

City of Hampton, VA

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



Council Agenda

Wednesday, October 14, 2015

6:30 PM

Council Chambers, 8th Floor, City Hall

City Council

*Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Teresa V.
Schmidt, Chris Snead, Donnie R. Tuck,
George E. Wallace, Mayor*

Staff:

Mary Bunting, City Manager

Vanessa T. Valldejuli, City Attorney

Katherine K. Glass, CMC, Clerk of Council

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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) Miscellaneous New Business
- (6) 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 - Vice Mayor Linda Curtis

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

CONSENT AGENDA

Consent Items

1. **15-0292** Approval of the Hampton City Council minutes from the evening sessions of August 12, 2015, and September 9, 2015.
2. **15-0293** Request for Approval of Refund(s) and/or Abatement(s) for Tax Year 2014
3. **15-0300** Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 24, Section 24-37; providing that property under development is exempted from the requirement that the owner keep grass and weeds under ten inches.
4. **15-0301** Resolution Approving the City of Hampton, Virginia's Participation In and Appropriation of the 2015 Emergency Management Performance Grant Program through the Virginia Department of Emergency Management
5. **15-0307** Resolution to Accept and Appropriate FY14 Assistance to Firefighters Grant (AFG) Funds from the Department of Homeland Security
6. **15-0316** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the FY 2015 Port Security Grant Program as Awarded/Made by FEMA (Federal Emergency Management Agency)
7. **15-0317** Resolution Approving the City of Hampton, Virginia's Participation In and Appropriation of the FY 2016 Highway Safety Grant (Selective Enforcement – Speed) through the Commonwealth of Virginia Department of Motor Vehicles
8. **15-0318** Resolution Approving the City of Hampton, Virginia's Participation In and Appropriation of the FY15 Edward Byrne Memorial Justice Assistance Grant through the Department of Justice, Office of Justice Programs

9. **15-0320** Resolution Requesting \$2,750,000 from the Virginia Department of Transportation's FY17 Revenue Sharing Program and Authorization for the City Manager to Execute Necessary Project Agreements
10. **15-0321** Resolution Requesting Endorsement Central Park Trail Transportation Alternatives Project
11. **15-0322** Resolution Approving and Accepting the City of Hampton, Virginia's Participation in the Green Infrastructure Community Planning Grant which is Administered by the Green Infrastructure Community with Support from the Virginia Department of Forestry and Funding from the Southern Region of the USDA Forest Service
12. **15-0323** Resolution of the Council of the City of Hampton, Virginia Confirming the Declaration of a Local Emergency Made Necessary by the storms referred to as the "2015 Nor'easter" and Hurricane Joaquin and Declared by the Hampton Director of Emergency Services on October 1, 2015.
13. **15-0324** Resolution of the Council of the City of Hampton, Virginia Confirming the Order Terminating on October 5, 2015, the Declaration of Local Emergency Declared by the Hampton Director of Emergency Management effective October 1, 2015, due to the "2015 Nor'easter" and Hurricane Joaquin.

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

Rezoning

14. **15-0302** Rezoning Application No. 15-00003: by Franciscus Homes, Inc. and property owners Rosalind Slater, James Hunsucker, Hunsucker Family Living Trust, and Glenn and Celia Hudgins to rezone 28.05+ acres at 1625, 1633 and 1635 Power Plant Parkway, along with unaddressed parcels off of W. Queen Street [LRSN: 3004765, 3004766, 3004773, 3004774, 3004775, 3004776] from One Family Residence [R-11] District to Multiple Dwelling (MD-2) District with proffered conditions for the development of multifamily residences.
15. **15-0303** Ordinance To Amend And Re-Enact Article 1 Of Chapter 10 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Signs" By Amending Section 10-5 Pertaining To Signs Exempt From Regulation In This Ordinance.

- 16. 15-0304** Ordinance To Amend And Re-Enact Chapter 1 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "General Provisions" By Amending Section 1-30 Pertaining To General Green Area Requirements.
- 17. 15-0305** Ordinance To Amend And Re-Enact Chapter 2 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Definitions" By Amending Section 2-2 Pertaining To Primary Entrances, Signs and Small Artisan Shops.
- 18. 15-0308** Ordinance To Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Uses Permitted" By Amending Section 3-2 To Add The New Zoning District Titled PH-1 (Phoebus Business District) To The Use Table and Section 3-3 Pertaining To Additional Standards On Permitted Uses.
- 19. 15-0309** Ordinance To Amend And Re-Enact Chapter 8 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Special Districts" By Adding Article 7 – Phoebus Districts As Part Of The Adoption Of A New Zoning District For The Commercial District Of The Phoebus Neighborhood.
- 20. 15-0310** Ordinance To amend And Re-Enact Chapter 10 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Signs" By Amending Article 2, Section 10-10 As Part Of The Adoption Of A New Zoning District For The Commercial District Of The Phoebus Neighborhood.
- 21. 15-0326** Ordinance To Amend And Re-Enact Chapter 11 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Parking" By Amending Section 11-8 Pertaining To Parking Credits, Exemptions And Reductions As Part Of The Adoption Of A New Zoning District For The Commercial District Of The Phoebus Neighborhood.

