



# City of Hampton, VA

## Meeting Minutes

### City Council

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

*Randall A. Gilliland*  
*Charles N. Sapp*  
*Turner M. Spencer*  
*Angela Lee Leary*  
*Joseph H. Spencer, II*  
*Rhet Tignor*  
*Ross A. Kearney, II, Mayor*

*Staff:*  
*Jesse T. Wallace Jr., City Manager*  
*A. Paul Burton, City Attorney*  
*Katherine K. Glass, Clerk of Council*  
*Brenda J. Vaccarelli, Deputy Clerk*

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Wednesday, September 14, 2005

7:33 PM

Council Chambers, 8th Floor, City Hall

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

**Present:** Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor,  
Ross A. Kearney, II, Mayor

#### **INVOCATION - Councilmember Angela Lee Leary**

#### **PLEDGE OF ALLEGIANCE TO FLAG**

#### **MAYOR'S COMMENTS**

The Mayor spoke briefly on the closure of Ft. Monroe and on the reuse process.

Mayor Kearney stated that Ft. Monroe has officially been scheduled to close and City Council wants to let the citizens of Hampton know that the reuse of Ft. Monroe, and the plans that will be adopted, will not be done on the 8th floor of City Hall, but will be done by the community and will not be a closed door process. He stated that the process will be long and tedious to plan the reuse of 508 acres of the most beautiful land on the Atlantic Seaboard, and land that has a history that dates back to 1609.

Mayor Kearney stated that it is important to preserve the history of Ft. Monroe and we cannot afford to make the post a history site entirely because the maintenance alone costs in excess of \$14 million a year. He stated that Council, in seeking the community's input, needs to make sure that Ft. Monroe becomes open to the public and the history is preserved. He stated that Council also knows that Ft. Monroe cannot become just a gated community and the community must represent the City of Hampton and provide an economic engine that will create jobs in the City.

Mayor Kearney stated that Ft. Monroe is moving to a new chapter and the decisions that will be made concerning Ft. Monroe will be seen by our grandchildren and it is important to lay the foundation in which this most historic area is protected for use by the public. He stated that the City of Hampton has launched a hampton.gov site in order for citizens to "click on" the Ft. Monroe site and express their opinions. Mayor Kearney stated that residents can call the 311 Call Center to express their opinions regarding the reuse plans of Ft. Monroe, and on Monday, October 10, 2005, there will be the first public meeting at Kecoughtan High School where citizens can come to express their opinions.

Mayor Kearney stated that the Department of Army is requesting the reuse map as quickly as possible to determine the stages by which they will clean up Ft. Monroe. Mayor Kearney explained that if a day care center or school is built, the level of clean up for unexploded ordinance is at the highest level. He stated that if the area is designated as a trash dump, it will not require the level of clean up required for other uses.

Mayor Kearney stated that citizen participation is not only encouraged but Council is demanding that citizens input be a part of the reuse planning. He stated that many things will be happening at Ft. Monroe in the next few weeks and some have already begun. Mayor Kearney stated that with the help of Congresswoman Thelma Drake, the City is trying to stop the dismemberment of the Casemate Museum, because the Army is planning on closing it and moving it to Ft. Eustis.

Mayor Kearney asked that the citizens join with the City to do the best job possible for the reuse of Ft. Monroe.

The City Manager spoke on the emergency need to dredge the Salt Ponds inlet and indicated that the initial dredging should take place next week. Councilman Tignor spoke about the extension of the jetty which will also help alleviate this problem.

The City Manager stated that the Salt Ponds inlet has filled in and a contractor will be in place in the next few weeks to begin dredging the channel. He stated that additional dredging is planned during the winter, but additional permits will be required to do that, which will not affect the operation of the inlet in the mean time.

Councilmember Tignor stated that the South jetty will be extended 110 feet, giving protection years down the road and the barge that is on site already is to clean out an emergency channel.

The City Manager spoke on the economic impact the closure of Ft. Monroe will have upon our community. There will be modification of the City's budget process which will prioritize the budget to activities as opposed to being based by departments. This will allow flexibility and the ability to modify the budget to meet changing conditions.

The City Manager stated that the BRAC Commission has recommended to the President that Ft. Monroe be closed and the City's regional planning district economist has projected a 7% negative economic impact on Hampton's economy due to this closing. He stated that this event causes new challenges for the City budget that staff must meet, and in an effort to adapt to this new environment, he has asked the Budget Director to change the method in which the City's annual budget is prepared. He stated that this approach will be used to deal with the rising fuel costs that the City is experiencing in this year's budget.

The City Manager further stated that this method of evaluation will change the budget request that will allow for many options as decisions are made in service delivery. The City Manager stated the focus will be on activities instead of the department's entire budget, and each activity will include its total cost which will be personnel, operating, and capital. He stated staff will prioritize these activities, not departments, and in accordance, the following evaluating criteria will be used:

Activities that are:

- legally required
- contractually required
- necessary for public health
- necessary for public safety
- support economic development
- that enhance quality of life
- support departmental operations
- nice to do

He stated that these activities will prioritize the entire City budget by the activities, and funding decisions will be made in accordance with these activities as opposed to funding entire departments. He stated that this type of analysis will allow the budget to become flexible and allow changes in revenue and expenditures. He believes this approach can be used with the short range problem which is the fuel crisis.

## CONSENT AGENDA

### Consent Items - First Reading

[05-0607](#) Proposed acquisition of property, known as 216 Pine Chapel Road, from Steven A. Merryman.

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

[05-0608](#) Resolution approving FY05 Year End Budget Adjustments.

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

[05-0029](#)

Request For Refunds of Erroneous Tax Assessments

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

[05-0122](#)

Request for Refund of Erroneous Tax Assessments

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

**Consent Items - Other**

[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.

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

[05-0546](#)

Vacation Agreement between the Hampton Redevelopment and Housing Authority and the City of Hampton

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

[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.

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

[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.

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

[05-0574](#)

Temporary, Nonexclusive, Revocable License Agreement between the City of Hampton and Wavelength Technologies, Inc.

