



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 Steven L. Brown
Councilmember Hope L. Harper
Councilmember Billy Hobbs
Councilmember Martha Mugler

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

Wednesday, March 22, 2023

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

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

Present: 7 - Councilmember Chris L. Bowman, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Hope L. Harper, Councilmember Billy Hobbs, Councilmember Martha Mugler and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Vice Mayor Jimmy Gray

Vice Mayor Gray gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck welcomed Yvette Williams, the Athletic Director of Hampton High School. Council welcomed the members of the Hampton High School Lady Crabbers Basketball Team. The team members and coaches were honored for achieving the Virginia Class 4 State Championship in basketball. The Lady Crabbers received the fourth state title in program history on March 9, 2023, when they defeated Pulaski County with a score of 75-63. Their head coach is Shanda Bailey and their record this year was 25 wins and only 3 losses.

Immediately after the Mayor's Comments portion of the meeting concluded, Clerk of Council Katherine Glass read the protocol for the consent agenda.

[23-0100](#)

Motion to remove item #6 (23-0094) from the consent agenda

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Chris Bowman, that this Motion be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

6. [23-0094](#)

Approval of the minutes from the February 22, 2023, work session.

A motion was made by Councilmember Harper and seconded by Councilmember Bowman, that the minutes be approved. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs and Mayor Tuck

Abstained: 1 - Councilmember Mugler

CONSENT AGENDA

Ms. Glass read a summary of the remaining consent items.

Approval of the Consent Agenda

A motion was made by Councilmember Bowman, seconded by Councilmember Mugler, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

1. [23-0098](#)

Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate the ARPA Tourism Recovery Grant in the amount of \$320,000 awarded by the Virginia Tourism Corporation

Attachments: [ARPA Terms and Conditions](#)

[Hampton VA ARPA Tourism Recovery 1-23-23](#)

[DMO Support Letter](#)

[Hampton ARPA Tourism Rec Budget](#)

[ARPA Assurances of Compliance](#)

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

2. [23-0095](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Appropriate \$218,469 from the Economic Development Fund Balance to the Transportation Initiative Project in the Capital Projects Fund

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

3. [23-0096](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate an Allocation from the Virginia Department of Transportation for the Fiscal Year 2023 Urban Maintenance Program

Attachments: [Fund Allocations](#)

[VDOT Allocation](#)

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

4. [23-0090](#) Ordinance to Amend and Re-Enact Chapter 5 of the City Code of the City of Hampton, Virginia Entitled "Animals" by Amending Article III, Section 5-42. - Dangerous Dogs; Penalties

Attachments: [Dangerous Dog Redline](#)

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

5. [23-0092](#) Motion to Accept Donation of Equipment from the City of Baltimore for use by the Hampton Police Division.

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

PUBLIC COMMENT

Ms. Glass read the protocol for the public comment period.

Mr. Robert Smith greeted those on the dais and made the following statement: I recently attended a seminar hosted by WHRO that discussed the critical shortage of housing, or affordable housing, in Hampton Roads. Now, I know I am not alone when I say that I think we missed the perfect opportunity to address some of those needs by not using the site at the former Virginia School for the Deaf and the Blind to build affordable housing. So, my question is this: What is the City's plan to address those critical needs? Thank you.

Ms. Akoma Love greeted those on the dais and made the following statement: I'm here because HELP, Inc., (Hampton Roads Ecumenical Lodgings & Provisions, Inc.) put me out of overnight sheltering because they said I was hanging out in a restroom and I was blaring my music. When I met with Matthew Stearn (Executive Director of HELP, Inc.) and I asked him... if I did what they said I did, is that unforgivable? What would Jesus do? He put me out of his office. So, there is no accountability for these people, the Community Services Board, and the rest. Something has to be done, and what I saw here tonight, I was horrified. There was not one black business that was mentioned that received an award to my knowledge, and it's not acceptable. Black people are a significant part of this country's history. Without us, we would not be where we are today and I think it's time to just revamp all of Hampton. Rename Hampton. I've looked at that picture on the wall there and it's like, God, it's not fair. Our children have no hope in seeing white people as examples to us when we have had our black Wall Streets that were destroyed by white people in hundreds of black towns and it doesn't seem anyone anywhere is really looking to rebuild our cities state by state. So, I'd like to know how do we incorporate the voice of homeless people into a homeless wall of fame, recognize us for our work. Let's get justice for those who have been abused by homeless

services, hold them accountable and then let's get real. Black people, we are here. We're not going anywhere. I don't know what to say. I really want to cry because that really hurt me. I wasn't expecting that and what I saw. I'm sorry. I cannot be happy for any of those businesses. I'm coming down to say we had businesses during slavery. We had businesses post slavery. We have business today, and it looks like our unity and possible unity is just, at every turn. Destroyed Malcolm (X). Martin (Luther King, Jr.) was killed for the same reason. They said one was violent; one was non-violent, but they both fought for the reunification of our people. We work; however, we are not getting paid justice. So, I'm asking God, finally, to call the black churches to open their doors now and take in our people, and if God is who we say He is in the name of our black Jesus, read Revelation Chapter 1. I didn't write the book. Where is our help? Open the doors of the churches 24/7. Take our people in. Lift every voice and sing and let's plant a seed for change.

