



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 Michelle T. Ferebee
Councilmember Billy Hobbs

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

Wednesday, October 26, 2022

1:00 PM

Council Chambers

CALL TO ORDER

Vice Mayor Gray called the meeting to order at 1 p.m. All members of the City Council were present except for Mayor Tuck who is traveling on City business. Vice Mayor Gray presided in the Mayor's absence.

Present 6 - Councilmember Chris L. Bowman, Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Councilmember Michelle T. Ferebee, Vice Mayor Jimmy Gray, and Councilmember Billy Hobbs

Excused 1 - Mayor Donnie R. Tuck

JIMMY GRAY PRESIDED

AGENDA

1. [22-0309](#) General Assembly 2023 Legislative Priorities Discussion

Attachments: [Presentation](#)

City Manager, Mary Bunting, shared that this is the legislative work session for the upcoming General Assembly session. The draft package is being prepared, and the final package vote will be at the November meeting.

Ms. Bunting introduced our legislative lobbyist, Mr. Ed Reed, Vice President, Two Capitols Consulting, who gave the City's presentation.

Mr. Reed indicated that Ms. Elizabeth Parker from Two Capitols Consulting, who

helps with the City of Hampton, was also present.

Mr. Reed explained the timeline for preparing the legislative agenda which began in the summer, includes Council adopting a final version in November, and then Council and the State delegation will meet in December. He noted that the deadline for submitting bills for pre-filed legislation is December 1st. The only thing not listed on the timeline is the Governor's announcement of amendments to the current two-year budget, which will occur on December 15th.

The first legislative request presented by Mr. Reed pertains to the vacant building registry amendment in 2013, which allowed for registration of vacant buildings provided they met the vacancy requirement and fit the definition of "derelict." Due to instances of squatters encountered by the City and involvement of some buildings in multiple shootings, this request is for the General Assembly to "undo" the amendment and return it to pre-2013 state.

The second legislative request presented includes funding a rental increase for the Hampton Health District which would be in the form of a budget amendment.

The third legislative request presented by Mr. Reed would allow the City to create broader authority to use photo-monitoring systems for uses other than just red-light violations.

The final legislative request presented provides State assistance to decrease law enforcement demands with Temporary Detention Orders (TDOs). It provides funding for necessary mental health resources to allow for other qualified professionals to perform TDO duties.

Mr. Reed covered Hampton's priority positions which include, continued support for the tree canopy preservation and expansion; the State's honoring of commitments to the 599 Program for local police departments; continued support and enhancement of localities' resiliency efforts; opposition to state-mandated exemptions to the local sales tax unless viable revenue replacement is established; increased funding for the removal of derelict and sunken boats; and other local and regional initiatives.

Mr. Reed shared the Hampton Coalition and Community Partners whose initiatives and legislative agendas the City often supports. Among these is the Hampton Roads Planning District Commission (HRPDC), whose recently-passed legislative package included public safety measures providing the State authorization through the Virginia Retirement System to allow retired law enforcement officers to perform full-time duties to address the local needs of public safety. It also provided for the use of technology to address violence and crime by adding conflict resolution and

mediation skills in the curriculum at the local school level. He noted that Mayor Tuck and other local Mayors have been very involved in the development of these public safety initiatives.

Resiliency initiatives include funding for the Capitol Trail extension and the Birthplace of America Trail expansion.

Other initiatives include the Hampton Roads Regional Jail and Fort Monroe Authority.

He noted that the Virginia Municipal League (VML) and Virginia First Cities have adopted their legislative agendas which align well with Hampton's priorities.

Regarding Hampton's priority position to increase funding for the removal of derelict and sunken boats, Councilman Steve Brown asked, if passed, would we be able to remove a vessel without trying to find the owner and who would bear the cost? Mr. Reed stated he is uncertain of the legality, but that there is no bill that exists. He explained that this is a budgetary allocation to the Virginia Marine Resource Commission, who would allocate the funding, which would trickle down to the locality.

Councilman Brown asked that in the case of law enforcement personnel who have retired, are receiving social security and have an income cap, is the request to remove that cap to allow them to return to employment. Mr. Reed stated that there is already a process in place for retired teachers to be able to return to work and believes the request is to implement a similar structure for law enforcement.

Councilman Hobbs expressed concern about panhandlers walking in and out of traffic and asked if there is any other legislation to be enacted that can address it as a public safety issue. Mr. Reed stated that he is not aware of anything coming up for this session. He shared that at least one other locality is adding this as a potential position in their package and he can provide that information to Council.

City Attorney, Cheran Ivery, stated that our focus on this issue has been on pedestrian safety because the Supreme Court has ruled that panhandling is protected speech. She would be interested in information on the locality who is adding this as to whether it is an expansion of the ability to regulate pedestrian safety. She stated that we do have the ability, in certain intersections where there have been demonstrated instances of accidents involving pedestrians, to restrict the ability of people to be on medians. She stated that the focus cannot be on panhandling as it is protected speech, but can be on the safety of individuals crossing the street or standing in the roadways.

