

# City of Hampton, VA

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



## Council Agenda

Wednesday, June 12, 2013

7:00 PM

Council Chambers, 8th Floor, City Hall

## City Council

*W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead,  
Christopher G. Stuart, Donnie R. Tuck, George E. Wallace,  
Molly Joseph Ward, Mayor*

### *Staff:*

*Mary Bunting, City Manager*

*Cynthia Hudson, 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 - Councilman Billy Hobbs

## PLEDGE OF ALLEGIANCE TO FLAG

## MAYOR'S COMMENTS

## CONSENT AGENDA

### Consent Items

1. **13-0232** Approval of the minutes from the afternoon session and public comment session of April 10, 2013; the public comment and evening special meeting of April 24, 2013; and the evening special meeting of May 1, 2013.
  
2. **13-0169** Ordinance To Amend And Reenact Chapter 5 Of The Code Of The City Of Hampton, "Animals", Article III "Dog And Cats Generally", Section 5-42 "Control Of Dangerous And Vicious Dogs; Penalties" And To Add Thereto A New Section 5-42.1 " Vicious Dogs; Penalties"
  
3. **13-0182** Resolution Appropriating \$7,677.53 in Interest Income Earned on the Virginia Public School Authority Qualified School Construction Bonds, Series 2010C to the Capital Projects Fund School Lighting Project.
  
4. **13-0183** Resolution Approving the Appropriation of Additional Funds to the Capital Projects Fund for VDOT CMAQ Project at Big Bethel Road and Radford Drive and Big Bethel Road and Hampton Center Parkway
  
5. **13-0184** Resolution to Accept and Appropriate the 2013 Four-for-Life Aid to Locality Funds in the Amount of \$114,289.76 from the Commonwealth of Virginia--Office of Emergency Medical Services to the City of Hampton Division of Fire & Rescue.
  
6. **13-0185** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the FY2014 Public Safety Answering Point Grant
  
7. **13-0186** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Virginia Department of Forestry Virginia Trees for Clean Water Program

8. **13-0187** Resolution Accepting and Appropriating Funds for the FY2014 Comprehensive Services Act Pools Funds
9. **13-0188** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the FY2012 State Homeland Security Program Grant through the Virginia Department of Emergency Management
10. **13-0189** Ordinance To Repeal Non-Coded Ordinance #1132 Suspending Payment Of Certain Fees Associated With Permits Required To Repair Or Replace Property Damage Occasioned By Hurricane "Sandy".
11. **13-0190** Request for Abatement and/or Refund for Tax Year 2013
12. **13-0191** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the FY2012 Emergency Management Performance Grant through the Virginia Department of Emergency Management.
13. **13-0212** Resolution Approving Adoption of the Comprehensive Roadside Management Program Under 24 VAC 30-121-10 Through -40 of the Virginia Administrative Code
14. **13-0216** Resolution Eliminating the City Debt Set-Off Review Panel and Tax Write-Off Committee and Establishing Instead the City Tax/Fee Collection Advisory Committee
15. **13-0218** Resolution Approving FY2013 3rd Quarter Budget Adjustments
16. **13-0226** Resolution Of The City Council Of The City Of Hampton, Virginia, Pursuant To Virginia Code Section 37.2-504.A.11 Authorizing The Hampton-Newport News Community Services Board To Incur Certain Borrowing Obligations
17. **13-0228** Resolution Renaming the "Ad Hoc Leadership Group" of the Hampton Citizens' Unity Commission the "Citizen Engagement Advisory Commission"

## **PRESENTATIONS, PROCLAMATIONS, AWARDS**

## **PUBLIC HEARINGS**

**Rezoning**

18. **13-0192** Ordinance to Amend and Re-Enact Chapter 18.1 of the Zoning Ordinance of the City of Hampton, Virginia, entitled "Signs" by Amending Section 18.1-6 Pertaining to Special Situations to Add Subsection (7) Pertaining to Signage for Large Institutional Uses.
  
19. **13-0210** Ordinance to Amend and re-enact Chapter 1 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "Zones and General Provisions" by Amending Section 1-20 Pertaining to Lighting of Parking and Other Areas and Signs.
  
