



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

Thursday, November 12, 2020

1:00 PM

Council Chambers

CALL TO ORDER

Mayor Tuck called the meeting to order at 1 p.m. 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

AGENDA

1. [20-0325](#) Peninsula Stadium Authority / Peninsula Pilots Update on War Memorial Stadium

Attachments: [Presentation](#)

City Manager Mary Bunting introduced the item.

Chairman of the Peninsula Stadium Authority, Jim Wilson, greeted those on the dais and thanked Council and staff for their support in funding, engineering and managing the Capital Improvement Projects at the War Memorial Stadium over the past five years.

Mr. Wilson provided a brief history about the stadium and then recapped some of the projects which are underway there. Projects include: drainage improvements; parking lot improvements; beam renovations and repairs; and installation of synthetic turf.

Mr. Wilson paused to note that the synthetic turf was paid for by the Peninsula Pilots. He also thanked the Public Works Department for their work to remove and recycle the cinderblock fence and foundation materials.

Mr. Wilson returned to speaking about projects at the War Memorial Stadium including: the new entrance area; the building behind the entryway; ticket booths; concession stands; and Americans with Disabilities Act (ADA) accommodations and amenities.

In response to Mayor Tuck, Mr. Wilson said that plans are underway to install netting and metal frames to protect the area while the batting cage is in use.

Mr. Wilson turned the floor over to the Owner of the Peninsula Pilots and caretaker of the stadium, Henry Morgan, to speak about the current use of the stadium.

Speaking as a citizen of Hampton, Mr. Morgan thanked Council and staff for their work and representation particularly during the pandemic and the economic calamity it has brought.

Mr. Morgan reminded everyone that the stadium shut down in March as a result of the pandemic. This shut down led to some negative impacts such as the cancelation of college baseball and the Apprentice School's season.

Mr. Morgan shared the following information about the work that was done to bring in revenue and keep the stadium alive during the pandemic. In June, when the Governor issued the executive order to return to phase 2, negotiations for an upcoming season began with the Coastal Plain League (CPL); teams from North Carolina were convinced to play in front of a small crowd (50 people); more collegiate leagues were encouraged to play; a 28 game schedule was created (much smaller than the normal 60 game schedule); attendance was approximately 20% of the norm; there were only 3 COVID cases on the Pilots team; some team members were drafted into professional baseball; the Pilots welcomed the Virginia Baseball Tournaments (a group which operates primarily in the western part of the state) to Hampton; rental of the stadium increased; the stadium was used by travel baseball organizations and other groups; and Hampton became the host City for the Pilots to host several tournaments which brought lodging and meals tax revenue to the City.

Mr. Morgan also spoke about the numerous compliments received about the facility; how the City has maintained its history; and the state of the art investment that has been made to transition it into a training facility.

Mr. Morgan paused to speak about the contributions Wayne Gomes and his mother (who recently passed away) made to baseball.

Mr. Morgan agreed with Mr. Wilson about the excellent job that the Public Works Department has done to maintain the stadium; commended Mr. Wilson for his hard work and for keeping the City's best interest at heart; and complimented the members of the Stadium Authority for their work.

Mr. Morgan closed the presentation making reference to the phrase from the movie, Field of Dreams, "If you build it, Ray, they will come" and said that Hampton built it and they came. He continued saying that the Pilots have begun their work to lead people to Hampton and their hope is that next year, more people will be able to come and stay in Hampton. He then opened the floor for questions from those on the dais.

Mayor Tuck thanked Mr. Morgan and Mr. Wilson for the presentation. He also asked Mr. Morgan to speak about some of the needs and desires at the stadium and why recent local games and tournaments were played at other venues.

Mr. Morgan explained that the stadium is operated under a temporary occupancy; additional work of installing kitchen equipment needs to be completed to obtain final occupancy. That work, which will cost approximately \$30,000, has not been completed due to budget constraints. He continued stating that an additional \$50,000 investment in technology is desired and would be an attraction for college students to come train at the facility. He added that due to the turmoil of the pandemic and the inability to train under normal circumstances, students were interested in training here this season, and staff is working to help the college community in that aspect.

With respect to the travel industry, Mr. Morgan reminded everyone that family and friends travel to support players who participate in the tournaments resulting in hotel and dining revenue for the City. He noted that if we remain in phase 2, hopefully, this industry will be somewhat virus resistant and begin to bring more use to this facility in which the City has invested.

