



# City of Hampton, VA

## Meeting Minutes

### City Council

22 Lincoln Street  
Hampton, VA 23669  
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*

---

Wednesday, May 23, 2007

7:29 PM

Council Chambers, 8th Floor, City Hall

---

#### **CALL TO ORDER/ROLL CALL**

**Ross A. Kearney, II presided**

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

**Absent:** Joseph H, Spencer, II

Mayor Kearney stated that Councilman Spencer was out of town and would not be attending the meeting.

#### **INVOCATION - Charles N. Sapp**

Mayor Kearney welcomed the following Scouts of Cub Scout Pack 218 sponsored by St Joseph's Catholic Church on Buckroe Avenue.

##### First Graders - Tigers

Dillon Mays  
Christian Person  
William Short  
Patrick Tyrell

##### Second Graders – Wolves

Keshawn Battle-Patterson  
Alan Brown  
Daron Cloudy  
Jacob Wallace

##### Fourth Graders – WeBeLoS 1

Tyler Brown  
Josh Clow  
Alex Fuetterer  
Conner Jacob Hobbs

Mayor Kearney thanked the Scouts for attending and encouraged them to come back at any time.

Mayor Kearney stated that Council made the decision to step up their dealings with the Transportation issue. He asked Councilman Tignor to explain what Council will be doing on June 13, 2007.

Councilman Tignor stated that Council has strong views on transportation issue for philosophical and concrete reasons. He explained that rather than waiting for a referendum which could be determined moot because by that time enough localities may have made the decision to approve or deny passage of the bill. Council decided to take action so that folks will know where the people in Hampton stand on the Transportation Authority. He said that there would be a public hearing, which will be appropriately advertised. He further explained that after the public hearing, Council will state their position, followed by a vote of Council to determine if Hampton supports the non-elected taxing authority.

Mayor Kearney thanked Councilman Tignor for explaining Council's plan for the special meeting and public hearing.

## **PLEDGE OF ALLEGIANCE TO FLAG**

## **MAYOR'S COMMENTS**

## **CONSENT AGENDA**

### **Consent Items - First Reading**

1. 07-0271 AN ORDINANCE TO AMEND AND REENACT CHAPTER 32.1, SECTION 32.1-40 OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA

Councilman Tignor stated that for some period of time Council has endeavored to make the policy around excusing real property taxes and solid waste payments identical for those who are elderly and disabled. He said that the City did this a couple of years ago, except when the City did it, they left the requirement in there that those who are elderly and disabled and want to have their solid waste fee excused would have to own their homes. He explained that if someone was within the income limits prescribed and are elderly or disabled but do not own your home, you are eligible for this in the future.

MOVED TO waive second reading of consent agenda item #1.

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

**Seconded by:** Councilmember Angela Lee Leary

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H, Spencer, II

MOVED TO approve consent agenda item #1 on first and final reading.

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

**Seconded by:** Councilmember Angela Lee Leary

**Aye:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nay:** 0

**Absent:** Joseph H, Spencer, II

2. 07-0296 AN ORDINANCE TO AMEND CHAPTER 5, SECTION 5-42, OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA, ENTITLED "ANIMALS."

MOVED TO waive second reading on consent agenda item #2.

**Motion made by:** Councilmember Charles N. Sapp

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

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H, Spencer, II

MOVED TO approve consent agenda item #2 on first and final reading.

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

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

**Aye:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nay:** 0

**Absent:** Joseph H, Spencer, II

### **Consent Items - Other**

3. 07-0288 Resolution Designating RevQ, a Columbia Ultimate Company, as the Only Source Practically Available for Collections Software Designed Specifically for Government Use.

**WHEREAS**, the City of Hampton has the immediate need to acquire a collections module; and

**WHEREAS**, RevQ, a Columbia Ultimate Company, is the only known vendor of collections software designed exclusively for government use;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA** that RevQ, a Columbia Ultimate Company, be designated as the only source practically available for collections software specifically designed for government use.

**BE IT FURTHER RESOLVED** that the City Manager or his designee is hereby authorized to enter into contracts as needed in connection with the acquisition of the collections software.

MOVED TO approve consent agenda items 3, 5, 6, 7 and 8.

**Motion made by:** Councilmember Charles N. Sapp

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

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H, Spencer, II

4. 07-0298 Resolution Authorizing the Appropriation of \$81,082.16 from the Economic Development Fund to the Industrial Development Authority for the Payment of a Real Estate Commission.

**WHEREAS**, on April 11, 1997, the IDA entered into a lease purchase Agreement with Whitney Rand M.F.G. Corp. for property located at 220 E Street; and

**WHEREAS**, on October 28, 1999, Whitney Rand was purchased by Rapid Rack Industries, Inc and the Authority approved the Assignment and Modification and Deed of Lease from Whitney Rand to Rapid Rack; and

**WHEREAS**, on May 28, 2004, the IDA approved a Sublease & Purchase Agreement between Rapid Rack and Copeland Products, LLC; and

**WHEREAS**, the Authority agreed to pay GVA Advantis a commission;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hampton, Virginia that the sum of \$81,082.16 be appropriated from the Economic Development Fund to the Industrial Development Authority of the City of Hampton, Virginia for the payment of a real estate commission on the sale of 220 E Street.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia, held May 23, 2007.

Councilwoman Leary stated that item 4 deals with a resolution authorizing the appropriation of \$81,082.16 from the Economic Development Fund to the Industrial Development Authority (IDA) for the payment of a real estate commission. She said that Mr. James A. "Pete" Peterson, Assistant City Manager, provided an explanation of the appropriation.

Mr. Peterson stated that the City of Hampton does not pay commission and the IDA has a policy for paying commissions to real estate brokers that bring deals to the City for the industrial parks. He explained that this particular deal involves the Rack and Sack which moved out of the region. He stated that it had industrial development bonds on it and it was going into disrepair. He said that a broker firm, within the region, came to the City indicating that they had a client that wanted the building, but he wanted a commission to bring in a client. He said that it was a good deal to get the building back up in operation, but the closing on the building is normally where the commission comes out. He further explained that in this particular deal, most of the money had to go to pay

off the IDA bonds which is why an appropriation is necessary to pay the commission.

