



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 Jimmy Gray
Councilmember Chris L. Bowman
Councilmember Eleanor Weston Brown
Councilmember Steven L. Brown
Councilmember Billy Hobbs
Councilmember Chris Snead

STAFF: Mary Bunting, City Manager
Cheran Cordell Ivery, City Attorney
Katherine K. Glass, Clerk of Council

Wednesday, April 28, 2021

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:40 p.m. and was accompanied by Laila Beck-Covington who used the Mayor's gavel to bring order. Miss Beck-Covington asked the Clerk to call the roll. All members of the City Council were present.

Present: 7 - Councilmember Chris L. Bowman, Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Councilwoman Eleanor Weston Brown

Councilwoman Brown gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

Following the Pledge of Allegiance, "Mayor Laila" returned the meeting to Mayor Tuck.

MAYOR'S COMMENTS

Mayor Tuck shared that Laila was the first place state winner of Virginia Municipal League's 2021 "If I Were Mayor" essay contest. Laila read her essay. The Mayor acknowledged the following guests:

Laila's Parents - Jason and Michelle Covington

Laila's Grandparents - Carl and Lillie Faison, George and Jo Ann Covington and Virgie Beck

Dr. John Caggiano, Deputy Superintendent for Curriculum, Instruction and Assessment

Dr. Anita Owens, Executive Director of Elementary Education

Paul Lawrence, Principal, Spratley Gifted Center

Laura Palma, Laila's Teacher, Spratley Gifted Center

Mayor Tuck then called upon Michelle Gowdy, the Executive Director of the Virginia Municipal League for the presentation of a certificate and check to Laila.

CONSENT AGENDA

Mayor Tuck asked the Clerk of Council, Katherine Glass to read the consent agenda.

1. [21-0122](#) Resolution to Amend the Cost Allocation Agreement Between the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach, and the Transportation District Commission of Hampton Roads

Attachments: [Cost Allocation Agreement Oct 1999](#)

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Resolution be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

PRESENTATIONS, PROCLAMATIONS, AWARDS

Mayor Tuck asked City Manager, Mary Bunting, to introduce the agenda.

2. [21-0140](#) Finance Committee's Recommendation on the Revenue Guideline for Real Estate Tax Rate Adjustment

Attachments: [Presentation](#)

Mrs. Bunting's comments are as follows:

"Mr. Mayor, and council members, as you know, this is budget season and tonight we have several items on our agenda relating to consideration of the City budget and our long range Capital Improvement Plan. Before we get into the public hearings that were scheduled, we're pleased to have with us tonight the citizen members of the Council Finance Committee. For the benefit of those watching, the Council Finance Committee is a group that Council appoints to review and consider various issues relating to the city budget. In particular, there is a real estate tax guideline that was adopted by Council many years ago as it relates to looking at City assessments and assessment growth. This Council appointed committee has been tasked with reviewing the implementation of that guideline and reviewing the City Manager's recommended budget and making findings to the Council each year."

Ms. Bunting introduced citizen members Rahzheena Steward, Will Andrews and former Councilmember Linda Curtis.

Ms. Steward provided an overview of the revenue guidelines for the real estate taxes and reviewed the Finance Committee's recommendations for the fiscal year 2022 real estate tax rate. She pointed out the City Council approved the financial guidelines dealing with the real estate tax growth on February 8, 2006, and that the Manager and Council should explain the budget driving factors to the residents. The guideline was implemented with the fiscal year 2007 budget. Ms. Steward also noted that on May 8, 2013, City Council approved revision of the revenue guidelines for real estate taxes to incorporate a decline in real estate revenue, allow flexibility to the governing body regarding application of tax rate factors including resident income growth and inflationary factors, review all revenues and fees encouraging diversity and less reliance during economic declines.

Ms. Steward introduced Will Andrews to explain the tax equalization rate.

Mr. Andrews thanked Ms. Steward, the Mayor, and Council. He reviewed the tax equalization chart displaying the fluctuating rates in real estate tax revenue, actual tax rate, and equalized tax rate between fiscal years 2013 and 2022. Mr. Andrews reported that the fluctuating rates were based on economic conditions and that the equalized tax rate will generate the equivalent amount of real estate tax revenue adjusted by the growth of either the urban Consumer Price Index (CPI) or resident

income. He reported growth as sufficient in the last year causing a drop in equalized tax rate and actual rates have been lower than equalized rates for a number of years due to the City's ability to do more with less.

Mr. Andrews announced a unanimous vote by the finance committee on March 25th recommending Council maintain the real estate tax rate at \$1.24 per \$100 of assessed value. He expounded on the reasons for their vote expressing concern of lost revenues due to the pandemic and discussing the possibility of jeopardizing monies received from the American Rescue Plan.