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

[05-0575](#)

Local Government Challenge Grant from the Virginia Commission for the Arts

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

[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

WHEREAS, the City Council of the City of Hampton, within the authority provided by state law, has duly created the Military Affairs Committee; and

WHEREAS, the stated mission of the Military Affairs Committee encompasses recognition of the active and prior military service of Hampton residents; and

WHEREAS, the Military Affairs Committee has reasonably determined that prior military service should be appropriately and honorably recognized and celebrated through the development and creation of a City War Memorial and other tributes; and

WHEREAS, the Military Services Committee reasonably projects that the City will require up to \$300,000.00 to sufficiently fund the development of a City War Memorial and other tributes, and seeks the approval of this Council to raise these funds through its own development efforts in furtherance of its mission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hampton, Virginia, that the Military Affairs Committee's recommendation that it be authorized to engage in fundraising activities in the name of the City of Hampton to support a War Memorial and other tributes to the service of Hampton military service persons be, and it hereby is, adopted and approved with the understanding of this Council that duly appointed Military Affairs Committee members shall consult as necessary with the City Attorney and Director of Finance to ensure the propriety of all matters associated with the Committee's fundraising efforts.

Adopted by the City Council of the City of Hampton, Virginia at a regular meeting held on September 14, 2005.

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

[05-0578](#)

Ingress, Egress and Utility Easement Agreement between the City of Hampton and Richmond 20MHz, LLC, d/b/a NTELOS.

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 0

[05-0588](#)

Proposed Acquisition of Property, known as 229 Herbert Avenue, from Maria Adeza Partners, LLC.

APPROVED Items 1 through 13 on the Consent Agenda

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 0

[05-0606](#)

Resolution determining Lipman Frizzell & Mitchell, LLC to be the sole source practicably available to render certain advisory services and authorizing the negotiation and execution of a services contract with Lipman Frizzell & Mitchell, LLC.

APPROVED - Councilmember Leary voted in opposition to this matter and provided the Clerk of Council with an outline of her reasons for doing so. This communication has been made a part of the official meeting record.

**Motion made by:** Councilmember Rhet Tignor

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 6 - Randall A. Gilliland, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 1 - Angela Lee Leary

[05-0031](#)

Petition for Destruction of Files by Hampton City Treasurer.

Councilmember Leary asked that the City Manager look into hiring a records manager for the City of Hampton.

Councilmember Leary made a motion to support the destruction of files by Hampton City Treasurer.

APPROVED

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

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II  
**Nays:** 0

## **PRESENTATIONS, PROCLAMATIONS, AWARDS**

[05-0568](#) In Recognition of the First Civil Engineer Squadron, Langley Air Force Base.

DEFERRED - Due to the approach of Hurricane Ophelia, the recipients requested this matter be deferred until the next meeting of Council.

**Motion made by:** Vice Mayor Joseph H. Spencer, II  
**Seconded by:** Councilmember Rhet Tignor

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

[05-0063](#) Briefing on Hampton Disaster Readiness

The City Manager stated, Mayor Kearney requested staff make a presentation on the City disaster planning and readiness levels.

Mr. Pete Sommer, Emergency Management Coordinator, stated that September is National Preparedness Month and coincides with Hampton's peak hurricane season. He discussed the City's emergency operations plan and what each person can do as individuals, family members, business owners, employees and neighbors to prepare Hampton for any emergency, whether it is natural or man-made.

Mr. Sommer stated that the Hampton Emergency Operations Plan is an all hazards plan, and every jurisdiction in Virginia is required to have a emergency operations plan. He stated that is based on hazard analysis which identifies hazards the City of Hampton is susceptible to, and a risk analysis, which is the probability of those hazards actually impacting Hampton.

Mr. Sommer stated there are two classifications of emergencies, natural emergency or man-made, or technological emergency. The City's Emergency Management Plan (EOP) has addressed all of these identified hazards that include plans for first responders. from our first responders, the dispatchers in the 911 Center to the public safety responders, including public works crews to respond, who protect life, traffic control, rescue and recovery.

Mr. Sommer stated the EOP outlines the purpose, background situations and assumptions that are made in both the hazard and risk analysis. For an example, if the City of Hampton were to have a region-wide event, such as a hurricane, we should not expect other localities to come to the aid of Hampton. He stated that the City must be prepared to be self-sufficient as a City and individually for a period of at least three days.



Mr. Sommer stated that Hampton's EOP covers the concepts of the operations for the City in tasking for all departments, agencies, and local partners. He stated that having a plan is only part of the puzzle and regular exercising of that plan is critical to ensure that everyone knows what to do, when to do it, and how to do it. He stated the City of Hampton has regular exercises to test the EOP such as shelter drills, notification drills, determine promise exercise, the radiological exercise with the Surry Nuclear Power Station and other exercises.

Mr. Sommer stated that as events occur or as they are anticipated, the City is in contact with other Hampton Roads jurisdictions, the State Emergency Operations Center, military bases and the National Weather Service in Wakefield, as well as other local partners. He stated the State holds regular conference calls to brief localities and to determine what action each locality is taking for any given event. He stated that when the City opens the Emergency Operation Center, departments, agencies, and local partners such as HRT, Red Cross, Salvation Army, the local College and University, and military bases, are notified to ensure that everyone is advised of the situation and what actions the City will be taking. He explained that coordination is made with the State through the Virginia Department of Emergency Management and the EOC, and they access FEMA, as necessary.

Mr. Sommer stated that citizens have an obligation to be prepared. The first thing to do is be proactive and to plan for yourself and your family, and work together with your neighbors, particularly those with special needs or the elderly. He stated the importance of being prepared in the workplace:

- communication with employees
- plans for evacuation
- power outages

Preparations for Citizens:

- disaster supply kit for three to five days
- CERT course, a preparedness course
- active participation in Hampton Citizen Corp Council

Mr. Sommer stated the special needs population, particularly the disabled, elderly and medically fragile have a greater need to be prepared and have a plan in place. He stated the City has maintained a voluntary registration for special needs for almost ten years which provides the City the opportunity prior to an event, if time permits, to contact these individuals to ensure they are prepared, and if they need to be evacuated to a shelter, it allows for a more managed evacuation process. He stressed that the registry, is not, and cannot be a guarantee of services, and the special needs population should make plans with their caregivers or neighbors and faith based community for care and evacuation, if necessary.

