



# 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 Billy Hobbs*  
*Councilmember Chris Snead*

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

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**Wednesday, October 28, 2020**

**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. 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

### INVOCATION - Councilwoman Eleanor Weston Brown

Councilwoman Brown gave the invocation.

### PLEDGE OF ALLEGIANCE TO FLAG

### MAYOR'S COMMENTS

1. [20-0304](#) Updates on the Growth and Progress of the Hampton General District Court's Behavioral Health Docket

Mayor Tuck introduced the item.

Chief Judge of the Hampton General District Court, the Honorable Corry N. Smith, greeted those on the dais and thanked them for the opportunity to speak about the Behavioral Health Docket of the Hampton General District Court.

Judge Smith shared what she described as startling facts about behavioral health: According to the National Alliance on Mental Illness, approximately 1.4 million adults

in Virginia alone, experience mental illness. Almost 1 in 4 Virginia inmates had a diagnosable mental illness.

Judge Smith said that while progress is being made through legislation, more legislation and funding can and should be done, and this is where Hampton's first Behavioral Health Docket comes into play. Judge Smith announced that the program received official approval from the Supreme Court of Virginia in January of this year and became fully operational in July (operations were delayed due to the challenges of the ongoing pandemic).

Judge Smith stated that the docket's mission is to enhance public safety and reduce recidivism of criminal defendants who suffer from serious mental illness. In order to accomplish this mission, the program connects defendants with community treatment services; provides coordination and collaboration between treatment providers; and allows attorneys to find appropriate dispositions to the criminal charges.

Judge Smith also announced that on September 1, 2020, the docket received a \$35,000 grant award from the Commonwealth of Virginia to fund a peer support specialist. She paused to note that a peer support specialist from the Newport News Behavioral Health Docket was in attendance and then explained the importance of peer support specialists. She emphasized that the value of peer support specialists cannot be overstated because they play an integral role in the success of the Behavioral Health Docket, and provide frequent on-going accessible and compassionate support for all participants.

Judge Smith thanked the City Manager, members of Council, Mayor and City Attorney for their support of Hampton's first Behavioral Health Docket and said their support is Hampton's acknowledgement of how we can progress toward criminal justice reform. She added that for far too long, individuals who have suffered from mental illness have been wards of the State by way of the Sheriff's Department and our hope is to stop that cycle.

Judge Smith introduced the following members of the docket team who were in attendance: Christina Seeley, Behavioral Health Docket Therapist at the Hampton/Newport News Community Services Board; Ryan Dudley, Director of Forensic and Crisis Services at the Hampton/Newport News Community Services Board; Daphne Cunningham, Deputy Executive Director at the Hampton/Newport News Community Services Board; Sherry Hunt, Director of Communications at the Hampton/Newport News Community Services Board; Joe Hudson, Peer Support Specialist with the Newport News Behavioral Health Docket; Ryan Zerby, of Hampton's Commonwealth Attorney's Office; Hilary Merica and Matt Johnson of the

Hampton Public Defenders Office; and Debra Woodward, Docket Coordinator for the Hampton General District Court.

Judge Smith opened the floor for questions from those on the dais and noted that the team members were also available to answer questions.

Judge Smith added that this is a worthwhile cause and commended our City for getting behind it.

Councilman Bowman, as a member of the Hampton/Newport News Community Services Board, commended Judge Smith and her team for this outstanding effort and for bringing this to fruition.

Councilman Brown echoed Councilman Bowman's comment and added that, having served on the Hampton/Newport News Community Services Board for many years, he recalls many conversations on this subject. He also added that as having a family member who suffered with mental health concerns for years, it is welcoming to have a docket where individuals with these challenges may receive compassion and intervention. He thanked all involved in the process.

