



City of Hampton

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

Council Approved Minutes - Final City Council Work 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, October 13, 2021

1:00 PM

Council Chambers

CALL TO ORDER

Mayor Tuck called the meeting to order at 1:01 p.m. with all members of the City Council 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

AGENDA

1. [21-0288](#) General Assembly 2022 Legislative Priorities Discussion

Attachments: [Presentation - Council meeting](#)

City Manager Mary Bunting explained that today Council will be able to see the potential items for the legislative package. These items represent the things that Council has raised throughout the year and the things that staff has identified as important for Council's consideration. Council will have an opportunity to add or remove items prior to their formal approval in November.

Ms. Bunting introduced Ed Reed of Two Capitols Consulting to make the presentation.

Mr. Reed greeted those on the dais and noted that Elizabeth Parker of Two Capitols Consulting was also in attendance.

Mr. Reed reviewed the first slide of the presentation which provided an overview of the special session of the General Assembly (GA) held in August as well as information about the allocations Hampton received. He noted that Hampton is fortunate to have received allocations as not many localities received them.

Mr. Reed shared information about some of Hampton's 2021 Legislative successes including the passage of legislation to regulate clutter by ordinance; Hampton representation on the mandatory property tax exemption workgroup convened by the Commission on Local Government; and inclusion of the Serious or Habitual Offender Comprehensive Action Program (SHOCAP) in a current Department of Juvenile Justice Joint Legislative Audit and Review Committee (JLARC) study.

Mr. Reed paused to share that Hampton's Finance Director, Karl Daughtrey, was a participant in the mandatory property tax exemption workgroup and that a report of the group's findings will be available October 15. He also explained that this process is important for localities like Hampton because oftentimes the GA will pass mandatory property tax exemptions that have large fiscal impacts on localities. This is an example of the state considering ways to supplement the loss of funding. For example, Hampton has a large veteran population, therefore, the Disabled Veteran Tax Exemption has a significant fiscal impact on the City.

The next several slides of the presentation that Mr. Reed reviewed provided information about the 2022 legislative agenda planning; and listed areas for continued work in 2022; legislative requests; other priority positions; and partner priorities.

Mr. Reed presented the 2022 legislative agenda timeline which spans from mid-October through December with the GA session beginning on January 12, 2022, at noon.

Mr. Reed opened the floor for questions and comments from Council.

Councilman Bowman commended Mr. Reed on the report and commented that he was pleased to see the tree canopy initiative listed under the areas for continued work as this will help with flooding and the resiliency program.

Councilwoman Snead also commended Mr. Reed on the presentation and agreed that the items are worthy of being presented to the GA. She asked whether the previously planned meeting with our delegates and state senators to present the legislative package is still going to take place.

Ms. Bunting said that discussions are taking place with Mr. Reed on whether there

should be separate meetings with the delegates and state senators, but plans are underway to meet with them to convey on packages.

Vice Mayor Gray asked about the timeline to add an item to the budget such as the STEM project for the Air and Space Center.

Mr. Reed responded by providing the following information: Agencies are still in the process of making requests to the Governor for introduction of funding increases or decreases; the Governor will not begin finalizing the budget until the beginning of December; and the Governor will introduce that budget to the Finance and Appropriation Committees in mid-December. He noted that at that point (mid-December), if there are other items for consideration, a member of our delegation or another legislator would need to introduce a budget amendment at the session in January.

Mayor Tuck opened the floor for additional questions and/or comments. None were posed.

2. [21-0286](#) Minority Business Enterprise, Women Business Enterprise and the Purchasing and Procurement Oversight Committee (PPOC) Monitoring Update

Attachments: [Presentation](#)

Economic Development's Senior Business Development Manager Small Business/Workforce, Erica Spencer, began the presentation and updated Council on minority and women-owned business enterprises and the Purchasing and Procurement Oversight Committee (PPOC). She also shared a timeline of the process dating back to the year 2006 and then turned the floor over to Assistant City Attorney I, Ben Naidorf.

Mr. Naidorf greeted those on the dais and noted that he is chief counsel for procurement representing the City Attorney's Office at the PPOC meetings.

