



City of Hampton

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

Council Approved Minutes - Final City Council Legislative Session

Mayor Donnie R. Tuck
Vice Mayor Jimmy Gray
Councilmember Eleanor Weston Brown
Councilmember Steven L. Brown
Councilmember Linda D. Curtis
Councilmember W.H. "Billy" Hobbs
Councilmember Chris Snead

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

Wednesday, October 9, 2019

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:30 p.m. All members of the City Council were present. Assistant City Manager Brian DeProfio was sitting in the place of the City Manager, Mary Bunting, who is traveling.

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

DONNIE R. TUCK PRESIDED

INVOCATION - Councilwoman Linda Curtis

Councilwoman Curtis gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck recognized Nathan Flowers of Boy Scout Troop 915 and Nicholas Risdon, Joseph Bryce, and Kelly Parker, all of Boy Scout Troop 99. All of these young men just achieved their Eagle Award.

He also recognized Cadet Captain Joseph Scott Bowers by reading a proclamation honoring him for his many achievements,

the most recent of which took place on September 26, 2019, when he received the MCJROTC Legion of Valor Bronze Cross for Achievement Award, one of only four young men in the country to receive this award. Cadet Captain Bowers was also presented with the proclamation.

CONSENT AGENDA

Clerk of Council Katherine Glass read the protocol for the consent agenda and a summary of the consent items.

Mayor Tuck paused to welcome Assistant City Manager Brian DeProfio to the dais.

Approval of the Consent Agenda

Motion made by Councilmember Hobbs and seconded by Councilmember Snead, to approve the Consent Agenda. The motion carried by the following vote:

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

1. [19-0262](#) Resolution Authorizing the Renewal of a Franchise to Crown Castle Fiber, LLC, Successor in Interest to NewPath Networks, LLC, to Occupy and Use the Streets, Alleys, Public Places and Rights of Way of the City of Hampton, Virginia Within Its Corporate Limits to Install, Maintain, Upgrade, Repair, and Remove Poles, Cable, Optical Fibers, Wires, Electrical Conductors, Conduits, Subways, Manholes, and Other Equipment and Fixtures of a Telecommunications System in the Corporate Limits of the City of Hampton, Virginia

Attachments: [10-08-14 Ordinance Granting Franchise](#)
[01-25-19 Request to Renew](#)

Item approved.

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

2. [19-0231](#) Resolution Determining The Babcock & Wilcox Company to be

the Only Source Practicably Available From Which to Procure Materials and Service for Formerly Diamond Power Boiler Internals and Soot Blowers and Authorizing the Negotiation and Execution of a Purchase Contract with The Babcock & Wilcox Company as "Sole Source"

Item approved.

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

3. [19-0283](#) Resolution Authorizing the Appropriation of \$39,298 from the Home Elevation Revolving Loan Program Committed Fund Balance to the Emergency Management Operating Budget to Fund Costs Associated with the Administration of Home Elevation Projects

Item approved.

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

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

The Clerk read the protocol for public hearings.

Rezoning

Use Permits

4. [19-0297](#) Use Permit Application by Bay Disposal and Recycling to Permit a Trash Sorting Facility at 310 E Street

Attachments: [Conditions](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Application](#)
[Narrative Statement](#)
[Facility Description](#)
[Concept Plan](#)
[Traffic Flow](#)
[Staff Report](#)
[Support Letter 1](#)
[Support Letter 2](#)
[Support Letter 3](#)
[Support Letter 4](#)
[Presentation](#)
[Planning Commission Resolution](#)

The Clerk read the title for the item.

Mr. DeProffio made the following introductory remarks regarding the item: Bay Disposal has operated a recycling business in the City of Hampton for several years. They would like to expand their ability to sort the materials that come through that facility to include organic materials (food) that may become intermixed with recyclable materials. Being able to sort these organic materials out of the recycled materials will enhance their ability to process those materials through this facility.

Senior City Planner Ms. Lucy Stoll greeted those on the dais and made the presentation.

Ms. Stoll explained that the request is to amend a use permit for a trash and junk collection facility. She clarified that Bay Disposal is currently operating a recycling facility on an approved use permit; however, the amendment is regarding the addition of organic material.

Ms. Stoll provided information about the item including the site location (Copeland Industrial Park); Zoning (M-3 Heavy Manufacturing District); and the Future Land Use Plan as it relates to the application.

Ms. Stoll explained that the current conditions prohibit sorting garbage and organic waste; therefore, the applicant is seeking to amend the condition associated with this prohibition. She continued stating that the amendment would allow the applicant to

bring in mixed recycling and garbage; separate the recycling; and remove the organic waste to be transferred to a different permanent facility (landfill steamed energy plant). She emphasized that no waste would be processed at the facility; instead, it would be transported, sorted and taken to an appropriate location.