Councilwoman Leary thanked Mr. Peterson for making that presentation for the record.

APPROVED

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

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

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H, Spencer, II

5. 07-0300 Resolution Appropriating \$110,000 from General Fund Balance for the Design and Installation of a Power Supply and Lighting System for the Fort Wool Flagpole Project, and for Other Related Project Expenses - Fort Wool Flagpole Installation/Power Supply for Nighttime Illumination Engineering Services Project No.05-043

**WHEREAS**, a project was established to install a 90-ft tall flagpole on Fort Wool with a garrison size (20 ft x 38 ft) U.S. flag, with nighttime illumination; and

**WHEREAS**, approximately \$350,000 has been donated to date for this project to the Hampton Military History Foundation, a not-for-profit entity established by Council, but these funds are not currently accessible; and

**WHEREAS**, the flagpole installation has been completed at a cost of \$230,000 from the funds that Council had appropriated at its November 15, 2006 meeting; and

**WHEREAS**, an additional \$110,000 advance appropriation is needed for the design and installation of a power supply and lighting system for the flagpole project, and for other related project expenses; and

**WHEREAS**, funds are available for this work from General Fund Balance, with reimbursement pending from the Hampton Military History Foundation.

**NOW, THEREFORE, BE IT RESOLVED** that \$110,000 is hereby appropriated from General Fund Balance for the Fort Wool power supply and lighting of the flagpole, and for other project related expenses.

**BE IT FURTHER RESOLVED** that upon the receipt of the donated funds for the project from the Hampton Military History Foundation, the City's General Fund should be reimbursed for its expenses on the project.

MOVED TO approve consent agenda items 3, 5, 6, 7 and 8.

**Motion made by:** Councilmember Charles N. Sapp

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

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H, Spencer, II

6. 07-0302 Resolution Appropriating \$125,000.00 from Storm Water Fund Balance for Consultant Services to Assess the Flooding and Shoaling Problems in the Back River - Back River Flooding and Shoaling - Engineering Services Project No. 07-046.

**WHEREAS**, over the past few years there has been an increase in the frequency and severity of flooding along the shoreline of the Back River, from its headwaters near LaSalle Avenue, to its mouth at the Chesapeake Bay; and

**WHEREAS**, there has also been an overall increase in sedimentation and shoaling within the Back River, most noticeably along the area between the Harris River and the Bay, which is adversely affecting boating from the commercial marinas and public landings; and

**WHEREAS**, in the late 90s, the narrow peninsula of land at the mouth of the Back River known as Factory Point was breached and that the breach is continuing to widen; and

**WHEREAS**, this breach may be contributing to the problems in the Back River; and

**WHEREAS**, a Back River Flooding and shoaling Citizens Committee has been established to make recommendations to Council on these problems; and

**WHEREAS**, in order to support the work of this committee in determining the source(s) of the flooding and shoaling problems in the Back River, consultant services are appropriate, in cooperation with the U.S. Army Corps of Engineers and other state and federal agencies.

**NOW, THEREFORE, BE IT RESOLVED** that \$125,000.00 is hereby appropriated from Storm Water Fund Balance for consultant services to assess the flooding and shoaling problems in the Back River.

MOVED TO approve consent agenda items 3, 5, 6, 7 and 8.

**Motion made by:** Councilmember Charles N. Sapp

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

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H, Spencer, II

7. 07-0307 A Resolution Designating Cherry, Bekaert and Holland, LLP as the Independent Auditor of the City of Hampton, Virginia, for the Fiscal Years Ending June 30, 2007, 2008, and 2009 and Authorizing the City Manager to Execute a Contract with Cherry, Bekaert and Holland, LLP.

**WHEREAS**, the audit contract with Witt Mares, PLC expired with the completion of the audit for fiscal year ended June 30, 2006; and

**WHEREAS**, the City Manager appointed a committee to review the responses to a request for proposal for auditing services; and

**WHEREAS**, the committee interviewed the respondents and determined Cherry, Bekaert & Holland, LLP, and a fee for services for the audit for the fiscal year ending June 30, 2007 has been mutually agreed upon.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hampton, Virginia that it appoints Cherry, Bekaert & Holland, LLP as the independent auditors for the City of Hampton, Virginia for the fiscal years ending June 30, 2007, 2008 and 2009.

**BE IT FURTHER RESOLVED** by the Council of the City of Hampton, Virginia, that it hereby authorizes the City Manager to execute a contract with Cherry, Bekaert & Holland, LLP for these purposes.

MOVED TO approve consent agenda items 3, 5, 6, 7 and 8.

**Motion made by:** Councilmember Charles N. Sapp

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

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H, Spencer, II

8. 07-0308 Approval of Minutes from Special Council Meeting, Afternoon Session and Evening Session of April 25, 2007.

MOVED TO approve consent agenda items 3, 5, 6, 7 and 8.

**Motion made by:** Councilmember Charles N. Sapp

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

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H, Spencer, II

#### **PRESENTATIONS, PROCLAMATIONS, AWARDS**

9. 07-0252 Proclaiming June 21, 2007 as Go Skateboarding Day in the City of Hampton.

Vice Mayor Gilliland read and presented the proclamation to Mr. and Mrs. Mike Monteith (Kathy), owners and proprietors, of Mike's Surf Shop.

Mr. Monteith thanked Council for the proclamation. He introduced his wife Kathy, Co-owner of Mike's Surf Shop, and Kyle Valzone, member of the skate team and he has been sponsored by a number of national companies. He said that Kyle was one of the best skaters in the area. Mr. Monteith introduced Ed Pels, the first person who walked in the skate park while it was still under construction. Mr. Monteith said that Ed has a tremendous knowledge of skateboarding and he has been a mentor to children and adults in the park.

Mr. Monteith said that Go Skateboarding Day, June 21, 2007, is a totally free event although waivers must be signed and safety equipment must be worn. He said that a lot of community groups are participating providing in-kind services. He said that the City of Hampton Police Division, Parks and Recreation, Langley Federal Credit Union, Friends of Ross Kearney, Chick-Fil-A and Bethel Temple were sponsors for the event.

Vice Mayor Gilliland asked Mr. Monteith to describe the indoor skate park.