Judge Smith said that some members of Council had previously asked about how the docket is organized and then provided the following explanation: When an individual comes into the criminal justice system (court) and there is an obvious indicator that there are stressors in the individual's life, a referral is made by an attorney, judge or law enforcement agency. Once the referral is made, that individual is taken off of the common criminal docket and is moved to a behavioral health docket. The individual undergoes evaluations and the team, which meets twice per month, determines whether the individual is a good candidate for the docket. Judge Smith noted that in the short time that the docket has been operational, four out of thirteen referrals have been accepted.

Mayor Tuck congratulated Judge Smith and the team and wished them much success.

City Manager Bunting commended Judge Smith for being the driving force behind this project and stated how proud City leaders are of all of the partners and critical members involved in this effort. She emphasized that Judge Smith had a personal passion and mission about this problem in our community and has been supported by her fellow judges. She concluded her comments stating that Hampton would not have come this far in the process without the efforts of Judge Smith.

**2.     [20-0318](#)     Election Safety**

Attachments: [Presentation AS PUBLISHED WITH AGENDA](#)  
[Presentation - Updated for Meeting](#)

Mayor Tuck introduced the item.

Deputy City Attorney Brandi Law greeted those on the dais and began speaking about some of the Virginia statutes that are in place to ensure safe elections.

Ms. Law shared information about Virginia Code Section 24.2-607 which makes it a class one misdemeanor to hinder, interfere or intimidate with a voter in a way that prevents them from being able to cast a secret ballot. This section also prohibits individuals from conducting themselves in a manner that would disturb the election or cause insult or injury to the officers of election. She clarified that if an officer of election observes this behavior, they may ask the individual to stop the behavior and may request the individual be arrested if they do not cooperate.

Ms. Law also shared information about Virginia Code Section 24.2-604 which prohibits activity to loiter or congregate within 40 feet of a polling place. Violation of this section is also a class one misdemeanor.

Ms. Law reminded everyone that prohibitions against weapons on school properties still applies even on Election Day. This includes knives larger than a small pocket knife, stun weapons and firearms. She added that this also applies to property that surrounds the school building, including the parking lot.

Assistant City Manager Steve Bond greeted those on the dais and began speaking about some of the ways in which the City intends to promote voter safety in Hampton.

Mr. Bond spoke about how Hampton citizens have conducted themselves when voting in the past. He said that City leaders have confidence in its voters and citizens as Hamptonians have historically assembled and exercised their right to vote in a peaceful manner. He noted that people oftentimes are passionate about issues, but have historically conducted themselves in appropriate, peaceful and civil ways. He continued stating that City leaders expect nothing less on November 3 and the rules Ms. Law reviewed will be enforced. He encouraged everyone to feel safe when voting as plans are in place in the event of outside agitators attempting to disrupt action at the polls. He reiterated that while he will not review strategic tactics, there is a plan in place to ensure everyone's safety as they exercise their right to vote.

Mr. Bond reviewed the next few slides of the presentation which provide information

about how citizens should handle potential voter intimidation situations; other violations of the law; precautions which are in place as a result of COVID-19; early voting; absentee voting; and curbside voting.

Mr. Bond paused to share his own experience with early voting and encouraged others to take advantage of early voting as it was a positive experience for him.

With regard to absentee voting, Mr. Bond emphasized that it is important for voters to follow directions closely; that a witness signature is not required due to COVID-19; and that additional information about absentee voting is available on the City's website under the City Council meetings link.

Mr. Bond concluded the presentation and reiterated that our leadership has trust in Hamptonians and does not expect that there will be safety issues. He reminded everyone that plans are in place in the event of an issue and that if an incident should occur, voters should contact an election official (who will be wearing an orange badge at polling precincts) or call the police at 911.

Mr. Bond opened the floor for questions from those on the dais. No questions were posed.

