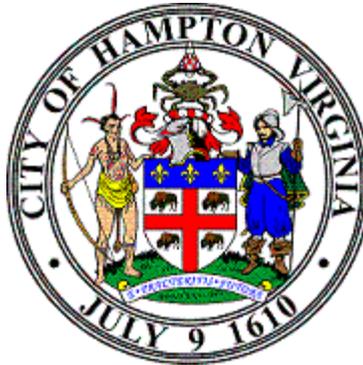


City of Hampton, VA

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



Council Agenda

Wednesday, September 10, 2008

7:30 PM

Council Chambers, 8th Floor, City Hall

City Council

*Randall A. Gilliland, Ross A. Kearney, II, Angela Lee Leary,
Joseph H. Spencer, II, George E. Wallace, Paige V. Washington,
Molly Joseph Ward, Mayor*

Staff:

Jesse T. Wallace Jr., City Manager

Cynthia Hudson, City Attorney

Katherine K. Glass, Clerk of Council

Brenda J. Vaccarelli, Deputy Clerk

WELCOME TO THE HAMPTON CITY COUNCIL MEETING

Because of the large number of matters that need consideration, the City Council has established a meeting format and certain guidelines for citizen participation. These help ensure that everyone who wishes to speak can do so, and that the Council can benefit from hearing as many different people as possible in the shortest time. From time to time, It may be in the public's interest to change the format and guidelines, and the Council can do so at its discretion without prior notice.

THE ORDER OF BUSINESS

The Council generally conducts meetings in the following order:

- (1) Call to Order
- (2) Ceremonial Matters
- (3) Consent Agenda
- (4) Regular Business Agenda
- (5) Audiences Granted to the General Public
- (6) Miscellaneous New Business
- (7) Adjournment

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

CITIZENS ARE INVITED TO PARTICIPATE

The City Council has adopted a three (3) minute time limit policy for individuals desiring to address issues before this body. If you wish to address the City Council, please sign in before the meeting on the sign-up sheet located in the rear of Council Chambers. Please include your name and the subject on which you wish to speak, including the docket number if it is an item on the agenda. If you wish to address Council on a non-agenda item, the permission of Council is necessary.

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

Speakers are generally limited to one appearance, although Council can allow exceptions at its discretion. If possible, you should speak from prepared remarks to the subject under discussion. Irrelevant comments use others' time and your own and detract from your statements on the matter being considered.

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

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

The above guidelines are intended to encourage the greatest possible participation by citizens at Council meetings. They can be modified at any time by the Council at its discretion and without prior notice.

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

CALL TO ORDER/ROLL CALL

INVOCATION - Councilwoman Leary

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

CONSENT AGENDA

Consent Items

1. **08-0366** Resolution Appropriating Funds for Uncompleted Capital Projects funded with General Funds, Stormwater Funds, and Economic Development Funds.
2. **08-0372** Resolution Approving Fourth Quarter Budget Adjustments for FY08
3. **08-0374** Approval of the minutes from the City Council retreat of August 18, 2008, and the afternoon and evening sessions of August 20, 2008.
4. **08-0376** Request for Refund of Erroneous Tax Abatements for 2005, 2006, 2007, and 2008.
5. **08-0379** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Highway Safety Grant Program through the Commonwealth of Virginia Division of Motor Vehicles.
6. **08-0383** Resolution Designating New World Systems Corporation to be the Only Source Practicably Available from which to Procure an Upgrade to the City Financial System and Authorizing the Execution of a Contract with New World Systems Corporation for the Purchase of the System Upgrade.
7. **08-0387** AN ORDINANCE TO AMEND CHAPTER 5 OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA, ENTITLED "ANIMALS" TO UPDATE THE CITATION TO THIS VIRGINIA CODE.
8. **08-0390** Resolution of the City Council of the City of Hampton, Virginia Authorizing the Creation of the Hampton E-Commerce Grant Program and Appropriating \$30,000 from the Uncommitted Funds Allocated to the VECTEC Grant Program to Fund the Hampton E-Commerce Grant Program
9. **08-0395** Resolution Concurring that the Hampton Roads Regional Jail May Provide Enhanced VRS Benefits for Hazardous Duty Positions

PRESENTATIONS, PROCLAMATIONS, AWARDS

10. **08-0367** Proclamation Proclaiming September 2008 as Recovery Month

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES**PUBLIC HEARINGS****Rezoning - First Readings**

