



City of Hampton

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

Council Approved Minutes - Final City Council Legislative Session

Mayor Donnie R. Tuck
Vice Mayor Linda D. Curtis
Councilmember Jimmy Gray
Councilmember W.H. "Billy" Hobbs
Councilmember Will Moffett
Councilmember Teresa V. Schmidt
Councilmember Chris Snead

STAFF: Mary Bunting, City Manager
Vanessa T. Valldejuli, City Attorney
Katherine K. Glass, CMC, Clerk of Council

Wednesday, November 9, 2016

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:30 p.m. All members of the City Council were present.

Present: 7 - Vice Mayor Linda D. Curtis, Councilmember Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead, Councilmember Will Moffett, Councilmember Teresa V. Schmidt and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Vice Mayor Linda Curtis

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck welcomed 23 Hampton University students from Senator Mamie Locke's Political Science Urban Politics class. The students were present to observe the City Council meeting. Senator Locke gave remarks. Mayor Tuck thanked the students for attending the meeting and presented them with City of Hampton commemorative pins.

At Mayor Tuck's request, City Manager Mary Bunting announced that items 14 and 15 are being deferred to allow the Animal Control Advisory Committee additional time to complete the citizen input process. The items were taken out of order and deferred until the committee is prepared to return to Council with their recommendations.

[16-0396](#) Motion to Take Agenda Items 14 (16-0326) and 15 (16-0327)
Out of Order

Vice Mayor Curtis made a motion to take items 14 (16-0326) and 15 (16-0327) out of order. The motion was seconded by Councilman Gray and passed on the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

14. [16-0326](#) Ordinance To Amend and Reenact Chapter 5 - Animals of the City Code of Hampton, Virginia By Amending Section 5-2, pertaining to the definition of "at large"

Attachments: [5-2 CORRECT](#)

A motion to defer this item and item 16-0327 generally was made by Councilwoman Schmidt, seconded by Councilwoman Snead, and passed on the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

15. [16-0327](#) Ordinance To Amend and Reenact Chapter 5 - Animals of the City Code of Hampton, Virginia By Amending Section 5-38 - Running at Large

Attachments: [5-38 CORRECT](#)

A motion to defer this item and item 16-0326 generally was made by Councilwoman Schmidt, seconded by Councilwoman Snead, and passed on the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

CONSENT AGENDA

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

Approval of the Consent Agenda

Motion made by Vice Mayor Curtis, seconded by Councilmember Gray, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

1. [16-0365](#) Resolution Appropriating Funds for Uncompleted Projects Funded by the General Fund and the Economic Development Fund

Attachments: [EDF and DD FY16 Carryforward with explanations for Council 11-1-2016](#)

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

2. [16-0378](#) Resolution Determining Pictometry International Corporation to be the Only Source Practically Available From Which to Procure Geographic Information System ("GIS") Mapping and Software Services for the City of Hampton

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

3. [16-0380](#) Resolution Approving the City of Hampton, Virginia's

Participation in and Appropriation of the 2016 Rescue Squad Assistance Fund (RSAF)-Special Initiative Grant through the Office of Emergency Medical Services Grant Program

Attachments: [FY16 RSAF-Special Initiative Grant VP-E02-01-16 AWARD LETTER](#)
[EMS Technician](#)
[FY16 RSAF-Special Initiative Memorandum Of Agreement](#)

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

4. [16-0381](#) A Resolution authorizing the appropriation of \$881,958 in fiscal year 2016 state carryover funds for the School Operating Fund of the School Board of the City of Hampton, Virginia to offset the impact of fiscal year 2017 state revenue adjustments

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

5. [16-0384](#) Resolution Appropriating \$880,895.03 of Funds to be Received from Newport News Waterworks Upon Construction Completion, from the Capital Projects Miscellaneous Revenue Account to the Capital Project Fund for Design and Construction Costs of the N. King Street Phase 3 Revenue Sharing Project and the Buckroe Avenue Reconstruction Revenue Sharing Project

Item approved.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

6. [16-0389](#) Approval of the minutes from the special joint meeting of the City Council and Neighborhood Commission of September 14, 2016.