In response to Mayor Kearney, Mr. Sommer stated that one of the things that has changed at the State level is, Hurricane Isabel was unique for the State of Virginia in that it was a Commonwealth wide storm affecting over 134 jurisdictions and the impact was significant. He stated after Hurricane Isabel, the State had meetings with FEMA and the local jurisdictions and looked at things that did not go well at the State level and at the local level. He stated a local coordinator has been designated that the City can contact at the Virginia Department of Emergency Management if the present storm were to require that; and ice, water and ready to eat meals are pre-staged if the Hampton Roads areas should need that.

Mr. Sommer stated on the department level side, staff has looked at and tried to identify the needs. The Finance Department has asked each department to identify what would be required in case of an event, in order to have contracts in place to better identify vendors outside of the area, as well as local vendors.

In response to Mayor Kearney, Mr. Sommer stated that after Hurricane Isabel, one of the things changed was communications. The City has made an agreement with a local radio station, 1490AM, and they will broadcast Hampton's specific information during storms when the EOC is open and when there is a long term power outage. He stated the broadcasts would be made at 15 minutes after the hour and 15 minutes before the hour. He stated that the 311 Call Center is available for City residents and those that evacuate and are trying to get back into the area.

Mr. Sommer stated that through a Homeland Security Grant funding that the City received, a mobile command post has been purchased which will allow six to eight people to work and have communications in place to act as a mobile unit to go to a scene and operate without being in City Hall. He stated this mobile unit will expand the EOC operations and ability for Public Safety, Public Works, Codes Compliance and others that need to be out in the community either prior to or after an event to provide City services and the resources to do the job.

Councilmember Leary stated that on the website is a listing of important phone numbers for emergency and non-emergency shelters and utilities. She suggested that magnets be made and placed in tax bills for the citizens.

In response to Councilmember Leary, Mr. Sommer stated that many of those numbers are fluid, and it would be easier for people to go to 311 rather than publish but it can be looked into.

In response to Councilmember Leary, Mr. Sommer stated that the EOC plan is published every 5 years, and it must be repromulgated in 2006. In the last sixty days the annex 9 has been published, which is the hurricane response plan, and appendix 11 which is a limited distribution for radiological response for nuclear power stations.

Councilmember Leary requested the City Manager look into the possibility of Emergency Management Training & Simulation Center (EMTASC) running a scenario for the City.

Councilmember Leary stated the Mayor appointed Councilmember Gilliland and Councilmember Leary as co-chairs of the Hurricane Katrina Relief Committee. She stated that the Committee is looking at funding, assessing needs and building assets. She stated that the Committee is partnering with the following agencies:

- Red Cross
- Salvation Army
- Hampton Health Department
- Hampton Newport News Community Services Board
- local Hoteliers
- Hampton University
- Hampton City Schools

Councilmember Leary stated that there have been 70 to 80 children taken in by families and enrolled in Hampton City Schools.

Councilmember Leary welcomed anyone to attend the meetings which are held Tuesday afternoons at 3:00 p.m. on the 8th floor in City Hall.

Councilmember Gilliland stated that there are many needs in terms of food, clothing on an on-going basis, and there is a need for cash to buy things that have not been donated. He stated that there are three major fund raising initiatives that are in place:

- a Jazz benefit concert led by Charles Darden and a number of jazz musicians in the region with \$25,000 pledged in support
- discussion of a pop R&B concert with regional acts such as Slapwater, Coolin Out, and Galaxy
- Mary Helen's Restaurant sponsoring a multiple day music festival

Councilmember Gilliland stated that the citizens of Hampton should have a high degree of confidence that the EOC is on the ball, because they plan in the long term and that is appreciated. He believes the Katrina Relief Fund Committee will come out with recommendations on integration of community assets that can be well-coordinated and well prepared in the event of a future natural disaster.

Mayor Kearney thanked Mr. Sommer and the EOC for their efforts and also thanked Councilmembers Leary and Gilliland for the work in the Katrina Relief Fund efforts.

NO ACTION TAKEN Information presented by Pete Sommer, Emergency Management Coordinator/Senior Police Planner.

[05-0534](#)

Presentation regarding the 2005 United Way Campaign.

DEFERRED - Due to the impending threat of Hurricane Ophelia, the presenter had to leave the meeting prior to his presentation.

**Motion made by:** Councilmember Rhet Tignor

**Seconded by:** Councilmember Angela Lee Leary

## **PUBLIC HEARINGS**

### **Rezoning - Second Reading**

#### 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.

Ms. Vanessa Valldejuli, Deputy City Attorney for Economic Development, respectfully requested that proffer No. 15 be removed which refers to the ingress/egress easement. She stated that Little Zion Baptist Church and the IDA have entered into an easement agreement which is the proper mechanism to grant the church what it needs rather than the proffer.

ADOPTED ON SECOND AND FINAL READING subject to the following fourteen (14) conditions:

1. This proffer statement supercedes the conditions contained in Zoning Case 995.
2. Permitted uses shall include retail sales and businesses of the general character allowed in the Limited Commercial District (C-2), but shall specifically exclude the following C-1 and C-2 uses listed in Hampton's Zoning Ordinance as updated 4/25/2005:

#### Excluded C-1 uses

- (9) Baths, Turkish or massage parlors
- (36) Marine supplies, including pleasure craft sales
- (42) Promotional events
- (47) Taxicab offices
- (54) Commercial communication towers
- (55) Boarding houses
- (60) Rooming house

#### Excluded C-2 uses

- (3) Sales of new automobile passenger cars, new trucks, or new truck trailers
- (5) Billiard or pool rooms or bowling alleys
- (13) Lunchrooms, cafes, drive-ins
- (16) Second-hand stores
- (17) Sign painting shop
- (19) Tire sales and repair shop
- (21) Automobile laundries or car wash facilities
- (23) Motor cycle sales and services
- (25) Amusement centers

