



# City of Hampton, VA

## Meeting Minutes

### City Council

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

*Randall A. Gilliland  
Charles N. Sapp  
Rhet Tignor*

*Angela Lee Leary  
Joseph H. Spencer, II  
Paige V. Washington, Jr.  
Ross A. Kearney, II, Mayor*

*Staff:  
Jesse T. Wallace Jr., City Manager  
Cynthia Hudson, City Attorney  
Katherine K. Glass, Clerk of Council  
Brenda J. Vaccarelli, Deputy Clerk*

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Wednesday, June 20, 2007

7:29 PM

Council Chambers, 8th Floor, City Hall

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#### CALL TO ORDER/ROLL CALL

**Ross A. Kearney, II presided**

**Present:** Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington

#### INVOCATION - Joseph H. Spencer, II

#### PLEDGE OF ALLEGIANCE TO FLAG

#### MAYOR'S COMMENTS

Councilman Tignor introduced his wife, of three-weeks, Catherine Tignor.  
Mayor Kearney welcomed Catherine to the meeting.

#### CONSENT AGENDA

##### Consent Items - Other

1. 07-0315 Resolution Designating BBC Audio Books America, as the Only Source Practically Available for the Purchase of Certain Books on Compact Disc for the Hampton Public Library

**WHEREAS**, the Hampton Public Library maintains a standing order for books on compact disc which are unique to BBC Audio Books America; and

**WHEREAS**, many of the titles are by British authors and are not available elsewhere; and

**WHEREAS**, these titles are very popular with library patrons and the Hampton Public Library is one of the few ways in which the patrons can have access to these titles without purchasing them at considerable cost;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA** that BBC Audio Books America, be designated as the only source practically available for certain books on compact disc.

**BE IT FURTHER RESOLVED** that the City Manager, or his designee, is hereby authorized to enter into contracts as needed with BBC Audio Books America to acquire these books on compact disc.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

2. 07-0329 Resolution Determining Federal Engineering, Inc. to be the Only Source Practicably Available to Render Certain Advisory Services and Authorizing the Negotiation and Execution of a Services Contract with Federal Engineering, Inc.

**WHEREAS**, the Council of the City of Hampton (the "Council") has established that public safety in the City of Hampton is a strategic priority and that effective and efficient communications among first responders is critical to the successful delivery of public safety services to our citizens; and

**WHEREAS**, public safety communications combine diverse technologies from analog low band systems over 20 years old to the latest 800 MHz digital, trunked systems; and

**WHEREAS**, to effectively plan and design such systems, in-depth theoretical and practical knowledge is required in multiple technologies, including voice, data, AVL, encryption, and imaging; and

**WHEREAS**, a comprehensive understanding of the existing and emerging regional public safety communications capabilities is critical to the successful understanding of the City of Hampton's public safety communications requirements; and

**WHEREAS**, several major capital projects are currently underway or scheduled that have direct impact on the current communications infrastructure and capabilities impacting the future communications requirements; and

**WHEREAS**, the financing of these initiatives will require the City of Hampton (the "City") to provide a significant investment therein; and

**WHEREAS**, the City's Police Division requires the services of a public safety communications consultant to efficiently advise it and coordinate its efforts in this

complex and vital area and to provide related reports within no more than 120 days due to the necessity to integrate the timeline of the 800 MHz rebanding mandate as it relates to and impacts other planned and pending citywide capital projects; and

**WHEREAS**, Federal Engineering, Inc., has been determined to be the only source practicably available to provide the comprehensive services in the required timeframe at fair and reasonable pricing consistent with that provided to neighboring jurisdictions, and funding to pay for the services to be rendered under the services contract is available in the CIP Fund – Public Safety Radio System.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA** as follows:

1. That the contract for procuring the services described above may be negotiated and awarded to Federal Engineering, Inc., as “sole source” without competitive sealed bidding or competitive negotiation as set forth in Virginia Code § 2.2-4303.E;
2. That the City Manager or his authorized designee is authorized to negotiate and execute a services contract with Federal Engineering, Inc.; and
3. That the notice awarding the services contract to Federal Engineering, Inc., shall be posted in a public place pursuant to Virginia Code §2.2-4303.E.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

3. 07-0330 Designation of Cipher, an Information Technology Consulting Service Company Specializing in Strategic Research and Analysis, as the Only Source Practically Available for Implementation of SAP Strategy Management (formerly Pilot Works), a Performance Indicator Tracking Software Selected to Complement City’s Enterprise Architecture and Performance Tracking Efforts.

**WHEREAS**, the City has the immediate need to acquire implementation services to implement SAP Strategy Management software, a performance indicator tracking solution; and

**WHEREAS**, Cipher, an information technology consulting services company specializing in strategic research and analysis, is the only source practically available for implementation of SAP Strategy Management (formerly Pilot Works);

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA** that Cipher is designated as the only source practically available for implementation of SAP Strategy Management software for the City of Hampton.

**BE IT FURTHER RESOLVED** that the City Manager, or his designee, is hereby authorized to enter into contracts as needed in connection with Ciphon in connection with implementation of the SAP Strategy Management software.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

4. 07-0357 Resolution Determining Ocean Systems to be the Only Source Practicably Available From Which to Procure for the Hampton Police Division a Forensic Video Analysis System and Authorizing the Negotiation and Execution of a Purchase Contract with Ocean Systems.

**WHEREAS**, Hampton City Council recognizes the public interest in providing through its Police Division the most efficient means reasonably available and affordable to efficiently investigate and solve crimes;

**WHEREAS**, Ocean Systems is the exclusive manufacturer of a forensic video analysis system that provides state of the art tools to get the best evidence possible from video and audio materials via its "dTective" forensic package;

**WHEREAS**, the dTective forensic video analysis system is software that is the property of Ocean Systems and only available from Ocean Systems which holds all of the copyrights and licenses for this software; and

**WHEREAS**, the price at which Ocean Systems has offered the technology has been determined to be fair and reasonable for technology of this unique nature and of this level of sophistication.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA** as follows:

1. That the contract for procuring the forensic video analysis system described above may be negotiated and awarded to Ocean Systems as a "sole source" without competitive sealed bidding or competitive negotiation as set forth in Virginia Code Section 2.2-4303.E;
2. That the City Manager or his authorized designee is hereby authorized to negotiate and execute a purchase contract with Ocean Systems; and
3. That the notice awarding the contract to Ocean Systems, Inc. shall be posted in a public place pursuant to Virginia Code Section 2.2-4303.E.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

5. 07-0358 Resolution Determining Kustom Signals to be the Only Source Practicably Available from Which to Procure Police Division In-Car Video System Upgrades and Authorizing the Negotiation and Execution of a Purchase Contract with Kustom Signals.

**WHEREAS**, it has for some time been the policy of the Hampton Police Division to utilize mobile audio/video cameras to enhance its mission, and the City Council of the City of Hampton recognizes that this action is in the best interest of the City and the citizens supported by police services;

**WHEREAS**, the Digital Eyewitness In-car Video System available only from Kustom Signals is the original and still the only system available on the market that includes a security vault mechanism which is trunk mounted and provides ultimate protection for evidence recorded by the machinery;

**WHEREAS**, Kustom Signals is the Hampton Police Division's current source of radar, Lidar, and VHS video equipment and its installation of its digital in-car video system represents an upgrade of existing technology; and

**WHEREAS**, Kustom Signals offers a significant discount for equipment upgrades for existing customers and the Police Division has determined that the price at which it may procure the system is a fair and reasonable price.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA** as follows:

1. That the contract for procuring for the Hampton Police Division the in-car video systems described above may be negotiated and awarded to Kustom Signals as a "sole source" without competitive sealed bidding or competitive negotiation as set forth in Virginia Code Section 2.2-4303.E;
2. That the City Manager or his authorized designee is hereby authorized to negotiate and execute a contract for the purchase of the goods with Kustom Signals; and
3. That the notice awarding the contract to Kustom Signals shall be posted in a public place as required by Virginia Code Section 2.2-4303.E.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

6. 07-0324 Resolution Accepting and Appropriating the Smart Beginnings Blitz Grant.

**WHEREAS**, the Library of Virginia has awarded the Smart Beginnings Blitz Grant to the City of Hampton in the amount of \$250.00 in state funds, and

**WHEREAS**, the grant covers the period of July 1, 2007, through June 1, 2008.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA** that City Council authorized the City Manager, or his designee, to take the necessary steps to implement this grant award.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

7. 07-0332 Resolution Accepting and Appropriating the Early Intervention Services for Infants and Toddlers with Disabilities and Their Families Contract Amendment and Any Related Supplemental Funding.

**WHEREAS**, the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) has awarded the City of Hampton, Part C funds on behalf of the Infant and Toddler Connection of Hampton Newport News (formerly named the Hampton-Newport News Interagency Coordinating Council) in the amount of \$430,038 in federal funds and \$330,705 in state funds for a total award of \$760,743; and

**WHEREAS**, the grant period covers July 1, 2007 through June 30, 2008;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Hampton, Virginia accepts and appropriates the Early Intervention Services for Infants and Toddlers with Disabilities and Their Families contract amendment in the amount of \$760,743 and any related supplemental funding by the Department of Mental Health, Mental Retardation and Substance Abuse Services in accordance with the contract.

**BE IT FURTHER RESOLVED**, that the City authorizes the City Manager to take the necessary steps to implement this grant award.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

8. 07-0333 A Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the 2007-2008 Comprehensive Community Corrections Act and Pretrial Services Act Grant Funding Program Through the Hampton-Newport News Criminal Justice Agency from the Virginia Department of Criminal Justice Services.

**WHEREAS**, the Hampton-Newport News Criminal Justice Agency anticipates award notification from the Virginia Department of Criminal Justice Services on their allocation amount for the Comprehensive Community Corrections Act and Pretrial Services Act Grant, for \$1,621,718 in State funds, \$65,000 cash match from the City of Hampton, \$112,000 cash match from the City of Newport News; and,

**WHEREAS**, the grant award covers the period July 1, 2007, through June 30, 2008.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton accepts and appropriates the Comprehensive Community Corrections Act and Pretrial Services Act Grant award in the amount of \$1,621,718 in State funds, \$65,000 cash match from the City of Hampton, \$112,000 cash match from the City of Newport News, and any client service fees collected this granting period, for a total grant award of \$1,798,718 along with any client service fees and related supplemental funding made by the Virginia Department of Criminal Justice Services in accordance with the grant agreement.

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Manager, or his designee, to take the necessary steps to implement this grant award.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

9. 07-0351 Resolution Accepting and Approving Funds for the Hampton Clean City Commission from the Department of Environmental Quality, the Solid Waste Fund, the Stormwater Fund, and the General Fund.

**WHEREAS**, the Hampton Clean City Commission is awaiting notification from the Virginia Department of Environmental Quality on their allocation amount for the litter prevention program, estimated to be up to \$25,000; and

**WHEREAS**, \$55,000 from the Solid Waste Fund, \$25,600 from the Stormwater Fund, and \$52,245 from the General Fund have been awarded to the Clean City Commission; and

**WHEREAS**, the grant award covers the period July 1, 2007 through June 30, 2008;

**WHEREAS**, it is anticipated that \$5,000 in donations from the Keep Hampton Green Fund will be received on behalf of Commission urban forestry activities;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton accepts and appropriates an amount up to \$5,000 from Keep Hampton Green donations; an amount up to \$25,000 from the Virginia Department of Environmental Quality; \$55,000 from the Solid Waste Fund; \$25,600 from the Stormwater Fund; and \$52,245 from the General Fund for a total of up to \$162,845, and any additional funds awarded from these sources in accordance with the grant agreement.