PRESENTATIONS, PROCLAMATIONS, AWARDS

7. [16-0379](#) Presentation of the Government Finance Officers Association's Distinguished Budget Presentation Award

Attachments: [Press release for GFOA Distinguished Budget Presentation](#)

Director of Budget and Strategic Initiatives Brian DeProfio explained that the Government Finance Officers Association presents awards to budget departments that meet their standard for transparency and excellence in Government Finance Budgeting. He announced that this year is the 17th time that Hampton's Budget Department has received the award. He thanked the members of Council and staff who worked closely with all departments during the budget process. He also recognized staff members from the Budget and Management Analysis Department for their hard work and support.

Budget and Management Analysis Department staff members who were in attendance were photographed with Mr. DeProfio and the members of Council.

Councilwoman Schmidt commended staff for receiving this award, the highest form of recognition in Governmental budgeting.

Councilwoman Snead thanked Mr. DeProfio and the City Manager for their leadership. She also emphasized how proud everyone should be of our staff because this award is given based on a review completed by a group of peers who sometimes rate other peers stricter than an organization. She added that this award is a reflection of how well our City is managed.

Presented by Brian DeProfio who recognized Budget Office staff members who were present: Lori Green, Vahid DeJwakh, and Torriano Askew, and also those who could not be present: Hazel Marshall and Sunshine Torrey.

Following the presentation, Mayor Tuck also shared that he and several other members of City Council recently attended an awards celebration of Hampton's Clean City Commission where he learned that volunteers with that group donated approximately 22,000 hours last year at an estimated value of \$536,551.00.

PUBLIC HEARINGS

Clerk of Council Katherine Glass read the protocol for the Public Hearings including information regarding the handling of land use items.

Rezoning and Use Permits

8. [16-0374](#) Rezoning Application No. 16-00011: by Franciscus Homes, Inc. and property owner South Moyock Development, LLC. to rezone 28.05+ acres at 1611 Power Plant Parkway [LRSN: 13004389] to amend the proffered conditions while maintaining the Multiple Dwelling (MD-2) District for the development of multifamily residences.

Attachments: [Resolution](#)
[Application](#)
[Narrative Statement](#)
[Articles of Incorporation](#)
[Survey](#)
[Concept Plan](#)
[Elevations](#)
[Proffer Statement](#)
[Title Certificate](#)
[Staff Report](#)
[Presentation](#)

The Clerk read the title for this item.

Senior City Planner Alison Alexander presented. She identified the site location as 1611 Power Plant Parkway, adjacent to Newmarket Creek. She explained that the site is 28 acres in the southern portion of the City and provides approximately 9 developable acres. She noted that the lot lines have been vacated since the date the presentation was prepared; this change created one parcel at the site.

Ms. Alexander continued stating that the property is currently zoned MD-2 and explained that the request is to amend the attached proffers.

Ms. Alexander spoke about some of the proffered conditions attached to the application. She elaborated on the condition regarding the number of units and unit sizes. She clarified that the main change lies within the configuration of the units. Previously, all five-unit buildings were proposed; however, this proposal requests a maximum of 5 ten-unit buildings and a minimum of 14 five-unit buildings. Previously, there was also no proffer concerning the minimum unit size; however, that has been added and the minimum unit size would be approximately 1,200 square feet.

Ms. Alexander noted that the five-unit buildings will have garages built into them;

however, the ten-unit buildings will not.

Ms. Alexander stated both staff and the Planning Commission recommend approval of the rezoning application with 15 proffered conditions.

In response to Vice Mayor Curtis, Ms. Alexander confirmed that 50 units do not have garages; however, there will be sufficient parking for those units.