- (26) Pawn shops
  - (27) Vehicle storage areas
- 
- 3. The site will be constructed in substantial conformance to the preliminary site plan submitted with this rezoning application entitled "Preliminary Site Plan of Springhill Suites and Additional Hotel Site at Power Plant Parkway, Hampton, VA" dated 07/11/2005.
  - 4. Outside storage of materials shall not be permitted on any portion of the site.
  - 5. All exterior lighting shall be directed inward and away from adjoining residential properties.
  - 6. A landscaped vegetated buffer shall be maintained along West Queen Street. The buffer shall consist of a continuous tree canopy comprised of existing trees and/or new trees as required and shall be complimented by an understory of smaller trees and/or shrubs.
  - 7. The hotels to be constructed on this property will have exterior finishes of equal or better quality as that indicated on the Springhill Suites exterior architectural elevations submitted with this application. All facades will consist of 100% brick (excluding entryways, openings and fenestrations) for the ground floor with the balance of brick for each of the four facades equaling a total of 50% or more. All buildings on the property shall have exterior finishes complimentary to each other in color, design and materials.
  - 8. Facade color shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors shall be used only upon approval by the Planning Director. Brighter, trademark colors shall only be an accent.
  - 9. Rooftop mechanical units, flues, and vents shall be organized and screened or placed below the parapet wall. The roofscape shall be an integral part of the design with respect to form, material and colors.
  - 10. Landscaping along Power Plant Parkway shall consist of a 2' high by 10' wide berm placed within a landscape buffer and a hedgerow of dwarf burford holly as shown on the preliminary site plan entitled "Preliminary Site Plan of Springhill Suites and Additional Hotel Site at Power Plant Parkway, Hampton, VA" dated 07/11/2005. The landscape buffer shall be in keeping with the original landscape plans for Powhatan Parkway (now Power Plant Parkway) as prepared in December 2001 and on file with the City of Hampton.
  - 11. Tree preservation areas as shown on the preliminary site plan entitled "Preliminary Site Plan of Springhill Suites and Additional Hotel Site at Power Plant Parkway, Hampton, VA" dated 07/11/2005 will be evaluated by the City of Hampton Planning Department to determine the value of saving existing trees. Should existing trees in these areas be damaged or removed or not be able to be preserved, new tree planting plan will be prepared for and reviewed by the City of Hampton. New trees will then be planted and preserved in the areas as shown.
  - 12. Pedestrian pathways will be establish and maintained to directly connect with sidewalks within Power Plant Right-Of-Way. Sidewalks along the site frontage on Power Plant Parkway will be installed in accordance with the original Powhatan Parkway (now Power Plant Parkway) plans.
  - 13. Should any future plans for these properties include the use of a freestanding restaurant, drive-thru windows will not be allowed. Any restaurant designated

for construction shall provide for casual or formal seating and service comparable to other dining establishments in the "Power Plant" vicinity.

14. All building elevations, site design and landscaping plans shall be reviewed and approved by the Director of Planning prior to issuance of any building permits.
15. A perpetual ingress/egress easement shall be granted to the owner and successors in title and interest to the owners of the Little Zion Baptist Church, Parcel ID 03T007000000OPCC (the "Church"), in the event the trustees of the Church sell the property upon which the current Church is located for commercial purposes. Said ingress/egress easement shall be wide enough to allow the Church to be accessed from Power Plant Parkway to facilitate the use of the Church for commercial purposes and be located as close as possible to Power Plant Parkway at location, to be reasonably approved by the City of Hampton, on the private drive as generally shown on the site plan entitled "Preliminary Site Plan of Springhill Suites and Additional Hotel Site at Power Plant Parkway, Hampton, VA." Prepared by Horton Dodd, P.C., dated 7/11/05 and proffered herewith, proffered conditions:

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

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

##### [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.

The City Manager stated that Planning staff and the Planning Commission recommend denial.

**DENIED**

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

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II

**Nays:** 0

##### [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

The City Manager stated that staff recommends approval of this rezoning application subject to the following (6) six conditions:

1. Land use shall be limited to mini-storage and associated parking.

2. Site shall be developed in substantial accordance with the conceptual site plan prepared by Site Improvement Associates, Inc., dated 6-29-05, and proffered herein.
3. Building shall not exceed 16,500 SF and elevation shall be in substantial accordance with Elevation sketch prepared by ACA Architects, dated 6-24-05, and proffered herein.
4. Primary building materials shall consist of split faced block, metal wall panels, and standing seam metal roof. Vinyl is not permitted.
5. A heavily landscaped buffer featuring evergreen and deciduous trees, flowering shrubs and grass shall be provided between Big Bethel Road and the building shall, as a minimum, comply with the landscaping as shown on conceptual site plan dated 6-29-05 and proffered herein.
6. No direct ingress/egress shall be permitted between this parcel (ID04C0310000000) and Big Bethel Road. This site shall be accessed via the existing American Classic Self Storage Facility, per the conceptual site plan dated 6-29-05 and proffered herein.

ADOPTED ON FIRST READING subject six (6) conditions.

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Angela Lee Leary

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 0

[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.

The City Manager stated the Planning Commission's approval is conditional upon applicant's change to the site plan and a positive review of the change by City staff.

ADOPTED ON FIRST READING subject to following (3) three conditions:

1. The development of this site will be in substantial conformance with the site plan dated 6-10-05 as submitted with the application.
2. The buildings will be erected to appear in substantial conformance with the elevations as submitted with this application.
3. The one story buildings will be constructed of masonry and steel as indicated in the applications and in substantial conformance with the elevation submitted with the application.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Councilmember Turner M. Spencer

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 0

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.

The City Manager stated staff recommends approval of this application subject to the following (4) conditions:

1. That the office building to be located on the northerly portion of the R-1 zone shall be constructed with an architectural style similar to that of a home and shall be subject to the approval of the Director of Planning of the City of Hampton.
2. That other than the office building to be constructed and connecting lane to lead from Big Bethel Road to the self storage units, no other improvements shall be permitted on the R-1 zone; the same shall be maintained in their natural state as a vegetative buffer between Big Bethel Road and the portion of the property to be zoned C-3.
3. That the self storage units to be constructed on the C-3 zone shall be substantially similar to the layout as shown on plans filed with the City of Hampton and all external colors and architectural design shall be of muted colors so as to blend in with the surrounding green area.
4. That the only C-3 use to be permitted will be a self storage facility.

ADOPTED ON FIRST READING subject to four (4) conditions.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 0

## General Items

### Ordinances

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".

The City Manager stated that on July 13, 2005, Council approved a resolution authorizing a public hearing to consider adoption of an ordinance creating the H2O CDA.

Ms. Vanessa Valldejuli, Deputy City Attorney for Economic Development, stated that this ordinance is scheduled for a public hearing at the September 28, 2005 Council meeting.

ADOPTED ON FIRST READING

**Motion made by:** Councilmember Turner M. Spencer



**Seconded by:** Councilmember Angela Lee Leary

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 0

[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.