Councilwoman Brown expressed gratitude for the concern and funding for resiliency

initiatives. She stated the working group is working hard to continue the efforts related to the tree canopy and has been able to communicate its importance to others across the state. She shared that the building of the Birthplace of America Trail will create connections to major population centers in Hampton Roads providing recreation, health and wellness opportunities, and economic vitality to Virginia residents, many of whom come from historically underserved communities. It is her hope that the significant funding in last year's budget, the new Office of Trails, the Commonwealth Transportation Board work on trails, and the federal work on trails can come together with our local initiative to help find meaningful support for the Birthplace of America Trail in Hampton.

Councilwoman Brown shared her hope that Council will be able to learn more about the Sentinel Landscapes Partnership, which is a coalition of federal agencies, state and local governments and non-governmental organizations that works with private land owners to advance sustainable land management practices around military installations and ranges. The partnership's mission is to strengthen military readiness, conserve natural resources, bolster agricultural and forestry economies, and increase climate change resilience, which aligns with what we are already doing to protect our federal facilities. Councilwoman Brown indicated that some states are becoming Sentinel States. She stated it is also an avenue for us to find out what other partners are doing regarding this issue.

Mr. Reed indicated that it looks like every locality in Hampton Roads, through the Hampton Roads Planning District Commission, is looking to support their position on the increased funding for the trails.

Mr. Reed indicated that more research can be done on what other states are doing with the Sentinel program to see what Virginia could do. He shared that they have advocated in the City for the Community Infrastructure Program that received \$5,000,000 last session and hope to see more funding added over time.

In response to Councilman Bowman, Mr. Reed confirmed that the focus of the TDO request is to identify individuals to transport clients rather than tie up law enforcement for hours. He shared that in other parts of the state vendor services are allowed to be able to provide transport, but there is a lack of available resources even with vendors, which puts the burden back on law enforcement.

Ms. Bunting added that in addition to transport, our officers are spending hours and even days in the hospital guarding clients until beds become available. Being able to contract with an entity such as Sentara would allow a DCJS (Department of Criminal Justice Services) certified provider to be brought in to provide transport and hospital guarding.

In response to Councilman Brown, Mr. Reed indicated that he would work with the City Attorney's office to look into whether or not it is possible to create a no panhandling zone in high-volume areas, particularly to address safety for people who have their children and pets with them while panhandling.

Vice Mayor Gray asked if there has been any discussion of replacement for the transportation funds that were included in the State's elimination of their portion of the grocery tax. Mr. Reed shared that one of the Virginia Municipal League's top priorities is transportation funding and they are trying this year to get the State to fill the gap left by the tax elimination. Several other entities are expected to include it in their legislative agenda package. Vice Mayor Gray indicated that he thinks it should be something the City includes as well.

Vice Mayor Gray shared that the VML is requesting the General Assembly increase the per diem for inmates in jails awaiting transport to State facilities. In addition, they are asking for the per diem to be evaluated annually for increases due to inflation. According to VML research, by holding the per diem at a certain level we are incurring costs because it costs more to keep them. Recent information shows that Hampton has more inmates awaiting transfer, and since it has an effect on our budget, we should consider including it on our priority list as well.

Ms. Ivery stated, for the record, that there is not a way, since it is settled law by the Supreme Court, for us to overrule or get around what the Supreme Court has ruled with regard to panhandling. She indicated that she wants to keep the focus on pedestrian safety, and that is applicable to anyone who is walking in our streets and in our right-of-ways in an unsafe manner. Ms. Ivery reiterated that we can focus any type of legislative request around that, but panhandling is settled law at this point.

Mr. Reed responded to Vice Mayor Gray's statement regarding the jail per diems, saying that it is a priority for VML, VACo (Virginia Association of Counties) and Virginia First Cities. He stated that there were some incremental increases in the most recent budget.

REGIONAL ISSUES

There were no regional issues to report on.

NEW BUSINESS

There were no items of new business.

CLOSED SESSION

2. [22-0295](#) Closed session pursuant to Virginia Code Sections 2.2-3711 A (.3), (.6), and (.7) to discuss the acquisition and/or disposition of publicly-held real property in the Buckroe area of the City where discussion in an open meeting would adversely affect the bargaining 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; and to consult with legal counsel and receive briefings by staff 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 1:35 p.m., a motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Closed Session - Motion be approved. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Councilmember Hobbs

CERTIFICATION

3. [22-0282](#) Resolution Certifying Closed Session
- A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Steven Brown, that this Closed Session - Certification be approved. The motion carried by the following vote:

Aye: 6 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Councilmember Ferebee, Vice Mayor Gray and Councilmember Hobbs

ADJOURNMENT

The meeting adjourned at 5:04 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 _____