PUBLIC HEARING

Mayor Tuck opened the Public Hearing.

Mr. Larry Cumming, representative for the applicant and attorney with Kaufman and Canoles, iterated that there is little variation in the new proposal. He commended Ms. Alexander for giving an excellent presentation. He announced that the proposed roundabout in the new design will improve the traffic flow and should be considered a positive asset when compared to the previous design. He said the remainder of the proposal is the same with the significant change being that some five-unit buildings will be switched for ten-unit buildings.

Mr. Gary Werner, President of Franciscus Homes, Inc., stated the objective in the design change is to broaden the base of perspective purchasers for the community. He explained that his company felt the narrow band of pricing from approximately \$220,000 to \$250,000 in the garage townhouses may make the absorption rate a little slow and drag the project out. He continued stating that the introduction of the ten-unit building type expands that base with a price range of \$180,000 to \$230,000.

Mr. Werner continued stating that the product is similar in design and identical in materials. He explained that the design is in a coastal architectural theme with units ranging from 1,200 square feet to 1,625 square feet which is larger than two of the garage townhouse units previously approved. He clarified that the previously approved application was for a gross sales value estimated at the time of approximately \$27 million which is essentially unchanged in this application. He stated that the previous application was for 115 units whereas this one has 120 units; the extra five units make up for the slight difference in sales price. He reiterated that they are virtually unchanged in terms of assessed values and property base.

In response to Mayor Tuck, Mr. Werner clarified that there is approximately 18 acres of separation from the location and the retention ponds at Newmarket Creek (approximately 1,000 feet). He explained that the southern extremity of the lake shown on the site plan is at the outer parameter of the floodplain and there is about an 8 foot change in elevation at that point.

As there were no additional speakers from the public, Mayor Tuck closed the Public Hearing and called for the motion.

This item was presented by Alison Alexander. The applicant's representative, Larry Cummings, Esq., accompanied by Franciscus Home's President, Gary Werner, addressed Council. Following a public hearing without any speakers, Vice Mayor Curtis made a motion to approve the item with 15 conditions. The motion was seconded by Councilman Hobbs and passed on the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

9. [16-0373](#) Use Permit Application No. 16-00009 by 2165 Cunningham Drive for live entertainment inside Comfort Zone Restaurant [LRSN 7001532]

Attachments: [Conditions](#)
[Application](#)
[Staff Report](#)
[Presentation](#)
[Resolution](#)
[On-street Parking Credit](#)

The Clerk read the title for the item.

City Planner Lucy Stoll presented. She identified the site location as 2165 Cunningham Drive in the Coliseum Corner Shopping Center. She said the site is zoned C-2 limited commercial which allows for live entertainment with approval of a use permit. Much of the surrounding area is C-2; however, there is some single family and multi-family zoning around it. Ms. Stoll added that this site falls in the Coliseum Central Overlay District.

Ms. Stoll announced that the applicant held two community meetings and no feelings of opposition were expressed. She also noted that she forwarded additional information to the owner at his request; however, he has made no follow-up contact.

Ms. Stall stated if the use permit is approved, staff recommends the inclusion of 12

conditions. She reviewed some of those conditions and elaborated on the condition related to capacity. She stated that staff has determined the capacity is currently restricted based on limited parking in the shopping center; however, the applicant has the opportunity to apply for parking credits and shared parking agreements at any time going forward. She added that the capacity allowed can be increased based on the approved credits. The applicant will not be required to return to the Planning Commission and City Council to receive those increases.

Ms. Stoll stated staff and the Planning Commission recommend approval of the use permit application with 12 conditions and an amendment to condition 4. Ms. Stoll opened the floor for questions from those on the dais and noted that the applicant was also present to respond to any questions posed by Council.

In response to Mayor Tuck, Ms. Stoll stated there are a number of opportunities for parking credits. She referred the question to the Zoning Administrator; however, Mayor Tuck stated he would rather not prolong the discussion.