Mr. Andrews opened the floor for questions.

Mayor thanked the Finance Committee for the presentation and asked if the Council had questions.

No questions were presented.

Mayor Tuck confirmed the concerns of the Finance Committee by sharing details from an earlier meeting with Congresswoman Elaine Luria and local Mayors from the second district and Eastern Shore. He hopes the residents will understand the concern.

Mrs. Bunting commented on the concern as well. Her statement is as follows:

“And just for the record, the amount of money we're talking about is very significant. There are two different interpretations out there. Virginia cities or independent cities serving the functionality of all counties. So in the adoption, there is a city allocation and a county allocation and assuming we do get both of those, it can be upwards of \$50M that we're talking about. If we only get one of those allocations, it's still on the order of \$26M. So, you know, very significant funds that can be put to great use for the benefit of our community, our businesses, and our individual taxpayers, who are still struggling. It's incumbent upon us to make sure that we get that Treasury guidance before we endanger any of those funds. Thank you, Mr. Mayor.”

PUBLIC HEARINGS

Mary Bunting gave introductory comments about the budget process.

“We have several budget hearings tonight. One is for the Capital Improvement Plan, which are for the federal programs that we received, Community Development Block Grant and HOME funds. And the other is for the overall city budget. The first two on the Capital Improvement Plan and the federal funds are public hearings and are scheduled for vote. The larger City budget, the City Manager's recommended budget

that the finance committee was talking about the real estate tax guideline in relationship to, is merely a public hearing. We do not take any votes on that. There will be a special meeting next Wednesday, May 5th for a second City Manager's recommended budget public hearing and then we will begin the process of voting on first reading, followed by the second reading the following Wednesday on May the 12th."

Mrs. Bunting turned the meeting back to Mrs. Glass for the formal protocol.

Mayor Tuck recognized Councilwoman Brown who thanked the Finance Committee for their hard work in digging into the issues and producing such good work.

Mayor Tuck shared that an individual signed up to speak under public comment may need to be heard under the Manager's Recommended Budget public hearing. After a brief discussion, it was determined that the individual would speak under agenda item #5 21-0030.

Mrs. Bunting made the following remarks:

"The Manager's recommended budget does include funding for that agency. So, without speaking for the individual, I would suspect that it is indeed related because of recommended funding for the agency."

The Clerk read the protocol for public hearings.

3. [21-0139](#) Public Hearing and Vote on the Fiscal Year 2022 - 2026 Capital Improvement Plan ("CIP")

The City Manager indicated that a full presentation was made during the afternoon work session so no additional information is to be provided tonight unless Council had questions.

The Mayor opened the public hearing, there were no speakers signed up on this item, and the public hearing was closed.

A motion was made by Councilmember Billy Hobbs seconded by Councilmember Steven Brown, that this Public Hearing be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

4. [21-0136](#) Public Hearing and Vote on the FY2022 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Annual Action Plan

Attachments: [Presentation](#)
[Executive Summary](#)

Mrs. Bunting introduced Lauren White, Chief Neighborhood Development Specialist, and noted to the public that federal law requires a separate public hearing and vote from the city budget.

Ms. White greeted the Mayor and Council and reviewed the five year Consolidated Plan covering fiscal year 2021 thru fiscal year 2025. She shared the local priorities for the CDBG and HOME programs that included providing decent housing by preserving affordable housing, providing a suitable living environment, and also expanding economic opportunities. The goals and objectives of CDBG stated that in order for activities to become eligible for CDBG they must meet one of the three national objectives: to benefit low to moderate income persons, aid in the prevention of slum and blight, or to meet an urgent need.

Ms. White reported the total budget for CDBG during FY22 is \$1,038,720 from Housing and Urban Development (HUD) and program income. She went over the CDBG proposed activities for FY22 including the housing programs activity, Energy Efficiency Program, general housing repair items, workforce development and training, and other educational assistance programs. The CDBG budget declined by \$30,000 this year due to a change in the federal fiscal formula.

Ms. White reviewed the Home Investment Partnership Program objectives to expand the supply of decent, safe, sanitary and affordable housing; to strengthen the ability of local governments to provide housing; and to expand the capacity of nonprofit community based housing development organizations.

For fiscal year 2022, Hampton received \$539,408 from HUD and anticipates about \$150,000 in program income bringing the total budget for the HOME program to \$689,408. Some of the highlights from the proposed home activities this year include the homebuyer Assistance Program and Habitat for Humanity. Due to differentiation in the federal funding calculation, the HOME budget increased by about \$30,000 this year.

Ms. White reviewed the Annual Action Plan Schedule; public comment will be open on April 2 through May 10 and the plan submitted to HUD on or about May 15 to review and approve the plan.