Mr. Monteith said that from the outside of the store it looks like just a plain retail operation. He said in the very back of the store they have a 7,500 square foot indoor skate park that raps around the back side of Farm Fresh. He said that it is a surprisingly large park for a strip mall. He said that it is open everyday of the week and explained that on Sunday it is opened from 1 to 5 and a Christian devotional is held.

Vice Mayor Gilliland asked Mr. Monteith to describe the phenomenal program that he has available at the shop.

Mr. Monteith stated that within the first week of opening the store, it was clear that there were about a dozen young men that were "living" with him, and spending considerably more time with him than with their families. He said that it occurred to him that it was important for him to do more than just run a good retail operation. He said that he and his wife, Kathy, decided to open on Sundays and provide a Christian devotional at 2 pm every Sunday and everyone who participates would skate free. He said that this was their way of giving back to the community.

10. 07-0289 Proclamation noting May 2007, as Teen Pregnancy Prevention Month

Councilman Tignor stated that this proclamation was requested by Dr. William Berg, Director of the Hampton Health Department, to recognize Teen Pregnancy Prevention month in the City of Hampton. He said that the Hampton Health Department participates in the national program along with the community based organizations, parents,

educators, clergy and others who diligently work to reduce teen pregnancy in the City.

Councilman Tignor read and presented the proclamation to Ms. Linda Scott-Stone, RN, Public Health Nurse.

Ms. Scott-Stone thanked Council for the proclamation and stated that this is collaborative effort of the Hampton Health Department and the Teen Pregnancy Prevention Task Force. She introduced Ms. Lillian Dalton, member of the task force. Ms. Scott-Stone said that an article in May 15, 2007, in the Daily Press addressed teen pregnancy. She said that although the rates were down in the Hampton Roads area, they were still high in Hampton. She said that Hampton is the second leading City with the highest teen pregnancy rate, followed by Newport News. She said that with the implementation of the Task Force they will be able to identify and reduce the problem with the young people and get them on the right track. She invited everyone to attend their meetings which are held on the fourth Tuesday of each month at the Hampton Health Department.

Mayor Kearney thanked Ms. Scott-Stone for her work in the community.

11. 07-0290 Public Works Week - May 21-25, 2007

Councilwoman Leary read and presented the proclamation to Mr. John Veneziano, Director of Public Works, and the following employees:

Mr. Robert Isom, Reliability Infiltration Technician, with Wastewater Management since October 1991

Mr. Robert Currier, (aka Wildman) ,Carpenter, Maintenance Mechanic, with Facilities Management since January 1983

Mr. Frank Taylor, Equipment Operator 4, with Streets and Roads since February 1993

Mr. Larry Sanders, Infrastructure Project Leader, with Streets and Roads since November 2005

Ms. Cynthia Yager, Infrastructure Construction Project Leader, with Streets and Roads since October 2006

Mr. Veneziano stated that National Public Works Week has been observed in May of each year for over 40 years. He said that it is an effort to seek the public's awareness of Public Works issues and to increase confidence in the Public Works employees who are dedicated to improving the quality of life in their communities. Mr. Veneziano said that this is a celebration of the thousands of men and women throughout the country who provide and maintain the infrastructure and services collectively know as Public Works, and to call attention to the importance of public works in community life. He said that on both local and national levels, Public Works leaders seek to enhance the prestige of those unsung heroes of our society, those professionals who serve the public

good every day with quiet dedication. He explained that much of their work is largely invisible to the public. He said trash is put out in the morning and the cans are empty at the end of the day. Clean water comes out of the tap and water goes down the drain and disappears, but it is being taken care of in a safe and environmentally sound manner. Traffic signals are not green in both directions and driving over bridges that are safe. He said that when disasters occur and after the first responders have saved the day, the people who clean up the mess that is left over, are the people from Public Works.

Mr. Veneziano said that all of these things and many more are accomplished by the professionals throughout the country.

Mr. Veneziano thanked Council for the proclamation and thanked the well-trained, hardworking City Public Works employees.

Mayor Kearney thanked Mr. Veneziano.

12. 07-0291 Presentation to Valedictorians and Salutatorians from the Four High Schools in Hampton

Mayor Kearney stated that Councilman Sapp and Councilman Tignor will presented high school Valedictorians and Salutatorians awards.

Councilman Sapp and Councilman Tignor presented awards to the following students:

Jenna Ryan, Valedictorian, and Quadeisha Heckstall, Salutatorian, of Bethel High School. Principal John Bailey was also present.

Antony Vo, Valedictorian, and Stan Pokras, Salutatorian, of Hampton High School. Principal Myra Chambers was also present.

Alan and Karen Keller on behalf of their daughter, Lisa Keller, Valedictorian, and Kyle Ames, Salutatorian, of Kecoughtan High School. Principal Arnold Baker was also present.

Yana Kupke, Valedictorian, and Samantha Notti, Salutatorian, of Phoebus High School. Miss Kupke and Miss Notti could not be present but Principal Michael Cromartie accepted on their behalf.

Dr. Pat Russo, Superintendent of Hampton City Schools, thanked Council and stated they were proud of the students accomplishments. He said that they know it doesn't happen without the support and loving care of their parents and grandparents and loved ones. He said that the students were going to Virginia Tech, the University of Pennsylvania and schools that are distinguished and have a great reputation. He believes that it is an indication of the wonderful support they have in the City of Hampton for the education system. Dr. Russo thanked Council on behalf of the

22,500 children they serve, and the support they receive from City Council.

Mayor Kearney stated that Council was very proud of the students.

13. 07-0301 Recognition of City of Hampton Human Resources Logo Contest Winner and Participants.

Councilman Washington stated that the City of Hampton Human Resources Department, under the direction of Ms. Dianne Foster, sponsored a Logo Contest to search for a new, eye-catching Logo to represent the Human Resources Mission.

Councilman Washington said that the contest required public involvement in the process and design. He said that the Town and Gown Committee, a board comprised of representatives from the City of Hampton, Hampton University, Hampton City Schools, and Hampton businesses and citizens conducted the judging for the contest.