PUBLIC HEARING:

Mayor Tuck opened the Public Hearing.

Mr. Alonzo Bell Jr., representative for the applicant and agent for Randolph Real Estate Services Co., greeted those on the dais and made the following statement: This business has operated in the Riverdale Shopping Center for greater than the last six years without incident and is a very prosperous business. The hours of operation are identical to those presently being utilized, so they are not asking for additional hours. We are here today for the use permit and we appreciate the Planning Commission making the recommendation that it be approved. We also appreciate the City working with us with regard to the parking issue and other issues surrounding their use. We are optimistic that we will end up with a positive outcome. I am here to support it and we wanted to have them (the applicants) here today in case there may be some questions. Thank you.

Councilwoman Schmidt thanked the applicant, Mrs. Jessica Smith, for holding the two community meetings. She added that the absence of opposition at the meetings makes her more at ease about approving the application.

Councilman Hobbs stated that he and his family have enjoyed eating at the establishment on many occasions. He also commended Mrs. Smith for running a clean, organized and well-managed establishment.

City Manager Bunting agreed with Councilman Hobbs in that Mrs. Smith is a great

operator of the establishment. She stated that staff is pleased to work with Mrs. Smith to find the accommodations needed to move forward. She added that we are all pleased that Mrs. Smith has decided to remain in Hampton.

As there were no additional speakers, Mayor Tuck closed the Public Hearing and called for the motion.

This item was presented by Lucy Stoll. Following a public hearing with one speaker, Alonzo Bell, Jr., Councilman Gray made a motion to approve the item with 12 conditions and an amendment to condition 4. The motion was seconded by Vice Mayor Curtis and passed on the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

10. [16-0371](#) Use Permit Application No. 16-00008 by City of Hampton to operate a public pier at 35 and 47 Water St [LRSN 12001132, 12001133]

Attachments: [Application](#)
[Pier Design](#)
[Site Plan](#)
[Staff Report](#)
[Conditions](#)
[Presentation](#)
[Planning Commission Resolution](#)
[PFNF Letter of Support](#)

The Clerk read the title for the item.

City Planner Charles Stevens presented. He identified the site location as adjacent to Mill Creek at the foot of the Mellen Street Bridge.

Mr. Stevens stated the site is zoned PO-1, Parks and Open space general, which permits the operation of a public pier with an approved conditional use permit. He noted that Hampton's Land Use Plan calls for a mix of uses at this site and the Phoebus Master Plan calls for improvements including a dock for small boats and rentals.

Mr. Stevens clarified the purpose of the pier will be to provide visual and recreational access to Mill Creek, and to serve as a location for people to launch and dock small watercraft along Mellen Street in Phoebus.

Mr. Stevens reminded everyone that a use permit was previously approved for this site in 2012; however, the City did not have funding at that time to construct the pier. He continued stating that the City now has the funding to construct the pier; however, the old permit has expired creating the need for this permit. Construction for the pier is scheduled to begin in December 2016.

Mr. Stevens stated staff and the Planning Commission recommend approval of the use permit application with 4 conditions. He then opened the floor for questions from those on the dais.

Ms. Bunting addressed a citizen concern regarding protecting the living shoreline around this property. She stated that staff has been directed to check into this concern. She assured everyone that the City takes pride in the living shoreline and does not want to damage the work there; however, some hardening to the pier may be necessary in order to protect the asset. She reassured everyone that if that is the case, every reasonable action will be taken to ensure that no harm will be done to the living shoreline.

Ms. Bunting expressed excitement about Council taking action to create a culture of water in our community. She said one of the downsides has been that the general public has not been able to actively access the waterways; this is one of a series of steps that will help ensure that our community enjoys and embraces the water that we are blessed to have in our area.

In response to Councilwoman Schmidt, Mr. Stevens confirmed that a boat landing will not be at this location; instead, a small floating pier will be built there.