The City Manager stated that the ordinance was originally considered on June 8, 2005. The second reading was scheduled for July 13, 2005 but was deferred to September 14, 2005, to allow staff time to work with interested individuals on amendments to the language.

Mr. Steve Shapiro, Director of Codes Compliance, presented the following information to Council:

WHAT'S HAPPENED SINCE JULY 13, 2005 CITY COUNCIL MEETING

- Meeting with Peninsula Apartment Council members on August 2, 2005
- outcome of meeting, several ordinance changes.
- Meeting with the attorneys who spoke at the July 13, 2005, public hearing, as well as Deputy Attorney, City Attorney on August 5, 2005 - outcome of meeting, several additional ordinance changes.
- Meetings with those who expressed interest at the July 13, 2005, public hearing (average 25 citizens at each meeting) on August 11, 2005, September 1, and September 6, 2005 - outcome of meeting, numerous ordinance changes.

Ms. Joan Kennedy, Director of the Neighborhood Office, presented the following information to Council:

- How this fits into Neighborhood Revitalization
  - When market conditions don't support reinvestment, public interventions are needed.
  - More rigorous code enforcement is one strategy used to stabilize neighborhoods.
  - One key function of a rental inspection program is prevention (concentrations of older, rental, lower value properties; accelerated inspections to halt/preclude decline)
- How this fits into Crime and Grime
  - No tolerance message.
  - Most restrictive not least restrictive.
  - Multiple tools to focus on most problematic.
- How this fits into Housing Venture Neighborhoods
  - Part of adopted neighborhood plans.
  - Many investments concentrated to encourage revitalization.

- High concentration of single family rental property (65% -Old Hampton; 45% - Pasture Point)
- High concentration of housing older than 30 years (68% - Old Hampton; 85% Pasture Point)
- Owners that reinvest need assurance that rental will be up to code.

#### CHANGES TO ORDINANCE AS A RESULT OF PREVIOUSLY MENTIONED MEETINGS

- Definition of disqualifying violation changed to read the same as the State definition.
- Created a list of disqualifying violations that will be provided to each property owner.
- Contains items such as:
  - foundation with severe structural defects indicating the potential for collapse.
  - roof defects that allow sufficient water infiltration
  - broken electrical wiring.
  - large cracks or holes in the ceiling with the potential for collapse.
  - serious plumbing leaks in water supply or sanitary drainage system.
  - water heater without a temperature - pressure relief valve.
  - heating equipment is not capable of providing adequate heat.
  - unit does not have a means of exit that is not blocked by debris or storage.
- Provided a mechanism to remove a rental inspection district once it is shown that there is no longer a need in the area.
- Removed the North King Street area, the Greater Wythe area and area South of Mercury Blvd., Buckroe and Phoebus area.
- Declared the Pasture Point District and Olde Hampton District as the 2 rental inspection districts - these 2 areas are Hampton Housing Venture areas and have other programs in place to revitalize the housing stock.
- Added a provision stating that after the ordinance has been in effect at least one year, City Council may consider adopting one or more additional districts after holding a public hearing.
- Removed some of the burden originally placed on the owner by having the City responsible for scheduling the initial inspection, rather than placing the responsibility on the owner.

Mr. Shapiro requested Council create an Advisory Group comprised of 10 members: 5 representing rental property owners and property managers, and 5 representing neighborhoods who would evaluate the progress and issues with the program.

The following people spoke to Council regarding the Rental Inspection Ordinance:

Ms. Sue Creech, 2310 Tower Place, opposes the ordinance and believes there are already programs in place to take care of the problems.

Mr. Warren Coleman, 808 Marshall Street, President of the Pasture Point Neighborhood Association, supports the ordinance.

Mr. Skip Saylor, 82 East Mercury, opposes the ordinance because he believes it is a violation of his 4th amendment rights.

Mr. Phil Egert, 347 E. Pembroke Avenue, Vice President of the Pasture Point Neighborhood Association, supports the ordinance and urges Council to do the right thing for the City and approve the ordinance.

Ms. Meredith Kotre, 1219 Hale Drive, opposes the ordinance.

Mr. Craig Wool, 317 Shoreline Drive, Senior Property Manager for Century 21, Nachman Realty, is not convinced that having inspections will solve the problem.

Mr. Wayne Powell, 1825 Lafayette Drive, a full time residential real estate appraiser opposes the ordinance.

Mr. Matt Asay, 5 Talleyho Turn, District 1, Neighborhood Commissioner, supports the ordinance.

Mr. David Root, Executive Director, Peninsula Housing and Builders Association, 760 McGuire Place, Newport News, stated he is also speaking on behalf of the Peninsula Apartment Council. He thanked City staff for their work on this issue and he believes there are still several significant issues that are unresolved with this ordinance, and recommends postponing passage of the ordinance.

Ms. Christina Bauhof, 323 Center Street, Secretary for the Pasture Point Neighborhood Association and an eight year resident of Pasture Point, supports the ordinance.

Mr. Carlyle Bland, 323 Center Street, supports the passage of the ordinance.

Mr. Greg Garrett, 11864 Canon Blvd., Suite 102, Newport News, opposes the ordinance.

Mr. Roy Powell, 34 Curle Road, asked Council to give the landlords and realtors a chance to help wipe out the blighted areas.

Ms. Regina Mays, 221 Washington Street, owner of Shabby Chic in Downtown Hampton, supports the ordinance.

Mr. Barry Epstein, 185 E. Mercury Blvd., opposes the ordinance and is concerned about violations of the 4th amendment.

Mr. Robert Mallory, 101 Maywood Drive, is opposed to the adoption of the proposed ordinance for the following reasons:

- Current laws which address the ability of the City to inspect structures of all types, not just rental homes.
- The ordinance will create a right-of-entry without reason or proven cause.
- discriminatory towards rental property owners.
- Making assumptions that all property owners are guilty of neglect of their property.
- Will add cost to the rental property owners which will be passed on to the tenants.
- Tremendous amount of disruption and added expense and will not remedy the overall situation.

Mr. Andy Bigelow, 39 Englewood Drive, supports the ordinance stating and the need is visible all around us.