**BE IT FURTHER RESOLVED** that the City Council of the City of Hampton authorizes the City Manager to take the necessary steps to implement this grant award.

Councilwoman Leary stated that under this resolution the stormwater fund is for \$25,600 and it is for educating the public regarding stormwater issues.

APPROVED

**Motion made by:** Councilmember Angela Lee Leary

**Seconded by:** Councilmember Paige V. Washington

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

10. 07-0366 A Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Filtering Grant for the Hampton Public Library through the Library of Virginia.

**WHEREAS**, The Library of Virginia has awarded a Filtering Grant in the amount of \$3,367.30 to the Hampton Public Library, Hampton, Virginia and;

**WHEREAS**, the grant covers the period of July 1, 2007 through June 30, 2008;



**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton accepts and appropriates the Filtering Grant in the amount of \$3,367.30;

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Manager, or his designee, to take the necessary steps to implement this grant award.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

11. 07-0337 Resolution Approving Regional Sanitary Sewer Package consisting of 1) State Water Control Board Enforcement Action: Special Order by Consent Issued to Hampton Roads Communities and HRSD, 2) Memorandum of Agreement for Regional Sanitary Sewer System Operation, Maintenance and Enhancement; and 3) Regional Technical Standards.

**WHEREAS**, the Hampton Roads Sanitation District ("HRSD") provides sewage treatment service to the cities of Chesapeake, Hampton, Newport News, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Gloucester, Isle of Wight, and York; the James City Service Authority; and the town of Smithfield. (collectively, the "Localities"); and

**WHEREAS**, the City of Hampton and other Localities individually own and operate sanitary sewer collection systems, which collect sewage within their individual jurisdictional boundaries that is delivered to the HRSD system for treatment; and

**WHEREAS**, due to pipe breaks, electrical outages, wet weather events, insufficient capacity in the collection, interceptor and treatment systems, and other factors, untreated sewage is, on occasion, discharged from various locations in the HRSD sewer system and from the Localities' sanitary sewer systems; and

**WHEREAS**, at the behest of the Virginia Department of Environmental Quality ("VDEQ"), and the U.S. Environmental Protection Agency ("EPA"), the HRSD and the Localities, working under the aegis of the Hampton Roads Planning District Commission ("HRPDC"), have expeditiously developed a comprehensive program to remedy these problems. This program consists of regional and individual elements. The regional element requires the Localities and HRSD to use uniform standards to design the infrastructure improvements needed to manage peak wet weather flows throughout the Hampton Roads Sewer System in a cost-effective manner. The HRSD and Localities are required to address their individual system conditions that cause or contribute to discharges of untreated sewage; and

**WHEREAS**, these regional and individual commitments are set forth in the following three documents that have been developed collectively and in consultation with the staff of the VDEQ: (1) State Water Control Board Enforcement Action: Special Order by Consent Issued to the Hampton Roads Sanitation District; the cities of Chesapeake, Hampton, Newport News, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg; the counties of Gloucester, Isle of Wight and York; the James City Service Authority; and the Town of Smithfield ("Regional Consent Order"); (2) Memorandum of Agreement for Regional Sanitary Sewer System Operation, Maintenance and Enhancement ("Memorandum of Agreement"); and (3) Attachment 1 to the Special Order by Consent: Regional Technical Standards ("Regional Technical Standards"), (collectively, these documents are referred to as the "Regional Consent Order Package"); and

**WHEREAS**, the success of these regional and individual Locality efforts depends upon the cooperative efforts of the HRSD and the Localities, and the approval of the Virginia State Water Control Board ("SWCB") and its VDEQ staff; and

**WHEREAS**, the ongoing efforts of the Localities and HRSD to maintain, repair and improve the sanitary sewer system at substantial cost, for the benefit of the region's quality of life, is endorsed and commended; and

**WHEREAS**, the EPA has recently asked the U. S. Department of Justice to take judicial enforcement action against HRSD on account of such sanitary sewer overflows, and has asked the VDEQ to exclude HRSD from the Regional Consent Order Package; and

**WHEREAS**, because any such federal judicial action could greatly delay and undermine the collective regional approach to address these overflows, and because HRSD has indicated its willingness to remain a party to this regional effort despite the threat of federal action, the VDEQ staff is prepared to recommend approval by the SWCB of a Regional Consent Order Package with HRSD as a party; and

**WHEREAS**, the City has and continues to operate under an October 2002, sanitary sewer overflow-related special order by consent with the SWCB and HRSD. The Regional Consent Order Package provides for termination of the October 2002 order at the time the Regional Consent Order Package is approved by the SWCB.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA:**

(1) commends the efforts of its staff and those of the other Localities, HRSD HRPDC, and VDEQ, and their respective consultants to address and remedy this important problem; and

(2) approves the Regional Consent Order Package as presented on this date to City Council; and

(3) authorizes and directs the City Manager to execute the Regional Consent Order and Memorandum of Agreement on behalf of the City and submit the Regional Consent Order Package to VDEQ for public notice and approval by the SWCB; and

(4) directs the City Manager to bring the Regional Consent Order Package back to City Council for further consideration if the SWCB approval process results in any significant change from the version approved by this resolution; and

(5) authorizes the City Manager and the City Attorney to take such other actions as may be reasonably necessary to implement the intent of this resolution.

Councilwoman Leary stated that these items are being brought up for Council to pass a resolution because the City's infrastructure is aging and the City is anticipating an addition in stormwater management fees because of this. She said that is replacement of aging facilities.

APPROVED

**Motion made by:** Councilmember Angela Lee Leary

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

12. 07-0343 Resolution Approving the Terms of a Cooperation Agreement Between the City of Hampton and the Fort Monroe Federal Area Development Authority and Authorizing the Execution Thereof.

**WHEREAS**, by Coded Ordinance No. 1473 adopted March 28 2007, the Council of the City of Hampton, Virginia (the "City Council") created the Fort Monroe Federal Area Development Authority ("FMFADA") pursuant to the emergency legislation enacted by the Virginia General Assembly under the Authorities for Development of Former Federal Areas Act, Chapter 63, Title 15.2 of the Code of Virginia of 1950, as amended in order to enable more efficient cooperation with the federal government and the Commonwealth of Virginia with respect to the reuse and planning of the military installation in the City of Hampton, Virginia (the "City") known as "Fort Monroe";

**WHEREAS**, by Resolution adopted May 23, 2007 the City entered into a Memorandum of Agreement ("MOA") with the Commonwealth and the FMFADA to memorialize their similar goals, objectives and vision for the redevelopment of Fort Monroe;

**WHEREAS**, pursuant to the aforesaid MOA and Resolution, the City agreed to provide (i) limited in kind services to assist the FMFADA with the Homeless Assistance Screening Process for HUD approval of the Reuse Plan which is required under BRAC Statute and the adoption of the Final Reuse Plan, (ii) as "as needed" services from the Office of Intergovernmental Affairs and the Office of the City Attorney to assist with issues arising under the MOA which affect or involve the City of Hampton, and (iii) services of the City to act as Fiscal Agent for the FMFADA during the term of the MOA; and

**WHEREAS**, the execution of a Cooperation Agreement between the City and the FMFADA will facilitate the administration of funds for the FMFADA's efforts as the new Local Reuse Authority, and will enable the City to act as Fiscal Agent for the FMFADA and provide in kind services which will meet the City's cost sharing commitment under the MOA.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hampton Virginia that it approves the terms of the Cooperation Agreement attached hereto and the City Manager or his Authorized Designee be and is hereby authorized to execute and deliver to the FMFADA the Cooperation Agreement in substantially the form attached hereto.

Councilwoman Leary stated that the Cooperation Agreement that she has seen is talking about the use of City personnel to pay for expenses that the Fort Monroe Federal Areas Development Authority (FMFADA) have incurred, and will incur in the future. She said that one of the things that she has specifically requested is a marine impact study. He said that she doesn't know if that will be done prior to the City developing anything with the Agreement or after that, in a Memorandum of Understanding (MOU).

APPROVED

**Motion made by:** Councilmember Angela Lee Leary

**Seconded by:** Councilmember Joseph H. Spencer, II

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nays:** 0

13. 07-0328 Resolution Setting a Stipend for the Members of the Board of Commissioners of the Hampton Redevelopment and Housing Authority and Increasing the Stipend for the Members of the Planning Commission.

**WHEREAS**, on March 14, 2007, Council repealed Non-Coded Ordinance No. 239 which designated the City Council as the Hampton Redevelopment and Housing Authority (HRHA) and said ordinance will take effect on and after July 1, 2007; and

**WHEREAS**, a stipend of up to \$150 per month is allowed for each individual serving as a Commissioner of the Hampton Redevelopment and Housing Authority; and

**WHEREAS**, On May 23, 2007, Council appointed seven citizens to serve as Commissioners of the Hampton Redevelopment and Housing Authority; and

**WHEREAS**, it is the intent and desire of the Hampton City Council to compensate the aforesaid individuals for their service to the City in connection with their duties as Commissioners of the Hampton Redevelopment and Housing Authority;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA** that each Commissioner of the Hampton Redevelopment and Housing Authority shall receive the sum of ONE HUNDRED FIFTY DOLLARS (\$150.00) for each month that they serve as a Commissioner and this stipend will continue for all future HRHA Commissioners unless modified by future Council action.

**BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA** that the stipend received by each member of the Planning commission of the

City of Hampton shall be increased to ONE HUNDRED FIFTY DOLLARS (\$150.00) for each month that they serve as a Commissioner and this stipend will continue for all future Planning Commissioners unless modified by future Council action.

Councilwoman Leary stated that this is regarding the compensation stipend to be paid to members of the Board of Commissioners. She said that a recommendation came from the selection committee to Council, that each Commissioner be paid \$150 a month as a stipend for serving on the Hampton Redevelopment and Housing Authority (HRHA). She said that she would like to amend the motion to add the Planning Commissioners to pay them \$150 a month per meeting instead of the \$100 a month per meeting.

Mayor Kearney stated that this is an amendment to raise the salary for the Planning Commission from \$100 monthly to \$150 monthly.

**Motion made by:** Councilmember Angela Lee Leary

**Seconded by:** Councilmember Rhet Tignor

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nays:** 0

APPROVED AS AMENDED

**Motion made by:** Councilmember Angela Lee Leary

**Seconded by:** Councilmember Rhet Tignor

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nay:** 0

14. 07-0359 Resolution of the City Council of the City of Hampton, Virginia, Pursuant to Virginia Code Section 37.2-504.A.11 Authorizing the Hampton-Newport News Community Services Board to Incur Certain Borrowing Obligations.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nays:** 0

15. 07-0338 Amendment to the City Channel (Cox Channel 47) Station Operating Policy to Provide Greater Flexibility for Programming.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

16. 07-0341 Approval of the Minutes from the Special Afternoon and Evening Budget Meetings of May 2, 2007, the Afternoon and Evening Regular Meetings of May 9, 2007, and the Afternoon and Evening Regular Meetings of May 23, 2007.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

17. 07-0344 Request to Vacate Alley off of Magnolia Place by William R. Jennings and Jeanne G. Jennings.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

18. 07-0331 Resolution Authorizing the City Manager to Execute Agreements with the Virginia Department of Transportation - Big Bethel Road/Roberta Drive Intersection Improvements (Engineering Services Project No. 04-001) and Big Bethel Road/Joynes Road Intersection Improvements (Engineering Services Project No. 05-007)

Councilwoman Leary asked the City Manager if the citizens in that area knew about this and if they had participated in any of the discussions.

