



# 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 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*

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**Wednesday, March 9, 2022**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:30 p.m.

**Present:** 6 - Councilmember Chris L. Bowman, Councilmember Steven L. Brown, Councilmember Michelle T. Ferebee, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs and Mayor Donnie R. Tuck

**Excused:** 1 - Councilmember Eleanor Weston Brown

### DONNIE R. TUCK PRESIDED

### INVOCATION - Councilmember Billy Hobbs

Councilman Hobbs gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG - led by Girl Scouts of the Colonial Coast

The Pledge of Allegiance was led by Girl Scouts of the Colonial Coast Council: Cadette Arabella Rowley, Cadette Lorelei Timmons, and Brownie Juliana Rowley. Mayor Tuck introduced the Girl Scouts and also Board Chair Marisa Porto; Christina Coverston, Troop Leader; Cherish Timmons, Volunteer; and Shanise Harris, Public Relations Manager.

### MAYOR'S COMMENTS

The Mayor also read and presented a proclamation to the Girl Scouts named above in recognition of Girl Scout week.

Mayor Tuck read a proclamation in recognition of American Red Cross Month and presented it to Debi Henle, Account Representative of the American Red Cross.

## CONSENT AGENDA

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

### Approval of the Consent Agenda

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

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

1. [22-0040](#) Resolution to Amend the Fiscal Year 2022 Council Approved Budget to Accept and Appropriate the 2020 Continuum of Care Planning Project Grant Awarded by the United States Department of Housing and Urban Development.

**Attachments:** [Grant Agreement - CoC Planning Project \(FY2020\)](#)  
[Grant Proposal Overview - Planning Project Grant \(FY2022\)](#)  
[Grant Agreement - CoC Planning Project Grant \(FY2020\).pdf](#)

Item approved.

2. [22-0092](#) Resolution to Amend the Fiscal Year 2022 Approved Budget to Accept the Local Allocation of Funds Received from the Commonwealth of Virginia through the State and Local Fiscal Recovery Funds (SLFRF) Program and to Appropriate Those Funds to the Grants Fund

**Attachments:** [Signed Certification](#)  
[ARPA MURP Award Letter](#)

Item approved.

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

3. [22-0103](#) Resolution Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement, and Related Instruments, and Determining Other Related Matters to Acquire Up to Three Fire Trucks and Related Equipment

Attachments: [Hampton VA IFB Summary Memo 2.22.22](#)

Item approved.

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

4. [22-0102](#) Approval of the minutes from the work session of February 9, 2022; the legislative sessions of February 9 and 23, 2022; and the work and ceremonial sessions of February 23, 2022.

Item approved.

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

#### PRESENTATIONS, PROCLAMATIONS, AWARDS

Mayor Tuck presented proclamations during the Mayor's Comments portion of the meeting.

#### PUBLIC HEARINGS

Ms. Glass read the protocol for public hearings.

#### Rezoning

5. [22-0100](#) Rezoning by Hampton Redevelopment and Housing Authority to rezone +0.47 acres located at 900 W Queen Street [LRSN: 2000257] from General Commercial (C-3) District and Two Family Residential (R-8) District to Two Family Residential (R-8) District with Conditions

Attachments: [Application](#)  
[Survey](#)  
[Proffer statement](#)  
[Proffered subdivision](#)  
[Home Elevation A](#)  
[Home Elevation B](#)  
[Home Elevation C](#)  
[Presentation](#)

Ms. Glass read the title for the item.

City Manager Mary Bunting introduced Planning and Zoning Division Manager, Mike Hayes, to make the presentation.

Mr. Hayes greeted those on the dais and began reviewing the slide presentation which provided information about the application related to site location and zoning.

Mr. Hayes paused to share the following information. There are conditions proposed with the request which include limiting the use to single family homes; and, while duplexes are typically permitted in R-8 zones, these would only be single family homes. In addition, the property previously housed a commercial building which was torn down in 2010; and, therefore it is currently vacant. Since that time, the Housing Authority has invested in a number of properties in the area. The majority of the neighborhood is single-family, with some mixed use. The Future Land Use Map, adopted in 2006, shows commercial use for this property and was reflective of the use at that time; however, the City acquired the property in 2008, and transferred it to the Housing Authority in 2010. The Housing Authority tore down the commercial building because it had become dilapidated and did not meet the needs of the market.