Mr. Morgan shared some of his experiences while traveling to various places where hundreds of teams have come together to play and said that he would love for Hampton to attract that volume; however, bringing more tournaments to the area will require more investment in our fields and facilities.

Mr. Morgan emphasized the need for upgrades at Briarfield Park and other parks and fields in Hampton as this may attract more travel teams to Hampton.

In response to Mayor Tuck, Mr. Morgan explained that typically, the stadium shuts down around Halloween; but this year, it is booked through December because there aren't many other places for athletes to play and train.

Vice Mayor Gray asked Mr. Morgan to elaborate on the needed upgrades related to technology, fields and parking spaces.

Mr. Morgan said the Stadium Authority has made some investments in technology such as WIFI; however, other technology needs include slow motion, high speed camera technology; radar technology; video screens; and online opportunities for players to learn from each other.

With regard to fields, Mr. Morgan explained that the fields at Briarfield Park are set up for slow-pitch softball; whereas high school fields and the War Memorial Stadium field are turf, and teams prefer to play at locations with turf. Mr. Morgan continued stating that fields should also be sized properly for the age group and that additional needs include lighting and outfield drainage.

With regard to parking spaces, Mr. Morgan said that the parking issue is a result of the loss of spaces from proper striping.

Councilman Bowman thanked Mr. Morgan for the presentation and commended him for all he has done there. He also shared some of his experiences of visiting the stadium as a young man and said that he believes this stadium is one of the best family venues in Hampton and possibly in Tidewater.

In response to Councilman Bowman's question about revenue from renting out the stadium, Mr. Morgan said that social evening events such as kickball sometimes bring in revenue to offset operations and expenses such as lights and grass maintenance.

Councilman Bowman commented that he has also enjoyed attending concerts at the field there in years past.

Mr. Morgan thanked Councilman Bowman for mentioning family events and emphasized the importance of providing family-friendly affordable nights out for those in the community.

Councilman Hobbs shared some of his experiences while attending baseball games at the stadium. He also shared that a patron at a baseball game at Longwood University spoke highly of Henry Morgan and the Peninsula Pilots. He added that

having baseball in our area is positive because it helps build careers for our young people.

In response to Councilman Hobbs, Mr. Morgan said approximately 300 players have been drafted into the pros or signed on as a free agent and nine were signed on at a major league level. He added that others who took other career routes have been known to recall and appreciate their time here.

Councilman Hobbs thanked Mr. Morgan and the Peninsula Pilots for being ambassadors for the City of Hampton.

Mayor Tuck reminded everyone that Council advanced approximately \$3.6 million dollars for improvements at the stadium and asked Mr. Morgan to provide additional information about what polish is needed (post COVID) in an attempt to increase sports tourism in our area.

Members of the Stadium Authority and stadium staff who were in attendance stood to be recognized.

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

The tour of War Memorial Stadium, which was scheduled for 9 a.m. today, was cancelled due to inclement weather.

This item was presented by Jim Wilson, Chairman of the Peninsula Stadium Authority and Henry Morgan, Owner of the Peninsula Pilots. Also attending were Wayne Gomes and Frank Feagan, members of the Peninsula Stadium Authority, and Alex Ahl, the General Manager of the Peninsula Pilots.

2. [20-0319](#) Presentation of First Quarter Revenue Report for Fiscal Year 2021

Attachments: [Presentation](#)

Ms. Bunting introduced the item.

Finance Director Karl Daughtrey greeted those on the dais and began speaking about the FY21 first quarter revenues for the General Fund. He clarified that this only reflects the first quarter, and does not include major collections for personal property taxes. The next quarter will reflect December collections including personal property taxes which are due on December 5th.

Mr. Daughtrey shared a comparison of FY20 and FY21 total actual revenues (quarter ending September 30th) and announced that there has been an approximately \$1 million decrease in revenues. He said that this is good news considering the overall economy; the impact the pandemic has had nationally, regionally and statewide; and that the initial estimated revenue impact was \$20 million. He noted that the decline is primarily driven by our local taxes (meals, lodging and admissions taxes).

Mr. Daughtrey reviewed the next slide of the presentation which compares total actual revenues for the same time period in years FY17 through FY21, quarter ending September 30th.