11. **08-0391** Rezoning Application No. 1272 by Oxford Hampton Partners, LLC To Amend Proffers from the Rezoning Application #1189 to Change the For-Sale Units to For-Rent Uses Within the Second Phase of Oxford Trail Development, to Proffer a New Site Plan layout Prepared by Corcoran/Ota Dated August 27, 2007 and to Proffer New Elevations Prepared by Corcoran/Ota . [LRSN # 13001406]
12. **08-0392** Rezoning Application No. 1268 by City of Hampton to rezone 2.67± acres located along Reed Street and Harrison Street from General Commercial District (C-3) to One Family Residence District (R-9).

Conditional Privilege

13. **08-0377** Conditional Privilege Application No. 93 by Wilbur and Brenda Hendrix to allow live entertainment at Mallory's Restaurant located at 1565 Briarfield Road (LRSN # 3005371). The 0.5450± acre property is zoned Neighborhood Commercial District (C-1).

Ordinances - First Readings

14. **08-0375** Zoning Ordinance Amendment by the City of Hampton to allow nursing homes, with a Use Permit, in the Multiple Dwelling Districts (MD-2, MD-3 and MD-4).
15. **08-0378** Zoning Ordinance Amendment by the City of Hampton to amend Chapter 17.3 Article X (Special Public Interest - Chesapeake Bay Preservation District, SPI-CBPD) of the Zoning Ordinance to correct a citation.
16. **08-0384** AN ORDINANCE TO AMEND CHAPTER 9, ARTICLE IV, SECTION 9-131 OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA, ENTITLED "BUILDING AND DEVELOPMENT REGULATIONS" TO CORRECT A CITATION.

17. **08-0385** AN ORDINANCE TO AMEND CHAPTER 35, 35-1, OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA, ENTITLED "SUBDIVISIONS" TO CORRECT A CITATION.

18. **08-0386** AN ORDINANCE TO AMEND CHAPTER 33.1-4 (5) OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA, ENTITLED "STORMWATER MANAGEMENT" TO CORRECT A CITATION.

GENERAL ITEMS

Ordinances - Second Reading

19. **08-0337** Ordinance authorizing the transfer from the City of Hampton to the Hampton Redevelopment and Housing Authority ("HRHA") three parcels of land: 1) one parcel (a parking lot) consisting of 6,682 square feet located on Kings Way and 2) two parcels consisting of 2,912 square feet and 6,719 square feet respectively, located on West Queens Way.

20. **08-0353** Zoning Ordinance Amendment by the City of Hampton to amend Chapter 11 (Neighborhood Commercial District, C-1) of the Zoning Ordinance to allow outdoor dining at restaurants with an approved Use Permit.

21. **08-0354** Zoning Ordinance Amendment by the City of Hampton to amend Chapter 17.2 (Langley Flight Approach-Mixed-Use District M-5A) § 2-3 (h) of the Zoning Ordinance to change the ownership types of recreational centers, a permitted use in this District.

22. **08-0355** Amendment of Zoning Ordinance, Chesapeake Bay Preservation District 17.3-64 2 b (iii) (3)

Ordinances - First Reading

23. **08-0388** AN ORDINANCE TO AMEND CHAPTER 5 OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA, ENTITLED "ANIMALS" BY ADDING THERETO A NEW ARTICLE VII ENTITLED "CANINE HYBRIDS."

Appointments

24. **08-0371** to consider the appointment of a Council liaison to the Military Affairs Committee.

25. **08-0373** to consider an appointment to the Board of Directors of the Peninsula Agency on Aging, Inc.

- 26. **08-0381** Appointment of the City Manager to serve on the Hampton Roads Planning District Commission.
- 27. **08-0382** to consider the appointment of an alternate to the Hampton Roads Tunnel Advisory Committee.

Other Items

- 28. **08-0398** Resolution Of The Council Of The City Of Hampton, Virginia, Confirming The Declaration Of A Local Emergency Made Necessary By Tropical Storm Hanna, Which Was Declared By The City Manager/Hampton Director Of Emergency Management On September 5, 2008.

AUDIENCES GRANTED TO THE GENERAL PUBLIC

MISCELLANEOUS NEW BUSINESS

ADJOURNMENT

Contact Info:

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