Mr. Hayes continued reviewing the presentation which provided information about the Future Land Use Map; Public Policy (the Hampton Community Plan); and the Downtown Master Plan as they relate to this application.

The next several slides of the presentation that Mr. Hayes shared displayed drawings for the project's concept plan including drawings of the proffered elevations.

Mr. Hayes shared the three important outcomes that staff sought in reviewing the application. They are to improve the housing stock in the neighborhood; to maintain neighborhood character; and to assure a variety of housing opportunities for the variety of individuals that live within our community. Mr. Hayes added that staff believes that the proffered conditions help achieve those outcomes. The proffered

conditions are related to single family use; the concept plan; home elevations; higher quality exterior building materials; and the requirement that additions or changes must adhere to the pattern book.

Mr. Hayes stated that the Planning Commission and staff recommend approval of the application with seven proffered conditions.

Mayor Tuck opened the floor for questions from Council.

Mr. Hayes responded to Councilman Bowman's questions about square footage and environmental concerns stating that the units range from approximately 1,700 - 2,000 square feet and that to his knowledge, no toxic type businesses (such as gas stations or dry cleaners) were located there that impacted the environment.

There were no speakers for the public hearing and Mayor Tuck closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Zoning Ordinance - Map be approved with seven (7) proffered conditions. The motion carried by the following vote:

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

## Use Permits

## Ordinances

6. [22-0109](#) Ordinance to Amend and Re-Enact Chapter 35 of the City Code of the City of Hampton, Virginia Pertaining to Transitioning the Subdivision Exception Process to an Administrative Review

**Attachments:** [Redline](#)  
[Presentation](#)

Ms. Glass announced that a joint presentation and public hearing would take place on this and the next item; however, the items require separate votes. She then read the titles for items 22-0109 and 22-0110.

Ms. Bunting introduced Deputy City Attorney, Bonnie Brown, to make the presentation.

Ms. Brown reviewed the slide presentation which provided background information about the item and other information related to how the current process works; the proposed process; and the benefits of implementing the proposed process.

With regard to the proposed process, Ms. Brown noted that the subdivision and site plan code, both pursuant to state law, have an appeal process where if a site plan or subdivision plat is denied because it does not meet City Code, there is an appeals process (per state code) that allows an appeal to the Circuit Court within 30 days of the denial.

Ms. Brown stated that staff and the Planning Commission recommend approval of both amendments and then opened the floor for questions from Council. No questions were posed.

A joint presentation on 22-0109 and 22-0110 was given by Bonnie Brown, Deputy City Attorney, and a joint public hearing was opened. There were no speakers at the public hearing and Mayor Tuck closed the public hearing.

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

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

7. [22-0110](#) Ordinance to Amend and Re-Enact Chapter 35.1 of the City Code of the City of Hampton, Virginia Pertaining to Transitioning the Site Plan Exception Process to an Administrative Review

Attachments: [Redline](#)  
[Presentation](#)

A joint presentation on 22-0109 and 22-0110 was given by Bonnie Brown, Deputy City Attorney, and a joint public hearing was opened. There were no speakers at the public hearing and Mayor Tuck closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Ordinance-Coded be approved. The motion carried by the

following vote:

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

## **PUBLIC COMMENT**

Ms. Glass read the protocol for the public comment period. Mayor Tuck indicated that four people signed up to speak and then called upon the first speaker, Mike McHenry.

Mr. Mike McHenry greeted those on the dais and made the following statement: I represent the Olde Wythe Neighborhood Association and the 4,200 folks that live in Olde Wythe with 1,600 households. I'm here tonight to express our strong support for a budget line item in the upcoming budget (from Public Works) that would repair the signage that we have, both the sign posts and the safety posts. Mr. McHenry referenced the line item as part of a slide presentation made available for Council and the public and then continued with his statement: They requested \$475,000 which would provide new poles; would provide new signage; new streets signs; and you see the Olde Wythe sign on top - those are ones that the Association put at every intersection with a grant from the Neighborhood Commission about 5 years ago. Those will be transferred from one pole to the new one.