Mr. Daughtrey reviewed the next several slides of the presentation which compare total actual revenues for the same time period during FY17 through FY21 for the following tax categories: general property taxes; local taxes; meal taxes; sale and use taxes; business license taxes; communication sales taxes; lodging and transit taxes; and admission taxes.

Mayor Tuck asked if taxes collected in June are reflected in the quarter ending September 30th.

Mr. Daughtrey provided the following information in response to Mayor Tuck. These are the results of what has been collected to date; what was collected in FY20 is recognized in FY20; the first 45 days of the new fiscal year's revenues are recognized in the previous fiscal year; and any delinquent taxes for the previous fiscal year that are collected this year is reflected in FY21.

Discussion took place between Mayor Tuck and Mr. Daughtrey about allowance for delayed tax payments due to COVID.

Mr. Daughtrey said he believes the amount of payments extended to August was approximately \$1 million, but he was uncertain of the exact amount. He reminded everyone that when calculations are prepared, decisions are made in totality of how the fiscal year is expected to end.

For the benefit of those watching from home, Mayor Tuck explained that citizens have expressed that other localities are allowing citizens to defer tax payments until December; and, therefore, some Hampton citizens who are still being impacted by COVID have requested to have their tax payments delayed and/or decreased.

Mr. Daughtrey announced that revenue growth is being managed by putting it away

in a lockbox, particularly since there is no way of knowing year-end results. Additionally, decisions were made to fund essential expenditures only, ensuring that that there will be savings on the appropriations side if there is no revenue. He emphasized that if decisions are made which impact revenues further, expenses will need to be cut in order to balance the budget.

Ms. Bunting added that if trends continue as they are, we would be \$4 million lower than last year. She continued saying that most activities involved in running our government and schools are still ongoing; therefore, we cannot make cuts and provide services at the level our citizens expect. She continued explaining that money can be saved by cutting police, fire and library services; however, in the interest of the public, we have kept government services functioning since the pandemic began. She also reminded everyone that we have constrained expenses, but are still down in revenue; therefore, if we continue to have governmental services that people have come to rely on, cutting or reducing taxes is not practical.

Mr. Daughtrey continued speaking about the total actual revenues for the various tax categories and then paused to speak about the increase in sales and use tax revenue. He shared that grocery store sales have increased by 42% as people buy more groceries instead of dining out; home improvement store sales have increased more than 30% as people are doing more home projects during the pandemic; and some online providers sales have increased by nearly 75%. Mr. Daughtrey added that this trend has had a positive impact on sales and use tax; has offset the decline in other tax categories; and will continue into FY21.

Mr. Daughtrey continued speaking about the total actual revenues for the various tax categories.

Mr. Daughtrey stated that while business license taxes are not due until March, there has been an increase in this tax due to delinquent tax collections; audit assessments; and the collection of business license taxes for the Hampton Roads Bridge Tunnel (HRBT) expansion. He noted that taxes related to the Hampton Roads Bridge Tunnel will be used for one-time capital projects.

Mayor Tuck asked if there are that many businesses being taxed due to their involvement in the expansion.

Ms. Bunting clarified that the amount is based on the volume of work versus the number of businesses involved in the expansion. She continued explaining that the majority of the activity associated with the HRBT happens in the Hampton jurisdiction (some will happen in Norfolk) and this one-time bump will assist with pandemic-related losses and capital investments, however, will be taken with caution

for future uses for things such as salary increases because the funds will eventually go away.

Mr. Daughtrey continued speaking about the total actual revenues for the various tax categories and shared that the drop in revenue for communication sales tax can be attributed to the reduction in the purchase of satellite radios and telephone land lines. He noted that this decline is not related to the pandemic and will most likely continue in the future.

Mr. Daughtrey continued speaking about the total actual revenues for the various tax categories.

Mayor Tuck asked how there is an increase of 16.2% in actual revenues as percentage of budget for communication sales tax when the actual revenues declined from fiscal year 2020 to 2021?

Mr. Daughtrey replied that occurred because we reduced the budget by approximately \$455,000 in FY21 and the actual revenue decline from FY20 to FY21 was less than the amount in previous fiscal years.