Mayor Tuck indicated to Ms. Love that her speaking time had expired.

Mr. Tim Davis greeted those on the dais and made the following statement: I spoke to you several months ago about the ice vending business and I'm petitioning you again to change the ordinance to allow this on commercial properties rather than industrial. It's not a fitting use on industrial because industrial is fenced. Industrial requires personal protective gear, hard hats and steel-toed boots. Nobody's going to go to an ice vending machine and buy ice on an industrial site. I've petitioned the city of Newport News to have ice machines on commercial sites and they obliged me. I asked the city of Chesapeake to have an ordinance change to allow ice vending machines and they obliged me in a nine to zero vote. I went to the city of Virginia Beach to ask them to change their ordinance to allow ice vending machines and they obliged me with an eleven to zero vote. You're the only city, right now, in Hampton Roads that's not allowing ice vending machines, and I'm asking you, please, to...someone sponsor an ordinance change to allow this business in your City. We've been asking for this for over 15 years and it's not happening, and it's very frustrating when we have a legitimate business that the people want and the City says you are not allowed, and it's up to you. I've gone to the City's Planning Director. I've gone to the Economic Development (Department). I've gone to all the people that you have asked me to go to and nobody can do anything except you. So, please, please, please, if someone can please sponsor a change in the ordinance and get it rolling, I would greatly, greatly appreciate it. Thank you for your time.

Ms. Joan Weaver greeted those on the dais and made the following statement: Glad to be back and to let you all know that the Virginia State School for the Deaf and the Blind Hampton campus is alive and well. I'm coming foremost with a concern that was brought to my attention. We ride by the campus and we now see the

obliteration of history which is still hurting and troubling, but we still go on, but what even caused me more concern was when I looked at what the City of Hampton is doing as well. We have hidden figures that happened at Langley Research. We know that consisted of brilliant minds, double minorities who were treated terribly and it was hidden until it was brought out. I'd like to bring something to the City's attention now. The omission and obliteration of the Virginia State School for the Deaf and the Blind from the history itself. Hampton's publication mind you. All of these beautiful things about experiences. All this information about discover Hampton attractions. Black history heritage sites. Old Wythe, which really causes me trouble. I live in Wythe. I have nothing, yet I can spit across the street and now it's all of a sudden historic. It's something wrong with that. The Virginia State School for the Deaf and the Blind was our history until Hampton City Council approved to have two mega warehouses there when Mr. Smith has said...we asked for mixed development and housing - housing, home, education. Warehouses? It's something wrong with that equation. Very wrong, and we owe it all to our Hampton City Council. My question is, and I asked. The Historic Virginia Register has already done the homework for you. Hampton needs to take that marker in writing and include it in Hampton black history and include it in Hampton, Virginia. You took our buildings, but you can't take our history. As long as I live and those behind me, we will consistently remind you - that's our pride and you can't get rid of it. We come to you in truth and trust. We ask you to do the same. Thank you.

Ms. Chanell Ketchmore greeted those on the dais and made the following statement: I'm the Executive Director of Ketchmore Kids. We do work in the City of Hampton and I just wanted to keep you all updated on our efforts as we continue our work. So, we have been consistently working inside the Newport News Juvenile Detention Center. Although the center is in Newport News, it houses young people and young adults from Hampton who have been charged with crimes. So, we are working with young people and young adults from Hampton who have crimes ranging from armed robbery to murder. We are able to work with them in a way that not necessarily looking at the crime, even with the difficult nature of some of the crimes, but with the possibility of redemption and remorse and accountability. We had dinner with them and their families last week. That allows us the opportunity to connect with caregivers to let them know that we are in the community to provide them with our information. To maintain continuity of service so that when their loved one is released, they are still able to stay connected with our program and positive role models and to prayerfully reduce the recidivism rate for this high-risk population. So, we just wanted to come before you again this evening just to keep the City, the City Council and the community updated on our efforts. Thank you.

William Booth and Clayton Dillard signed up to speak but did not do so.

Mayor Tuck made a few remarks in response to some of the comments made during the public comment period. With regard to the Virginia State School for the Deaf and the Blind, he shared that before the school was rezoned for light industrial, there was an effort by the Hampton Redevelopment and Housing Authority to receive RFP's (Request for Proposals) for housing on that site; however, there were no responders to that initiative. With regard to the statement about no black businesses being recognized, he shared that black businesses have been recognized in the past, just not this evening. With respect to the obliteration of the history of the Virginia State School for the Deaf and the Blind, he indicated that it is possible to make those updates with our publications. Mayor Tuck also asked City Manager Bunting to address the ice vending machine business topic.