Mr. McHenry shared a few additional slides while making his comments.

Mr. McHenry continued his statement: Public Works, last year, spent the better part of seven weeks going through our neighborhood and straightening our signs and really did a great job. They repainted the backs; brought them in compliance to what was envisioned in 2000 with the Olde Wythe redesign team and the City and the agreement of what signage would go into Olde Wythe. This picture was taken two months after they finished going through. Another picture, again taken two months after all these signs were fixed, put up right and repainted. This project calls for changing out the signage. Visitors were going through our neighborhood and commenting that we have more gang activity in Olde Wythe than any other place. We don't. What we have is what appears to be tagging of all of our signs. They are spray painted by Public Works. They look great for about two months. The sun comes out in the summer and the signs are bleached, and if you go through Olde Wythe and follow the sun, you'll see about 50% or 60% of the signs look like that at the end of the year. That, in combination with the poles. The poles are there currently, we are told, cannot be reused; they don't meet code; and they don't meet the regulatory guidance that the state has laid down.

Mayor Tuck indicated that Mr. McHenry's speaking time had expired. Mr. McHenry indicated that he would leave additional information with Council and then offered to address any questions. No questions were posed. Mayor Tuck again indicated that Mr. McHenry's speaking time had expired; however, staff and Council could follow up with him after the meeting. Mayor Tuck called upon the next speaker, Teresa Schmidt.

Ms. Teresa Schmidt greeted those on the dais and made the following statement: I am a resident of Hampton. I'm here to petition you regarding the real estate tax rate. I'm asking that while you are considering the rate for this upcoming budget, you include the increase in the assessment values, not only for this year, but also from last year. As a reminder, last year, the American Rescue Plan provided Hampton nearly \$26 million. At that time, citizens were told our tax rate could not be reduced because the language that was attached to the provision specifically prohibited states and territories from changing any rate at that time. If you take in consideration last year's assessment and this year's assessment, mine and Leonard's home has increased 62.65%. Our other rental properties in Hampton have increased 40%, 35%, 29% and 28.2%. None of these properties have had major renovations. It's all related to the market. To make up for this rental income loss, we can do one of two things: we can chose to ignore repairs and upgrades or we can increase the rent on these homes. Neither of these options would have a positive outcome. These tenants who are renting are either on a retirement income or in a job that provides limited income. These citizens desire and deserve to have good, affordable housing too. It's also imperative that we keep our older housing stock up-to-date because that's our primary inventory in Hampton. I've heard it said that we should be cautious about the rate reduction because if our governor is able to eliminate the food tax, then Hampton may have to bear that burden. Let's cross that bridge when we get there. Don't misunderstand me. I'm pleased that Hampton's assessments have increased, and I also believe a portion of the budget should be used to invest in our City, but I also believe citizens' quality of life in Hampton should be part of the equation. Quality of life is based on many factors, and one of those is how much we are taxed. We would all like to have extra money in our pockets to do recreational activities or go out to dinner. For some people, this may make the difference between paying their mortgage or rent or buying medicine. I'm asking that you truly make a difference in Hampton by going far beyond the five cents that is being considered. I realize that there are many competing variables, but there is a happy medium that would be beneficial to us all. Thank you.

Mayor Tuck called upon the next speaker, Chris Boehm.

Mr. Chris Boehm greeted those on the dais and made the following statement: Thank you for the opportunity to speak with you this evening. I've been a citizen in