Councilman Washington explained that the contest was open to Hampton Public School student's grades 9 through 12 and students' enrolled in colleges and universities in the City of Hampton.

Councilman Washington recognized Mr. Ron Minitree and Ms. Vivian Greise of the Fine Arts Department.

Councilman Washington recognized Michael Bass from Bethel High School, Eva Hammed, Hampton University, Chris Jackson, Hampton High School, Stephen Johnson, Kecoughtan High School, and Valerie Page from Hampton University.

Councilman Washington presented Evan Hoffman, winner of the contest, from Kecoughtan High School, two tickets to an event at the Hampton Coliseum and a check for \$100.

Councilman Washington said that the winning logo would be displayed on the cover of the Department of Human Resource's Policy and Program Manual and will be featured on the Human Resource's website.

Ms. Foster thanked the Town and Gown Committee for supporting this project. She said that there are so many projects between the Hampton University, the City of Hampton, Hampton City Schools and businesses, and many times they don't know about them. She explained that it would have cost the City a lot of money to have a logo professionally designed.

Ms. Foster thanked Dr. Patrick Russo, Superintendent of Hampton City Schools, and the Fine Arts Department for their support.

**REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES****PUBLIC HEARINGS****Rezoning - Second Reading**

14. 07-0034 Rezoning Application No.1242 by Southeastern Capital Investments L.L.C to rezone approximately 4+/- acres located at the northwest corner of the Magruder Boulevard and Semple Farm Road intersection from One-Family Residence District (R-11) to Multiple-Dwelling Residence District (MD-3) for up to 48 apartments.

APPROVED

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

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

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H. Spencer, II

**Rezoning - First Readings**

15. 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.

Councilwoman Leary stated that a letter from Ms. Trish Ferraro will be part of the record.

Councilwoman Leary said that she met with the City Manager on May 18, 2007, and one of the things that the City Manager assured her of was that this was needed to secure the green space for a park that has been discussed for the last two years. She said that this wasn't everything in those two areas between First and Second Streets, but it was something that she believes has to be done after reviewing all of the options. She said that the reason for putting a street there was to help determine if this would address the parking needs. She said that she doesn't understand the need for it to change the two end lots that are under this zoning. She said that she believes that it is important to move forward and the only way they can move forward is to agree that this green space is enough for the park area. She said that she doesn't believe they will know until they try. She said that she is still reserved about the other areas at the end, but she is satisfied that they need to move ahead with this.

Mayor Kearney stated that Councilwoman Leary was correct and this was brought up by the general public when Council decided to go with the plan in creating the two smaller versions of the park. He explained that this guarantees that it will be a park many years from now.

## HELD PUBLIC HEARING

No one appeared before Council to speak on the issue.

## APPROVED ON FIRST READING

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

**Seconded by:** Councilmember Rhet Tignor

**Aye:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nay:** 0

**Absent:** Joseph H. Spencer, II

16. 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 request is by the City of Hampton in conjunction with Rezoning Application No. 1224-D. He stated that Planning Staff and the Planning Commission recommend approval of this amendment.

## HELD PUBLIC HEARING

No one appeared before Council to speak on the issue.

## APPROVED ON FIRST READING

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

**Seconded by:** Councilmember Rhet Tignor

**Aye:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nay:** 0

**Absent:** Joseph H. Spencer, II

17. 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 The Hampton Community Plan recommends that the land be used for the property's open space. He said that the Planning Commission and Planning Staff recommend approval of Rezoning Application No. 1240.

Councilman Tignor stated that this property is the Old Nike Site at the end of Grundland Drive. He said that it would become a park.

HELD PUBLIC HEARING - There were no speakers.

## APPROVED ON FIRST READING

**Motion made by:** Councilmember Rhet Tignor

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

**Aye:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nay:** 0

**Absent:** Joseph H. Spencer, II

18. 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]

Councilwoman Leary recognized Mr. Dave Jester, President and CEO of Marlyn Development Corporation, who is involved in this project. She said that he also developed Bailey's Park and Sinclair Commons which she is very happy to have in the City of Hampton. She thanked Mr. Jester for building such a good facility.

Mr. Jester stated that this was a joint venture between Marlyn Development Corporation and the Immaculate Conception Catholic Church to create 151 apartments for seniors. He said that 75 percent will be affordable and 25 percent would be market rate. He explained that as with his other projects the newest facilities with interior hallways and security systems have been very successful around the state and this is their fifth senior project. He said that Marlyn Development received an award for every project they have built so far. He said that it has been a pleasure working in Hampton. He said that Hampton is proactive and they are making very good progress.

Councilwoman Leary thanked Mr. Jester for having his staff allow Congresswoman Thelma Drake the opportunity to tour their facilities. Councilwoman Leary said that Congresswoman Drake was quite impressed with the facility.

HELD PUBLIC HEARING

No one appeared before Council to speak on the issue.

APPROVED ON FIRST READING

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

**Seconded by:** Councilmember Rhet Tignor

**Aye:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet  
Tignor, Paige V. Washington, Ross A. Kearney, II

**Nay:** 0

**Absent:** Joseph H. Spencer, II

19. 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 this request is to rezone a number of parcels along Freeman Drive in order to facilitate the final two phases of the H20 Residential Project in Coliseum Central. He stated that the Planning Commission and Planning Staff recommend removing parcels identified as the "Prince Property" from the request and approve Rezoning Application No. 1247, subject to the following nine conditions:

1. Development shall be in conformance with the adopted Development Agreement between Sandler at Coliseum Central, LLC and The Hampton Redevelopment Housing Authority, dated February 2005, as amended. To deviate from the terms of the Development Agreement (ex: number/mix of unit types) the developer must follow the amendment processes established in the Development Agreement.
2. Developer agrees to develop the property in conformance with the development standards and guidelines set forth in "Proffer Book for Rezoning #1247, H20 Phases III and IV, dated May 14, 2007" and attached herein.
3. The entire property (11.5+ acres) shall be subject to the standards and design criteria set forth in the Proffer Book, however the layout of the property known as parcel "D-4" (3.9 + acres) shall be developed substantially in conformance with the Conceptual Development Plan (pg 2) of the attached Proffer Book, while the layout of the remainder of the property (7.6+) acres shall be subject to the following:
4. Elevations shall be in conformance with those designs already approved for Phases I and II of the H20 project. These approved elevations are on file with the City and are dated April 13, 2006, by Chesapeake Homes and June 1, 2006 by Lessard Urban.
5. Developer agrees to construct all two-and three-story townhouses using a minimum of an 18' (eighteen-inch) raised slab foundation.
6. Developer agrees to use roofing materials consisting of 30-year architectural grade shingles or painted standing-seam metal.
7. Developer agrees to provide a fifteen foot (15') landscape easement adjacent to the Wilken Park neighborhood. Within the easement a single-row of evergreen trees shall be planted fifteen feet (15') on center.