Mr. Daughtrey reiterated that this is first quarter information and that major general property taxes are not reflected in this quarter. Second quarter figures will reflect general property taxes and will have a better reflection of how revenues are tracking six months to date. At that point, staff will have more information about tax collection rates, billings and how we are doing from a revenue collection perspective.

Councilman Bowman thanked Mr. Daughtrey for the report and asked if the economic impact of the HRBT is approximately \$5 million.

Mr. Daughtrey replied yes, and said it was the “swag” over the life of the project. He reminded everyone that that amount will be shared with the City of Norfolk.

Ms. Bunting added that economic impact is much broader; however, this refers to the impact the City may potentially see from business licenses.

Councilman Bowman asked whether this includes the hundreds of construction workers who may be dining and lodging in Hampton.

Mr. Daughtrey replied, no.

Mayor Tuck opened the floor for additional questions or comments from those on the dais. No additional questions or comments were posed.

3. [20-0326](#) Risk Management Briefing

Attachments: [Presentation](#)

Ms. Bunting introduced the item.

City Attorney Cheran Ivery introduced Patricia Parker who recently became Hampton's Risk Manager as Risk Management is housed within the City Attorney's office.

Ms. Parker greeted those on the dais and began sharing information about the Risk Management Department.

Ms. Parker spoke about the function of the Risk Management Office. It is responsible for identifying and mitigating the City's exposure to risk. It succeeds in its efforts through the active management of claims; purchasing of insurance to protect assets; and implementation of safety and loss control programs.

Ms. Parker provided a brief history about the Office of Risk Management; listed the various positions on the Risk Management team; and shared a bit about the duties of each of the departments' employees.

Ms. Parker stated that the City is a self-insured entity for liability and Worker's Compensation and provided information related to the City's policies.

Ms. Parker reviewed the remaining slides of the presentation which provide information about the department's combined budget for the City and Hampton City Schools; employee safety programs; liability claims management; COVID-19 efforts; and property and asset protection.

Mayor Tuck opened the floor for questions from Council.

Councilman Bowman thanked Ms. Parker for the excellent presentation and asked her to define hull coverage.

Ms. Parker explained that Risk Management secures coverage for assets such as boats; this coverage includes coverage for the most important part of a boat, the hull.

In response to Councilman Bowman's question about Risk Managements' combined budget, Ms. Parker explained that although the City and Hampton City Schools (HCS) are combined in the department's overall budget, both budgets are kept separate. She noted that Risk Management services HCS and works very closely with them.

In response to Councilman Bowman, Ms. Parker explained that the benefits of having a combined budget are that it provides for additional resources and it creates savings. She noted that Risk Management does not service HCS to the extent it services the City; however, it is beneficial to share services in that way.

Ms. Bunting reminded everyone that in the early 90's recession, the City combined some operations and administrative functions in an attempt to save tax payers money by doing joint activities.

Councilman Brown asked if Risk Management determines the legitimacy of worker's compensation claims, fraud and misuse of benefits.

Ms. Parker replied yes and added that the Risk Management Department has many ways to determine worker's compensation claims. They also work with the local police department and the Virginia State Police on fraudulent claims.

In response to Councilman Brown, Ms. Parker confirmed that the City does not have an anonymous fraud hotline; however, the Virginia State Police does.

Mayor Tuck thanked Ms. Parker for her new role and first presentation.

4. [20-0331](#) Continued Discussion of City of Hampton, Virginia's 2021 General Assembly Priorities

Attachments: [Final Draft Hampton Legislative Agenda 2021](#)

Ms. Bunting introduced the item.

C. J. Stolle of Two Capitols Consulting greeted those on the dais and introduced Ed Reed who recently began working with Two Capitols Consulting.

Mr. Reed greeted those on the dais and said he looks forward to his return to Hampton and working with staff and Council on the issues facing the City which are before the General Assembly (GA) in 2021.

Ms. Stolle provided the following update from the GA special session: On Monday, November 9th, the GA adjourned the special session that was originally convened to address COVID-related impacts on the budget and criminal justice reform. The session lasted 83 days, 23 days more than a traditional long session. The Governor returned the budget with several amendments to allow more flexibility in the spending of the unallocated CARES Act money, but the House voted to reject several of those items insisting on its original language in order to allocate the funds by December

30th. The Governor also sent down amendments after the redistricting constitutional amendment passed resoundingly on Election Day. The amendments will put some rules in place around the commission that will be tasked with developing the redistricting maps. The commission is required to be in place and to meet prior to February 1, 2021. The budget is awaiting action from the Governor for a line item, vetoes or signature. He has until December 9th to act on it; however, he is expected to act by weeks end. Once he does, the budget will be in effect.