Hampton since 2016. I've lived in the Hampton area since 1997. History on my property in addressing the tax assessments: the property I currently reside in, over the last three years has increased, in assessment, 32.8%. We are all familiar with what's going on with our gasoline increase in 2021, with gasoline up 51%, 2022, it's up 29% at current, and of course we have the increases with food as well. I also have a rental property. That rental property over the last three years has increased 23%, and as earlier mentioned by the previous citizen speaker, we are faced with situations of whether or not we can afford updates or we increase rent. Increasing rent doesn't always offer the best solution. The place where I currently reside right now, looking at the taxes, I pay \$500 a month for taxes on that one property. That currently is approximately 20% of my bring-home pay every month. We can't afford to do the updates and currently, to update the kitchen which the previous owner did not take good care of the property, we're looking at easily needing \$50,000 - \$60,000, and that is without having to replace a roof. God help us if that should occur. For our investment property, we are looking at a 13.5% increase this year and what's interesting on this piece of property is that it is along the East Little Back River expansion project. My girlfriend and I, we reside together. We spoke with the planning office on that and to our knowledge, from the persons on that Planning Commission, we are supposed to have some knowledge or information dating back to October or November of this past year. We still haven't heard anything, but what's astonishing is that we're going to receive a tax increase even though the City is well aware it is going to be taking part of our property. We're wondering, was that taken into consideration for any personal properties, any real estate properties that are going to be facing a loss of the size of their property? The explanation given (to) us by the assessment office for the tax hike was this (and this is not verbatim, but it's close): assessments were not done properly by those in office in previous years. I wonder, were those people still employed? What occurred to those people? In typical business, those people would be gone if they had not done their job. Improvements in Hampton, such as those being done at Buckroe Beach require funding and we're being taxed for that.

Mayor Tuck thanked Mr. Boehm for his comments indicating that his speaking time had expired and then called upon the next speaker, Nikia Miller.

Ms. Nikia Miller greeted those on the dais and made the following statement: Again, I am before the City Council asking for action. Roughly a month ago, my daughter came to me frustrated about the fact that no elected official in this City had taken action on her sister's behalf, after she had been raped. She was frustrated and she asked me for my help. This past Monday, my 15-year-old sophomore at Kecoughtan High School made more of a presence in this City with the school walkout than any elected official in this City has made for my daughter. Why is that? Sanctimonious inaction from elected officials is wrong, and if our City is

committed to standing up for our children in the way that we say that we're going to, then the expectation is that the people in this room who have the authority to represent, not only our tax paying citizens, but the children in their care, it should be most paramount. It is unconscionable that the Clerk for the Council made more of an effort to make sure that my daughter received her headband after she left it in this chamber than any member of this Council has made when it comes towards holding the school system of this area responsible for her care when she was brutally sexually assaulted repeatedly in an elementary school. Today, an award was given to the Girl Scouts of America. What if one of those children were my daughter? What would you have to say? Why is she not worthy of protection? Why are the children of our City who have been victim to sexual assault, like the 20 or so that I spoke to at Kecoughtan High School last Monday, and the countless videos that I watched from the walkouts that happened last Monday, not in the central point of this body's mind. Hampton City Schools is not absolved from being a responsibility of our City Council, and it is your responsibility as elected officials to do your job and hold them to task. Thank you.

Mayor Tuck responded that he has empathy for Ms. Miller's situation, but it is a School Board issue that the Commonwealth Attorney looked into and did not pursue charges. He also stated that Ms. Miller is free to come make comments, but has been banned from School Board meetings due to her behavior and now is coming to the City Council to suggest that Council is responsible for the School Board which indicated that there were no grounds for them to provide what Ms. Miller has requested.

Mayor Tuck continued saying that what has taken place over the last few weeks in chambers where fingers are being pointed at Council, as elected officials, suggests that they are not empathetic with what is going on in the City and what is happening with the Codi Bigsby case and other cases is not right and it is not right for her to attack Council. He reiterated that Council empathizes with her and what happened to her daughter, but it appears that what she claims happened did not happen. He noted that he felt that it was important to make these comments for the benefit of the public.

Ms. Miller became very upset causing a brief interruption of the meeting and the Mayor temporarily recessed the meeting as she was escorted out.

Following the brief recess, at Mayor Tuck's request, the City Manager explained the anticipated actions which will take place with respect to lowering the real estate tax rate. She also spoke a bit about personal property taxes and encouraged citizens to participate in either an in person opportunity to give input on the upcoming budget or an on-line polling opportunity.

## GENERAL ITEMS

### Ordinances

8. [22-0107](#) Ordinance to Amend the Hampton City Council Rules of Procedure to Adopt a Citizen Participation Policy

Attachments: [Hampton City Council Citizen Participation Policy](#)

Ms. Glass read the title for the item.