In response, Mr. Jesse T. Wallace, Jr., City Manager, stated that he didn't know if they had participated in meetings, but this has been in the making for a long time. He said that the residents in that area were aware that it was going to happen.

Councilwoman Leary stated that since there has been so much discussion, she hopes that the citizens would be involved in this process before it takes place.

Mayor Kearney stated that this stop light was requested by the people in Northampton to alleviate the driving through on Big Bethel Road near Mr. Ashton Haywood's property. He said that it has been in the works for well over two years, if not three. He said that there were public meetings held because the people in Northampton met with Council regarding this request.

Councilwoman Leary stated that was correct, but she wanted to insure that the citizens are still in agreement that this stop light is still in the works.

APPROVED

**Motion made by:** Councilmember Angela Lee Leary

**Seconded by:** Councilmember Paige V. Washington

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

19. 07-0342 Resolution Appropriating Funds in the Amount of \$1,070,772 to the City's Capital Projects Fund for the Acquisition of 31 Freeman Drive, also known as the "Prince Property."

**WHEREAS**, on April 25, 2007, the City Council of the City of Hampton ("Council") approved the acquisition of two parcels of real property totaling approximately 14 acres located in the Crossroads area of the Coliseum Central District of Hampton (the "Prince Property") from Frances Prince Irick, formerly known as Frances V. Prince, sole heir of Louise F. Prince, III, deceased, for \$1,050,772.00 plus \$20,000.00 in acquisition costs for a total sum of \$1,070,772.00;

**WHEREAS**, funding to acquire the Prince Property was to come from the transfer of the H2O proceeds from the Hampton Redevelopment and Housing Authority ("HRHA") to the City's Capital Projects Fund;

**WHEREAS**, on June 13, 2007, the HRHA approved the use of the \$1,070,772.00 it received from the sale of its property to Sandler at Coliseum Central, L.L.C. for the acquisition of the Prince Property and the transfer of said funds to the City's Capital Projects Fund; and

**WHEREAS**, the HRHA has transferred the aforementioned funds to the City for the acquisition of the Prince Property.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hampton, Virginia, that the sum of \$1,070,772 be appropriated to the Capital Projects Fund for the purpose of acquiring the Prince Property.

Councilwoman Leary stated that the \$1,070,772 for the acquisition of the Prince property is not coming out of the City's Capital Acquisition funds. She explained that those funds have already been put up by the developer, Mr. Sandler.

APPROVED

**Motion made by:** Councilmember Angela Lee Leary

**Seconded by:** Councilmember Paige V. Washington

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nays:** 0

20. 07-0348 Resolution Increasing the Capital Projects Fund Estimated for FY07 and Establishing Estimated Revenues and Appropriations for the River Street Park.

**BE IT RESOLVED** by the City Council of the City of Hampton, Virginia that the following appropriation be made to the Capital Projects fund:

	<u>FY 2007</u>
Increase Revenue:	
Transfer from General Fund	\$50,000
Appropriation to Capital Projects Fund – River Street Park	\$50,000

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nays:** 0

21. 07-0350 Resolution Appropriating \$21,054.96 from the VDOT Urban Construction Account – for Chesapeake Avenue Speed Humps - VDOT Revenue Sharing Reimbursement (Engineering Services Project No. 06-011)



**WHEREAS**, the Neighborhood Office, expended \$42,109.92 for the installation of speed humps along Chesapeake Avenue from its Neighborhood Improvement Capital account; and

**WHEREAS**, 50% of the cost of the speed humps along Chesapeake Avenue was reimbursed by VDOT under a Revenue Sharing grant and those funds were deposited into the VDOT Urban Construction Funds account; and

**WHEREAS**, the project expenditures were made in FY06 but the VDOT reimbursement took place in FY07; and

**WHEREAS**, because of the difference in fiscal years, a Council appropriation is necessary from VDOT Urban Construction Funds and Council authorization is needed to transfer these funds to the Neighborhood Improvement account in the Capital Projects Fund.

**NOW, THEREFORE, BE IT RESOLVED** that \$21,054.96 is hereby appropriated from the VDOT Urban Construction Funds and a transfer of these funds is hereby authorized to the Neighborhood Improvement account in the Capital Projects Fund.

APPROVED consent agenda items 1 through 8, 10, 14 through 17, 20 and 21.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

## **PRESENTATIONS, PROCLAMATIONS, AWARDS**

### **22. 07-0318 In Recognition of Rufus B. Easter, Jr.**

Councilman Washington read and presented a proclamation to Mr. Rufus B. Easter, Jr. He noted that Mr. Easter has been a stalwart participant in the Commonwealth, has contributed many things to the City, initiated many programs, and has served on many boards.

Mr. Easter, accompanied by his wife, Evelyn, thanked Mayor Kearney and members of Council for reaching back into history. He said that he prays that he will be able to continue the work that he has done. Mr. Easter said that he was honored to have had the support of his wife and family.

Councilman Washington recognized Mr. Easter's friends and family members and thanked them for attending the Council meeting.

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

**PUBLIC HEARINGS****Rezoning - Second Reading**

23. 07-0292 Rezoning Application No.1224-D by the City of Hampton to rezone 5.69+/- acres from Special Public Interest - Buckroe (SPI-B) District to Special Public Interest – Public Land (SPI-PL) District to expand Buckroe Park.

Mr. Jesse T. Wallace, Jr., the City Manager, stated that this request is to bring the land for the proposed Buckroe Park expansion under the same zoning district as the existing Buckroe Park in Buckroe Beach. He said that Council was being asked to approve this item on second and final reading.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Vice Mayor Randall A. Gilliland

**Seconded by:** Councilmember Paige V. Washington

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nay:** 0

24. 07-0293 Zoning Ordinance Amendment to amend the boundaries of the Special Public Interest – Buckroe District (SPI-B) for the expansion of Buckroe Park.

Mr. Jesse T. Wallace, Jr., City Manager, stated that this Zoning Ordinance Amendment is in conjunction with Rezoning Application No. 1224-D. He said that the boundaries of the SPI-B district are included in the text of the zoning ordinance. He said that Rezoning Application No. 1224-D is a request to rezone a portion of the SPI-B land Special Interest Public Lands in order to facilitate the expansion of Buckroe Park. The City Manager stated that Council is being asked to approve this on second reading and final reading.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Vice Mayor Randall A. Gilliland

**Seconded by:** Councilmember Rhet Tignor

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nay:** 0

25. 07-0304 Rezoning Application No. 1240 is a request by the City of Hampton to rezone 84.01± acres at 100 Grundland Drive from One Family Residence (R-33) District to Special Public-Interest Public Land (SPI-PL) District. [LRSN: 10000604]

Mr. Jesse T. Wallace, Jr., City Manager, stated that Rezoning Application No. 1240 is consistent with the City's goals and policies. He explained that the Community Plan suggests that the land be used for the property as open space. He said that Council is being asked to approve on second and final reading.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Vice Mayor Randall A. Gilliland

**Seconded by:** Councilmember Joseph H. Spencer, II

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nay:** 0

26. 07-0305 Rezoning Application No.1248 is a request by Marlyn Development and the Catholic Diocese of Richmond to amend the proffered conditions on 4.92+/- acres of property zoned Multiple Dwelling (MD-4) District at 211 Marcella Road. [LRSN 7001537]

Mr. Jesse T. Wallace, Jr., City Manager, stated that the purpose of Rezoning Application No. 1248 is to change the allowable number of units from 148 to151. He said that Council is being asked to approve on second and final reading.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Angela Lee Leary

**Seconded by:** Councilmember Joseph H. Spencer, II

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nay:** 0

27. 07-0306 Rezoning Application No. 1247 by L. M. Sandler and Sons, Inc. to rezone 11.5+/- acres from Limited Commercial District (C-2), Multiple Residence District (R-M), Multi-Dwelling District (MD-4), and One Family Residence District (R-11) to Multi-Dwelling District (MD-4) with nine (9) conditions to allow the development of up to 103 townhouse and stacked townhouse

units within the H20 mixed, multi-family residential project in Coliseum Central.

Mr. Jesse T. Wallace, Jr., City Manager, stated that Rezoning Application No. 1247 is to rezone a number of parcels and a number of portions of parcels along Freeman Drive in order to facilitate the two phases of H20 Project. He said that Council is being asked to approve Rezoning Application No. 1247 on second and final reading.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Councilmember Paige V. Washington

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nay:** 0

### Rezoning - First Readings

28. 07-0353 Rezoning Application No. 1249 by Beverly Longino to rezone .125 +/- acres at 508 Beach Road (LRSN: 10000323) from Neighborhood Commercial District (C-1) to One-Family Residence District (R-9) for the use of an existing single family home.

Mr. Jesse T. Wallace, Jr., City Manager, stated that due to the commercial zoning designation C-1, this particular residence at 501 Beach Road is a non-conforming use and as a non-conforming use the property owner may not be able to obtain a home loan, to refinance or to rebuild their house if it damaged up to 75 percent of the replacement value. He said that the proposed rezoning to R-9 will bring the existing home into legal conformance status and protect the applicant from losing future home value. He stated that Council is being asked to approve Rezoning Application No. 1249 on first reading.

Mayor Kearney stated that Council has received a presentation before. He explained that if there was a fire the owner could gain the money from the insurance company to renovate their home. In response, the City Manager stated that was correct.

Mayor Kearney stated that right now they could not because of the split zoning which is something that occurs over many years.

HELD PUBLIC HEARING

APPROVED ON FIRST READING

**Motion made by:** Councilmember Paige V. Washington

**Seconded by:** Vice Mayor Randall A. Gilliland

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nay:** 0

### Use Permit

29. 07-0352 Use Permit No. 1028 by Jessica Wright of Verizon Wireless to bring an existing 122' communications tower at 24 Skyland Drive into conformance and to allow co-locators. [LRSN12004092].

Mr. Jesse T. Wallace, Jr., City Manager, stated that the existing tower is considered legal non-conforming use and because of this additional service providers may not co-locate on the structure. He stated that the Community Plan suggests that cell phone service providers attempt to co-locate on existing towers before they seek approval to build a new structure. The City Manager stated that Planning Staff and the Planning Commission recommend approval of Use Permit No. 1028 subject to the following two (2) conditions:

1. The tower will not exceed 122' in height.
2. The site shall be improved in substantial conformance with the site plan submitted as part of this Use Permit request; however the landscaping plan shall be approved by the Planning Director or his designee, and any expansion of, or improvements to, the compound must either meet the setbacks and standards set forth in the ordinance or appropriate variances must be obtained.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Councilmember Rhet Tignor

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nay:** 0

30. 07-0355 Use Permit No. 1224: by the Hampton City Schools to construct a Pre-Kindergarten through Eighth Grade Public School at 3120 Victoria Boulevard (LRSN # 1006804).

The following are conditions that will be attached to the Use permit:

1. The site will be developed in substantial conformance with the submitted site plan entitled, "PK-8 Elementary/Middle School

Victoria Boulevard-Sentara Site” and dated May 9, 2007. Minor changes and deviations that are unrelated to compliance with applicable local, state and federal regulations should be allowed if otherwise acceptable by the Director of Planning.