Mr. Bob Burch, 31 Indigo Inn, Newport News, General Manager, Century 21, Nachman Realty, manages over 1500 rental properties in the Hampton Roads area, with over 800 properties in Hampton. He believes the ordinance will cost the City, landlords and tenants money

Mr. Larry Cumming, 2236, Cunningham Drive, is uncomfortable with the ordinance. He requested Council be careful how the program is presented and be considerate of the rights of everyone.

Mr. Dan Bohlke, 17 Pinecone Drive, doesn't disagree with what the citizens for the ordinance have to say. He is concerned that people considering Hampton as their home are being indoctrinated by Air Force friends who are encouraging them not to move into Hampton.

Mr. Paul Peterson, 33 Henry Drive, Vice President of the Riverdale Association, supports the ordinance and believes it will be beneficial to the City of Hampton. He stated that if the landlords are doing a great job, the ordinance will not affect them.

Mr. Greg Tweetmyer, P. O. Box. 3242, stated the following reasons he is against the ordinance:

- the data being used to determine the districts is six years old.
- once an area is designated as a rental inspection district, every property owner in the area is labeled as owning property in a blighted area.
- create two different kinds of property owners which will divide the community.

Mr. Joseph McAvoy, 149 Pine Chapel Road, Apt. 14, stated he is a renter and he came to Hampton because he liked the community events and Hampton's small town atmosphere. He opposes programs that violate his local, State and Federal constitutional rights. He asked that Council not make the mistake of looking at renters as second class citizens.

Ms. Chris Ausink, 66 Salem Street, supports the ordinance.

Mr. Andre McCloud, 2302 LaGuard Drive, member of Neighborhood Commission, stated he has addressed Council twice before on this issue and he is in support of the ordinance.

Mr. Rudy Langford, 232 W. Gilbert Street, urged Council to approve the ordinance and take a stand against slum landlords.

Ms. Amy Hobbs, 1913 N. Mallory Street, supports the ordinance on behalf of the Neighborhood Commission and as a member of the DART team.

Mr. Joseph Vann, 2 Perth Place, opposes the ordinance.

Mr. Frank Cotrupi, 14 Dryden Drive, Poquoson, stated that the target should be blighted properties, whether they are rental or owner-occupied.

Mr. Charles Huffman, 660 Deep Creek Road, Newport News, opposes the ordinance and doesn't believe the ordinance will benefit or protect the tenants.

Councilmember Sapp opposes the ordinance because he believes it violates the 4th amendment to the Constitution and encourages the City to take a more aggressive approach using the tools already available to accomplish this goal.

Vice Mayor Joseph Spencer thanked everyone who expressed their opinion on the ordinance. He found it interesting that one man came before Council who did not come for the specific purpose of speaking on the ordinance, but he addressed the fact that Council needed to deal with the blight problem. Vice Mayor Joseph Spencer stated he will not support the motion and does not see a need to pass additional laws when there are already laws on the books to address this issue.

Councilmember Gilliland will not support the ordinance, but supports additional support for Codes Compliance. He requested that Mr. Shapiro report back to Council within the next several weeks with the answer to the question: What would it take to make Hampton recognized in the region as the toughest and meanest Codes Compliance Department? Councilmember Gilliland stated that he wants everyone to know that Hampton has expectations in terms of property maintenance.

Councilmember Turner Spencer stated the purpose of the rental inspection program is to have people change their attitudes and if citizens, landlords and renters would change their attitudes, the City government would not have to be the enforcing agency. He believes the idea is to have a program with minimal impact to force landlords to take care of their property, and he is in support of the program.

Councilmember Tignor stated he was originally not pleased with the ordinance for three main reasons:

- the enabling legislations asked for spot areas
- burden being placed on the landlord

- punishing good landlords

Councilmember Tignor supports the ordinance and believes it is something that needs to be done.

Councilmember Leary is not convinced that the City has all the codes that are the easiest to enforce and the scope has been limited to Pasture Point and the Old Hampton area where blighted property is over 60% rental. She stated tenants living on blighted property will never come forward because they are afraid of the repercussions. She believes the only way to be tough is to adopt this ordinance and for everyone to embrace this opportunity to stand up and work to remove blighted property in the City of Hampton.

Mayor Kearney supports the ordinance and stated that in Phoebus there are some of the worst homes in the City of Hampton. He stated there is one house so bad that the owner can't rent the house, so he is renting rooms. Mayor Kearney respects the members who vote whether they vote for or against, and asked that everyone be respectful of the decision.

The City Attorney stated that when the ordinance was adopted on first reading, there were revisions and in order to adopt the ordinance, the motion, would need to be amended as adopted on first reading, the first motion and a second motion be adopted on second reading as amended.

#### ADOPTED AS AMENDED ON FIRST READING

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

**Seconded by:** Councilmember Turner M. Spencer

**Ayes:** 4 - Angela Lee Leary, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 3 - Randall A. Gilliland, Charles N. Sapp, Joseph H. Spencer, II,

#### ADOPTED ON SECOND AND FINAL READING AS AMENDED

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

**Seconded by:** Councilmember Rhet Tignor

**Ayes:** 4 - Angela Lee Leary, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 3 - Randall A. Gilliland, Charles N. Sapp, Joseph H. Spencer, II,

#### Moved to Extend the Meeting Beyond its Time Limit

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

**Seconded by:** Councilmember Randall A. Gilliland

**Aye:** 5 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer

**Nay:** 2 - Rhet Tignor, Ross A. Kearney, II

**Appointments**[05-0554](#)

Appointment to Peninsula Disability Services Board.

DEFERRED (9/28/2005)

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II**Nays:** 0[05-0564](#)

Appointments to the Golf Course Advisory Committee.

DEFERRED (9/28/2005)

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II**Nays:** 0[05-0581](#)Appointment to the Hampton Employees' Retirement System (HERS)  
Board.

DEFERRED (9/28/2005)

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II**Nays:** 0[05-0582](#)

Appointments to the Hampton Arts Commission.

DEFERRED (9/28/2005)

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II**Nays:** 0[05-0593](#)

Appointment to the Federal Area Development Authority

DEFERRED (9/28/2005)

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II**Nays:** 0[05-0594](#)

Appointment to the Social Services Local Advisory Board

DEFERRED (9/28/2005)

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II**Nays:** 0

[05-0533](#) Appointments to Hampton Senior Citizens' Advisory Committee

DEFERRED (9/28/2005)

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II**Nays:** 0[05-0602](#) Appointment to the Hampton Clean City Commission.