8. Developer agrees to provide a forty foot (40') open space easement adjacent to Newmarket Creek for the purpose of the City of Hampton to construct passive recreational components. The City of Hampton shall be required to maintain the area and improvements encompassed in the open space. The easement shall be measured forty feet (40') landward from the water's edge-elevation zero (0'), as exhibited in Open Space Exhibit, pg 4 of the attached Proffer Book.
9. The project will use existing stormwater outfall (as illustrated on the attached plan titled "Stormwater Drainage System, map 4-H") and will not discharge into Lake Hampton, unless, in the decision of the Director of Public Works, there is no practical alternative. This decision shall be reached in consultation with the Director of Parks and Recreation and shall consider the effect of the stormwater outfall on Park activities.

#### HELD PUBLIC HEARING

No one appeared before Council to speak on the issue.

#### APPROVED ON FIRST READING

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

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

**Aye:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nay:** 0

**Absent:** Joseph H. Spencer, II

#### Comprehensive Plan Amendment

20. 07-0303 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, the UDA team and the community have completed the planning process. He said that the Planning Commission and Planning Staff recommended adoption of the North King Street Corridor Master Plan. He said that action on this plan is scheduled for the June 20, 2007, Council meeting. He explained that the purpose of the public hearing is to present a briefing and receive public comment.

Ms. Constance Mason, City Planner, made the following presentation to Council:

Purpose

- Inform Council on the status of the North King Street Corridor Master Plan

Master Plan Process

- Phase I
  - Demographic and statistical data
  - Site visits, history, pictures, dot exercise
  - Commercial and residential market studies
- Phase II
  - Brainstorming ideas
  - Individual meetings
  - Large and small group meetings
  - Design Charette (May 9 – 11, 2006)
- Phase III
  - Over 14-month planning process
  - 15 Steering Committee members
  - 668 plus residents, stakeholders, business/property owners involved in the process
  - 6 Steering Committee meetings
  - 37 Neighborhood/Stakeholders meetings
  - 6 General Public meetings
  - 13 Staff and Consultants meetings

Guiding Principles

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 quality of the charm, water orientation, architectural styles, and rich history.
6. Establish connections to existing proposed open spaces, the water, schools, and other public facilities.
7. Reinforce and celebrate North Kings Street's role as a primary link between downtown and the Langley Air Force Base (LAFB).

Mayor Kearney asked the City Manager if the “six-pointer” is the one that Council indicated that they would like to start on first. In response, the City Manager stated that he was correct.

#### Initiative Areas

1. North King Street Initiative
  - East Little Back River Road
  - Rip Rap Road
2. Key Intersections: -“Six-Point Intersection – North King Street, Little Back River Road Mac Alva Drive, and Sinclair Road
  - North King Street and Mercury Boulevard
    - Parcels adjacent to the interchange can be increased in size by removing the repetitive frontage roads along Mercury Boulevard which are not needed for capacity.

Vice Mayor Gilliland asked if Mercury Boulevard would be returned to at grade so that it is not an overpass. In response, Ms. Mason stated that it would be the same as it is, but the feeder roads would be modified.

Vice Mayor Gilliland asked if some analysis could be done as to the economic development aspects of having that remain as is with small changes in the feeder roads versus taking it to “at grade.” He said that the two poorest performing, from an economic development perspective, along Mercury Boulevard, the entire corridor are LaSalle Avenue, where the overpass goes over Mercury Boulevard, and at King Street, where Mercury Boulevard goes over King Street. He said that he believes it has something to do with the overpasses. He said that he doesn’t know if there is existing data that speaks to those issues, but he believes it should be evaluated.

Vice Mayor Gilliland said that he believes the LaSalle Avenue intersection would be a dramatically different intersection if the overpass was not there. He said that he believes the same thing is true at King Street.

Councilman Tignor stated that everything that Vice Mayor Gilliland said was correct and bears looking into. He said that the traffic flow should also be considered. He said that Mercury Boulevard is a huge feeder road and everything that goes to Fox Hill, with the exception of Fort Monroe, has to come over the raised elevation. He said that he knows that the Armistead and Mercury Boulevard intersection is considerably slower for people traveling to Fox Hill. He said that the traffic flow needs to be considered as well as the economic development.

Vice Mayor Gilliland agreed with Councilman Tignor.

Mayor Kearney asked if the job is to move the traffic or do economic development. He said that the safety issue is very important.

Mr. Terry O'Neill, Director of Planning, stated that the Planning Department can provide Council with more information before the June 20, 2007, meeting. He said that those questions were asked during the planning process and the traffic consultant modeled that intersection. He said the reason they did not pursue further the option that Vice Mayor Gilliland suggested was because the intersection would not work at that grade. He said that there are too many cars trying to get through at peak hour and both King Street and Mercury Boulevard becomes a parking lot in the morning and afternoon. Mr. O'Neill said that he could invite the traffic consultant to come and speak to Council at the next meeting.

Vice Mayor Gilliland stated that he would like to see the information. In response, Mr. O'Neill stated that the information would be provided in the Council packets.

Mayor Kearney said that this is just a plan and the Langley Shopping Center is not being torn down. He said that this is just a direction that came from the public meetings that were held.

### 3. West Mercury Boulevard Initiative

Councilman Tignor asked the reason for making it pedestrian friendly. In response, Ms. Mason said that it was to make it more of a walk able environment by increasing connections and to make it friendlier for people who are shopping in the area. She said that it encourages them to park in the rear and go to the various shops.