2. The palette of building materials and key signature architectural elements of the building shall reflect the unique character and history of the Greater Wythe neighborhood.
3. Important historic public buildings within the neighborhood such as Armstrong Elementary School, Wythe Elementary School and the former Thorpe Junior High School shall be used as precedents to guide the design of these signature elements of the new school.
4. The stand of mature trees along Victoria Boulevard shall be preserved to the extent possible.
5. The rear or southern section of the building and the “park and field spaces” adjacent to this part of the building shall be designed for joint use between Hampton City Schools, the City of Hampton and the community. Key design features shall include: (1) well designed and marked community use entrances; (2) convenient and well lit parking areas in close proximity to these entrances; and (3) HVAC systems which are flexible to efficiently accommodate after hours community use of these spaces.
6. The rear portion of the building will be designed and constructed in order to meet or exceed standards for use as a primary emergency shelter. Specific design and specifications for the primary shelter spaces shall be approved by the City of Hampton’s Emergency Preparedness Bureau of the Hampton Fire Division prior to issuance of final site plan or building permit approval.
7. All building elevations shall be substantially in conformance with those submitted with the Use Permit application entitled, “PK-8 Elementary/Middle School Victoria Boulevard-Sentara Site” and dated May 9, 2007.
8. The parking towards the east of the site will be delineated for both school buses and cars.
9. All site lighting shall adhere to the City of Hampton code regulations and will not have spillage to the adjacent residences.
10. The site plan will be consistent with the Crime Prevention through Environmental Design (CPTED) standards and shall be reviewed by the Hampton Police Division prior to final site plan approval.
11. Final design and site layout of the park and field areas to the rear of the complex shall be a joint collaboration of between Hampton City Schools and the City of Hampton Parks and Recreation Department.
12. The building will be constructed as a high performance structure that will qualify for LEED or other national equivalent certification.

Mr. Jesse T. Wallace, Jr., City Manager, stated that the subject property is a 22+ acre parcel located at 3120 Victoria Boulevard. He said that the applicant, Hampton City Schools, is proposing to construct an over 200,000 + square foot Pre-K through 8th Grade School. He stated that Planning Staff and the Planning Commission recommend approval of Use Permit 1224 as submitted.

Mayor Kearney asked Vice Mayor Gilliland for his comments since he served on the committee with former Councilman Turner M. Spencer in trying to get this to the table many years ago.

Vice Mayor Gilliland said it was nice to see some renderings of the work that is a culmination of School Investment Panel and the work of this Council.

Mr. Terry O'Neill, Director of Planning, stated that it has been a long road and there are many people excited about the new school. He said that this is one of the last big hurdles before they can start turning dirt.

Mr. O'Neill explained that he will introduce the project and then turn the presentation over to Ms. Adanna Davis, the City Planner who has been working with the Hampton City Schools team on this Use Permit.

Mr. O'Neill recognized Mr. G. Victor Helman, Chief Operating Officer (CEO) of Hampton City Schools, Mr. Jack Hastings, Architect with Mosley Architects.

Mr. O'Neill explained what the Use Permit application is intended to cover. He said that the schools are a permitted use and residential zoning categories and this is R-11 zoned property. He said that a Use Permit takes a look at the school as a very big building that fits into neighborhood areas and assesses the design aspects. He explained that some of the thoughts and directions supported by Council were to look at the school not only as a school, but as a community asset that can be used 24-hours-a-day, seven days a week. He said that there is a significant community use aspect to the building, inside the building and on the grounds that surround the building.

Mr. O'Neill stated that Council gave staff clear direction that the building should be designed to help the City of Hampton and its citizens in being prepared for emergencies. He said that significant component of the building will be designed as a Red Cross Emergency Shelter for the use of the citizens of the City of Hampton in times of need. He noted that staff has pursued some very innovative approaches.

Mr. O'Neill expressed appreciation to the Hampton City School's team for the design relative to the constructional components and high performance of the building. He explained that the building is being designed to be very energy efficient and environmentally friendly.

Mr. O'Neill explained that this will be one of the City's first public buildings to pursue this strategy and they hope it is the first of many more to come.

Ms. Adanna Davis, City Planner, stated that Council and the Hampton School Board agreed to fund the construction of two (2) new Pre-Kindergarten through 8th Grade schools. She explained that one of the schools will be located adjacent to Bethel High School and the other

school will be located on the former Sentara Hospital site. She further explained that once the schools are built, they will be the first new schools built in the City of Hampton in over 31 years.

Ms. Davis made the following presentation to Council.

#### Proposal

- Construct a 200,000± square foot Pre-Kindergarten through 8th Grade School
- Facility will also be utilized as a Community Facility and Emergency Shelter.

Ms. Davis provided Council with pictures of the proffered elevations, the proffered floor plan and the proffered site plan of the building, which will front on Victoria Boulevard.

Ms. Davis reiterated that the school will be used as a FEMA Emergency Shelter in case of a disaster.

#### Site Plan

Ms. Davis noted that the site is about 22 acres and because of the way the facility will be utilized there are a lot of amenities that will be included on the site. She noted the following:

- three separate parking areas to separate the different traffic style
- soccer field six (6) lane track
- baseball field
- outdoor recreational play area
- pedestrian connectivity throughout the facility.

#### Zoning

Ms. Davis stated that the current zoning of the parcel is R-11. She explained that a Use Permit is required before this site can be utilized as a public school because of the zoning. She further explained that the majority of the area is either zoned R-11 or R-9.

#### Current Land Use

Ms. Davis stated that the current land use of this property is public/semi public which is consistent with the proposal. The parcel was purchased by the City of Hampton Public Schools and will be used as public/semi public.

#### Hampton Community Plan (adopted 2006 by City Council, as amended)

- Recommends the land use for the property as Public/Semi Public.
  - Public/Semi-Public includes existing and future areas appropriate for government buildings, public or private



institutional uses (i.e. Public Schools), and community facilities. (Pg. LU-13)

Kecoughtan Road Corridor Master Plan (adopted, 2006)

- The recommends constructing a Kindergarten through 8<sup>th</sup> Grade public school on the former Sentara Hospital site.
- Hampton Parks and Recreation 2020 Master Plan (1998, as amended)
- Goal is to expand the recreational opportunities to residents through partnerships with other public, community, military and commercial activity.
- Utilize elementary schools as neighborhood parks.

Recommendation

- Staff recommends approval of Use Permit No. 1224
  - The proposal conforms to the recommendations and objectives of the Hampton Community Plan (2006, as amended), Hampton Parks and Recreation 2020 Master Plan, (1998, as amended) and the City of Hampton's Kecoughtan Road Corridor Master Plan (adopted, 2006)

Vice Mayor Gilliland asked when the team met to consider uses for the Sentara site. In response, Mr. O'Neill stated that the Sentara Hospital convened a community group in 1995 or 1996; once they made it known that they were moving to the Coliseum Central Area. He said that community group was represented by a number of residents throughout the City and the Wythe Area; including City representatives. He said that he was the representative for the City. Mr. O'Neill stated that their recommendation was endorsed by the Greater Wythe Area Planning Team, and to pursue this site for a public educational facility, preferably a middle school.

Vice Mayor Gilliland stated that he wanted the citizens of Hampton to realize that it had been ten years in the making to get to this point.

Councilwoman Leary stated that little did she know 30 years ago, when she was Business Manager/Comptroller for Moseley International Associates, that she would be sitting on Council. She said that she knows the history of Moseley International and she knows that the City will get a good product.

Councilwoman Leary asked Mr. Jack Hastings, Architect with Moseley International Associates, what the pitch of the roof on the school would be. In response, Mr. Hastings stated that their approach to the roof design is what they call a steep-roof pitch solution which looks in keeping with the neighborhood that it is in. He said that they believe it synchronizes well with the goals of the school system for maintenance

and they have indicated that the solution should be thought of in those terms.

Councilwoman Leary asked if Moseley Associates have designed other schools with emergency preparedness facilities incorporated in them. In response, Mr. Hastings said that they are currently in the process of working with the School Division and the City of Hampton to bring definition to the requirement for that. He said that it is a work in progress. He said that they are roughly about 30% through design. He noted that the building is designed into two parts. One is the assembly spaces and the other is academic and instructional spaces. He said that the focus for the shelter component is on the assembly spaces, outside of the classroom areas.

Councilwoman Leary stated that the shelter component would stand independently. In response, Mr. Hastings stated that she was correct.

Mayor Kearney asked about the tower in the hallway and how it would be addressed. In response, Mr. Hastings explained that it referred to as a clear story element. He further explained that the building Mayor Kearney visited in Charleston, South Carolina, in his opinion, was very restrictive with respect to the access. He noted that in the design of this school they are using the clear story element directly above the administrative area and it is a two-story component. He said that off of that the clear story will be accessible by a lift and it will not be a small area. He stated that it would not be any different than changing light fixtures in the gymnasium.

Mayor Kearney stated that he and Council are very excited about the new schools.

Councilman Spencer asked when the groundbreaking would occur. In response, Mr. Helman stated the current plan is in the September timeframe.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Vice Mayor Randall A. Gilliland

**Seconded by:** Councilmember Angela Lee Leary

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nay:** 0

### **Comprehensive Plan Amendment**

31. 07-0354 Plan Amendment No. 012-2007 Kecoughtan Road Corridor Master Plan: Administrative issue to amend the Hampton Community Plan, adopted

February 2006, by approving the proposed corrections to the 2006 Kecoughtan Road Corridor Master Plan.

Mr. Jesse T. Wallace, Jr., City Manager, stated that the Thronette Street parking in the Kecoughtan Road Corridor Master Plan 2006 was erroneously not removed from the plan, as requested by the community. He said that the Planning Commission and Planning Staff recommend approval of Plan Amendment No. 012-2007 to the Kecoughtan Road Corridor Master Plan.

Ms. Constance Mason, City Planner, stated that staff is requesting action to recommend approval of Plan Amendment No. 012-2007 which is the Kecoughtan Road Corridor Master Plan. She said that they would like to amend by removing the Thronette Street map parking Illustration No. 4 from the Sunset Creek area and to amend by deleting the related text under subtitle Eason Park and Darling Stadium on page 32 in the Master Plan document.

Ms. Mason noted that in the summer of 2005, during the Urban Design Associates (UDA) Phase II planning meetings, staff met with the Thronette community group and decided that they did not want the parking and Planning was in agreement with that. She explained that during Phase III of the editing process of the Master Plan itself, staff erroneously left that information in the document. In response to Mayor Kearney, Ms. Mason stated that staff forgot to take it out.

Ms. Mason noted the following Eason Park and Darling Stadium Proposed Deleted Text:

- “In addition to the Legion field parking area, the Plan recommends a single row of parking on the northern edge of this Stadium, a small parking lot at Kecoughtan Road and Thronette Street, and increasing the parking capacity at Eason Park.”

#### Next Steps

- Revise and distribute the updated Plan Amendment No. 012-2007 Kecoughtan Road Corridor Master Plan to the appropriate City staff and departments.

HELD PUBLIC HEARING

APPROVED

**Motion made by:** Vice Mayor Randall A. Gilliland

**Seconded by:** Councilmember Paige V. Washington

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nay:** 0

32. 07-0356 Community Plan Amendment No. 011-2007: North King Street Corridor Master Plan.

Mr. Jesse T. Wallace, Jr., City Manager, stated that just over a year ago Urban Design Associates (UDA) was hired by the City of Hampton to develop a Master Plan for the North King Street Corridor. He explained that City staff and the UDA team have completed the planning process and the adoption of this plan serves as an amendment to the applicable provisions of the Hampton Community Plan and other previously adopted plans and policies for this geographic area. He said that the Planning Commission and the Planning Staff recommend approval of the North King Street Corridor Master Plan.

Mr. Terry O'Neill, Director of Planning, said that if Council desired he would make a brief presentation before the citizens speak to Council regarding the North King Street Corridor Master Plan.

Mayor Kearney stated that he would like a presentation made so the citizens at home are familiar with the Master Plan.

Mr. O'Neill stated that Council received two documents in their packets which are the contents of the plan and what Council is considering for adoption. He said that the notebook was prepared by the Economic Development Department which was in response to Council's request to help them understand the potential implementation of the Master Plan.

