



# 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 Eleanor Weston Brown*  
*Councilmember Steven L. Brown*  
*Councilmember Linda D. Curtis*  
*Councilmember W.H. "Billy" Hobbs*  
*Councilmember Chris Snead*

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

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**Wednesday, February 12, 2020**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:33 p.m. All members of the City Council were present.

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

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilwoman Eleanor Brown

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

It is my understanding that the applicant on item #6 has requested a deferral of the public hearing scheduled tonight on the use permit. It has generally been the practice of Council to allow applicants one continuance in a matter. Rather than to inconvenience individuals who may be here to speak on the item by having them wait until it is called, I'd like to request that we take this item out of order and consider the deferral at this time.

[20-0086](#)

Motion to take item #6 20-0040 out of order.

A motion was made by Councilmember Curtis and seconded by

Councilmember Brown, that this be approved. The motion carried by the following vote:

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

6. [20-0040](#) Use Permit Application For Vehicle Storage At 199 East Mercury Boulevard [LRSN: 12003535]

**Attachments:** [Conditions](#)  
[Application](#)  
[Survey](#)  
[Narrative](#)  
[Buffer sketch](#)  
[Staff Report](#)  
[Presentation](#)

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Steven Brown, that this Use Permit be deferred to the City Council Legislative Session, due back on 3/25/2020. The motion carried by the following vote:

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

### CONSENT AGENDA

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

3. [20-0004](#) Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 2, Titled "Administration," Article XIV, Titled "Procurement Office," and Section 2-324, Titled "Applicability of, and compliance with, article" to Authorize the Chief Procurement Officer or His Designee to Approve Sole Source Transactions

**Attachments:** [Sec 2-234 Rev Sole Source Approval \(Redlined\)](#)  
[Sec 2-234 Rev Sole Source Approval \(Clean\)](#)

Mayor Tuck stated that Councilwoman Curtis has requested that item #3 be pulled from the consent agenda for further

explanation by the City Attorney.

City Attorney Cheran Ivery gave the following statement: Hampton City Code 2-324(i), as currently adopted, requires City Council approval for all sole source acquisitions. Traditionally, those items appear on Council's consent agenda. The current action, if approved, would amend that code section to redirect approvals of those transactions to the chief procurement officer or his/her designee. That designee is the Deputy Director of Finance and Purchasing, Procurement Department, the individual who is also charged with managing Consolidated Procurement.

The primary impact of this amendment is to provide a mechanism to more efficiently and expeditiously process requests for sole source acquisitions (as approvals can be made as needed, and would no longer be limited to Council meeting dates). In addition, it would vest responsibility for approval to the position most knowledgeable in purchasing practices, and most equipped to scrutinize departmental sole source requests.

The proposed modification effectively creates an administrative review process, and is consistent with the current processes in the cities of Newport News, Norfolk, Chesapeake, Virginia Beach, and Portsmouth.

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

A motion was made by Councilmember Linda Curtis and seconded by Councilmember Billy Hobbs, that this Ordinance-Coded be approved. The motion carried by the following vote:

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

### Approval of the Consent Agenda

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

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

1. [20-0077](#) Resolution to Adopt a Formal Claim Settlement Authority Policy  
Item approved.

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

2. [20-0039](#) Request for Approval of Refund of Certain Erroneously Assessed Real Estate Taxes  
Item approved.

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

4. [20-0074](#) Resolution Approving Donation of a Deactivated Police Vehicle to the School Board of the City of Hampton  
Item approved.

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

5. [20-0070](#) Approval of the minutes from City Council's work and legislative sessions of January 8, 2020, and their work, ceremonial, and legislative sessions of January 22, 2020.  
Item approved.

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

**PRESENTATIONS, PROCLAMATIONS, AWARDS**

**PUBLIC HEARINGS**

Mayor Tuck announced there were no public hearings.

**Rezoning**

**Use Permits**

**Ordinances**

**Resolutions**

**PUBLIC COMMENT**

At 6:41 p.m. Mayor Tuck indicated that Council protocol requires the public be allowed to sign up for public comment until 6:45 p.m. As such the Mayor took a ten minute recess.

The meeting reconvened at 6:50 p.m. and Clerk of Council Katherine Glass read the protocol for public comment.