Ms. White opened the floor for questions.

Councilman Brown thanked Ms. White for the presentation and inquired about the amount of applications and type of assistance offered during the Pandemic.

Ms. White clarified that the Housing Authority handles applications and services provided include anything that assists with employment.

Mayor Tuck first apologized to Ms. White for not recognizing her as a staff member and sought counsel in whether to direct families to Human Resources or HRHA. Ms. White suggested HRHA, but stated it depended on circumstances.

The Mayor opened the public hearing, there were no speakers signed up on this item, and the public hearing was closed.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this item be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

5. [21-0030](#) Public Hearing to Receive Citizens' Comments Regarding the City Manager's Recommended Budget for Fiscal Year 2022

Mrs. Bunting reiterated that this was just a public hearing with no presentations and no vote.

Mayor Tuck announced the public hearing and that there was one person to speak, Rohan Williams, Executive Director of Peninsula Alcohol Safety Action Program (ASAP). His comments are as follows:

“Good evening Mayor Tuck and distinguished members of the Council. My name is Rohan Williams, I’m the Executive Director for ASAP. I have been the director going on two years now actually. And so, I retired from state government after serving over three decades in civil service and took over the position at the Peninsula ASAP. I’m a former state trooper and a former Navy veteran. The agency that I currently serve provides probation and parole services, education service, and treatment regarding substance abuse to citizens in the City of Newport News as well as several other jurisdictions in the Virginia Peninsula. We currently have a staff of nine individuals who serve the Courts, the Court systems, and provide services to clients who need DMV services. We serve everywhere from the General District Court to the Circuit

Court of Virginia; Circuit Court of Hampton including all the courts going all the way down to Charles City on the Peninsula.

Our mission is to deter the motoring public from driving under the influence. To deter those arrested and convicted of DUI from again driving under the influence. To increase awareness. To facility identification and apprehension of convicted offenders from driving under the influence of alcohol and drugs. My main reason here is two-fold. To more or less introduce myself to the body and to thank the Council for appropriations. I just want to give you some background in fiscal year 2020 we had 237 DUI's from the City of Hampton. Keep in mind that we're in the COVID season and currently that number is 202. Last year we provided, we had a total of 1,745 DUI's. We're already at 1,345 for the fiscal year.

There is a great increase in need for services. We've seen, in the City of Hampton alone, a 71% increase for services from the agency. We are a fee-based agency. The mandate and the law under §18.2-270.1 mandates that the agency provides services for anyone convicted of a DUI first or second offense. The courts have to refer them to ASAP. There are 24 ASAPs throughout the state of Virginia.

We've seen an increase in clients coming to the agency being declared indigent. What that means is that ... is that my time?"

Mayor Tuck allowed Mr. Williams to wrap up.

"So basically, what I'd just like to say is I'd like to thank the Council for the support for us to continue to provide services to our citizens and to do the work that we need to do. So I appreciate your time and thank you again."

Mayor Tuck closed the public hearing and asked for a motion and a second.

Ms. Glass reminded Mayor Tuck that this item is for public hearing purposes only. Mayor Tuck agreed and added that no action is required.

PUBLIC COMMENT

Rohan Williams signed up requesting to speak on funding for Peninsula ASAP, however, he was heard under agenda item #5 21-0030.

There were no other speakers under Public Comment.

GENERAL ITEMS

Ordinances

6. [21-0132](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 21, Motor Vehicles and Traffic, Article VI, Pedestrians, Sec 21-188 to prohibit pedestrians from loitering in the right-of-way of those areas of the City's public streets that the City Council has determined to present a public safety hazard.

Attachments: [Pedestrian Safety Ordinance Redline 4.5.21 Presentation](#)

Mrs. Bunting introduced Brandi Law, Deputy City Attorney.

Ms. Law discussed the proposed safety measure for the Mercury Blvd. corridor. She listed the top six of eight highest accident intersections between 2015 and 2020 including Coliseum and Mercury; Aberdeen and Mercury; Armistead and Mercury; Cunningham and Mercury; Power Plant Way and Mercury; and Big Bethel and Mercury.

Ms. Law reviewed the Virginia Code 46.2-930. There are posted signs prohibiting the action; violation is a traffic infraction, punishable by up to \$250. An ordinance was proposed to prohibit loitering on designated highway rights-of-way. She explained exceptions for people using the sidewalk or crosswalk; anyone waiting for the bus at a shelter; any public safety or city personnel, or city contractor on duty; or anyone participating in a special event with permit. If City Council chooses to adopt the ordinance, Public Works will place signs in designated areas. Legal, Police, and Public Works staff will review the ordinance periodically to determine if it is helping with accidents and, if it is, to determine if the area should be expanded or moved.