Mr. O'Neill explained that Council was not being asked to adopt what is in the book, but to provide them with a glimpse of what lies ahead. He said that Council will be requested to act on individual items as they come forward.

Mr. O'Neill said that Council has been through a number of Master Plans and know what the content of the Master Plan is. He explained that the Master Plan itself is intended to be a broad guiding vision for the particular area of the City and it is not intended to be a detailed specific to every project. He noted that the most important parts of the plan, from staff perspective, and from a policy perspective, are the guiding principals and frameworks in the Plan.

Mr. O'Neill explained that all Master Plans need to be flexible and they will change as new conditions arise and new information comes forward. He noted that the boundaries which are the neighborhoods on either side of North King Street stretching from LaSalle Avenue and the southwest branch of the Back River to Interstate 64 and east to Mercury Boulevard and Little Back River Road. Mr. O'Neill further explained that there are three primary phases of a Master Plan process. He said that when this process first began, staff promised that the first phase would take four to six months. He said that the last phase has taken 10 to 12 months. He noted that Council requested different things in terms of insuring that additional time was built in for members of the community to ask

questions and time for staff to meet with the members of the community. He said that almost 700 people have participated in the process.

Mr. O'Neill stated that the guiding principals are the most important things in the Master Plan. He said that these are the key things the community asked staff to accomplish with the guiding principals.

#### Guiding Principals

1. Redefine North King Street as primarily a neighborhood main street which will present an appropriate front door for the neighborhoods.
2. Create memorable places and events along the length of the Corridor which help reinforce the unique identity and history of the various neighborhoods.
3. Consolidate commercial land uses to the two existing neighborhood shopping centers as much as possible while still supporting viable neighborhood-oriented businesses elsewhere along the Corridor.
4. Encourage relocation of more intense, non-neighborhood-friendly land uses while supporting the growth and expansion of truly neighborhood-serving uses.
5. Ensure that new development and redevelopment preserves and enhances the essential qualities of the neighborhoods: charm, water orientation, architectural styles, and rich history.
6. Establish connections to existing and proposed open spaces, the water, schools, and other public facilities.
7. Reinforce and celebrate North King Street's role as a primary link between Downtown and Langley Air Force Base.

In response to Mayor Kearney, Ms. Mason stated that King Street was at one time called Langley Field Road and it was the first suburb to Downtown Hampton.

Mayor Kearney said that a resident suggested that it would be a nice to rename the road to Langley Field Boulevard.

Ms. Mason Constance Mason stated that it is important to note that the initiative areas emerged from the public process input meetings. She said that major road improvements are to areas:

1. North King Street, the north, middle and south North King Street
  - East Little Back River Road to Clemwood Parkway
  - Rip Rap Road
2. East Little Back River Road
  - "Six Point" Intersection – North King Street, Little Back River Road, Mac Alva Drive, and Sinclair Road
3. West Mercury Boulevard

In response to Mayor Kearney, Ms. Mason stated that the West Mercury Boulevard Initiative is towards the K-Mart building.

4. Wilson Property and Quinn Street Initiative Area
5. Selden Farm/Tyler Elementary School: Two Future Scenarios
6. Old North Hampton/Y.H. Thomas Community Center Initiative

#### North King Street

Ms. Mason explained the purpose of this design proposal is to improve the existing inconsistency of cross-sectional street widths by reconstructing the road to make it more of a pedestrian-friendly environment and to establish connections for people along a multi-purpose linear park to the east, which is currently a service road. She said that the recommendation south of Little Back River Road is to improve the street widths and incorporate a sidewalk on the west side and to incorporate a median area in the front. She said that both options provide for removal of the overhead utility lines.

#### East Little Back River Road

Ms. Mason said that due to public safety concerns voiced by the public during the process, staff provided a near term and long term option. She explained that in the near term, staff would look at widening the road itself to correct the various amounts of curbs in the area to try to make it a safer environment in the area for traffic and for pedestrians. She said that shoulders would be reinforced and formalized bus cover station location. She explained that the long term would be to widen the roads and add an additional pedestrian friendly use which would be a separate bicycle lane with sidewalks and street improvements. Ms. Mason stated that landscaping improvements would also be included.

In response to Mayor Kearney, Ms. Mason stated that the landscaping would run from Little Back River Road to Clemwood Parkway.

#### Rip Rap Road

Ms. Mason said that the existing conditions for Rip Rap Road is a three-lane undivided road that extends from Armistead Avenue to King Street and it provides access with East bound off ramp traffic from Interstate 64. She stated that currently the traffic from Interstate 64 cuts through a neighborhood street and creates additional noise for residents. She said that staff anticipates that there are 10,000 vehicles that travel through this area per day. Ms. Mason said that in order to alleviate the situation, the transportation consultants developed an alternative of redirecting the traffic from Interstate 64 and coming off the ramp area and making a left, moving north bound to Mercury Boulevard. She said that this would eliminate cut-through traffic on a neighborhood street.

Ms. Mason noted the second option, which is a part of the Downtown Master Plan, would be to include a frontage road which would be landscaped, offering identity from King Street with an exit creating easier access to the Downtown Area.

#### Key Intersections

- “Six Point” Intersection – North King Street, Little Back River Road, Mac Alva Drive, and Sinclair Road

Ms. Mason stated that this intersection has created unsafe conditions for residents and businesses. She explained that the recommendation would look at reducing what is now a six-point intersection to a four-point intersection which would dead-end to the east Mac Alva Drive and to the west, West Little Back River Road. She noted that an additional recommendation was to insure that the businesses would have landscaping and the entrance from north and make a right turn on to the property.

Councilman Tignor said that he understands how Mac Alva residents would get out. He asked about the residents of Little back River Road. In response, Ms. Mason explained that there was an additional design option for West Little Back River Road. She said that the shopping center that currently has entrance and exit from North King Street to their property, the green space would be opened up.

Councilman Tignor asked if it would be a five-way intersection. In response, Ms. Mason said that it would be a modified five-point intersection because traffic coming into these points, but they will only have ingress and egress into the shopping center.

Councilman Tignor asked how the residents of Back River Road would get out to one of the main arteries. In response, Ms. Mason said that the residents, from King Street would go down to Gilbert and make a left turn and then a right on to Roland to go to Little Back River Road to get to their property.

#### North King Street and Mercury Boulevard

Ms. Mason said that this intersection will remain an at-grade intersection and it is unlikely that this intersection will change as redevelopment along the four corners occurs. She noted that improvements that will preserve and enhance the capacity of this intersection are the goal of this redevelopment option.

Ms Mason explained that if shifts are made to modify the on and off ramps from East Mercury Boulevard, they would be able to increase new open land that would be developable for commercial use. She said that it is anticipated that it could average out to be an additional increase in commercial development by 25 percent.

Ms. Mason gave the example of the ramp modification which is Auto Zone Way to be shifted to the north making a connection via a signalization to the commercial retail side on the west connecting to Doolittle Street.

Ms. Mason provided a second example at Langley Square Shopping Center which would shift the south east ramp to open up additional land creating new commercial redevelopment and the shopping center would be able to expand and provide an additional entrance which is one of the key concerns. She explained that this would allow an entrance on King Street.

Mayor Kearney noted that the Langley Square Shopping Center has done very well since its revitalization.

#### West Mercury Boulevard

Ms. Mason stated that currently this is a private-driven development initiative and many of the buildings that front on this property are small and don't have a direct relationship in scale to the street. She said that the recommendation is to consolidate and eliminate the number of curb cuts to create a safer pedestrian friendly environment and provide rear parking for the properties as well as the properties to the south side of Mercury Boulevard. She noted that the architects like the idea and would like to continue this scale of development making it a pedestrian friendly environment to encourage walking and shopping.

#### Wilson Property and Quinn Street

Ms. Mason stated that the owners of Wilson Trailer Park participated in the Urban Design Associates (UDA) design charrette process and expressed an interest in looking at options to make better and higher use of their property. She said that the strategy would be to have a gateway into the North King Street community or Fox Hill community and provide a residential development that would provide mixed-use development facing King Street.

Ms. Mason stated that the additional initiative areas would be the Greater Emmanuel Church. She said that the members of the church have expressed an interest in participating in the process and they would like to encourage some incentives in area by improvements to the church frontage. She said that they are proposing to expand to the church to the south, primarily increasing the number of seats in the main sanctuary.

Ms. Mason explained that this would connect two different, separate neighborhoods, Old Fox Hill to the Tyler-Seldendale community with Quinn Street being extended across King Street.



Selden Farm/Tyler Elementary School

Ms. Mason said that the area surrounding John Tyler and the Newmarket Creek area is the largest continuance land area that is in the study area that could possibly be redeveloped at this level of magnitude. She noted that the majority of this land is held in private ownership. Ms. Mason said the proposal provides amenities to the overall North King Street study area by providing new residential development and to provide new local street connections from Mercury Boulevard to the new housing development and community park that is recommended around Newmarket Creek, as well as to the John Tyler Elementary School, providing an additional option from Gilbert Street to get to the school area.

Ms. Mason indicated that the second scenario is the same, the only addition being that it would be a key point to relocate the Blue Bird Gap Farm as an educational and community resource center. She said that all of the housing and options would have a park or waterfront address to the property. She said that the residents who live in this area would have direct access to the greenways and bicycle ways for the Newmarket Creek Trail area.

Old North Hampton/Y.H. Thomas Community Center

Ms. Mason stated that the boundaries of this initiative are LaSalle Avenue to the west and the landfill area and adjacent Newmarket Creek wetland areas to the west at Interstate 64 and Mercury Boulevard to the north. She said that they are proposing to keep the Police Firing Range in place, to create a community park, incorporate single-family residential infill housing and making improvements to the Y. H. Thomas Community Center.

Ms. Mason said that some of the challenges of the Old Northampton Community deal with things like code violations and incompatible land uses which are the land fill area and the Police Firing Range. She said that in addition there is extreme aging housing stock and open residential land. She said that there are also unidentifiable entrances.

Ms. Mason said that staff had a meeting in January 2007, with the community and the City Manager, and came up with an agreement dealing with two things:

- to continue to work with the community to minimize any negative impacts that the Police Firing Range would produce in the community, and
- to initiate a study to evaluate potential relocation options

Ms. Mason said that in the long term, staff hopes to have the Police Firing Range removed from the community or relocated.

Ms. Mason said that both strategies attempt to address the housing stock in the area by doing infill development and addressing the traffic issue on

Rip Rap Road, as well as providing some gateways and entrances to the community to connect it to Downtown, Mercury Boulevard and Langley Air Force Base.

Mayor Kearney thanked Ms. Mason for doing a good job on a complicated presentation.

Mr. O'Neill stated that Council received a detailed implementation report package and staff would address any questions or further explanations that Council might have. He said that the implementation of the Master Plan is a continuing process and just because Council adopts the Master Plan doesn't mean that staff doesn't continue to collaborate and communicate with the neighborhoods, community and stakeholders to continually evaluate and evolve the recommendations in the Master Plan.

Mr. O'Neill stated that Council will begin to see budgeting requests in the Capital Improvements Plan and the General City Budget if Council adopts the Master Plan. He also noted that there will be zoning changes to make the zoning on the ground consistent. He also said that there are a variety of other programs and private investment to move the plans forward.

Mr. Hugh Bassett, 117 Rip Rap Road, stated that his main concern is that looking at the map, Bethel Avenue and Park Side Avenue would be extended from Rip Rap Road to King Street. He said that he lives on the corner of Bethel Avenue and Rip Rap Road and he spent his first 17 years of life in that house and his family has been in that area since slavery. He said that as a child, he played in the wooded area.