20. **13-0215** Rezoning Application No. 1310-2013 by TR Development LLC to rezone parcels at 978 and 1014 Big Bethel Road [LRSNs 4001445 and 4001446], totaling 4.64± acres from Neighborhood Commercial District (C-1) and One Family Residence (R-11) to a Limited Commercial District (C-2) with conditions, to construct and operate a funeral home and crematorium. C-2 permits a funeral home with an approved Conditional Privilege. The existing use of the site is vacant.

**Conditional Privilege**

21. **13-0214** Conditional Privilege Application No. 135-2013 by TR Development LLC to operate a funeral home and crematorium on parcels at 978 and 1014 Big Bethel Road [LRSNs 4001445 and 4001446], totaling 4.64± acres. The parcels are zoned Neighborhood Commercial District (C-1) and One Family Residence (R-11) which requires a rezoning to Limited Commercial District (C-2), and an approved Conditional Privilege to operate a funeral home and crematorium. The existing use of the site is vacant.

**Rezoning Ordinances - Housekeeping Changes**

22. **13-0193** Ordinance to Amend and Re-enact Chapter 17.3 Special Public Interest, Article XVIII of the Zoning Ordinance of the City of Hampton, Virginia Entitled "SPI-BBD-Buckroe Bayfront District" by Amending Section 17.3-133(C)(2)(a) Pertaining to a Final Design Plan.
  
23. **13-0194** Ordinance to Amend and Re-enact Chapter 10.1 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "RT District - Residential Transition District" by Amending Section 10.1-9(2) Pertaining to Green Area Requirements.

24. **13-0195** Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest, Article VI of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-HRC-Hampton Roads Center District" by Adding Section 17.3-43 Pertaining to Green Areas.
  
25. **13-0196** Ordinance to Amend and Re-enact Chapter 20, Article II of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "Uses in All or Specified Districts" and Chapter 20, Article III of the Zoning Ordinance Entitled "Use Permits for Manufactured/Mobile Home Parks or Subdivisions" by Amending Section 20-5.1(4)(i) (i) through (iv) pertaining to Landscaping of Commercial Communication Towers, Sections 20-5.1 (5)(b)(b) and 20-5.1(6)(b)(2) Pertaining to Green Area, and Sections 20-8 and 20-17 Pertaining to Application for a Use Permit and Landscaping for a Manufactured/Mobile Home Park or Subdivision.
  
26. **13-0197** Ordinance to Amend and Re-Enact Chapter 17.1 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "M-4 District Langley Flight Approach-Land Intensive Manufacturing District" by Amending Section 17.1-6 Pertaining to Landscaping in Rights-of-Way.
  
27. **13-0198** Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest, Article XIV of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-HRCW-Hampton Roads Center West District" by Amending Section 17.3-105 Pertaining to Building and Screening Materials and Section 17.3-109 Pertaining to Green Areas and Landscaping.
  
28. **13-0199** Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest, Article XVI of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-IH-Infill Housing District" by Amending Section 17.3-123 Pertaining to the Landscape Plan.
  
29. **13-0200** Ordinance to Amend and Re-Enact Chapter 18.1 of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "Signs" by Amending Section 18.1-10(1) Pertaining to Interstate/Arterial Zone and Section 18.1-11(7) Pertaining to Landscaping of Off-Premises Advertising Signs.
  
30. **13-0201** Ordinance to Amend and Re-enact Chapter 25 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "Administration of Ordinance" by Amending Section 25-2.2 Pertaining to Submitted Plans and Exceptions.