DEFERRED (9/28/2005)

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II**Nays:** 0[05-0603](#) Appointment to Grievance Board.

APPOINTED Gary Koerber to a term which expires on June 30, 2009.

[05-0604](#) Appointment to Peninsula Agency on Aging, Inc.

DEFERRED

**Motion made by:** Vice Mayor Joseph H. Spencer, II**Seconded by:** Councilmember Angela Lee Leary**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II**Nays:** 0**Conditional Privilege - Review**[05-0571](#) Reevaluation of Conditional Privilege No. 76 for live entertainment at Mary Helen's, a restaurant located at 87 Lincoln Street.

APPROVED

**Motion made by:** Councilmember Angela Lee Leary**Seconded by:** Councilmember Turner M. Spencer**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp,  
Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A.  
Kearney, II**Nays:** 0**Other Items**[05-0289](#) Buckroe Master Plan and the Downtown Hampton Master Plan

Mayor Kearney explained that with the announcement of the closure of Ft. Monroe, Council needs to look at all that is being done, especially in



the Buckroe and Phoebus areas of the City. He stated that the Buckroe area has to be looked at differently, and Council does not need to do less, but to be more cautious during the next few months. Council will continue with the purchasing of two particular blighted properties, the purchasing of the property for the Buckroe fishing pier, and the implementation of the Buckroe Elementary School, and also to continue with improvements of the Pembroke Avenue area, but will hold off on any development in the open spaces.

Mayor Kearney stated that Ft. Monroe is 250 feet away from Buckroe and connected to Atlantic Avenue. The end of the cul-de-sac, at what is called "Dog Beach", is a stones throw from Ft. Monroe and Council needs to look at those options.

He explained that the entire area has to be looked at differently and Council felt it was best to step back. Mayor Kearney explained that this does not stop the progress and after the additional information is gathered, there may be no changes made. He stated this is not a loss in confidence in the Buckroe committees and the steering committees. It had nothing to do with the Green Space Ladies, but has to do with establishing direction for the future of the City of Hampton. Mayor Kearney stated that what the City is doing at Ft. Monroe is too important to mess up, and what is being done with Buckroe is too vital to mess up. He stated that Council will continue with the acquisition of blighted properties.

Councilmember Sapp moved that Council direct the Hampton Planning Commission to consider, within sixty days, amendments to the Buckroe Master Plan and postpone all publicly-funded initiatives and any initiative involving public land with the exception of the following:

- Implementation of the Buckroe Fishing Pier
- Implementation of the Pembroke Avenue Improvements
- Continuation of strategic property acquisitions
- Implementation of the new Buckroe Elementary School
- Direct the Hampton Planning Commission to consider amending the Capital Improvement Plan funding schedule to reflect the respective amendments that may be recommended with respect to the Buckroe Master Plan.

Ms. Amy Hobbs, 1912 North Mallory Street, stated she has received many phone calls in reference to this issue, and no one she has talked with in the Buckroe Community knows anything about this. She stated the steering committee met for hours, giving up time with their families working on this project and she is very disheartened. She stated that this is not the way the City of Hampton has done business in the past and she is disappointed.

Vice Mayor Joseph Spencer would like to see the motion amended so there is property advertising and notification for the folks who have worked for months on this plan. He doesn't doubt that when it is fully

explained in the proper forum to all those people, that they will understand. He believes what Council is about to do is not the right thing and suggests that Council defer it until the next meeting. He stated that Ms. Hobbs is one of many who have put in an inordinate amount of time, effort and energy to this project. Vice Mayor Joseph Spencer believes Council owes it to those folks to give them an opportunity to attend the meeting and hear and appreciate why the change is being contemplated.

Ms. Sandra Canepa, 3 Markham Drive, thanked Council and the Planning Department, on behalf of everyone opposing the condominiums on the former Buckroe Beach Amusement Park site, for offering all Hampton citizens an opportunity to attend a public presentation on the Buckroe Master Plan. She stated it has taken a long time, but all citizens will have an opportunity to get involved and play an essential part in saving the green space.

Mr. David Root, Peninsula Housing and Builders Association, 760 McGuire Place, Newport News, stated the association works with localities to provide quality sustainable communities for everyone in those localities. He stated that the passage of the Buckroe Master Plan is the first step in a long, difficult process that can eventually lead to a fully revitalized urban area. He stated it would seem pointless to embark on additional construction and half-hearted attempts at revitalization efforts in Buckroe if Council is not going to pursue the economic momentum that can be created by harmonious development with both residential and commercial products. He stated an attempt to stall or derail the implementation of the Buckroe Master Plan at this time, due to the possibilities of Ft. Monroe, make little or no sense when looking at it from a long term sustainable community position.

Mr. Root stated that Ft. Monroe could be five to ten years away from being turned over to the locality and that does not include the clean up involved. He stated there is no question that Ft. Monroe is a jewel and the setting of Ft. Monroe will determine just how precious it becomes. He stated it is Council's opportunity to seize the day and shape in a positive way a true vision for a renovation and invigorated urban area. He urged Council to oppose this motion and allow the vision of the Master Plan to take shape and ultimately tee-up Ft. Monroe for success no matter what the plans for Ft. Monroe ultimately turn out to be.

In response to Mr. Root, Mayor Kearney stated it was unfair for him to say Council does not have a vision and unfair of him in his position because he does not understand the dynamics of the issue.

Mr. Root stated his reference to lack of vision relates more to a failure to understand the private sector development dynamics. He appreciates what Council is attempting to accomplish and wants to be a part of it. He stated the development of that area will take place while Council is waiting to decide what to do with it.

Mayor Kearney stated regarding the public sector land that is owned by the City already, Council wants to slow down.

Mr. Johnny Carroll, recommended that Ft. Monroe be opened as a tourism "cash cow" for the City. This area could receive a special zoning designation that will work to protect nearby areas from seeing a tax increase on their property.

The City Attorney stated there was a motion on the floor with a second and Council is in the discussion phase. He stated that Vice Mayor Joseph Spencer has a right to make an amendment to that motion, provided he can get a second, and if he were to get a second, Council can have discussion on the second. The City Attorney stated in voting, Council would vote on the amendment first and if the amendment fails, Council would vote on the main motion.