Mr. Bassett provided Council with pictures of Bethel Avenue and Rip Rap Road looking east. He said that driving from Bethel Avenue from Rip Rap Road over to King Street, the street is narrow and it has been a City street for years and the City has never spent a dime on it. He said the condition of that street is like it because it now because the Hunt Club did the work and didn't ask the City for one dime. He said that the City never paved the street and there are a lot of streets in the area, at that time, that were not paved and were without curbs and gutters. He said that it was a lower income and basically black neighborhoods in the City. He said that he is glad to see that the City is moving to do something and asked that they don't make it worse than it already is.

Mr. Bassett said that he parks his car on the street and the pictures show how difficult it would be for cars to come through. He said that if a street is run through Park Side Avenue it will go through Ms. Cook's house. He said that Ms. Cook was his high school history teacher at Phoenix High School in the early 1960's. He said that if Council adopts this plan he would like Council to delete the extension of Bethel Avenue and Park Side Avenue because it would make the area worse than it is now.

Mayor Kearney requested that Mr. O'Neill meet with Mr. Bassett to discuss this layout and to listen to Mr. Bassett's approach to this extension.

In response, Mayor Kearney the City Manager stated that adoption of the Master Plan will be done on two readings. He asked the City Manager for a report by the next reading.

Ms. Dorlyn Moyle, 5 Quinn Street, stated that she is an officer of the Tyler-Seldendale Community Improvement Task Force. She said that members of the Task Force believe that if the North King Street Corridor Master Plan is implemented the plan would provide great benefits for the City and for the neighborhood. She said that plans of this nature have community input and there have been many meetings that they have participated in because they know it is important for the community voices to be heard. She said that they feel a disservice was done in the way in which the new development of the Greater Emmanuel Temple, at 1225 North King Street was included in the plan. She said that it was added at a late date after the steering committee had concluded its work with the recommendation that storefront churches would not be a good use for North King Street. She said that several of the community members served on the steering committee and were surprised at this addition.

Ms. Moyle stated that this late inclusion did not allow for citizen input and created distrust between their neighborhood, the church and the Planning Commission. She said that the plans presented to the community in May 2007, were for a seating capacity of 244 and there was room for only 38 parking spaces on the property. She said that most members of their community feel that the church is a good use for the site and they do not object to the enlargement of the building as long as any work done is within the strict confines of City Code. Ms. Moyle said that their concern has been, and still is, parking and a buffer between the church and the neighborhood. She said that the church is currently working with the residents to discuss reducing the seating capacity and to rebuild the trust between the church and the community. She said that they want it to be on record that they object to the size of the enlargement in the development of 1225 North King Street, not to the use of the property.

Councilman Tignor asked if there would be a code requirement for a certain number of parking spaces. In response, Mr. O'Neill stated that the Master Plan doesn't specify a size of expansion of the church in this particular case. He said that it does say that the church is a part of the community and they have plans to improvement the appearance of the church and pursue possible expansion. He said that they have to go through all the permitting processes to determine what the capacity is of that site, which is driven largely by parking requirements. He said that he believes that is the conversation that is now going on between the church and other members of the community. He said that what they decide to do would have to come through the various review agencies to render an opinion as to what the appropriate size of the project could be.

Councilman Tignor said that it would be announced in the newspaper and the residents who live near there could weigh in on the discussion if there was a discussion. He said that he wants to make sure that the speaker doesn't leave thinking that the church expansion wouldn't be subject to current zoning regulations and adequate parking. In response, Mr. O'Neill stated that if there is any intent or pursuit on the part of the church to expand beyond those boundaries they would have to make application to the Board of Zoning Appeals and a public hearing would be held.

Mr. Lenton Lucas, 1229 Quash Street, stated that he is a new resident to the Old Northampton community. He said that he had recently looked at the Master Plan and he has questions. He said that it is his understanding that the land fill has passed an inspection within the last five years indicating that it is available to be manipulated. He said that as a retired engineer, and even though the land fill may test well from a soil capacity, depending on what is in the ground, the gas tanks may not have reached the rupture point yet and he is concerned about that.

Mr. Lucas said that looking at the long term plan for Old Northampton, it occurred to him that 50% of the homeowners in Old Northampton are over 50 years of age and they have been the main core that has kept Old Northampton going for many years. He said that while the improvements are great, it doesn't provide anything that will benefit the aging population within the neighborhood.

Mr. Lucas said that he likes the design for Rip Rap Road, but he has issues with the fact that the City is going through all of this, but leaving the ugly telephone poles above ground. He said that the proposed plan for Rip Rap Road shows an island going down the middle and it is a beautiful conceptual design with ugly telephone poles. He asked if there was any way to work together to have the poles relocated. He said that the majority of the poles are owned by Virginia Power.

Mr. Lucas said that being new to the area, he is not fully aware of what is going on with Mary Peake School. He said that Mary Peake is one of two gifted schools that the City has. He said that he would like to see this school stay in Old Northampton, but in the conceptual design it looks like the Mary Peake School, which has the capacity of 250 children, has no room for expansion in the plan for the school itself.

Mayor Kearney requested that Mr. O'Neill address some of Mr. Lucas' concerns with him, especially his concerns regarding Mary Peake School.

Rev. Michael Golden, 1125 North King Street, stated that the church has been in the community for 11 years and it took over a bank building, and in that process they have grown. He said that they have seen the community look like it was not fit to walk down the street sometimes. He said that the Planning Commission came with a plan and he applauds them for their plan because it was to revitalize the area and to make it more beautiful. He said that he supports making things beautiful and he now they are going to have an opportunity to take the same facility and

beautify it and allow an attraction to be there that people will come and feel comfortable about Greater Emmanuel Temple being in their community. He said that their problem with parking has been very strong, but they minimize the problem by scaling down their building from 240 seats to 200 seats. He said that this allows the parking on their property as well as Councilman Spencer, who has given them the opportunity to use his parking lot to allow them the amount of seating they need for their facility. He said that it all has to go through the Codes and Compliance Department. Rev. Golden thanked Council for creating this atmosphere for the community, at the same he said that he will see God work on their behalf.

Mr. William Moffett yielded his time to the next speaker.

Mr. Chauncey Brown, 367 LaSalle, stated that he applauds the efforts that are being put into this part of the City. He said that he hasn't heard enough about what is going on in the area between North King Street and Quash Street. He said that he would like to see some interest put in that section of the North King Street Corridor Plan and improvements made on Quash Street in the section that runs between Rip Rap Road and North King Street. He said that some of the cut-through traffic comes through that section of Quash Street. Mr. Brown said that he had the pleasure of being on a Citizen Advisory Committee for Community Development in the 1980's and at that time, the residents were promised curbing and guttering and it has not arrived in that area yet.

Mr. Brown said that one of the things that he has noticed is that there is a tremendous amount of traffic going through in the morning and in the evening. He said that what concerns him is that there are school children that are walking in that area, and without curbing and guttering, the children have no place to walk but in the street. He said that there is a serious situation there that needs to be addressed and he hopes that it would be included in the plan.

Vice Mayor Gilliland stated that there are two options for the diversion of the traffic and he has no doubt that it will improve the situation on Quash Street.

Mr. Brown stated that the residents still want their sidewalks.

Vice Mayor Gilliland stated that he wasn't ignoring the curbing and guttering. He said that the City Manager with the public works budget has to handle that.

Mayor Kearney stated that a good point that was brought out was that the number of children on those streets and to insure that the walkways are available for them. He said that some main thoroughfares must be developed for the foot traffic, especially for the children going back and forth to the schools.

Ms. Ann Curtis, 114 Boeing Avenue, stated that she has been to some of the meetings held at John Tyler Elementary School. She said that what is proposed is to build a very large development. She said that she wasn't sure if it has been approved. She said that it will increase the traffic on North King Street. Ms. Curtis said that at the six point intersection, a huge development has been built there as well. Ms. Curtis said that there is at least one accident a day there. She said that she believes the area needs to be readdressed and she doesn't believe closing one street will improve the problem.

Mayor Kearney said that at the meetings this area was named "confusion corner" and it has to be addressed. He said that he doesn't know if what they are doing is going to address all the issues.

Ms. Teresa White, 4 Quinn Street, stated that she wanted to be on record that she and her family are not against the Greater Emanuel Church of God in Christ expanding. She said that she lives directly adjacent to their property. She said that they have lived there for almost seven years and knows the impact a church that is growing is going to have in the community. She said she is concerned that the church is starting out with not enough parking and requested Council to require the church to uphold the standards that are required for every other congregation.

Mayor Kearney stated that he believes the statement that the residents are not against the church was presented very well. He said that he was glad that they are getting together to discuss the matter.

Ms. White said that every map she has looked at, her lot appears to be an empty lot and she has addressed this issue to the Planning Department before. She said that where she lives is not a vacant lot where the church is expanding towards. In response, Ms. Mason stated that her house was included in the presentation to Council.

Mayor Kearney thanked everyone who spoke to Council regarding the Master Plan.

Mayor Kearney said that he has been told that this is not an ordinance and does not require two readings. He said that Council will insure that all of the issues are addressed and that the residents are satisfied.

Mr. O'Neill stated that staff has continued to work with the community and making changes to those plans to better suit their particular concerns. He said that this is an ongoing process and doesn't mean that this document is the last time anyone has the opportunity to change it.

Mayor Kearney stated that in the booklet there were 15 items dealing with this plan where improvements will be made. He said that it is an ongoing document.

Mr. Chauncey Brown stated that there were a lot of promises that have been made over the years. He said that he was glad that Council

has been able to take this issue of the North King Street Corridor and move it a point where something can start to happen.

Mr. Frank J. Ottofaro, 63 Wheatland Drive, stated that he has owned property on North King Street for 38 years and operated a Sunoco Gas station there. He said that he believes the City of Hampton should stop spending the citizen's tax dollars on consultants. He said that the best way to clean North King Street up is to plant some Live Oak trees and some Old English Boxwoods. He said that money should be spent on sidewalks and curbing. He said that children have to walk in the street on Back River Road.

Mr. Ottofaro asked if Hampton Roads Center Parkway would be extended to Back River Road. He asked if the State was going to pro-rate the money. In response, Mr. O'Neill stated that there are no plans currently in the City's local plan, which drives the regional plan and then the State-wide plan, for the eastern extension of Hampton Roads Center Parkway. He said that there is no money in the pipeline and everyone knows how difficult it is to generate money for transportation projects.

Mr. Ottofaro asked how many park benches would be available for people to sit on North King Street. In response, Mayor Kearney stated that would probably be up to the residents.

Mr. Ottafaro said that it is supposed to be a friendly atmosphere and he doesn't see a friendly atmosphere because there are muggers on the streets and he doesn't believes it would be safe to sit there at any time. Mr. Ottafaro said that he believes Council should spend money in another area.

Mr. Ottafaro thanked the Council members for the card that was sent to him and his family when his mother passed away.

Mr. Ottafaro presented Council with a book titled "Shattered Dreams, 100 Stories of Government Abuse."

Mayor Kearney thanked Mr. Ottafaro for the book.

Councilwoman Leary stated that Mr. Albert Simpson called her about the lights under the overpass on Rip Rap Road. She said that she received an e-mail from Public Works indicating that the overpass that the Virginia Department of Transportation (VDOT) put in years ago did not have electricity running to the underside of the underpass. She said that she that a lamp post was put in and Mr. Simpson asked why the lights were not working. She said that there was no electricity running to them yet. She said that Dominion Power, in conjunction with Public Works staff, has a contractor that is applying for the permits to run electricity to those lamp posts.