Mr. Michael Bullock introduced himself and made the following comment: There was a presentation that was done by Dr. Johnny Flynn that talked about the housing situation in the Hampton Roads area, in particular the racial breakdown of the neighborhoods in the Cities of Hampton, Newport News, Portsmouth and Norfolk. As you know, this area is not immune to red lining that went on back in the 1940's and 50's. Essentially, his thesis was that the racial breakdown of the neighborhoods in the City of Hampton, and I am a resident, is still basically racially segregated as it was years ago. Now this is of concern to me because our homes are undervalued and marginalized and that effects our net worth as citizens who are homeowners, but it also effects the tax base for the public schools for which the tax money comes for, the schools our children go to. So I raise the question, were there any election officials at the meeting and there were not. As it so happened it was on the same night as funeral services for the officer that was killed in Newport News. My concern is that this issue has been going on for years and we are in majority black city but we are having systemic racism in regards to housing in this city and it is

just now coming to the attention of the citizens and when the question is asked who knows about this, but more importantly who has this for action, there was no one in the room that had any power to do anything about it. I will admit, full disclosure that the City Manager was there and did speak on your behalf. My concern is this, I am a citizen, I pay my taxes, I am a retired veteran, I work every day. I do not have time to go and try and find out who is doing what in terms of the value of my life as a citizen. But you all as elected officials, you all as appointed officials, you do have the power to do that. I have been told by the City Council that it is out of your lane, so if you could please tell me who I can bring this situation to so we can get some action, because I am concerned about my net worth as a citizen, but my children's quality of education and the neighborhoods in which we live. If I have to do the work then I least need to know who to talk to. Could you please point me in the right direction?

Otis Pigatt introduced himself and made the following statement: I am here to speak on the situation with HRT (Hampton Roads Transit). I am a veteran of Vietnam and we have been having an issue with buses not showing up on time and areas are not lit. As a senior, there are a lot of places around that have no shelter for an older person for them to sit down and to get away from the weather, especially along the King Street area and certain areas of Mercury Blvd. HRT has moved routes from one street to another and the issue we are having at the VA is sometimes the bus does not show up. This is an issue that most of the veterans are having and only one bus that shows up to the VA. I work there and we deal with over 18,000 veterans and if you miss an appointment because the bus shows up late we have to wait six (6) months to get another one and it not only affects their health care, it affects their money because they are not able to make these appointments. I am just asking City Hall, I am asking City Council if y'all, will work with us, speak to us, basically one or two of us right here. We are not asking all of y'all but one or two of you to listen to some of the things that we need to speak, about because right now it is becoming a very serious issue right here for the time being. We just need help to get this started so

we can work with not only Hampton, as well as Newport News, because HRT is located here and this is the heart of where we need to start. Thank you.

Merle Travis Rutledge, Jr. introduced himself and made the following statement: I am out of Virginia Beach and due to what I am running for, I cannot give out my address, but to start this off I am here in support of the Second Amendment. Martin Luther King, Jr., known for peaceful resistance, at the same time recognized the importance of gun ownership for self-defense. King understood the risks involved in being an outspoken civil rights leader living in Jim Crow's era in Alabama. He took measures to protect himself, his family and others around him. King was a gun owner. Dear City Council, surrounding in this room are many people from all walks of life and backgrounds have a story to tell as to why having a means to defend oneself and family is an absolute right and should not bandy for political posturing in Richmond, Virginia. In a home somewhere, armed criminals are waiting to break-in and commit harm to a defenseless family that once thought could not happen to them. In another home, a gun owner is ready for whatever coming through that door to do harm to his or her family. The one thing both families have in common is that criminals don't care for them or their welfare. So many in this room are the roses that grew from concrete and know that responsible gun ownership belongs to the American people and not to politicians in Richmond. Martin Luther King, Jr. would have been so proud to see us all together for a common cause. His name echoes throughout speeches throughout America for government redress under now violent protest. Dr. King said he might not get there with us; he predicted the future that his eyes had already seen the glory that we have yet to see. To the Governor and to the many people, there are politicians with the color of our skin but the content of our character is represented here for non-violent protest. Many of us have forgotten Dr. King's dream and some profit off of it and others truly believe in their heart and in our gun-loving soul for civil disobedience. People of all backgrounds, not having guns pointed at each other, we have

guns pointed in solidarity with each other. Showing Dr. King's dream to hold the government officials to be true to what y'all said on paper, too bad too many have breached their duty. There is no greater harm to know and to see the truth than be blinded with hypocrisy of America on the recent gun control. It is not about guns in Richmond; it is about the right to take any constitutional right one amendment at a time through corrupt legislators. They want to take an unconstitutional right after our God, they are going after our guns, they are going after our blood lines and now after our constitution. Thank you.