Ms. Stolle said that, today, she would facilitate discussion and answer questions regarding Hampton's 2021 Legislative package. She announced that this session will be a short session (which is normally 45 days) and that there has been discussion about changing the timeline to 30 days because a long session just ended, however, nothing is official until the rules are set. She continued stating that discussions have taken place about bill limits; the House is hovering between 10-15 bills per person; and the Senate is currently at 25 (this may be reduced further considering the length of the special session). She also announced that all 100 House of Delegate seats will be up for election this year, along with the Governor, Lieutenant Governor and the Attorney General.

Ms. Stolle paused to encourage those on the dais to interrupt her should they have questions, suggestions or recommendations.

Ms. Stolle said there are 400 legislative requests in the package and then listed some of them as: the Military and Federal Facilities Fund (this would be creating an annual fund); the City of Hampton and localities permitted to host casino gaming; increasing localities ability to share information to provide resources through the use of Serious or Habitual Offender Comprehensive Action Program for Juveniles (SHOCAP Program); provide localities the authority to regulate blight in neighborhoods including a proposal for clutter and vacant buildings; six policy positions supporting resiliency efforts, education initiatives, the 599 program; expanding the communications sales and use tax; the Hampton Roads Regional Jail; a policy statement requesting that the GA refrain from passing any unfunded mandates or anything with constitutional inequity; and a list of our coalition and community partners which we generally support in their legislative agenda.

Ms. Stolle opened the floor for questions and/or comments.

Mayor Tuck commented that he did not see Hampton Roads Transit listed under the coalition of partners and asked whether that is an organization we would normally support.

Ms. Bunting said that organization has their own legislative package, but should

probably be included in our package. Ms. Stolle noted that addition will be added for this evening's meeting.

Councilman Brown welcomed Mr. Reed; thanked him for the work he previously did for Hampton; and said we look forward to working with him again.

Councilman Bowman thanked the consultants for their support on the Hampton Roads Regional Jail, specifically in the areas of mental health and additional manpower. He noted that he and Councilwoman Snead sit on that board and appreciate the support.

Ms. Bunting said that the work session provided an opportunity for discussion; staff will make suggested adjustments for the evening session; and action on the item will take place this evening.

REGIONAL ISSUES

There were no regional issues.

NEW BUSINESS

Mayor Tuck raised the issue of a commercial shipping container he recently saw in his neighborhood and whether it was allowed and, if not, how it is addressed. The Director of Planning, Terry O'Neill, indicated that his staff is checking into the matter as that use is not permitted. He suggested that when citizens see something like this, they report it to 311. The City Manager suggested that the callers may also need to provide access if the situation is only viewable from their yard as the City can't enter backyards without permission.

CLOSED SESSION

5. [20-0329](#) Closed session pursuant to Virginia Code Sections 2.2-3711.A.1, .3, .6, .7 and .8 to discuss appointments as listed on the agenda and an appointment to the Hampton Roads Community Action Program (HRCAP); to discuss the disposition of real property in the Magruder Corridor, Shell Road, and Coliseum Central areas of the City, where discussion in an open meeting would

adversely affect the bargaining position or negotiating strategy of the City; to discuss or consider the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected; to consult with legal counsel and be briefed by staff members pertaining to actual litigation in the matter of United States of America v. Hampton Roads Regional Jail Authority, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the City, and to consult with legal counsel employed by the city regarding the Uniform Statewide Building Code which requires the provision of legal advice by such counsel.

At 2:33 p.m., a motion was made by Councilmember Hobbs and seconded by Councilmember 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

- 6. [20-0240](#) Consideration of an Appointment to the Planning Commission
- 7. [20-0245](#) Consideration of Appointments to the Golf Course Advisory Committee
- 8. [20-0258](#) Consideration of Appointments to the Hampton Senior Citizens Advisory Committee

CERTIFICATION

- 9. [20-0328](#) Resolution Certifying Closed Session

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Eleanor Weston Brown, 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 6:21 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 _____