Councilman Tignor asked if shops are being planned for that area as opposed to office buildings. In response, Ms. Mason stated that mixed-use development is being considered.

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

Ms. Mason stated that there is a near term and a long term option with both offering several strategies for Old North Hampton to address all of the key issues identified in the input meetings. She said that one was to improve the overall housing stock, address the traffic concerns related to Rip Rap Road and to improve gateway connections from Downtown to West Mercury Boulevard. She said that in the near term they would look at keeping the existing Police Firing Range in this option and develop around the Newmarket Creek which would be a pedestrian friendly park and increase connections from the south at Thomas Street moving adjacent to the park area and the Police Firing Range.

Mayor Kearney stated that this is a staff recommendation and not a Council recommendation. He said that he believes every Council member has talked with the residents in that area and they have voiced their concerns. He said that he doesn't want them to think that Council

has agreed that the Police Firing Range is staying. He said that no such agreement has been made.

Ms. Mason stated that they have looked at relocating the Firing Range to another locale or regional site on the Peninsula and perhaps relocating Blue Bird Gap Farm.

Councilman Tignor requested the City Manager to look at a modern simulator system. He said that they are becoming more common. He said that \$50 million airplanes are flown with a simulator and he can't believe that Hampton could not reduce the live Police Firing Range to a simulator. He said that he was not talking about downgrading it, but improving the exercise. He said that no one wants a firing range in their neighborhood. He said that he would like Public Safety to consider this. In response, the City Manager stated that he would look into Councilman Tignor's suggestion.

Mr. O'Neill stated that there is a more lengthy discussion regarding City staff, the community and the Police Chief regarding the Police Firing Range issue. He said that they are going to explore the possibilities of relocating the Police Firing Range and everyone recognizes that it is an essential facility for public training and it is not going to move over night. He said that the commitment has been made and the City Manager sat in on the meetings. He said that the City of Hampton will begin to actively explore options whether they are in the City of Hampton or whether they are regional facilities. He said that once the options have been identified the information will be brought back to Council for its review and potential implementation of whatever may be the option. He said that the common understanding is that it will take some time.

Mayor Kearney stated that he and the City Manager visited the Police Firing Range and he encouraged Council to visit the range. He said that a lot of regional firing is done at the range and it is not just the Hampton Police, but the Drug Enforcement Administration (DEA) and the Federal Bureau of Investigations (FBI) from the entire region. He said that the people who live in that area have suffered over the years and they deserve a break. He said that if the residents of that area are not given a break the City is setting a double standard and he is not in favor of that.

Councilman Tignor stated that he has not been to the Police Firing Range, but if it like one he is familiar with, it is outdated and something modern is needed.

#### Next Steps

- Tentative date for City Council public hearing is June 20, 2007, for adoption.

Mayor Kearney thanked Ms. Mason for her presentation.

## HELD PUBLIC HEARING

No one appeared before Council to speak on the issue.

**General Items****Ordinances - Second Reading**

21. 07-0255 Zoning Ordinance Amendment by the City of Hampton to amend Article X. "Special Public Interest – Chesapeake Bay Preservation District (SPI-CBPD)," of the City of Hampton Zoning Ordinance.

Mr. Jesse T. Wallace, City Manager, stated that the proposed Zoning Ordinance amendment is intended to provide an environmental benefit for water quality while still allowing for waterfront property owners to make improvements to their property.

Councilwoman Leary stated that on the first reading she objected to some of the language and took it up at a later event with Senator Marty Williams. She said that it isn't anything that can be changed, but she believes that just because the City is exempt from becoming a violator of this ordinance does not mean that it gives the City clear reign. She said that Senator Williams asked her if the City wanted their ability to tax to be taken away. Councilwoman Leary said that Senator Williams indicated that the City should be more proactive in this. She said that she will go along with this, and reminded Council that on April 20, 2007, the Supreme Court ruled in favor of citizens have the right to sue the State of Virginia for violations to the Chesapeake Bay Preservation Act. She said that she would provide Council with the articles at a later date.

Councilwoman Leary stated that she is voting for something that she is not in favor of.

MOVED TO approve the Zoning Ordinance Amendment to amend and re-enact Article X. "Special Public Interest – Chesapeake Bay Preservation District (SPI-CBPD)," Sec 17.3-62 "Definitions," and Sec.17.3-64 "Regulations for Development and Redevelopment."

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

**Seconded by:** Councilmember Rhet Tignor

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H. Spencer, II

MOVED TO approve the Zoning Ordinance Amendment to amend and re-enact Article X. "Special Public Interest – Chesapeake Bay Preservation District (SPI-CBPD)," Sec 17.3-63 "Boundaries."

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

**Seconded by:** Councilmember Rhet Tignor

**Aye:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nay:** 0

**Absent:** Joseph H. Spencer, II

22. 07-0259 AN ORDINANCE TO AMEND AND REENACT CHAPTER 41.1 OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA ENTITLED "WETLANDS", EFFECTIVE JULY 1, 2007.

Mr. Jesse T. Wallace, City Manager, stated that most of the changes are the result of either correcting typographical spelling errors, or making changes to bring the ordinance into compliance with State law.

ADOPTED ON SECOND AND FINAL READING

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

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

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H. Spencer, II

23. 07-0258 AN ORDINANCE TO AMEND AND REENACT CHAPTER 33.1 OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA ENTITLED "STORMWATER MANAGEMENT" AND TO REPEAL SECTIONS 33.1-13 AND 33.1-18, EFFECTIVE JULY 1, 2007.

Mr. Jesse T. Wallace, City Manager, stated that most of the sections of this Chapter are being amended and most of the changes are housekeeping in nature.