Councilwoman Leary stated that she spent about three hours on North King Street on June 10, 2007, meeting with some people who want to

assemble their land so they can do bigger and better projects than what is in the Master Plan. She said that she believes some good things are getting ready to happen. She requested Mr. John Veneziano, Director of Public Works; provide Council with the cost per linear foot for curbing, guttering and sidewalks on North King Street.

Councilman Tignor stated that this is a great plan. He thanked everyone who worked on it and the wonderful job that has been done. He said that the cost of this plan is estimated to be \$21.4 million. He said that he knows that Council has been down this road before where a plan is adopted. He said that they would like to see dirt turned tomorrow. He stated that in the Capital Plan \$5 million for the King Street area between now and 2010. He said that it is not even funded until 2011. He said that he is not trying to be negative, but it takes a lot of money to do a \$21 million plan and the City hasn't determined where the money is coming from.

Mayor Kearney stated that there is money available to start turning dirt at the Rip Rap Road Area. In response, the City Manager stated that there is money in the CIP to fund some projects, but projects have to be defined first. The City Manager stated that this was just a presentation of the overall plan.

Councilman Tignor stated that he felt that Council should understand that some things can be done, but doing \$21 million worth of things are not going to be done by next year.

Mayor Kearney said that was true that it would not be done by next year, but he hopes that while the Council members are still sitting on Council, during the next budget cycle, they can start to put some money where their mouths are. He said that they have waited too long.

Mayor Kearney said that when he came on Council in 1992, a goal that he wanted was to do the streetscaping in the Phoebus community because he felt it was turning into an area that no one wanted to live in, and that is where he lives. He said that when people question the fact that sidewalks had been promised since consolidation in 1952. He said that it took 40 years to get that accomplished. He said that the results of what happened, and the change in the attitude in the business community and the entire neighborhood was a rippling effect that has been very positive. He said that all members of Council realized that this was needed all over the City. He said that he doesn't believe that Council has an option when it comes to the City's neighborhoods and the City has to spend money to protect the neighborhoods.

Councilwoman Leary said that just as the City did with Mr. David Jester in Marlyn Development Corporation, the City had him put in \$25,000 worth of improvements with underground cables and additional stormwater management in order to build his facilities.

HELD PUBLIC HEARING



APPROVED

**Motion made by:** Councilmember Angela Lee Leary

**Seconded by:** Councilmember Joseph H. Spencer, II

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nay:** 0

### Other Public Hearings

33. 07-0299 Public hearing regarding the sale of approximately 1,625 sq. ft. of real property located at 100 Kings Way, Old Hampton, Block 6, being a portion of RPC 2002992, to Ambika Condo, L.L.C. pursuant to the authority set forth in §15.2-1800 of the Code of Virginia of 1950, as amended.

Mr. Jesse T. Wallace, Jr., City Manager, stated that Council approved the sale of the former Juvenile Domestic Relations (JDR) Court Building to be re-used as lodging. He said that the developer made the site and landscape submittals to the City to obtain the appropriate permits to conduct the renovation work. He explained that during the review process it was determined that a full-sized elevator would be required. He further explained that in order to comply with the full-size elevator additional land is needed. He said that because this is a historic structure with an existing footprint, design options are limited. He said that his is a public hearing on the sale of a small piece of land adjacent to the JDR Building. The City Manager stated that the developer will spend about \$3.2 million in Downtown Hampton and he will produce tax revenues in the neighborhood of \$62,000. He said that for this reason and because this small parcel offers no significant value to the City, he is suggesting that the sale be made for \$10.

### HELD PUBLIC HEARING

34. 07-0345 Resolution to Approve the Sale of Approximately 1625 sq. ft. of Real Property at 100 Kings Way Block 6, Being a Portion of RPC 2002992, to AMBIKA Condo L.L.C. and Authorizing the Execution of the Agreement of Purchase and Sale.

**WHEREAS**, on February 22, 2006 the Council of the City of Hampton ("City Council") approved the sale of the former Juvenile and Domestic Relations ("JDR") Court building located at 100 Kings Way in downtown Hampton to ANIESH, CORP., together with the former Post Office building located at 132 East Queen Street;

**WHEREAS**, the JDR Court building was sold for renovation and re-use as lodging catering to business executives staying in the Hampton area;

**WHEREAS**, AMBIKA Condo L.L.C., the assignee of ANIESH, CORP., made site plan and landscape submittals to the City to obtain the appropriate permits, and during said process it was determined that a full-sized elevator would be required to comply with current code requirements;

**WHEREAS**, the regulatory requirement for a full size elevator necessitates the use of additional land immediately adjacent to the JDR Court building;

**WHEREAS**, the staff has negotiated an Agreement of Purchase and Sale to sell the additional square footage needed for the elevator to AMBIKA Condo L.L.C along with the remaining green space containing transformers and other utilities;

**WHEREAS**, the 1,625 square feet encompassed in this parcel is of no significant value to the City and will place the burden of maintaining the adjacent green space on AMBIKA Condo L.L.C.; and

**WHEREAS**, City Council has determined that the Agreement of Purchase and Sale attached to this Resolution sets forth reasonable and acceptable terms, and the renovation of the JDR Court building is strategic for the redevelopment and revitalization of downtown Hampton and is manifestly in the public interest.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hampton, Virginia, as follows:

2. That the sale of approximately 1,625 sq. ft. of real property adjacent to the former JDR Court building located at 100 Kings Way (the "Property") to AMBIKA Condo L.L.C. is hereby approved; and
3. That the City Manager or his designee is hereby authorized and directed to (i) execute the Agreement of Purchase and Sale with AMBIKA Condo L.L.C., in substantially the form attached to this Resolution, with such modifications as the City Manager or his designee, with the advice of legal counsel, believes to be in the interest of the City, and (ii) any and all necessary legal documents to effect the transactions contemplated in the Agreement of Purchase and Sale and the transfer of title; such documents shall include, but not be limited to, contracts, deeds, easements, leases, releases for sale and transfer, and conveyance of the Property.

**THIS RESOLUTION REQUIRES AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL OF THE MEMBERS ELECTED TO COUNCIL**

ADOPTED

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Councilmember Charles N. Sapp

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nays:** 0

35. 07-0364 Public Hearing Regarding the Withdrawal Of The City Of Newport News, Virginia From The Peninsula Stadium Authority.

HELD PUBLIC HEARING

ADOPTED

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Councilmember Charles N. Sapp

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

36. 07-0340 Resolution Endorsing The Withdrawal Of The City Of Newport News, Virginia From The Peninsula Stadium Authority Effective July 1, 2007 With The Authority Continuing To Operate Thereafter Pursuant To The Public Recreational Facilities Authorities Act With The City Of Hampton, Virginia As Its Sole Member

**WHEREAS**, The Peninsula Stadium Authority ("Authority") was created in 1962 by the joint action of the Council of the City of Newport News, Virginia, and the Council of the City of Hampton, Virginia, and has operated continuously since that time pursuant to Chapter 393 of the 1962 Acts of the General Assembly of Virginia, known as the Public Recreational Facilities Authorities Act ("Act"); and

**WHEREAS**, pursuant to Section 15.2-5602D of the Act, any locality which is a member of an existing authority may withdraw there from, provided that any outstanding obligations thereof are secured by United States obligations or the unanimous consent of holders of the outstanding obligations is first obtained;

**WHEREAS**, at a duly authorized meeting of the Authority held on May 8, 2007, the Authority has consented to the withdrawal by the City of Newport News as a member thereof, that the Authority through duly authorized agents has represented that it has no outstanding obligations, and has further represented that there are no outstanding obligations owed by the City of Newport News to the Authority;

**WHEREAS**, the City of Hampton desires that the Authority continue in existence under the Act, and that the City of Hampton may hereafter appoint or reappoint the necessary Board members as required and shall amend the Authority's articles of incorporation to effectuate this withdrawal and the related organizational changes; and

**WHEREAS**, notice of the public hearings of the respective member City Councils approving the withdrawal of the City of Newport News from the Authority, has been advertised in a local newspaper of general circulation in both Cities.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hampton, Virginia:

1. That it hereby approves and endorses the City of Newport News' withdrawal from the Peninsula Stadium Authority effective July 1, 2007.
2. That it authorizes the City Manager to execute any and all documents necessary to effectuate the withdrawal and any documents related thereto, following appropriate review by the City Attorney, and to take all such other actions as are necessary and appropriate to insure that the Peninsula Stadium Authority continues to exist and serve its founding purposes with the City of Hampton as its sole member.

Mr. Jesse T. Wallace, Jr., City Manager, stated that he has acknowledged to the City Manager of Newport News the reasonableness of Newport News' withdrawal from the Peninsula Stadium Authority, given that Hampton has a more pronounced interest in promoting baseball at the Hampton location. He explained that Hampton would be left as the sole local government member of the Authority and Newport News would relinquish all of its interest and entitlements to the property.

Mayor Kearney stated that the City of Newport News is withdrawing from the Stadium Authority and the property would be under the control of the Council and City Manager of the City of Hampton.

Councilman Spencer said that he believes it is important that everyone understands that the City of Hampton will be the sole local government member of the Authority and the City of Newport News will relinquish any and all interests to the entitlement to the property. He said that he believes it is very clear.

Vice Mayor Gilliland stated that this gives Council the opportunity for the City to implement plans to improve War Memorial Stadium. He said that it is a tremendous asset to the entire City and the region, and the community of Wythe that it is located next to. He said that he is excited about the prospects of War Memorial Stadium becoming an even better asset to the community. He said that many members of Council have attended the Pilot's games and they want to see it become an extraordinary asset for the City.

Councilman Spencer said that he has been on the Stadium Authority Board for eight years and served as Chairman as well. He said that under the leadership of Mr. Henry Morgan and his son, Hank, they have done a fantastic job. He said that the attendance has been outstanding and the recent renovations are clearly a marked improvement. He said that for Hampton to be the sole member and owner of the property, they can move forward to greater and better things to make it the jewel that it can be.

Councilman Washington said agreed with Councilman Spencer and Vice Mayor Gilliland. He said that he would like to find a way to preserve the history of the stadium because it has a rich history. He said that the Brooklyn Dodgers farm team was there are many of the players in the major leagues came through this club. He said that since Hampton has

the sole responsibility of the location, he believes that it is in their purview to do that.

Councilman Spencer said that the Mr. A. J. Womble was instrumental in getting the history exhibit at the Woodland Golf Course. He said that Mr. Womble spoke with him regarding preserving the history at the War Memorial Stadium. Councilman Spencer stated that he suggested that Mr. Womble contact the Stadium Authority to offer his services because he is a sports historian. Councilman Spencer said that Mr. Womble used to be an ESPN announcer for Channel 47 and he had his own sports show.

Mayor Kearney gave credit to the City Manager. He said that when the City had the problem with the Stadium and people wondered what could be done and if the Pilots would be back in the Coastal League again, the Mayor and the City Manager discussed this and developed a plan. Mayor Kearney stated that the City Manager convinced the City of Newport News to step back on this and that will allows Hampton to do things that have been mentioned in the future.

Mayor Kearney thanked the City Manager for his efforts and the love he has for the athletics. Mayor Kearney stated that the Apprentice School will continue to play at the War Memorial Stadium, which was part of the negotiations.

Mayor Kearney stated that Mr. Wayne Gomes is interested in putting an indoor batting cage in the area. He said that there is some adjacent property on Pembroke Avenue that could aid in establishing that particular venue and additional parking. He said that he hopes that the name of the Stadium doesn't change, because he believes the War Memorial Stadium says so much about Hampton's history.