Craig Knopp introduced himself and made the following statement: As you are well aware of today was the crossover day for the House and the Senate. We have a couple of bills that basically looks like, if they pass in one or the other, the government will sign them off and SP35 which gives the localities the ability to govern City properties and SP421 which allows the localities to make rulings on the storage, possession and carry and transport of EMO firearms. Basically, I see now that the gun laws are starting to come down to city level and what I don't like and what I hear is from City Council members saying that I am scared of guns, I don't like guns, I have never shot a gun before. I don't like that. For you to make a ruling on a gun, you need to know both sides of the story, not having a gun and shooting a gun. So what I would like to put forth is that if localities are giving these two laws or given the ability to make gun laws for the locality that we go ahead a put an agenda out there that City Council, at the cost of the City, goes through a conceal carry and at least shoot fifty (50) rounds. I think that is a good idea and that it's carried as long as you are a city member. Conceal carry is good for five (5) years so if you are longer than five years you have to renew that. I don't like my City Council members not being educated on firing a gun, handling a gun and having to make laws on it. I don't want to know that I have bias going against me because someone is scared of a gun. I do not want that. Also, I would like to know if you have voiced a concern that if the cities are given that authority that you would like to make the City parks, possibly gun-free along with some



buildings. I was wondering is do we have the numbers of the stolen guns, numbers for shootings in parks and numbers for incidents on City properties with guns, if I could get a hold of that. Thank you.

Danny Mason introduced himself and made the following statement: I am a lifelong resident of Hampton, honorable discharged Navy veteran, conceal carry holder and I own several guns, all of which are going to be pretty much illegal if all of the madness in Richmond continues. I realize that not everybody likes guns and that's cool, you don't have to buy one. I enjoy just shooting, to me I thoroughly enjoy, I go to a range, I am a member of a shooting club and I have eight-inch iron steel target that I set at 100 yards and to me there is nothing cooler than to make that thing sing a tune and I can go pow pow and it goes dink dink and it's just really cool. I am not here to kill nobody and not here for mass murder, I am just having fun. Unfortunately, as the blue wave hit Virginia everything changed. Virginia used to be a state where you did not have to worry about this sort of thing. It has changed now, the dynamic has changed and I don't think it is necessary because of the violence, yes there is violence we see it every day, we hear it on the news. I can remember living in Hampton when we had black and white police cars and you never heard about shootings, ever. Now on WAVY 10, 13 or whatever you hear about a shooting every day. I don't like it, I am sure you don't like it as lawmakers. It is a sad situation. I don't think we have a gun problem I think we have a people problem. We have people out there who don't understand the value of life. We have people out there that grow up in bad circumstances and we all know that life is not fair, some people are going to make it to the top, some people are going to fall to the bottom, we understand that and it is a fact of life. At the end of the day, I am just a guy who likes to shoot my gun and I don't wanna be a felon. That is the last thing in the world, why would I want to be a felon. After all the things I have done. I have made it to 50 years old without getting into any real serious trouble and I don't want to start now, so with that in mind I would just like to say whatever support the City Council can

give us I would greatly appreciate it as well all the others that are here for this reason. You know it is important to me because Speed Week is this week and I should be at home watching the races from Florida and I am here tonight to talk to you. Thank you.

Chance Cecil introduced himself and made the following statement: I stand before you as a reminder that you have yet to stand up for the 2nd Amendment rights of your citizens. During our last session, I spoke to you about the biblical evidence behind our constitutional right to keep and bear arms. I was assured that there were no intentions of taking citizens' firearms and that no one would walk door-to-door to confiscate them. City Council, if you are unaware House Bill 961 is just passed the House into the Senate. This bill prohibits sale, transport of assault firearms, certain firearm magazines, suppressors and trigger activators, it expands the definition of assault firearm, and it prohibits any person importing, selling, transferring, manufacturing, purchasing, possessing or transporting this assault firearm, a violation is a Class 6 felony. On the 10th of February the Virginia State Police refused to rule out a door-to-door ban or a door-to-door enforcement of this suppressor ban that is being spoken of. What was assured to me is clearly false. The Apostle Paul writes in 2 Timothy 1:7 "for God gave us the spirit not of fear, but a spirit of power and love and self-control." Here Paul is instructing the younger preacher Timothy to not be ashamed of the testimony of our Lord. Power, love and self-control are to be the disposition by which Timothy engages the incoming suffering that he will face for the Gospel. These qualities are ones exhibited by those of moral character. Those of whom our founding fathers framed the Constitution for. John Adams stated our Constitution was made for moral and religious people. In 2018, 2% of 4,123 murders were due to rifles – 2%. Eleven were due to knives, 5% were by personal weapons, so feet and hands. These numbers by the FBI reveal to us that it is not a gun issue, it is a character issue, it is a moral issue. Taking away the arms of Virginia citizens to only strip us of our constitutional rights and will do nothing to instill character

and correction. I ask you, why will you not protect the rights we hold so dear? Thank you.