Mayor Tuck noted that he was under the impression that this will be a dingy dock allowing people to pull up with a tie-on boat, but it will not be a boat landing.

PUBLIC HEARING:

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

This item was presented by Porter Stephens. The City Manager shared that a citizen had requested special care regarding the living shoreline at the site and she indicated that every care possible will be taken. Following a public hearing without any

speakers, Vice Mayor Curtis made a motion to approve the item with four conditions. The motion was seconded by Councilman Hobbs and passed on the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

11. [16-0375](#) Rezoning Application No. 16-00010 by 504-520 N. King St., LLC to rezone 1.2± acres from C-3 [General Commercial District] to DT-1 [Downtown Business District] with proffers to facilitate the development of a micro-brewery, micro-distillery, restaurant, and live entertainment venue.

Attachments: [PC Resolution](#)
[Complete Application](#)
[Staff report](#)
[Presentation](#)
[Off-Site Parking Credit](#)
[Letter of Support_DHDP](#)

The Clerk read the titles for this item and the next item. A joint Public Hearing was held for both items; however, separate votes were taken for each item.

REZONING APPLICATION 16-00010

Senior City Planner Alison Alexander presented. She identified the site location as 504 North King Street across from the Hampton Roads Transit (HRT) Center. She noted that the property is currently zoned C-3 and the Master Plan calls for it to be mixed use.

Ms. Alexander reviewed the conceptual layout of the property. The Armory building will remain where it is; a parking lot will be added to accommodate 35 automobiles and a few motorcycles; outdoor seating will be added adjacent to the building; there will be an outdoor lawn area; and there will be an area behind the building for deliveries.

Ms. Alexander elaborated on some of the parking requirements. The Armory District Initiative portion of the Downtown Master Plan acknowledges that parking needs to be thought of in a larger context. With regards to this site, 174 spaces are required (35 on site and 139 off-site). The offsite lots are within 500 feet of the Armory.

USE PERMIT APPLICATION 16-00007

Ms. Alexander clarified that this use permit application is regarding live entertainment. She spoke about the hours of operation. She explained that the indoor hours of operation are longer than what was requested by the applicant because these hours are consistent with other live entertainment downtown. She also explained that the outdoor conditions are more restrictive than what the applicant requested. Staff proposed outdoor entertainment Monday - Thursday from 4:00 pm to 8:00 pm and Friday- Sunday from noon - 8:00 pm. This is also consistent with other live entertainment with adjacent residential. Ms. Alexander briefly reviewed some of the other conditions associated with the application including location, staffing, sound and revocation.

Ms. Alexander noted that the live entertainment is proposed to be in the historic stage located within the Armory building.

Ms. Alexander stated a community meeting was held August 9, 2016. The applicants also spoke to the Pasture Point Neighborhood Association on September 13, 2016.

Ms. Alexander stated staff and the Planning Commission recommend approval of the rezoning application and the use permit with 12 conditions as amended with regards to typographical errors in the proposal associated with some of the hours of operation.

Ms. Alexander opened the floor for questions from those on the dais and noted that the applicant was available to answer questions.

In response to Councilman Gray, Ms. Alexander clarified that the new addition is not proposed to be made of brick material; however, repairs to the existing Armory structure is proposed to remain as close to the historic quality as possible. She added that the new addition is proposed to be made of a mixture of materials including metal and wood. She noted that the proffered conditions require there be some primary and some secondary building materials, and that the materials get reviewed by the Zoning Department.

In response to Mayor Tuck, Ms. Alexander stated approximately 20 individuals including staff and community members attended the first community meeting. She said some people in the neighborhood expressed concern about the live entertainment being close to their homes; however, since the time of the community meeting, the applicant has moved the location of the live entertainment away from the property line which backs up to the homes in question.

Ms. Alexander added that the citizens who attended the Pasture Point community meeting expressed excitement for the business to come to the area and proposed expanding the hours of outdoor live entertainment. She noted that a few speakers who spoke at the Planning Commission meeting were less in favor of the project.