Ms. Bunting provided the following explanation for the benefit of the public: Over the years, Council has had no formal adopted citizen participation policy; however, has always followed Robert's Rules of Order; Hampton City Code Sections 24-12 which relate to disorderly conduct; Section 2-42 which deals with parliamentary procedure; and Virginia Code 15.2-1800 which allows the City to regulate it's use of property. Further, the Hampton City Charter provides in Section 3.04, the ability for the City Council to adopt it's own rules and procedures. In addition, there is a protocol that is established that the Clerk reads at each meeting which explains what our public participation policies are. Recently, various items were brought into Council Chambers that no one ever anticipated would come into the chambers. This action produced disruption in chambers; therefore, the City Attorney recommended that a formal policy be adopted to make clear and codify what those rules are so that they are easy for everyone to find and there is no confusion about what is and is not allowed to be brought into the chambers.

Ms. Bunting continued speaking about the provision which allows the City Manager, who by Code can make building regulations, and whether that provision that would allow the City Manager to make recommendations and adjustments to the policy would allow the City Manager to unilaterally determine that fire arms would not be allowed. She stated, for the record, that the General Assembly gave the sole power to City Council to prohibit carrying fire arms into City Hall or a City Council meeting or public building. This Council has not enacted such an ordinance, and it would come before Council if it were to be considered in the future. This policy would not allow the City Manager to make that decision solely, but would allow the City Manager to make a recommendation to Council should someone determine a creative way to disrupt a meeting in chambers short of a firearm. The Manager would also poll Council to ensure that they are in agreement and put that in place prior to the next meeting so that such a disruption could not continue.

Ms. Bunting noted that other cities in the region have similar citizen participation guidelines or protocols that can be found on their websites. The City Attorney and City Manager recommend approval of the item.

Mayor Tuck opened the floor for questions from Council. None were posed.

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

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

## Resolutions

9. [22-0106](#) 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, 2022

Ms. Glass read the title for the item.

Ms. Bunting shared the following information for clarity: Personal property taxes are assessed on a calendar year basis, unlike real estate, which is assessed on a fiscal year basis. For real estate, the first bill that residents will have with their new assessment and what will be a new lower tax rate will be December 5. The second would be June 5, 2023. In the case of automobiles and other personal property in the City, those are assessed on a calendar year basis which means the first tax bill of the new higher valuation of cars would be due this June 5th. Recognizing the unusual used car market due to the supply chain and market disruptions, the Commissioner approached the City Council and alerted us that the land book for cars was going to go up substantially and recommended that a discounted assessment ratio be used to offset what everyone believes will be a one-year problem. Once the supply chain rectifies itself in 12-15 months, personal property assessments are expected to drop precipitously because typically, a used car will lose value each year as more mileage is put on that car. Rather than changing the tax rate and having to raise it later, this valuation ratio allows us to do the same thing. She explained that the personal property tax bill is the combination of the assessment divided by 100 multiplied times the tax rate. Lowering the assessment to a 75% ratio, will bring down the tax bill such that the residents of Hampton should not have to have a major impact that they otherwise would.

Ms. Bunting noted that this adjustment has been made for residential vehicles, but the adjustment will not be made for large commercial vehicles because it is a cost of doing business for commercial companies.

Ms. Bunting said that staff recommends approval of the resolution concurring with the Commissioner of the Revenues' recommendation and then opened the floor for questions. No questions were posed.

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

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

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

The City Manager, Mary Bunting, shared opportunities for citizen input into the budget process.

**MISCELLANEOUS NEW BUSINESS**

Councilman Bowman congratulated Vice Mayor Gray on being honored by Hampton Roads Community Action Program (HRCAP) with a 2022 Community Builders Award.

Mayor Tuck shared that the UNCF 5th Annual Mayor's Masked Ball will take place this weekend and encouraged support for the event and its worthy cause.

He also mentioned that March is Hampton City Schools Youth Art Month and there is some wonderful student art in the lobby of City Hall for others to enjoy.

**ADJOURNMENT**

The meeting adjourned at 7:37 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 \_\_\_\_\_