Ms. Stoll noted that while this process would occur inside the facility (indoors), the applicant has indicated that there is the potential need for overnight storage of covered loaded trailers pending transfer of waste to the approved facility.

Ms. Stoll reviewed a slide (map) illustrating the operation described above; shared information about the Hampton Community Plan as it relates to the application; and spoke about the conditions associated with the application (if approved). The conditions are related to Department of Environmental Quality (DEQ) licensure, operations, parking, screening, inspections, nullification and revocation.

Ms. Stoll added that staff received four letters of support, three from surrounding property owners and one from a citizen.

Ms. Stoll stated that staff and the Planning Commission recommend approval of Use Permit Application #19-0297 with 10 conditions. She then opened the floor for questions from those on the dais and noted that the applicant was present.

Vice Mayor Gray commented that he too received an email in support of this use permit. He also commended the applicant for providing job opportunities for people in our community who have previously been incarcerated.

PUBLIC HEARING:

Mayor Tuck opened the public hearing. As there were no speakers, he closed the public hearing and called for the motion.

Presented by Lucy Stoll, Senior City Planner.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Chris Snead, that this Use Permit be approved with ten (10) conditions. The motion carried by the following vote:

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

Ordinances

5. [19-0277](#) Ordinance To Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Uses Permitted" By Amending Section 3-3 Pertaining to Additional Standards For Live Entertainment 1

Attachments: [Redline](#)
[Presentation](#)
[Planning Commission Resolution](#)

The Clerk read the title for the item.

Mr. DeProfio made the following introductory remarks regarding the item: The ultimate goal of this zoning change is to make it easier for existing restaurants that have been operating in good standing in the City to offer live entertainment at their establishments by removing the parking requirement. Staff is making this recommendation recognizing that having live entertainment will not increase the number of tables at an existing restaurant; and, therefore, should not impact the parking need. In essence, the restaurant has already demonstrated through their operating history that sufficient parking is available to serve their business.

Planning and Zoning Division Manager Mr. Michael Hayes noted that Mr. DeProfio's remarks sum up the purpose for this amendment. He added that, last year Live Entertainment was split into two categories within the Zoning Ordinance, one of which gave restaurants the ability to move tables to create a dance floor or create an area for larger gatherings while keeping restaurants intact; the Ordinance also places limitations on hours of operation.

Mr. Hayes reminded everyone of the current requirement that restaurants meet today's standards for parking. He explained that Hampton has been built out for some time (prior to today's standards) and this proposal will eliminate that standard for restaurants, microbreweries, wineries and distilleries in an effort to support local businesses; to get reinvestments in those areas; and to make businesses easier to operate.

Mr. Hayes added that the logic behind the proposal is if a restaurant has kept its tables and chairs in place, then the potential for seating people is essentially the same, and if a restaurant can function with current parking without live entertainment, it should be able to function with live entertainment.

Mr. Hayes stated staff and the Planning Commission recommend approval of this Zoning Ordinance Amendment.

Mayor Tuck opened the floor for questions and comments from those on the dais. No questions or comments were posed.

PUBLIC HEARING:

Mayor Tuck opened the public hearing. As there were no speakers, he closed the public hearing and called for the motion.

Presented by Mike Hayes, Planning and Zoning Division Manager.

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

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

Resolutions

PUBLIC COMMENT

The Clerk read the protocol for the public comment period. There were no speakers for public comment.

GENERAL ITEMS

Ordinances

Resolutions

6. [19-0286](#) Resolution Approving the Issuance by the Hampton Redevelopment and Housing Authority of its Revenue Bonds for the Acquisition, Rehabilitation, and Equipping of the Approximately 160-Unit Derby Run Apartments Multifamily Housing Facility Located in the City of Hampton, Virginia

Attachments: [Derby Run HRHA Resolution and Certificate of Votes](#)
[HRHA Exhibits 1](#)

The Clerk read the title for the item.

Mr. DeProfio made the following introductory remarks regarding the item: This

request is for the City to approve the Hampton Redevelopment and Housing Authority issuing revenue bonds supported by the Derby Run Project. This is not City debt and in no way is the City or the Housing Authority obligated to pay this debt. The debt will be paid back by the property owner. The property owner is asking the Housing Authority to issue these bonds to support improvements that they plan to make to Derby Run. No additional units will be added. Improvements will be made to the interior and exterior of the property to improve the conditions of the property. Staff recommends approval of this item.

Mayor Tuck noted that no presentation is scheduled for the item and called for the motion.

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Steven Brown, that this Ordinance-Non-coded be approved. The motion carried by the following vote:

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

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

There was no new business.

ADJOURNMENT

The meeting adjourned at 6:58 p.m.

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

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____