PUBLIC HEARING

Mayor Tuck opened the Public Hearing.

Mr. Jimmy Cerracchio, Executive Director of Downtown Hampton Development Partnership (DHDP), greeted those on the dais and made the following statement: I'm here to show our support on behalf of the organization to see the rezoning and entertainment use permit approved for the Vanguard Microbrewery located in the Armory building. For many years, our stakeholders have been waiting to see new business take control of the Armory building and bring new life to a great historic Hampton landmark. The Vanguard will play many roles as we move forward with revitalizing our downtown including a new attraction for entertainment, a cultural destination complementing our existing restaurants, and a key gateway to our downtown welcoming visitors entering from King Street including people from Langley Air Force Base. Supporting this project also sends a message to other people interested in developing in downtown that Hampton is serious about their investment and will work with them to find success here. A number of our organization's members are in attendance tonight.

DHDP members in attendance stood in support of Mr. Cerracchio's comments.

Mr. Cerracchio continued his statement: We urge you to agree to pass these applications so that the revitalization of the property can continue. Thank you.

Mrs. Janet Aguilar, greeted those on the dais and made the following statement: As a fairly new Hampton community member and resident and home owner, I am here in support of the rezoning and permit use for Vanguard at what is still currently the Armory. Over the past year, whenever we start to make plans with family and friends who live on the Southside, it sometimes becomes difficult for the variation out here, so we find ourselves going back over the bridge or possibly Newport News to find something to do. As much as we love to eat at Venture five/seven days a week, it would be super nice to have something else to be able to highlight and showcase our current City and our current home. We have spent the past year really rediscovering Hampton because we didn't know it on the Southside as I know it now. There is so much amazing history, that we would really think this would add an accent and highlight what is already a really nice City. Thank you.

Mr. Randy Thomas, managing member of the 504-520 North King Street LLC, greeted those on the dais and commented that he couldn't say it much better than the prior two speakers. He then took his seat.

As there were no additional speakers, Mayor Tuck closed the Public Hearing.

Councilwoman Schmidt commented that at a recent Planning Commission meeting, some neighbors who live adjacent to the site expressed concern about the noise. She said staff has determined that those neighbors are 102 feet from where the music will be playing. She suggested using the original application guidelines which call for ending the music at 12 p.m. rather than extending music hours to the staff-recommended time of 1:00 a.m. She continued saying that she understands staff's goal of being consistent; however, in her opinion, Council should reconsider the options since the applicant did not request these hours. She clarified that the applicant has asked that outdoor music be extended until 9:00 p.m. rather than 8:00 p.m. and we should reconsider if it is okay to have live music outside until 9:00 p.m. on the weekends.

Mayor Tuck apologized to those in the audience who may have been under the impression that they would be called upon for an opportunity to speak. He clarified that all Public Hearing speakers are required to sign up prior to the Public Hearing.

Ms. Alexander clarified that the second motion and vote is regarding having indoor music until midnight on Friday and Saturday and outdoor music from noon - 9:00 p.m. on Friday and Saturday.

City Attorney Valldejuli clarified that an aye vote is a vote for what Councilwoman Schmidt requested. Vice Mayor Curtis extended Ms. Valldejuli's explanation stating that a nay vote may be voting for either the original proposal or against the Use Permit in general. City Attorney Valldejuli agreed.

Councilwoman Snead suggested hearing from the applicant.

The applicant stated he would be agreeable to the midnight inside restriction on Friday and Saturday and would appreciate the extension of outside hours to 9:00 p.m.