## 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 Snead, seconded by Councilmember Brown, to approve the Consent Agenda. 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

3. [20-0302](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Accept and Appropriate the Maternal, Infant and Early Childhood Home Visiting Program Grant Awarded by the Commonwealth of Virginia's Department of Health to the City of Hampton, Virginia (Youth, Education, and Family Services Department, also known as Healthy Families) to Continue the Parents As Teachers and Home Visiting Education and Support

Program

Attachments: [1 YEF MIECHV Grant Routing Form FY2021](#)  
[2 YEF MIECHV Grant Proposal Overview FY2021](#)  
[3 YEF MIECHV Scope of Services and Budget FY2021](#)  
[4 YEF MIECHV Contract Renewal FY2021](#)

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

4. [20-0317](#) Resolution Authorizing an Advance of \$500,000 from the City's General Fund Unassigned Fund Balance to the Capital Projects Fund for the Site Characterization Project

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

5. [20-0291](#) Approval of the minutes from the work and special sessions of October 14, 2020, and the special session of October 21, 2020.

Item approved.

**Aye:** 7 - Councilmember Bowman, Councilmember Weston Brown, Councilmember Brown, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

## PUBLIC HEARINGS

The Clerk of Council announced that no one had signed up to speak at either of the public hearings and asked if she could dispense with reading the protocol. Mayor Tuck agreed.

## Ordinances

6. [20-0307](#) Ordinance to Continue to Impose a Business Improvement Tax in the Amount of \$.20 per \$100.00 of Assessed Value on Certain Commercial Properties, Subject to Real Estate Taxation, Within the Boundaries of the Downtown Hampton Business Improvement District, Which Tax Shall Be in Addition to All Other

Taxes and Fees as May Be Imposed by Law for the Period from  
July 1, 2021 to June 30, 2031

Attachments: [Downtown BID Renewal Letter](#)

The Clerk of Council read the title for the item.

Ms. Bunting made the following statement for the benefit of the public: This ordinance basically allows the Business Improvement District (this first one deals with the Downtown Hampton Business Improvement District) to continue its taxation of commercial properties at the rate of \$.20 per \$100.00 of assessed value. The district was established by ordinance in 1995. At the time, the tax rate was established, it was put in place for a period of five years. Since that time, the tax rate has been renewed multiple times, most recently, for a ten-year period. That ten-year period would expire effective July first of next year; therefore, the Downtown Business Improvement District in this particular item and in the next item, the Coliseum Central Business Improvement District, are coming to you to seek your concurrence with continuing to operate and provide the same tax at the same boundaries for the businesses that have been paying that since 1995. Again, as the clerk mentioned, tonight is only a public hearing; your actual vote on this would be taken at your next meeting.

This item was on the agenda for a public hearing only with a vote to be taken on November 12, 2020. The Mayor opened the public hearing. There were no speakers so he closed the public hearing.

7. [20-0308](#) Ordinance to Continue to Impose a Business Improvement Tax in the Amount of \$.07 per \$100.00 of Assessed Value on Certain Commercial Properties, Subject to Real Estate Taxation, Within the Boundaries of the Coliseum Central Business Improvement District, Which Tax Shall be in Addition to all Other Taxes and Fees as May be Imposed by Law for the Period from July 1, 2021 to June 30, 2031

Attachments: [Coliseum Central BID Renewal Letter](#)

The Clerk of Council read the title for the item.

Ms. Bunting made the following statement: The same explanation for this item applies. This happens to be the ordinance that relates to the Coliseum Central Business Improvement District, and because it is a larger business district with more businesses, the tax that they choose to impose is lower at \$.07 per \$100.00 of assessed value. As the Clerk mentioned, this is just a public hearing tonight and will

be voted on at your next meeting.

This item was on the agenda for a public hearing only with a vote to be taken on November 12, 2020. The Mayor opened the public hearing. There were no speakers so he closed the public hearing.

## **PUBLIC COMMENT**

The Clerk of Council read the protocol for the public comment period.