- 22. 15-0311** Rezoning Application No. 15-00004: by the City of Hampton to rezone 45.3+ acres including 14 E County St., 2 – 300 E Mellen St (both sides of the street), 608 and 617 E Mercury Blvd, 111 Howard St (excluding the portion directly adjacent to the Howard St right-of-way for a depth of 90', 20 and 170 Libby St, 1 – 200 N Mallory St (both sides of the street, but only a 200' deep portion, measured from the right-of-way, of 42 and 50 N Mallory St), 14 N Willard Ave, 110 S Curry St, 13, 15, and 122 S Hope St, 3 – 241 S Mallory St (both sides of the street), 104 S Willard Ave, 11 – 25 Tennis Ln (odd addressed side only), 6, 8 and 10 W County St, 1 – 18 W Mellen St (both sides of the street), 23, 28, 48, and 52 Water St, along with a number of unaddressed parcels on E Mellen St, Lancer St, Libby St, N Mallory St, S Hope St, S Mallory St, Tennis Ln, W Mellen St, and Water St [LRSNs: 12001123, 12001124, 12001130, 12001131, 12001134 – 12001140, 12001143, 12001145, 12001146, 12001148, 12001157, 12001161, 12001162, 12001326, 12001335, 12001337 – 12001342, 12001346, 12001352, 12001354 – 12001358, 12001367, 12001370, 12001371 – 12001386, 121001388 – 12001409, 12001418 – 12001421, 12001434, 12001452 – 12001454, a portion of 12001455 to a depth of 155' from the S Mallory St right-of-way, 12001456, 12001507 – 12001521, 12001536, 12001611, 12001661, 12001704, 12001732, 12001966, 12001967 – 12001976, 12001979, 12001981 – 12002001, 12002004, 12002005, 12002812, 12008745, 1300219] from Two Family Residential (R-8) District, One Family Residential (R-13) District, Neighborhood Commercial (C-1) District, Limited Commercial (C-2) District, Light Manufacturing (M-2) District, and Heavy Manufacturing (M-3) District to Phoebus Business (PH-1) District. The Hampton Community Plan (2006, as amended) and Phoebus Master Plan (2007 as amended) recommend the development of a mixture of residential and commercial land uses in a pedestrian oriented development pattern for this area.

Use Permit

- 23. 15-0312** Use Permit Application No. 15-00002: by Hannah Carruthers to operate a Day Care 3 at 2625 North Armistead Avenue [LRSN 7001710].
- 24. 15-0313** Use Permit Application No. 15-00011: by Reverend Dr. Jason Snow on behalf of Wesley United Methodist Church for an active park/playground at 2510 N. Armistead Avenue [LRSN 7001643].
- 25. 15-0314** Use Permit Application No. 15-00012: by David Leonardi DBA Papa Ciccio's Italian Family Restaurant for live entertainment inside Papa Ciccio's Italian Family restaurant at 87 Lincoln Street [LRSN 2003249].

Ordinances

- 26. 15-0296** Ordinance Approving the Vacation of a 15' Alley Intersecting 512 North First Street Comprising 779 Square Feet (0.01789 Acre), More or Less, to Michael L. Smith and Lisa L. Smith

- 27. 15-0297** Ordinance Approving the Vacation of a Portion of Right of Way Known as Dooley Street Comprising 3,950 Square Feet (0.0907 Acre), More or Less, to Interlock Paving Systems, Inc.
- 28. 15-0298** Ordinance Approving the Vacation of 40' Environmental Easements and 10' Drainage Easements to the Following Property Owners: (i) John L. Henderson and Kelley L. Henderson at 14 Hawkins Court (LRSN 5001217), Comprising 2,800 s.f. and 700 s.f., Respectively; (ii) Julio E. Santiago Alers and Myrna Santiago, Also Known as Myrna Santiago Alers at 18 Hawkins Court (LRSN 5001215) Comprising 2,800 s.f. and 700 s.f., Respectively; and (iii) Don R. Edwards and Jennifer L. Edwards at 26 Hawkins Court (LRSN 5001211) Comprising 3,560 and 865 s.f., Respectively, All Measurements More or Less
- 29. 15-0299** Ordinance Authorizing the Transfer of City Property Located at 103 Saunders Road (LRSN 5001405), Comprising 19,613 Square Feet (0.4503 Acre), to William D. and Amparito Solterbeck

GENERAL ITEMS

Ordinances

- 30. 15-0306** Ordinance to Amend and Reenact Chapter 34 Article III Entitled, "Encroachments Into Public Streets and Other Public Ways, Places or Property" to Add a New Section 34-87 and to Add a New Article VI Entitled, "Outdoor Seating Administrative Encroachments," Pertaining to Administrative Encroachments for Outdoor Seating in Public Rights-of-Way
- 31. 15-0315** Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Adding a New Article II to Chapter 42 Entitled, "Arts and Cultural Districts" Pertaining to The Establishment and Regulation of Arts and Cultural Districts With an Effective Date of January 1, 2016.

Resolutions

- 32. 15-0295** Resolution Approving Utility Easements to Virginia Electric and Power Company ("Dominion") for One 15' x 80' Easement (Totaling 1,200 Square Feet), More or Less, on City Property Located At 100 Maple Avenue (LRSN 1004044) and Two 15' x 10' Easements (Each Totaling 150 Square Feet) Located on a Portion of City Property Located at 9000 Greenlawn Avenue (LRSN 1004029) for the Transmission and Distribution of Electrical Power as a Part of Dominion's Strategic Underground Program

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

MISCELLANEOUS NEW BUSINESS

PUBLIC COMMENT

ADJOURNMENT

Contact Info:

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