Vice Mayor Joseph Spencer stated he would like to amend the original motion to allow this motion to be carried over to be carried over to the October 14, 2005, meeting, to allow the proper advertising and give citizens the opportunity to hear discussion about why Council has made these changes.

Councilmember Sapp stated that this issue was discussed in the Closed Session, and it didn't take much time for the word to spread around the City. He stated this is a complex web of people, and there is no way Council can pre-notify and discuss. He stated that Council felt this would be a thoughtful, responsible thing to do, to look at the plans in place. Council does not want to trash anyone's work or the Master Plan and Council has some very difficult decisions to make. Councilmember Sapp stated that this has to be sent back to the Planning Commission, and that is where the public discussion will take place. He explained that things Council does at Ft. Monroe today will set the stage for what will take place years from now, and Council has to think in terms of the surrounding area when making these decisions. He stated if that is irresponsible or shortsighted, he is guilty.

Councilmember Gilliland concurs with Councilmember Sapp and agrees that September 8, 2005, was a eureka moment. If Council did not recognize it as such and steps back to look at the reuse of Ft. Monroe as a whole, he believes years from now, Council will be labeled the stupidest Council Hampton has ever had.

Councilmember Gilliland stated that Hampton is the only City in Virginia that has the opportunity to increase their land mass, which means development and recreational opportunities. He stated that Council has an obligation to make sure they are doing the right thing because this is a once in a thousand years opportunity for this community.

Councilmember Leary respectfully requested that the Councilmember making the motion to amend, and withdraw his motion.

Councilmember Turner Spencer stated that he will support the motion, but will not support anything that requires him to make a snap decision. He stated that it should be delayed for a couple of weeks because he would like to know what he is voting on.

Mayor Kearney stated the Economic Development Department was purchasing property that Council had not listed as a priority. He stated the City Manager asked for direction and Council made the decision to slow things down, and everyone on Council agreed.

Councilmember Turner Spencer stated he does not remember giving his consent to the City Manager to slow down or stop the progress, but only remembers that he agreed to have the City Manager go forward with a purchase.

Councilmember Gilliland stated, during the afternoon session, it was made very clear that the decision was to go back to the stakeholders to explain their decision. He stated deferring this item will also slow things down, and will not support the motion.

Mayor Kearney stated that this issue will go back to the Planning Commission and requested that the City Manager call a meeting as soon as possible in order to discuss getting the information to stakeholders and Council.

In response to Councilmember Leary, Mayor Kearney stated that he would prefer that the initial meeting to discuss this issue be with Mr. Terry O'Neill, the Director of Planning, City Manager, and the Mayor, to discuss the legal processes.

Councilmember Turner Spencer requested the City Manager and City Attorney to clarify the language concerning the motion.

In response to Councilmember Turner Spencer, the City Attorney stated he would be happy to discuss the issue with him.

MOVED TO amend the original motion to defer this matter until the next Council meeting on September 28, 2005.

**Motion made by:** Councilmember Joseph H. Spencer, II

**Seconded by:** Councilmember Turner M. Spencer

**Ayes:** 3 - Joseph H. Spencer, II, Turner M. Spencer, Rhett Tignor

**Nays:** 4 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Ross A. Kearney, II

MOVED TO approve motion as stated in the afternoon session with the removal of all references to the Downtown Hampton Master Plan..

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

**Seconded by:** Councilmember Randall A. Gilliland

**Aye:** 5 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Rhet Tignor, Ross A. Kearney, II

**Nay:** 2 - Joseph H. Spencer, II, Turner M. Spencer

[05-0291](#)

A Resolution Appropriating \$350,000 for the Emergency Dredging of Salt Ponds from Unallocated Bond Funds.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Hampton, Virginia that \$350,000 be appropriated from the unallocated bond funds to a Capital Projects Account called Salt Ponds Dredging for the emergency dredging of the Salt Ponds Inlet.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia, held September 14, 2005.

APPROVED

**Motion made by:** Vice Mayor Joseph H. Spencer, II

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 0

[05-0311](#)

Adoption of Finance Committee's "Guide for Financial Analysis of Economic Development Projects."

APPROVED

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

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 0

[05-0325](#)

Appointment to the Industrial Development Authority.

DEFERRED

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

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 0

[05-0309](#)

Addition of Division 7 entitled, "Fuel Charge" to the current City Code Chapter relating to vehicles for hire.

In response to Councilmember Turner Spencer, the City Manager stated he has the right to remove the provision if needed.

Councilmember Gilliland stated that there is a sunset provision under the jurisdiction of the City Manager.

**ADOPTED ON FIRST READING**

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

**Seconded by:** Councilmember Turner M. Spencer

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 0

[05-0429](#)

Consideration of an Employment Contract for the City Manager  
Mayor Kearney stated the contract for the City Manager has been written and the information is available:

APPROVED the employment contract of the City Manager, Jesse T. Wallace, Jr. and authorized the Mayor to execute it on behalf of the City of Hampton. The contract called for an annual base salary of \$160,000 plus longevity pay, \$18,000 in deferred compensation, a \$8,100 car allowance, and an insurance package. The contract runs from June 8, 2005, through June 30, 2006.

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

**Seconded by:** Councilmember Randall A. Gilliland

**Ayes:** 7 - Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II

**Nays:** 0

**Audiences Granted to the General Public**

Mason Aminali, 309 E. Mercury Blvd., requested that Council consider changing the sign ordinance to allow him to utilize festoons. This matter was referred to the City Manager.

Vice Mayor Joseph Spencer requested the City Manager to look into the matter.

Mr. Frank J. Ottafaro, 63 Wheatland Drive, spoke to Council regarding his property on Pine Chapel Road.

**Miscellaneous New Business**

Councilmember Leary thanked Council for the proclamation as September 11, 2005, as being a Day of Remembrance and Hope. She stated that almost 400 elementary school children participated in writing about our Fire Firefighters, Police and Military. She stated the art work would be on display in the lobby of City Hall so citizens can see what great children the City of Hampton has. She stated they have done excellent work.

Councilmember Sapp suggested that some of the work be placed in the J. Ruppert Sargent Building.

**Adjournment**

There being no further business to come before the Council, the meeting was adjourned.

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Ross A. Kearney, II  
Mayor

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Katherine K. Glass  
Clerk of Council

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