Mr. Craig Knopp greeted those on the dais and made the following statement: I live here in Hampton. Normally, I usually have something to speak on. Today, I really didn't have anything to speak on, but somebody had pointed out on Facebook today that it is First Responders Day - First Responders Appreciation Day. Thank you. I really kind of overlook the importance of firemen, ambulances and our first responders unless I actually need them, but I urge everyone, including City Council, to get out there and talk to our first responders. They do a lot for us. Like I said, normally, we overlook them and we don't really think about them until that time of need. The reason that I bring this up is there is one thing that happened earlier this summer and it does hit me, it hits me hard just because I am a motorcycle enthusiast. Earlier this summer, in Virginia Beach, there was an incident where a gentleman on a motorcycle ran off the road and he was sitting there hurt and first responders came to him, and a crowd gathered around these first responders. So, stuff happened and it made it very difficult for these first responders to tend to this gentleman. Then, they finally got him into the ambulance. The ambulance took off to a Virginia Beach hospital and members from this crowd followed this ambulance to the hospital. Once they got to the hospital, these individuals - they had to put the hospital on lockdown because individuals were trying to break into the hospital. The reason I say this is that this gentlemen on the motorcycle, he died. He died. Time was lost because of people interfering with our first responders trying to save this man's life. Once again, like I said, I am a motorcycle enthusiast. I know motorcycles can be dangerous here and there, but all I want to say is that - respect our first responders, respect our police. Thank you.

Ms. Natasha McCain greeted those on the dais, thanked them for allowing her to speak and made the following statement: I am the second Vice President of the Hampton Branch of the NAACP, and also a volunteer and election official during our state, local and national elections. For me to finally hear that we are going to have a national observance day for elections was eye-opening and it was a message from Governor Ralph Northam that we should all as Virginians engage in our civil right to vote, and it was disheartening to hear that the City Council voted no for this observance day. As a former employee of a telecommunications company,



I remember when we were trying to vote, working a ten-hour shift. My shift started at 7:00 in the morning and ended at 8:00 (PM), so I had no time unless I wanted to rush and try to be the first person at 4:00 in the morning to stand outside of my polling precinct to be able to vote. We had many people who commute and once we were able to get the timeframe allotted, two hours before shift and two hours after shift, to be able to allow people to go vote, many people were still unable to vote because they were unable to get to their polling place in time or unable to meet the 7:00 time frame where they were still standing in line and be able to be permissible to vote. There are people who have lives. I take care of my elderly mother. She also takes care of me because I have MS (Multiple Sclerosis). There are things that we have to do to plan to vote. Many people can't early vote or mail in ballot vote and I am imploring you as a call of action to rethink the observed day for the national election and to consider that not everyone has the ability to go and early vote or mail-in ballot vote. Thank you.

Ms. Gaylene Kanoyton greeted those on the dais, thanked them for allowing her to speak and made the following statement: I'm President of the Hampton Branch, NAACP and Vice President of the Region for the Virginia State Conference NAACP. I just want to touch on a couple of concerns. One is what my colleague spoke on about having Election Day being a holiday. I understand that there are some rumors that has been going around, so let me set the record straight. This election as a holiday is more than just letting the employees off. It's about sending a message to the citizens that voting is important. You all are on this dais because of the power of the vote. You ask people to come vote for you and do whatever it takes to come and vote for you, and they did. We have to fight every time to try to get people to the polls, and because of the climate that we are in right now, they are coming to the polls, but we have some that can't and we have some that are not sure they want to. So sending a message that voting is important - it's not about - it's a holiday for your employees, yes, but this is about voting day, a day just like Christmas is to celebrate baby Jesus; it is just like when you want to celebrate when Christ has risen from Easter (or whatever you believe in, I'm just talking about belief). We have an opportunity to have a day to celebrate voting. This is so historical, and we had to speak up, because if we didn't speak up, what would we tell our children? We had an opportunity to have a holiday, to celebrate voting and we didn't exercise our right, we didn't speak up. This is so historical, to have our children and grandchildren to grow up in an era that they are able to have a day that says voting is important. All elections are important, but to have a day in November would spill over to May and everything else that goes along with it. This is the historical part about it. Hampton has been a leader and Hampton can be a leader along with this as well. The City of Norfolk voted for it last night. And, all I am asking is that - let's be historical; let's think about our children; and let's think about the power of the vote, and not say let's give them four hours. We don't want to be Marie Antoinette, let them eat cake,