ADOPTED ON SECOND AND FINAL READING

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

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

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H. Spencer, II

**Resolutions**

24. 07-0312 A Resolution to Approve a Memorandum of Agreement among the Commonwealth of Virginia, the Fort Monroe Federal Area Development Authority ("Fort Monroe FADA") and the City of Hampton and Authorize the Execution Thereof, and to Provide Limited In-kind Services to Assist the New Fort Monroe FADA

**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 ("Fort Monroe FADA") 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 (the "Act");

**WHEREAS**, the City Council created the Fort Monroe FADA in accordance with the State emergency legislation and 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**, the Commonwealth, the Fort Monroe FADA and the City desire to memorialize their similar goals, objectives and vision for the redevelopment of Fort Monroe by entering into a Memorandum of Agreement "MOA");

**WHEREAS**, the Commonwealth and the City as parties to the MOA recognize the importance of working together with the Fort Monroe FADA to (i) maintain the integrity of the historic and environmental resources at Fort Monroe, (ii) retain or enhance the economic impact of Fort Monroe, (iii) keep Fort Monroe open and accessible to the public to the extent possible, and (iv) transition Fort Monroe to reuse as soon as possible, and to that end will cooperate to assist the Fort Monroe FADA in the implementation of the appropriate reuse of Fort Monroe.

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

1. That it approves the terms of the Memorandum of Agreement attached hereto;
2. That the City Manager or his Authorized Designee be and is hereby authorized to execute and deliver to the Fort Monroe FADA and the Commonwealth of Virginia the Memorandum of Agreement in substantially the form attached hereto: and
3. That the City Manager is authorized to provide limited in-kind services to assist the Fort Monroe FADA as follows:
  - a) The services of Rick Russ to assist the Fort Monroe FADA, in a consulting capacity, with the BRAC "Homeless Assistance Screening Process" through HUD approval of the Reuse Plan and, on an "as needed"

basis, until the adoption of the Final Reuse Plan by the Fort Monroe FADA and the Commonwealth.

- b) The services of Keith Cannady of the Department of Planning to assist the Fort Monroe FADA, in a consulting capacity, with the Reuse Plan adoption process through the adoption of the Final Reuse Plan by the Fort Monroe FADA and the Commonwealth.
- c) The services of the Office of Intergovernmental Affairs on an "as needed" basis to assist with legislative issues that may arise during the term of the MOA which affect or involve the City.
- d) The services of the Office of the City Attorney on an "as needed" basis to review any legal documents or transactions arising from the MOA which affect or involve the City.
- e) The services of the City to act as Fiscal Agent for the Fort Monroe FADA during the term of the MOA.

**ADOPTED**

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

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

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H. Spencer, II

**Appointments**

25. 07-0274 to consider an appointment to the Virginia Peninsula Disability Services Board.

REAPPOINTED William "Bill" Adams to a term commencing on July 1, 2007, and concluding on June 30, 2010.

**Motion made by:** Councilmember Rhet Tignor

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H. Spencer, II

26. 07-0281 to consider appointments to the Hampton-Newport News Community Services Board.

REAPPOINTED Leroy Branch and Sallie Marchello to three year terms commencing on July 1, 2007, and concluding on June 30, 2010.

**Motion made by:** Councilmember Rhet Tignor

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H. Spencer, II

27. 07-0282 to consider appointments to the Board of Directors of the Virginia Air and Space Center.

REAPPOINTED C. Max Bartholomew, Jr.; Frank A. Edgar; and F. Lewis Wood to terms commencing on July 1, 2007, and concluding on June 30, 2011.

**Motion made by:** Councilmember Rhet Tignor

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H. Spencer, II

28. 07-0283 to consider seven (7) citizen appointments to the Hampton Redevelopment and Housing Authority.

APPOINTED Eleanor Weston Brown as Chair for a three year term; Tie Coleman for a two year term; Kathleen Gooden for a one year term; Rebecca F. Grossman for a two year term; Will Moffett for a four year term; Louis G. Morris for a five year term; and Len T. Nicholson for a four year term.

**Motion made by:** Councilmember Rhet Tignor

**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Paige V. Washington, Ross A. Kearney, II

**Nays:** 0

**Absent:** Joseph H. Spencer, II

29. 07-0316 Motion to Deviate from the Agenda to Add a Matter Making Appointments to the Fort Monroe Federal Area Development Authority

Councilman Tignor said that he believes that in order to add this to the agenda requires a vote. In response, the City Attorney stated that this can be placed under new business or Council could move to amend the agenda.

Councilman Tignor said that he believes that in order to be legal, this is either new business or amend the agenda.

Mayor Kearney stated that a motion was made to amend the agenda.

MOVED TO amend the agenda to take up the matter of appointments to the Fort Monroe Federal Area Development Authority.

**Motion made by:** Councilmember Rhet Tignor  
**Seconded by:** Vice Mayor Randall A. Gilliland  
**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Rhet Tignor, Paige V. Washington, Ross A. Kearney, II  
**Nays:** 0  
**Absent:** Joseph H. Spencer, II

30. 07-0317 Appointments to the Fort Monroe Federal Area Development Authority.

APPOINTED Dr. Wayne Lett and Robert A. Scott, each to a one year term, on the Fort Monroe Federal Area Development Authority to replace John Ishon and Whiting Chisman who resigned effective today.  
**Motion made by:** Vice Mayor Randall A. Gilliland  
**Seconded by:** Councilmember Angela Lee Leary  
**Ayes:** 6 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Rhet Tignor, Paige V. Washington, Ross A. Kearney, II  
**Nays:** 0  
**Absent:** Joseph H. Spencer, II

#### Other Items

31. 07-0294 A Resolution authorizing the execution of an Agreement of Sale for the purchase of 1227 & 1237 Big Bethel Road from Daniel A. Rosinski.

Mr. Jesse T. Wallace, City Manager, stated that this was an execution of agreement of sale for the City to acquire 1227 and 1237 Big Bethel Road for \$925,000. He said that the purchase price seems fair and reasonable due in part to the prime location being the northwest corner of Hampton Roads Center Parkway and Big Bethel Road. He said that Council was being asked to adopt this resolution authorizing the City Manager to proceed with the purchase transaction.

Councilwoman Leary stated that with all respect to Ms. Linda McNeely-Walker, she knows how much she wanted this land for the City, and she is sure that she is going to get it for the protection of Sandy Bottom Nature Park, but the total assessment on the property is \$433,700 and she simply cannot pay \$940,000 for it. She said that she would be voting against the motion.

