers Running for the Office of Mayor in Order to Align the Effective Resignation Date with the Date of the Municipal General Election

Attachments: [Current City Charter Language](#)

Ms. Glass read the title for the item.

City Attorney Cheran Ivery made the following statement: As background to this item, at its July 14, 2021, meeting, the City Council adopted an ordinance as required by the Code of Virginia to provide for the transition of elections for the positions of Mayor, members of the City Council, members of the School Board to the November general election date from the May general election date. As a result of this change in state law, a Hampton City Charter provision which requires certain Councilmembers to resign their Council seat in order to run for Mayor no longer operates as intended. Specifically, section 3.01:2 of the Charter provides that a Councilmember desiring to become a candidate for the office of Mayor who is not elected on the same election cycle as the Mayor must tender his or her resignation at least ten days prior to the filing date for petitions and notices of acceptance as specified by general law with such resignation to be effective on June 30 of the election year. This June 30 resignation date was intended to allow for the two-year remainder term of the vacant City Council seat to be filled by Hampton voters during the general election in the preceding May, rather than by an interim appointment by City Council members or by the Circuit Court. If left as is, the City Charter will continue to require Councilmembers to resign effective June 30 in an election year

which will be six months before the seat could be filled by the November general election. This will require the City Council to make an interim appointment to fill the vacancy. Accordingly, the City Council desires to amend the Charter such that the resignation will instead be effective on December 31 following the November general election date so that the seat can be filled by the voters at the November general election with the term to commence January 1, rather than by Council appointment, as well as make technical clarifications with regard to the date by which such resignation must be tendered. Pursuant to Virginia Code Section 15.2-202, the Council is required to hold a public hearing and adopt a resolution requesting this Charter change from the General Assembly. That is the public hearing that is before you this evening.

Mayor Tuck opened the floor for questions from Council. No questions were posed.

The Mayor opened the public hearing. There were no speakers and the Mayor closed the public hearing.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Resolution be approved. The motion carried by the following vote:

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

## **PUBLIC COMMENT**

There were no speakers under Public Comment.

## **GENERAL ITEMS**

### **Appointments**

Ms. Glass read the motions required for appointments.

- 24.**     [21-0174](#)     Consideration of Appointments to the Hampton Redevelopment and Housing Authority

A motion was made by Councilmember Chris Snead and seconded by Councilmember Billy Hobbs, that this Appointment be deferred to the City Council Legislative Session, due back on 9/8/2021. The motion carried by the following vote:

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

**25.**     [21-0184](#)     Consideration of Appointments to the Grievance Board

Attachments:   [Porter](#)

A motion was made by Councilmember Chris Snead that Phyllis Porter be appointed to a first term expiring on July 31, 2025. Two vacancies remain. The motion carried by the following vote:

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

**26.**     [21-0206](#)     Consideration of Appointments to the Hampton Senior Citizens Advisory Committee

A motion was made by Councilmember Chris Snead that Jeanette Augustine be appointed to fill the unexpired portion of a term until December 30, 2022, and that Cassandra Alston Townsley be appointed to fill the unexpired portion of a term until March 30, 2025, and that Yolanda Clark be appointed as the Social Services representative. The motion carried by the following vote:

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

**27.**     [21-0208](#)     Consideration of an Appointment to the Hampton-Newport News Community Services Board

A motion was made by Councilmember Chris Snead that Susan Harris be appointed to fill the unexpired portion of a term until June 30, 2022. The motion carried by the following vote:

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

**28.**     [21-0214](#)     Consideration of an Appointment to the Hampton Roads

Community Action Program (HRCAP)

A motion was made by Councilmember Chris Snead that Khadijah Sellers be appointed as Councilwoman Snead's representative in the place of Bianca Brooks. The motion carried by the following vote:

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

**29.**     [21-0227](#)

Consideration of an Appointment to the Hampton Economic Development Authority

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Appointment be deferred. The motion carried by the following vote:

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

**REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES**

There were no reports.

**MISCELLANEOUS NEW BUSINESS**

Mayor Tuck reminded everyone that this was the only City Council meeting in August and the next meeting will be in September.

**ADJOURNMENT**

The meeting adjourned at 7:47 p.m.

**Contact Info:**  
**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**

\_\_\_\_\_  
Donnie R. Tuck  
Mayor

\_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_