Mr. Naidorf provided an overview of the legal basis for Hampton's Minority and Woman-Owned Business Program. Topics for review included the Code of Virginia; federal law; statistical evidence (strict scrutiny and rational basis); the Hampton City Code; and recent developments in the law. This information is outlined in the slide presentation.

Councilwoman Brown thanked Mr. Naidorf for the presentation and asked him to clarify the definition of micro-business and its qualifiers. Mr. Naidorf explained that they were subject to the same under 25 employee qualifier; however, this program

helps woman and minority-owned businesses as a greater percentage of those businesses have under 25 employees.

Councilman Brown thanked Ms. Spencer and Mr. Naidorf for the report and asked for more information about the number of contracts obtained by women and minority-owned businesses in recent years. Mr. Naidorf noted that Mr. Daughtrey would share some of those figures later in the presentation.

Ms. Spencer returned to the podium to review the next several slides of the presentation related to procurement key points, contracting efforts and notifications. Ms. Spencer turned the floor over to Finance Director, Karl Daughtrey.

Mr. Daughtrey greeted those on the dais and presented the utilization information for Minority Business Enterprises (MBE) and Woman Business Enterprises (WBE) prime contractors for FY 2018-2021. The slides that he reviewed displayed graphs which compared aspirational goals to actual utilization (the percentage of procurement dollars spent with MBE's and WBE's during the fiscal year) in the following categories: construction, architecture and engineering, professional services, goods and supplies, and other services.

Mr. Daughtrey explained that the significant increase in construction expenditures in FY21 was due to the aquatics center which is unrelated to MBE's and WBE's; this decreased the statistics for that year.

Ms. Bunting clarified that Mr. Daughtrey was not referring to good faith effort for subcontracting; instead, the contract went to a non-minority contractor which resulted in the numbers being distorted for that year. She noted that the City requires all contractors, including subcontractors, to make a good faith effort.

Mr. Daughtrey concurred with Ms. Bunting's comments and noted that Ms. Spencer would speak about that later in the presentation.

Mayor Tuck and Mr. Daughtrey had a brief discussion about prime contracting job opportunities and the nature of those projects. Mr. Daughtrey clarified that included in this classification are projects related to construction services, Infrastructure, drainage and roads.

Mayor Tuck indicated that he would like to receive additional information on some of the construction projects (potentially from Public Works Director, Jason Mitchell) to determine what we can do to build capacity to take on larger projects.

Mr. Daughtrey and Ms. Bunting indicated that information can be provided to

Council.

For the record, Councilman Brown said that he would also like information about the percentage of minority businesses that received these contracts (and at what capacity) in order to determine whether minority-owned, women-owned and small businesses obtained some of those contracts, as this will help them build capacity.

Ms. Bunting shared a few scenarios related to aspirational goals versus actual utilization for the five prime contractor categories.

Mayor Tuck reiterated that he is interested in knowing more about some of the construction projects which minority vendors are capable of doing. Mr. Daughtrey and Ms. Bunting assured Council that they will receive the requested information.

In response to Councilman Bowman's question about the impact COVID had during FY21, Mr. Daughtrey shared that there was a decline in bid responses in FY20; however, they began to catch up in FY21.

Mr. Daughtrey continued reviewing the slides which compared aspirational goals to actual utilization in the various categories.

Discussion took place among staff and the members of Council regarding some of the percentages listed in the presentation; contracted and subcontracted projects; the aquatics center; the affect the pandemic has had on projects (the cost of construction materials, for example); and solicitation for services.

Councilman Bowman thanked the three presenters for their monitoring of these projects.

Ms. Bunting and Mr. Daughtrey provided closing remarks regarding PPOC considerations; finding vendors for various projects; and creating ways for MBE's and WBE's to obtain projects.

Ms. Spencer returned to the podium to speak about what is being done to support the minority business community and what items are being considered by the PPOC. She shared the next slide of the presentation which provided a few examples of recent City construction contracts and some information about good faith efforts of bidders.

Ms. Spencer reviewed the remaining slides of the presentation which provided information about the eVA tracking system; the desired outcomes for the concerns of the process; the next steps for improvement; the next steps involved in moving the

PPOC forward; Economic Development Outreach efforts; and Small, Women and Minority-Owned (SWAM) business certification.