31. **13-0202** Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest, Article XV of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-CC– Coliseum Central District" by Amending Section 17.3-117 Pertaining to Site Design.
32. **13-0203** Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest, Article XIII of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-HRCNC – Hampton Roads Center North Campus" by Amending Section 17.3-97 pertaining to Green Areas.
33. **13-0204** Ordinance to Amend and Re-Enact Chapter 17.3 Special Public Interest, Article VII of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-MVC – Magruder Visual Corridor" by Amending Section 17.3-47 pertaining to Regulations on Permitted Uses.
34. **13-0205** Ordinance to Amend and Re-Enact Chapter 14 of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "M-1 – Limited Manufacturing District" by Amending Section 14-3 Pertaining to Limitations on Permitted Uses.
35. **13-0206** Ordinance to Amend and Reenact Chapter 2.1 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "Definitions" by Amending the Definition of "Best Management Practices" and "Development", and by Adding the Definition of "Control Measure", "Environmental Site Assessment" and "Stormwater" to Comply with the Virginia Stormwater Management Regulations.
36. **13-0207** Ordinance to Amend and Reenact Chapter 17.3, Article V of the Zoning Ordinance of the City of Hampton, Virginia Entitled "Flood Zone District" by Amending Section 17.3-32 Pertaining to the Definition of "Development" to Comply With the Virginia Stormwater Management Regulations.
37. **13-0208** Ordinance to Amend and Re-enact Chapter 1 of the Zoning Ordinance of the City of Hampton, Virginia Entitled "Zones and General Provisions" by Amending Section 1-21 Pertaining to Outdoor Material Storage and Adding Section 1-26 Pertaining to General Green Area Requirements.
38. **13-0209** Ordinance to Amend and Re-enact Chapter 17.3 Special Public Interest, Article X of the Zoning Ordinance of the City of Hampton, Virginia, Entitled "SPI-CBPD-Chesapeake Bay Preservation District" by Amending Section 17.3-64 Pertaining to Regulations for Development and Redevelopment and Section 17.3-65 Pertaining to Plan of Development.

**Resolutions**

39. **13-0211** Resolution Authorizing the Execution of a Lease for 1,600 sq. ft. of City-owned Land Located at 300 Butler Farm Road to New Cingular Wireless, PCS, L.L.C. for a Power Equipment Compound
40. **13-0213** Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of Partial Fee Takes and Temporary Construction Easements from a Portion of Five (5) Properties – 1514 E. Pembroke Avenue (LRSN 12003426), 1534 E. Pembroke Avenue (LRSN 12003214), Vacant Lot on Fox Hill Road (LRSN 8002742), 263 Clemwood Parkway (LRSN 8003553), and 343 Woodland Road (LRSN 12000248) -- for Safety Improvements at Three (3) Intersections: (i) E. Pembroke Avenue at Grimes Road/Shelton Road; (ii) Fox Hill Road at Clemwood Parkway; and (iii) Andrews Boulevard at Woodland Road

**GENERAL ITEMS****Ordinances**

41. **13-0229** An Ordinance to Amend and Re-enact Chapter 2 of the Code of the City of Hampton, Administration, Article IV, Finance, Section 2-134, Council Approval Prerequisite to Acceptance of Certain Gifts to City, [etc.], to Provide for Specific Application to Money Gifts and Gifts in Support of Undercover Law Enforcement Investigations.
42. **13-0230** An Ordinance to Amend and Re-enact Chapter 2 of the Code of the City of Hampton, Administration, Article II, City Council, Division 2, Meetings, Section 2-43, Order of Business - Regular Meetings, to Require the Concurrence of Three Members of Council for Addition of Business Items to a Regular Council Meeting Agenda
43. **13-0231** An Ordinance to Amend and Re-enact Chapter 2 of the Code of the City of Hampton, Administration, Article II, City Council, Division 2, Meetings, Section 2-36, Place and Time for Regular Meetings, Receipt of Public Comment and Work Sessions; Cancellation of Meetings; etc. to Establish a Work Session Agenda Deadline and to Require Concurrence of Three Councilmembers for Addition of Items to the Work Session Agenda

**Appointments**

44. **13-0225** to consider an appointment to the Board of Review of Real Estate Assessment
45. **13-0233** to consider appointments to the Hampton-Newport News Community Services Board

- 46. **13-0241** to consider appointments to the Grievance Panel
- 47. **13-0235** to consider an appointment to the Planning Commission
- 48. **13-0236** to consider an appointment to the Thomas Nelson Community College Board
- 49. **13-0237** to consider appointments to the Virginia Air & Space Center Board of Directors
- 50. **13-0238** to consider an appointment to the Peninsula Airport Commission
- 51. **13-0239** to consider appointments to the Hampton Parking Authority
- 52. **13-0240** to consider an appointment to the Hampton Redevelopment and Housing Authority
- 53. **13-0242** to consider appointments to the Citizens' Engagement Advisory Commission (CEAC) formerly known as the Ad Hoc Leadership Group
- 54. **13-0243** to consider an appointment to the Building Code Board of Appeals

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

**MISCELLANEOUS NEW BUSINESS**

**ADJOURNMENT**

**Contact Info:**

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