This item was presented by Alison Alexander. Following a public hearing with item 16-0376 and three speakers (Jimmy Cerracchio, Janet Aquilor, and Randy Thomas), Councilwoman Schmidt made a motion to approve the item with 12 proffered conditions. The motion was seconded by Councilman Hobbs

and passed on the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

12. [16-0376](#) Use Permit Application No. 16-00007: by 504-520 N. King St., LLC for live entertainment inside the Vanguard brewery, distillery and restaurant at 504 N King St. [LRSN 13004388]

Attachments: [AMENDED Conditions](#)
[PC Resolution](#)
[Conditions](#)
[Complete Application](#)
[Staff Report](#)
[Final Amended Conditions - redline](#)
[Final Amended Conditions](#)

This item was handled simultaneously with rezoning application 16-00010.

This item was presented by Alison Alexander. Following a public hearing with item 16-0375 and three speakers (Jimmy Cerracchio, Janet Aquilor, and Randy Thomas), Councilwoman Schmidt made a motion to approve the use permit with 12 conditions as amended with a change back to the original proposed hours of operation as follow:

Indoor - Sunday - Thursday 11 a.m. to 11 p.m. and Friday - Saturday 11 a.m. to midnight

Outdoor - Monday - Thursday 4 p.m. to 8 p.m. and Friday - Sunday 12 noon until 9 p.m.

The motion was seconded by Councilwoman Snead and passed on the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

Ordinances

13. [16-0366](#) Ordinance To Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton Virginia Entitled Uses Permitted By Amending Section 3-2 Pertaining To Automobile Wrecking In The Use Table and Section 3-3 Pertaining To Additional Standards On Permitted Uses

Attachments: [Ch 3 Sec 3-2 Use Table Auto Wrecking](#)
[Red Line Ch 3 Auto Wrecking Standards](#)
[Red Line Ch 3 Sec 3-2 Use Table Auto Wrecking](#)
[ZOA 197-2016 Resolution](#)

The Clerk read the title for this item.

City Manager Bunting stated this housekeeping amendment is to correct an error in the ordinance resulting from the adoption of the use table in 2014. She explained that the amendment would clarify that outdoor automobile wrecking requires a use permit and that this use is subject to additional standards where permitted. The amendment would also clarify indoor automobile wrecking as subject to additional standards where permitted.

Ms. Bunting opened the floor for questions from those on the dais and noted that Zoning Administrator Jeff Conkle was available to answer questions.

In response to Mayor Tuck, Mr. Conkle clarified that no location warrants the change. He explained that the issue came about as a result of staff noticing an error in the ordinance during recodification. He added that the item is before Council in order for the ordinance to be changed to reflect how it read previously. He reiterated that it has not impacted anyone and there have been no new applications for this use.

PUBLIC HEARING

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

Following a public hearing without any speakers, Vice Mayor Curtis made a motion to approve the item. The motion was seconded by Councilman Gray and passed on the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

PUBLIC COMMENT

The Clerk read the protocol for the public comment period.

Ms. Carole Garrison greeted those on the dais and made the following statement: I want to thank you for having the town hall meetings on the aquatics center so people could come and ask questions. I want to thank Councilwoman Schmidt for approaching Ms. Bunting and requesting the town hall. I also got positive emails back from Vice Mayor Curtis and Councilwoman Snead and Mayor Tuck. So, thank you all for your support in doing that. I also appreciate that you did two dates. You did Tuesday, November 15th at Kecoughtan High School and Thursday, December 1st at the Hampton Performing Arts Center. Both of those were from 6:30 to 8:30 - that way people who couldn't attend one could attend the other. So, I really appreciate that. I also want to thank you for putting on the presentation last night for the Dutch Dialogues. While this process is just in the beginning phase, I think the consultant and Mr. O'Neill did an excellent job explaining the overview of the process and showing examples of New Orleans and Bridgeport. Even though it was election night, there were citizens who have been watching the flooding issues who came out to get more information. The City Manager, Ms. Bunting, and several other City employees were there also and members for the Planning Board and the Wetlands Board. They have also reached out to other localities, Langley Air Force Base and NASA so they can see what the City is proposing. I think it is a good start of what I hope will be a process that people can see some hope for, at least with some of the problems we have with the water issues in the City. Ms. Glass, if you would enter my comments in the record. Thank you.