Ms. Spencer and Mayor Tuck opened the floor for questions and comments.

Vice Mayor Gray complimented all of the presenters on an excellent presentation. He shared that he has received positive feedback from business owners in the community about the work Ms. Spencer has done to arrange seminars and programs which help strengthen small businesses and assist them in becoming SWAM certified in an effort to make Hampton a small business friendly community. He commended Ms. Spencer for a job well-done.

Vice Mayor Gray also commented that Hampton has been a leader in the area of disparity studies, women and minority-owned businesses and procurement for a long time and was the first city in the Hampton Roads region to do two disparity studies while some jurisdictions have done none. He expressed the importance of Hampton continuing to move in this direction; staying focused on the work that the PPOC is doing to make improvements; looking at our successes moving forward; and elevating this program to become a model to other localities in the region for what can be accomplished.

Vice Mayor Gray also suggested that this type of presentation be given annually so that everyone can see where we are and how we are doing with our minority and women-owned business procurement program.

In response to Mayor Tuck, Ms. Spencer confirmed that the concept from Mr. Daughtrey's presentation called availability analysis is the same concept as market validation shown in her presentation. The Mayor also asked if this concept will be executed internally or by an outside party.

Ms. Spencer said that discussions have taken place about pulling reports internally via eVA to determine what companies are available; whether they are receiving solicitation notifications; whether there is any hesitancy to bid; and which businesses are a match for existing contracts.

Mayor Tuck shared an example of a downtown business owner who found the eVA process to be unsuccessful because he paid into the eVA process, but did not profit much from bids.

Ms. Spencer explained that Hampton is not utilizing eVA in that manner or pushing purchase orders through eVA; therefore, no business owners will have to pay a fee. She continued explaining that we post solicitations through eVA and it provides

internal tracking so that we can see how we are doing at any given time, but there is no cost for the contract piece and business owners will not have to pay a fee. She noted, however, that there is a fee for businesses to use eVA through the state because their purchase orders are pushed through the eVA system.

In response to Mayor Tuck’s question about an informative course for businesses, Ms. Spencer shared that this process began in 2019; was pushed through in 2020; went viral toward the end of the 6 month session; and is scaling for growth.

Mayor Tuck thanked everyone for the presentation and agreed with Vice Mayor Gray about staying abreast during the process.

REGIONAL ISSUES

There were no regional issues.

NEW BUSINESS

There were no items of new business.

CLOSED SESSION

- 3. [21-0287](#) Closed session pursuant to Virginia Code Sections 2.2-3711 A (.1), (.3) (.7) and (.8) to discuss appointments as outlined on the agenda; to discuss or consider the acquisition of real property in Phoebus for a public purpose where discussion in an open meeting would adversely affect the bargaining or negotiating strategy of the City; and to consult with legal counsel employed by the City regarding specific legal matters pertaining to Virginia Code section § 9.1-601; the subdivision exception process as outlined in Chapter 35 of the City Code, requiring the provision of legal advice by such counsel; and consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the City.

At 2:17 p.m., a motion was made by Councilmember Billy Hobbs seconded by Councilmember Chris Bowman, that this Closed Session - Motion 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. [21-0277](#) Consideration of an Appointment to the Peninsula Agency on Aging (PAA)
- 5. [21-0278](#) Consideration of an Appointment to the Hampton Federal Area Development Authority (HFADA)
- 6. [21-0279](#) Consideration of Appointments to the Animal Control Advisory Committee
- 7. [21-0280](#) Consideration of Appointments to the Peninsula Stadium Authority (War Memorial)
- 8. [21-0285](#) Consideration of Appointments to the Hampton Clean City Commission (HCCC)
- 9. [21-0289](#) Consideration of Appointments to the Hampton Redevelopment & Housing Authority (HRHA) Appointments

CERTIFICATION

- 10. [21-0268](#) Resolution Certifying Closed Session
A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Bowman, that this Closed Session - Certification 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

ADJOURNMENT

The meeting adjourned at 4:20 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 _____