ZaChere Denton introduced herself and made the following statement: I am a resident here in Hampton and am also a member of Virginia Organizing. I came to address the transportation issue here as well. I have five things I want to discuss and will try and make it very short. The buses that are never showing up. We have had situations, me personally I have experienced, where we are sitting at the bus stops and never show up; having to walk long distances, either to another bus stop or to the bus station itself and then there is usually a crowd of people still waiting for the bus that did not show up. We have reduction in bus routes and hours that are now going on and there are people who depend on those buses for work and they are not able to actually get to work or now they are having to pay for cabs and stuff to get to work. I am sure you are aware that the cost of living is not cheap here in Hampton by any means. Compared to 5 dollars for all day riding, compared to \$15 - \$20 for a ten-minute ride to your job back and forth that adds up. The third thing is dangerous bus stops. We have bus stops that have no lighting, there is nowhere to really stand. For example, where Zaxby's is, my daughter used to work there. I don't allow her work there anymore because the bus stop has nothing there for her to stand in; for her to sit down; there is no lighting and my daughter is a very petite child and she is scared. "Mom, I am scared. I am sitting out here waiting on the bus and it is pitch black". There are dangerous bus stops that need to be changed; there is no bus shelters. The other day I was taking trip in the King Street area where they had benches there. They took those benches up – you all told me from the Council meeting I came to last time that they were doing that with the intent to putting bus shelters out there. Guess what, they are not out there and the problem with that is that in my area in particular King Street and Rip Rap Road, yes, there is a lot of riff raff there but there are a lot of elderly people there, too. Now, I experience really having to help or aid a woman who was out of breath because she trying to rush at the last minute to get to the bus

stop. Why, because she can't stand out there and wait for a bus. We just had an incident a couple of months ago where a man got ran over, his head got ran over at the 7-11, why because he is sitting on a curb where there used to be a bench, waiting on a bus, fell asleep and got hit because it is right next to the gas station.

Mayor Tuck stopped Ms. Denton and stated that Council will address her concerns.

Mayor Tuck responded with comments on the way Hampton funds its schools and also on Hampton's assessment processes. The Mayor also explained that Hampton Roads Transit (HRT) is funded by many localities, instead of by way of a funding formula, and so service in each different locality many differ. He also spoke on proposed improvements being discussed for this area.

Vice Mayor Gray also spoke briefly on the transportation issues. He asked that the two speakers speaking on those issues please provide him with route numbers so that he can bring those to the attention of HRT. He also indicated that there is a shortage of drivers right now and that partially contributes to the problems which he knows are inconvenient for riders. Vice Mayor Gray also shared an initiative taking place in Hampton to recruit and train more drivers.

Mayor Tuck said that Mr. Knopp's email has been forwarded to the City Attorney's office and is being treated as a Freedom of Information Act request. City Manager Mary Bunting, also explained how calls to 311 are handled.

Councilman Brown indicated that he hopes Hampton will leverage the support it gives to HRT to get the services that need to be provided.

## **GENERAL ITEMS**

### **Ordinances**

**Resolutions**

**Appointments**

7. [20-0078](#) Consideration of appointments to the Citizens' Engagement Advisory Review Commission (CEARC)
- A motion was made by Councilmember Linda Curtis that Michelle Hamilton be reappointed to a second term which will expire on January 31, 2025. The motion passed on the following vote:
- Aye:** 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck
8. [20-0079](#) Consideration of appointments to the Athletic Hall of Fame
- A motion was made by Councilmember Linda Curtis that Martin J. O'Brien, Bud Porter, and James Johnson be reappointed to terms expiring on January 31, 2023, and that April Allen and Marquis Bryant be appointed to first terms expiring on January 31, 2023. The motion carried by the following vote:
- Aye:** 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck
9. [20-0080](#) Consideration of an appointment to the Animal Control Advisory Committee
- A motion was made by Councilmember Linda Curtis that Linda Davis, a vet technician, be appointed to a first term until January 31, 2023. Two vacancies remain. The motion carried by the following vote:
- Aye:** 7 - Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

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

Ms. Bunting shared that citizens may participate in the Parks and Recreation master plan meeting at the Hampton Roads Convention Center on February 20, 2020, from 6:30 until 8 p.m.

There will be a meeting concerning the City's Consolidated Housing Plan tomorrow at Y. H. Thomas Community Center.

Ms. Bunting also shared that the public engagement piece of the upcoming budget discussions will take place during the second and third weeks of March with a new feature being a Facebook Live opportunity. There will be an in person opportunity on Saturday, March 14th and also more informal opportunities similar to Coffee with a Cop and perhaps a budget breakfast and an information evening opportunity at a restaurant or perhaps a microbrewery.

Mayor Tuck recessed the Legislative Session so that Council could return to their afternoon work session.

At 8:35 p.m., Mayor Tuck reconvened the Legislative Session and asked the clerk to read the appointments.

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

#### **MISCELLANEOUS NEW BUSINESS**

There was no miscellaneous new business.

#### **ADJOURNMENT**

The meeting adjourned at 8:38 p.m.

\_\_\_\_\_  
Donnie R. Tuck  
Mayor

\_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of Council

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