GENERAL ITEMS

The Clerk reminded everyone that the two items listed under the General Items section of the agenda were handled under Mayor's Comments earlier in the meeting.

Ordinances

Motions

16. [16-0390](#) Approval of City's 2017 General Assembly Priorities

Attachments: [2017 Legislative Agenda](#)

[Hampton University General Assembly Legislative Agenda - Nov 15 2016](#)

City Manager Bunting reminded everyone that last month, Laura Bateman of Bateman Consulting LLC provided a briefing on behalf of the City Management team and information derived from interviews with Council concerning their legislative priorities. She noted that the purpose of those meetings was to allow the public and the members of Council an opportunity to provide additional input prior to formally adopting the package.

Ms. Bunting opened the floor for questions from those on the dais. There being none, she announced that staff recommends adoption of the legislative agenda as presented at the last meeting. Mayor Tuck called for the motion.

A motion to approve was made by Vice Mayor Curtis, seconded by Councilwoman Schmidt, and passed on the following vote:

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

Appointments

The Clerk read the motion required for appointments.

17. [16-0302](#) Consideration of appointments to Hampton Federal Area Development Authority (HFADA)

Attachments: [HFADA Recommendation](#)

A motion was made by Vice Mayor Curtis, with no second being required, to reappoint Paula Hogg (who has completed a portion of an unexpired term) to her second term which will expire on November 30, 2020, and appointed Kyle Hinshow to a term also expiring on November 30, 2020. There remains a vacancy to fill an unexpired portion of a term which will expire on November 30, 2017, which will be placed upon the agenda at a later date.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

18. [16-0348](#) Consideration of appointments to Citizens Unity Commission (CUC)

A motion was made by Vice Mayor Curtis, with no second being required, to reappoint Milton McDonald to a second term expiring on June 30, 2020, and appointed Diretta Glover to fill the unexpired portion of a term expiring on June 30, 2017, and Nikcola Walker to fill the unexpired portion of a term expiring on June 30, 2018. There remain additional vacancies which will be placed upon the agenda at a later date.

Aye: 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Moffett, Councilmember Schmidt and Mayor Tuck

Recuse: 0

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Ms. Bunting reported on the citizen satisfaction survey results presented by Continental Research Associates at today's work session. She stated that the key findings revealed that 86.4% of our residents were satisfied or extremely satisfied with overall quality of life in Hampton. She also proudly announced that 17 out of 18 rated services received 80% or higher rating in terms of satisfied or extremely satisfied residents. She noted that the methodology and results of the survey will be rebroadcast on Channel 47 and will also be available on the internet.

Mayor Tuck commended City staff for a job well done.

Mayor Tuck announced that the State of The City address will be given Tuesday, November 15, 2016, at the Hampton Roads Convention Center from 12:00 p.m. - 1:30 p.m. He added that the event is sponsored by the Peninsula Chamber of Commerce. Tickets are being sold for \$45 for anyone interested in attending.

Mayor Tuck reminded everyone that Friday, November 11, 2016, is Veterans Day. He said Hampton is a veteran-friendly community and has more veterans per capita than any place in the United States. He encouraged everyone to participate in activities scheduled to take place across the City and encouraged everyone to thank our veterans for their service.

Ms. Bunting noted that the State of The City address will air on Channel 47 beginning Saturday, November 18, 2016, at 11 a.m. and 9:00 p.m. daily for a week. This will ensure that all residents will have an opportunity to experience what will be

shared at the state of the City.

Vice Mayor Curtis announced that the Hampton Police Division (HPD) received its ninth accreditation with excellence last Saturday making it the recipient of the highest award given by the Commission on Accreditation for Law Enforcement Agencies (CALEA).

MISCELLANEOUS NEW BUSINESS

ADJOURNMENT

The meeting adjourned at 7:54 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____

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