Ms. Bunting noted that Mary Fugere, the Director of the Hampton Convention & Visitor Bureau, was present and most likely took note of the request related to the Virginia State School for the Deaf and the Blind as she is very good about staying on top of those types of issues.

With regard to the ice vending machine business, Ms. Bunting reminded everyone that this type of business is currently allowed in Hampton; however, it is not allowed at the locations where Mr. Davis would like it to be. She continued saying that when this topic came before Council many years ago, Council referred it to various groups, including the Neighborhood Commission and the Planning Commission, for discussion and review. Those groups decided not to recommend that Council amend the ordinance to allow this type of business at retail locations (which may be more profitable for business people like Mr. Davis). In addition, based on the review, the City Council at that time chose not to advance it. Ms. Bunting suggested that if the current Council would like staff to send the idea back to those study groups for reconsideration, staff will do so; however, she does not recommend agreeing to do this type of business in Hampton until staff has consulted with those citizen advisory groups once more.

With regard to HELP, Inc., Mayor Tuck shared that there are African-American churches that serve as host sites, but typically for one week at a time, and therefore, he is unsure if any church is prepared to host 24/7 since churches generally rely on volunteers to provide that service.

Ms. Bunting shared the following information about assistance for the homeless in our community. HELP, Inc., is Hampton's predominate partner in the manner in which churches come together along with non-profit volunteers to provide the nights welcome service and other sheltering programs during extreme weather conditions. Newport News has a similar program run by LINK of Hampton Roads, Inc., in addition to other programs in our area. All of these programs have rules that

participants are expected to follow. This is done for the benefit and common good of the entire shelter community. When those rules are violated, a warning is given. If there is another violation, the organization has no choice but to remove the violating participant so that others in the program may have a safe and comfortable environment at which to stay.

Ms. Bunting reiterated that these programs do their best to meet the needs of the homeless community, but when a large group of people is being sheltered, it is necessary to have common ground rules, and regrettably, these programs sometimes have to deny shelter to those who violate those rules. She emphasized that HELP Inc., does a tremendous service for our community and wanted everyone to be aware of the great work they do.

GENERAL ITEMS

Resolutions

7. [23-0091](#) Resolution to Apply an Assessment Ratio to the Value of Certain Automobiles and Trucks as Authorized by Code of Virginia §58.1-3503(B) for the Calendar Tax Year Beginning January 1, 2023

Ms. Glass read the title for the item.

Ms. Bunting provided the following information about the item. The COVID-19 pandemic caused widespread closures and market disruptions. The automobile industry experienced a major hit because it was unable to operate for some time. As the industry began reopening, the shortage of workers led to challenges in the supply chain, particularly related to vehicle computer chips. This and the backlog in work resulted in a shortage in supply of new vehicles which also led to a significant increase in used car values (versus typical depreciated values). As a result of this, at the recommendation of the Commissioner of the Revenue, Council decided to discount the market valuation by 25% and set an assessment ratio of 75% (this is permitted by state code for personal property, but not real estate). Council had hoped that the issue of increased used cars values would be short-lived and decided to revisit the issue this year. This tax is a calendar year tax which means the first bill of the year with the 75% ratio last year was due June 5, 2022, and the last bill was due December 5, 2022. As the time approaches to issue bills for 2023, the Commissioner of the Revenue has indicated that the market has not fully corrected, but has begun to do so, and, therefore, recommended doing a discounted ratio. He also indicated that it was not necessary to discount to 75% since the market has

begun to reverse. The recommendation was between 90-95% with 93% as a best approximation.

Ms. Bunting stated that the ordinance before Council is to authorize the discounted ratio to mitigate and avoid people with used cars receiving a substantial increase in their tax bill. She also noted that because vehicles depreciate at varying rates, everyone will not see the same change. For example, more sought out vehicles tend to retain higher values, and therefore, the taxes on those vehicles will be higher than less popular models. Ms. Bunting also clarified that this change applies to residential vehicles, not commercial vehicles or commercial personal property.

Mayor Tuck opened the floor for questions regarding the item. No further discussion took place.

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

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Ms. Bunting reminded everyone that a public forum on the Hampton Carousel will take place at the Hampton Roads Convention Center tomorrow night at 6:30 p.m. and a Facebook Live the following Tuesday at 6:30 p.m. Mayor Tuck shared that several members of City Council will be at a dinner for the Boys & Girls Club which will make them late to the forum tomorrow.

MISCELLANEOUS NEW BUSINESS

There were no items of new business.

The Mayor spoke briefly about lawlessness in the City. He shared a few examples of how those who break the law set poor examples for young people and children in our community and also cause potentially dangerous situations on the road.

ADJOURNMENT

The meeting adjourned at 7:13 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 _____