ADOPTED

**Motion made by:** Vice Mayor Randall A. Gilliland  
**Seconded by:** Councilmember Charles N. Sapp  
**Ayes:** 5 - Randall A. Gilliland, Charles N. Sapp, Rhet Tignor,  
Paige V. Washington, Ross A. Kearney, II  
**Nays:** 1 - Angela Lee Leary  
**Absent:** Joseph H. Spencer, II

32. 07-0295 A Resolution authorizing the execution of an Agreement of Sale for the purchase of 1509 N. Armistead Avenue from Arnold J. and Katherine M. Lorea.

Mr. Jesse T. Wallace, City Manager, stated that this is an agreement to purchase 1509 North Armistead Avenue for \$303,000. He said that this parcel is part of the assemblage of land for the development of Newmarket Creek Park. He said that Council is being asked to approve this resolution authorizing the City Manager to proceed with this purchase transaction.

Councilman Tignor asked if the City is purchasing all six sites. In response, the City Manager stated that Mr. Jeff Cundiff, Real Estate Manager, stated that two sites are vacant towards the Home Depot and those have been purchased already.

In response to Councilman Tignor, Mr. Cundiff stated that it continues the acquisitions.

Vice Mayor Gilliland said that this is purchasing for public purpose without condemnation.

**ADOPTED**

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

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

**Ayes:** 5 - Randall A. Gilliland, Charles N. Sapp, Rhet Tignor,  
Paige V. Washington, Ross A. Kearney, II

**Nays:** 1 - Angela Lee Leary

**Absent:** Joseph H. Spencer, II

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

Mr. Earl Gerring, 745 Chesapeake Avenue, stated that he has been a taxpayer and voter in the City of Hampton just about all of his adult life. He said that through the years he has been involved with numerous civic and charitable endeavors.

Mr. Gerring said that it is evident to him that the presiding Mayor has little or no respect or regard for him when he considers the remarks and the actions that Mayor Kearney has directed towards him recently. He said that it is also evident to him that the three minute time limit, and the way that Mayor Kearney enforces the time limit, is a farce. He said that he has witnessed speakers that exceed three minutes and exceed five minutes and exceed ten minutes and the Mayor doesn't express one word of concern or objection. He said that, other the other hand, he has heard the Mayor call out to him in a commanding voice that his time was up and the three minutes had not lapsed from the time he introduced himself. He said that he believes Mayor Kearney is more concerned with how long it takes to say something than with what is being said. He said that if Mayor Kearney is in accordance with what is being said, the time

limit would mean little or nothing. He said that if Mayor Kearney disagrees or is annoyed with what is being said he lets the speaker know that their time is up.

Mr. Gerringer stated that he has come before Council for months in an attempt to have Council explain the logic and reasoning used in deciding who was to pay for dredging taking place and for the plan. He said that he believes those efforts were a dismal failure.

Mr. Gerringer asked Council what is the purpose of the study being conducted and what answers it the study seeking to provide.

Mayor Kearney requested that the Mr. Jesse T. Wallace, Jr., City Manager, provide Mr. Gerringer with the answers to his questions. He asked the City Manager to explain to Mr. Gerringer what his plan is regarding the dredging issue. In response, the City Manager stated that he will be preparing an answer to the study that is currently being conducted involving the shoaling on Back River and dredging the marinas. The City Manager stated that the spoils of the sand will be placed on the breach at Factory Point. He explained that this was the only study going on at this time.

Mr. Gerringer asked if Council tabled the idea of a boat tax in order to conduct the study. In response, the City Manager stated that has also been charged with the responsibility of doing an economic analysis, or study, on the economic impact of a boat tax. He said that the study would be performed by staff and they may need some assistance from one of the local universities over the next few months.

Mr. Gerringer asked if Council, in the mean time, was going to continue to take a portion of his fixed-income and subsidize the boat world. In response, the City Manager stated that there is no boat tax at this time.

Mr. Hugh Bassett, 117 Rip Rap Road, stated that he feels like he is closing the barn door after the horse is out. He said that when the public hearing was held on the budget, and Council discussed lowering the property tax, he was very happy about that. He said that he received an assessment in the mail. He said that his last assessment was \$70,000 and this one is \$130,000. He said that what Council did on one hand, by lowering the taxes. On the other hand, he will be paying twice as much tax as before. Mr. Bassett stated that he was retired and on a fixed income and he doesn't believe it is fair to double a persons taxes overnight. He said that he doesn't know where he will get the money to pay the taxes. He said that he believes that if a boat tax was enacted, the taxpayers would have some relief, but Council chose not to do that. He stated that he hopes that Council will, in the future, try and do something to lower the taxes. He said that his vacant lot went from \$16,000 to \$29,000 and nothing has changed. He said that the taxes are burdensome and he wonders what is going to happen next. He thanked Council for the opportunity to express his concerns to Council.

Vice Mayor Gilliland stated that Council reduced the real estate tax rate 8 cents and the tax rate has been reduced 21 cents over the last four years. He said that Council understands assessments have out paced that. He explained to Mr. Bassett that there are instructions on his assessment on how to appeal his assessment. He said that he did not want to speculate about his age, but if he was retired, there are programs for seniors that can reduce tax liability, or freeze that ability. He requested that the City Manager have staff send Mr. Bassett that information so he will know what the guidelines are.

Mr. Bassett asked Vice Mayor Gilliland if he was old enough for that program. In response, Vice Mayor Gilliland stated that it depends upon your income and assets.

Vice Mayor Gilliland explained that there is a senior, disabled and veteran tax relief program as part of the code. He said that he wasn't saying that Mr. Bassett was disabled or a veteran, but the program is available.

Mr. Bassett said that he is a senior and a Veteran. He said that Hampton is a beautiful City and he is pleased with the improvements that have been made.

Councilwoman Leary stated that she wants people to realize that just because this issue was brought up more than three years ago, the assessments are still a work in progress. She explained that some properties have not been properly assessed for 10 to 15 years and now the market is catching up with that and Mr. Richie McKeithen, the City Assessor, and what he thought would take 18 months to 2 years will take three to four years. She said that she believes that the City Assessor is doing a fantastic job, but she also believes that Council can do better by continuing to work on reducing spending and reduce the tax rate.

## **Miscellaneous New Business**

## **Adjournment**

---

Ross A. Kearney, II  
Mayor

---

Katherine K. Glass  
Clerk of Council

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