ADOPTED

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nays:** 0

## General Items

## Ordinances

37. 07-0335 AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 37, ARTICLE III, DIVISION 2 OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA ENTITLED "PERSONAL PROPERTY TAXES" BY RENAMING DIVISION 2 AND ESTABLISHING A NEW PART B TO BE KNOWN AS "MOTOR

**VEHICLES OWNED AND REGULARLY USED BY DISABLED VETERANS.**

Mr. Jesse T. Wallace, Jr., City Manager, stated that this proposed ordinance establishes a separate classification of tangible personal property for taxation of motor vehicles owned and regularly used by Veterans who are permanently and totally disabled as certified by the Department of Veterans Services. He said that staff requests that this ordinance be approved on first and reading.

Councilman Sapp mentioned that the Military Affairs Committee (MAC) had been meeting and discussing things that they could look into in the areas of tax and some other policies that might be beneficial to some of the classifications of Veterans. He said that one of the areas that they came up with was the area of personal property tax for vehicles. He said that it looks like the City is adding a tax on disabled Veterans, but the City is allowing them to take a fully taxed vehicle and reduce it to this lower rate. He said that it is for one vehicle and it is in recognition of service rendered to the nation on behalf of Veterans who are fully disabled. He said that this is certified by Veterans Affairs.

**ADOPTED ON FIRST READING**

**Motion made by:** Vice Mayor Randall A. Gilliland

**Seconded by:** Councilmember Paige V. Washington

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

38. 07-0336 AN ORDINANCE OF THE CITY OF HAMPTON, VIRGINIA, TO SET THE TAX RATE ON TANGIBLE PERSONAL PROPERTY, MOTOR VEHICLES SPECIALLY EQUIPPED TO PROVIDE TRANSPORTATION FOR PHYSICALLY HANDICAPPED INDIVIDUALS, MACHINERY AND TOOLS, PRIVATELY OWNED PLEASURE BOATS AND WATERCRAFT USED FOR RECREATIONAL PURPOSES ONLY, PRIVATELY OWNED CAMPING TRAILERS AND MOTOR HOMES AS DEFINED IN SECTION 46.2-100 OF THE CODE OF VIRGINIA, IN THE CITY OF HAMPTON, VIRGINIA, AND MOTOR VEHICLES OWNED AND REGULARLY USED BY DISABLED VETERANS FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2008 AND ENDING DECEMBER 31, 2008

Mr. Jesse T. Wallace, Jr., City Manager, stated that this ordinance sets the tax rate for vehicles in this classification at \$1 per \$100 of assessed value and it will be effective for the calendar year beginning January 1, 2008 and ending December 31, 2008.

Councilwoman Leary asked if this would be voted on twice. In response, Mr. Cynthia E. Hudson, City Attorney, stated that originally Council would have been able to vote on first and final, but two votes are required.

Councilwoman Leary asked if item number 39 and 40 would be voted on once. In response, the City Attorney stated that was correct.

ADOPTED ON FIRST READING

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Councilmember Rhet Tignor

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nays:** 0

39. 07-0367 Ordinance to Amend the Code of the City of Hampton, Chapter 37, Article II, Division 6, entitled "EXEMPTION OR DEFERRAL FOR ELDERLY AND DISABLED PERSONS" by Amending and Re-enacting Section 37-119 entitled "GENERAL PREREQUISITES TO GRANT; EFFECT OF TRANSFER OF DWELLING AS RESULT OF EMINENT DOMAIN AND OF RESIDENCY IN HOSPITAL, NURSING HOME, ETC."

Mr. Jesse T. Wallace, Jr., City Manager, stated that the proposed ordinance change results from suggested changes requested by the Commissioner of Revenue to Council, to consider a tax relief program, similar to Newport News' program. He explained that the additional funding needed for the additional qualified applicants was included in the budget recently adopted by Council. He said that Council is being asked to adopt on the ordinance on first and final reading.

MOVED TO waive second reading.

**Motion made by:** Councilmember Angela Lee Leary

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nays:** 0

ADOPTED ON FIRST AND FINAL READING

**Motion made by:** Vice Mayor Randall A. Gilliland

**Seconded by:** Councilmember Joseph H. Spencer, II

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nay:** 0

40. 07-0368 Ordinance to Amend the Code of the City of Hampton, Chapter 37, Article II, Division 6, entitled "EXEMPTION OR DEFERRAL FOR ELDERLY AND DISABLED PERSONS" by Amending and Re-enacting Section 37-123 entitled "AMOUNT OF EXEMPTION."

Mr. Jesse T. Wallace, Jr., City Manager, stated that when the City Code was amended in 2004, to address cats, an Animal Control Committee was created to oversee the implementation of the ordinances related to cats. He said that the resolution had a sunset clause and the Committee was dissolved in 2006. He explained that this resolution creates a new Animal Control Committee.

Mayor Kearney stated that this is more than just cats, it is Animal Control.

In response, to Councilwoman Leary, Mr. Jim Wilson, Director of Parks and Recreation stated that unless it is necessary to meet more often the committee would meet bi-annually.

Councilwoman Leary asked who has voting privileges on the Committee. She asked if staff would have voting privileges. In response, Mr. Wilson stated that the Animal Control Advisory Board would have voting privileges and it would be made up of a Veterinarian from the City of Hampton, the City Manager and three citizens who have interest in the Committee. He explained that subcommittees or interests would be addressed along with education opportunities in order to make this a total program.

MOVED TO waive second reading.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Councilmember Rhet Tignor

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nays:** 0

ADOPTED ON FIRST AND FINAL READING

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Councilmember Paige V. Washington

**Aye:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington,  
Ross A. Kearney, II

**Nay:** 0

## Resolutions

41. 07-0339 Resolution Creating an Animal Control Advisory Committee.

**WHEREAS**, In fall 2005 the City of Hampton created an Animal Control Division that assumed responsibility for enforcement of laws relative to animals within the city; and

**WHEREAS**, the city has an ongoing interest in the application and enforcement of city animal ordinances and the general condition of animals within the city; and



**WHEREAS**, the City Council values the input of citizens and city staff;

**NOW THEREFORE, BE IT RESOLVED**, that the Council of the City of Hampton, Virginia, establishes an Animal Control Advisory Committee and charges the committee with the following duties:

- to meet biannually
- to annually appoint a Chairman and Vice-Chairman
- to conduct all meetings in accordance with Roberts Rules of Order
- to act in an advisory capacity to review Animal Control issues within the city.
- to report activities, findings and recommendations to Council annually
- to address other matters related to Animal Control as Council may direct.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Committee shall consist of seven (7) members; one (1) member of the SPCA board of Directors, one (1) assistant City Manager, one (1) Hampton Animal Control Manager, one (1) Hampton Veterinarian, and three (3) citizens of the city. Committee members shall be appointed to serve staggered terms of one (1) to three (3) years.

ADOPTED

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Vice Mayor Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

42. 07-0361 Resolution Authorizing the Appropriation of \$527,440.69 from the Economic Development Fund Balance to the Hampton Redevelopment and Housing Authority for the Draw Against the Line of Credit Extended to Olde Hampton Hotel Associates.

**BE IT RESOLVED** by the Council of the City of Hampton, Virginia that \$527,440.69 is hereby appropriated from Economic Development Fund Balance for the purpose of appropriating to the Hampton Redevelopment and Housing Authority funds necessary to make the payment of bond interest demanded by the bond creditors against the line of credit extended by the Hampton Redevelopment and Housing Authority (and funded by the City) to facilitate Olde Hampton Hotel Associates' financing of the former Radisson Hotel.

ADOPTED

**Motion made by:** Councilmember Rhet Tignor

**Seconded by:** Councilmember Paige V. Washington

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Appointments**

43. 07-0321 to consider appointments to the Wetlands Board.

APPOINTED Selvin "Rick" Walker to fulfill the unexpired term of Dr. James C. Haug until its expiration on December 13, 2010, and appointed David Bruckheimer to serve as an alternate to the board until December 13, 2009.

**Motion made by:** Councilmember Rhet Tignor

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

44. 07-0334 to consider appointments to the Citizens' Unity Commission.

REAPPOINTED Paula L. Bazemore, Terry Anita Gilliam, Sheri Reese, Genie Robinson, Harold Dehaven, Burley Gardner, Joseph Drewry, and Patricia Lay, for terms commencing July 1, 2007, and concluding on June 30, 2011.

**Motion made by:** Councilmember Rhet Tignor

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

45. 07-0360 to consider appointments to the Hampton Arts Commission.

REAPPOINTED Erin K. Lazar and JoAnn Johnson for terms beginning July 1, 2007, and ending on June 30, 2010, and appointed Jim Stanley to a term beginning July 1, 2007, and ending on June 30, 2010.

**Motion made by:** Councilmember Rhet Tignor

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

46. 07-0369 to consider appointments to the Board of Review of Real Estate Assessments.

REAPPOINTED Duane Boone and appointed James E. Robinson, III to terms beginning July 1, 2007, and concluding on June 30, 2011.

**Motion made by:** Councilmember Rhet Tignor

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

47. 07-0370 to consider an appointment to the Building Code Board of Appeals.

REAPPOINTED Charlie Richardson to a term beginning on July 2, 2007, and ending on June 30, 2012.

**Motion made by:** Councilmember Rhet Tignor

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

48. 07-0371 to consider an appointment to the Cultural Alliance of Hampton Roads.

APPOINTED Councilwoman Angela Lee Leary for a term commencing July 1, 2007, and ending on June 30, 2008.

**Motion made by:** Councilmember Rhet Tignor

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

49. 07-0372 to consider appointments to the Hampton Employee Retirement System Board (HERS).

Mayor Kearney thanked everyone who serves on a Board or Commission for the City of Hampton. He said that it can not work without their participation.

REAPPOINTED James F. Cross and Capt. Rudolph Lewis to terms beginning July 1, 2007, and ending on June 30, 2009.

**Motion made by:** Councilmember Rhet Tignor

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

### **Audiences Granted to the General Public**

Mr. Frank Ottafaro, 63 Wheatland Drive, asked Council to correct the wrong that was done to his family.

Mr. Ottafaro stated that the City gave Bass Pro \$1 million and Lone Star Steakhouse \$1.3 million. He said that \$2.6 million was left and two other restaurants went in to the Power Plant, Saddle Ridge and McFadden's. He asked what the legal status was of the NASACAR Grille.

Mr. Albert Simpson thanked Councilwoman Leary, Councilman Tignor, and Councilman Washington for responding to his phone call. He said that he feels like that he has been slighted. Mr. Simpson said that he has lived in Hampton for 76 years and he has been working in Hampton since he was 8 years old.

Mr. Simpson said that he has supported the events that the City and has supported some of the Council members. He said that he was on the team for the All American City going to Kansas City and he had to come back to an All American Street, Heffelfinger, which is unpaved. He said that he has lived in his house for 35 years.

Mr. Simpson said that in 1999, he was promised in that Heffelfinger would be paved. He said that was 8 years ago and he still does not have curbs and gutters. He said that he would love to live on a paved street before he passes away.

Mr. Simpson thanked Council for listening to him and requested that Council give this matter their utmost consideration.

### **Miscellaneous New Business**

Councilwoman Leary said that she has a copy of a recorded document, Section 11D-46, the Pastures Area, which is dated June 22, 1953. She said that it shows a 25 foot drainage easement coming down behind what was Sinclair Apartments on the far right, down West Gilbert Street. She said that the drainage easement is still there and the drainage ditch is still there, but the drain needs attention. Councilwoman Leary requested that she be given a written legal opinion about why the drainage ditches on that property cannot be cleaned.

### **Adjournment**

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Ross A. Kearney, II  
Mayor

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Katherine K. Glass  
Clerk of Council

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