

# City of Hampton, VA

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



## **Council Agenda**

**Wednesday, September 14, 2005**

**7:30 PM**

**Council Chambers, 8th Floor, City Hall**

## **City Council**

***Jesse T. Wallace Jr., City Manager***

### ***Staff:***

***City Manager***

***A. Paul Burton, City Attorney***

***Katherine K. Glass, Clerk of Council***

***Brenda J. Vaccarelli, Deputy Clerk***

## **WELCOME TO THE HAMPTON CITY COUNCIL MEETING**

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

### **THE ORDER OF BUSINESS**

The Council generally conducts meetings in the following order:

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

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

### **CITIZENS ARE INVITED TO PARTICIPATE**

The City Council has adopted a five (5) 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 - Councilmember Angela Lee Leary**

## **PLEDGE OF ALLEGIANCE TO FLAG**

## **CONSENT AGENDA**

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

1. **05-0607** Proposed acquisition of property, known as 216 Pine Chapel Road, from Steven A. Merryman.
2. **05-0608** Resolution approving FY05 Year End Budget Adjustments.
3. **05-0029** Request For Refunds of Erroneous Tax Assessments
4. **05-0122** Request for Refund of Erroneous Tax Assessments

### **Consent Items - Other**

5. **05-0587** Approval of Council Minutes: Joint Planning Commission and City Council Meeting of August 10, 2005; Council's Afternoon and Evening Sessions of August 10, 2005; Press Conference of August 24, 2005; and Council's Special Meeting of August 30, 2005.
6. **05-0546** Vacation Agreement between the Hampton Redevelopment and Housing Authority and the City of Hampton
7. **05-0572** Resolution Authorizing the Conveyance of a Small Parcel of Land at the Northeast Corner of Franklin Street and Old Hampton Lane and a Small Parcel of Land at the Southeast Corner of Franklin Street and Queen's Way to the Hampton Redevelopment and Housing Authority.
8. **05-0573** Resolution Declaring Old Hampton Lane from Settler's Landing Road North and then East to Merchant Lane and Franklin Street from Queen's Way South to Settler's Landing Road as Public Rights-of-Way.
9. **05-0574** Temporary, Nonexclusive, Revocable License Agreement between the City of Hampton and Wavelength Technologies, Inc.
10. **05-0575** Local Government Challenge Grant from the Virginia Commission for the Arts

11. **05-0576** Resolution Approving the Recommendation of the Military Affairs Committee to Permit it to Raise Money to Fund a War Memorial and Other Tributes to Military Service
12. **05-0578** Ingress, Egress and Utility Easement Agreement between the City of Hampton and Richmond 20MHz, LLC, d/b/a NTelos.
13. **05-0588** Proposed Acquisition of Property, Known as 229 Herbert Avenue, from Maria Adeza Partners, LLC.
14. **05-0606** Resolution determining Lipman Frizzell & Mitchell, LLC to be the only source practicably available to render certain advisory services and authorizing the negotiation and execution of a services contract with Lipman Frizzell & Mitchell, LLC.
15. **05-0031** Petition for Destruction of Files by Hampton City Treasurer.

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

16. **05-0568** In Recognition of the First Civil Engineer Squadron, Langley Air Force Base.

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

17. **05-0063** Briefing on Hampton Disaster Readiness
18. **05-0534** Presentation regarding the 2005 United Way Campaign.

#### **PUBLIC HEARINGS**

##### **Rezoning - Second Reading**

19. **05-0520** Rezoning Application No. 1206 by LTD Management, Inc. to Amend the Proffers from Previous Rezoning #995 for 6.9+ acres at 1766 and 1776 West Queen Street to Allow Hotels in this Existing Limited Commercial (C-2) District.

##### **Rezoning - First Readings**

20. **05-0566** Rezoning Application No.1207 by Maurice Johnson to rezone 0.27+ acres at 2600 West Pembroke Avenue from General Commercial (C-3) District to Multiple Dwelling (MD-4) District for apartments in an existing building which lost its legal nonconforming status.

21. **05-0567** Rezoning Application No.1213 by Claude Lym to rezone 0.67+/- acres fronting 205 +/- along the east side of Bethel Road beginning 510'+/- north of its intersection with Todds Lane from Neighborhood Commercial (C-1) District to General Commercial (C-3) District with conditions for the expansion of an existing self storage facility
22. **05-0579** Rezoning Application No.1210 by Thomas Chandler to rezone 7.0+/- acres at 2809 North Armistead Avenue from One Family Residence (R-11) District to General Commercial (C-3) District for self storage units.
23. **05-0580** Rezoning Application No.1211 by Frank Cotrupi to rezone 3.7+/- acres at 1343 Big Bethel Road from One Family Residence (R-11) District to General Commercial (C-3) District for self storage units and 6.4+/- acres Residential Transition (R-T) for an office.

## GENERAL ITEMS

### Ordinances

24. **05-0589** An Ordinance to amend and reenact Chapter 2 of the City Code of the City of Hampton, Virginia by creating a New Article XVI, Titled " The "H2O Community Development Authority".
25. **05-0600** Ordinance to amend Chapter 9 of the Code of the City of Hampton, by adding Article VIII, Registration and Inspection of Rental Dwelling Units.

### Appointments

26. This number was intentionally left blank
27. **05-0554** Appointment to Peninsula Disability Services Board.
28. **05-0564** Appointments to the Golf Course Advisory Committee.
29. **05-0581** Appointment to the Hampton Employees' Retirement System (HERS) Board.
30. **05-0582** Appointments to the Hampton Arts Commission.
31. **05-0593** Appointment to the Federal Area Development Authority
32. **05-0594** Appointment to the Social Services Local Advisory Board

- 33. **05-0533** Appointments to Hampton Senior Citizens' Advisory Committee
- 34. **05-0602** Appointment to the Hampton Clean City Commission.
- 35. **05-0603** Appointment to Grievance Board.
- 36. **05-0604** Appointment to Peninsula Agency on Aging, Inc.

**Conditional Privilege - Review**

- 37. **05-0571** Reevaluation of Conditional Privilege No. 76 for live entertainment at Mary Helen's, a restaurant located at 87 Lincoln Street.

**OTHER ITEMS**

- 38. **05-0289** Buckroe Master Plan and the Downtown Hampton Master Plan
- 39. **05-0291** A Resolution Appropriating \$350,000 for the Emergency Dredging of Salt Ponds from Unallocated Bond Funds.

**AUDIENCES GRANTED TO THE GENERAL PUBLIC**

**MISCELLANEOUS NEW BUSINESS**

**ADJOURNMENT**

**Contact Info:**

Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)