The floor was opened for questions.

Councilwoman Snead asked if people that hold signs up for businesses were prohibited. Mrs. Law stated it would be prohibited if they were in the right-of-way.

Councilman Brown asked when the ordinance would be in effect.

According to Ms. Law, Public Works advised it will take 2-4 weeks to order signs and place them. The ordinance will be effective immediately, once the signs are in place.

Mayor Tuck asked whether accidents have decreased and asked if the ordinance would still be in effect if pedestrians were found to be the main cause of accidents. Mrs. Law stated they will look at accidents involving pedestrians and ones triggered by pedestrians. If there is no change in the vehicle to vehicle accident rate they will continue to allow the ordinance to be in effect to see if it helps in the future.

Mayor Tuck asked Ms. Law or the City Attorney to explain why individuals are able to do what they've been doing. Ms. Law stated that they've monitored case laws around the country to determine whether this type of ordinance would cross the line into a First Amendment restriction. They believe that this is legally an appropriate safety based ordinance.

Mayor Tuck asked if it's only in areas a number of vehicle or pedestrian accidents have been identified. Ms. Law stated yes.

Mayor Tuck asked for a motion and a second.

Following the presentation, a motion was made by Councilmember Chris Snead and seconded by Councilmember Chris Bowman, that this Ordinance-Coded be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

Appointments

7. [21-0120](#) Consideration of Appointments to the Hampton Redevelopment and Housing Authority

A motion was made by Councilmember Chris Snead to replace Gerelle Jones and to appoint Valerie Purcell on an interim basis. The motion carried by the following vote:

Aye: 5 - Councilmember Bowman, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

Nay: 2 - Councilmember Weston Brown and Councilmember Brown

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Mrs. Bunting made the following comment:

"I just want to remind individuals that the state supported vaccine clinic at the Coliseum opens tomorrow. It will be open on Mondays through Saturdays, from 8:30 to 5:30pm. We're very pleased that we are getting the vendor contract support from the Virginia Department of Emergency Management (VDEM). This is relieve our City staff as I spoke of last time from the collateral assignment to do the vaccine clinic support so that they can go back and resume library and community center kinds of operations while also allowing our residents to continue to get vaccine support here locally at a very convenient location. The Coliseum, of course, is an icon that everyone knows and it's on convenient transportation access. We're also pleased that with this contract we will be able to offer evening and Saturday hours. So we're hoping that we will be able to help many of our residents as well as other people in the region who choose to find the appointments offered that are more convenient for them. The VDEM operation is contracted for 45 days. However, it will depend upon the utilization of the clinic and so we encourage people to sign up for their appointments if they haven't already had them, if they need assistance, or questions about that they can certainly call 311. I also want to share that Hampton Roads Transit has partnered with the localities to provide transit passes for those individuals who may not have their own transportation to get to vaccination clinics. And those could be not just the larger one I'm speaking about tonight but we have many partners that are doing what we call smaller pods for instance at churches and other locations so those passes are good if the transit rider is going to and from getting their vaccine and of course we will provide that for not just the first but the second vaccine if it happens to be a Moderna or Pfizer dose. So, if people need help accessing those they can also call our 311 as well as churches and other organizations that we're partnering with. We are reaching out to them to connect them to the bus passes as well so I just wanted to give a shout out to HRT for this very important program to ensure that all who want to get a vaccine can get a vaccine and they're not limited with challenges such as transportation. Thank you."

Mayor asked if there were any other reports.

Mrs. Bunting continued:

"Mr. Mayor I was just reminded. In addition to churches, which we've been working with, we're going to be able to offer our first opportunity in conjunction with a neighborhood center in a neighborhood on May 1st with the Y.H. Thomas neighborhood center. We're partnering with Community Explosion that's happening at the Y.H. Thomas Park on that Saturday and we have gotten the support of our local health district to come on site and they will be offering vaccines at the Y. H. Thomas Center with conjunction with the Community Explosion Day. This will be, as I've said, the first time we've been able to offer them at neighborhood centers. We hope to do more of that. Here, before, we were sort of prohibited from being able to

do that because of our mass vaccination efforts and the health department staff and the city staff running. So, this is all sort of interrelated in that with VDEM coming in and doing these we now can be more creative and go into neighborhoods as well as having the mass vaccination site. So thank you Councilwoman Snead for reminding me to mention that.”

Mayor Tuck shared that with the Virginia Department of Emergency Management coming in to assist, our employees will be returning to their regular positions and Community Centers will reopen next week.

MISCELLANEOUS NEW BUSINESS

Mayor Tuck announced that there will be a Special City Council meeting next Wednesday, May 5th on the budget.

ADJOURNMENT

The meeting adjourned at 7:41 p.m.

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

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____