you've got four hours. We don't want to be like that. We're not like that. So, we want to make sure that the message is strong that voting is important. Before I came here today, I was running late, I spoke to the City Leadership Institute Scholars Program and I asked them - one of the questions they were asked was about how do they feel about this election? I was taken aback to hear that they were frightened; they were scared; they were unsure; they didn't trust the system; they wanted to vote on Election Day. And, so, I (what) I just want to say is that we want to make sure we have safety at the polls and if anyone has issues with voter protection, don't put it on social media, call your elected officials. Thank you.

Mr. Walter Jones greeted those on the dais and made the following statement: I'm just in the community trying to do the right thing; getting voter registration every day and I am out here. I basically was just going to kind of touch on the same thing they touched on and just letting you know what it means to my generation and what I've been hearing every day since I've been doing voter's registration. I also want to say happy First Responders' Appreciation day as well. Basically, election day to my generation as a whole, - getting that we need more time than the four hours, we really need the whole day. We are surrounded by the shipyard and military essential workers and I heard from one fireman also, that he just don't have enough time. I heard somebody say they can't use their PTO (personal time off) and in the whole, that their vote really doesn't matter because it was signed on, I guess, early in the year that we can try to make it a holiday, and some jobs in our City aren't honoring that, and that's when we need you. We need you guys because I feel it's really important for my generation. We've been coming out in numbers, correct, but it's very important. You have single moms, you have single dads that don't have the time, and with that whole day, it's more to let everybody know that your vote matters. Your vote counts and nobody has a choice; nobody has a choice or excuse now to say, you know what, we didn't have the time, we didn't have this, because you know what, Council gave them that. And, that's all I'm here to say. I've been in Hampton all my life and please let us lead the way in this. Let's not be left behind in this very historic moment. I'm 35 years old and I'm just telling you, just a member in Hampton, a community leader in Hampton for the young people, as well, that this is what I'm hearing. It's not coming from me. This is what I'm hearing when I'm getting people registered to vote or when I'm picking people up registering to vote and we are doing any events. I appreciate all the hard work you guys are doing and we need you guys. Thank you.

## **GENERAL ITEMS**

There were no general items.

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

There were no reports.

## MISCELLANEOUS NEW BUSINESS

Mayor Tuck called for any new business items.

Councilman Brown requested to present a new business item, thanked the Mayor for the opportunity to do so and then made the following statement: We've heard a lot about observance of this national, well, the state holiday for persons to vote. It is an observance that the Governor has signed in and it will allow folks to vote and have the opportunity to vote their candidate of choice. And, I do know that 60 million or so have voted already early. That is one option that people are using, but I am very passionate about the right to vote, the opportunity to vote and I have said this multiple times as I have talked with members of Council about how important it is for folks to have an opportunity without having any encumbrances. Four hours is an opportunity, but anything can happen in four hours. Emergencies come up. I would think that citizens and employees would love to have an opportunity without having to think I've got four hours, if I can't get my vote in time, I've got to get back to work. And, I do understand that the manager (I've talked to her about it) would allow folks, if they are in a line, to stay above four hours, but this is very passionate for me. People, in the climate that we are in, the opportunity to cast their vote without having to worry about having to get back to work - they could take their leisure; get their kids off to school; whatever they need to do. And, so and I do realize this too, that citizens, I mean City employees get four hours, but I don't think that's enough. I really don't. I've talked to members of Council and we've had some good conversation, respectable conversations, civil conversation and some of us have agreed to disagree, but not be disagreeable, and, so, I respect their perspective and opinion. But, tonight, this is critical and I would want to put on the table a motion that (the citizen) the City of Hampton observe November 3 as an official holiday to allow people to cast their votes. This is a right. This is a privilege. This is a right to vote. And, so I want to put that on the table as a motion tonight, and I have discussed this with the City Attorney and asked for her legal advice on this and if she can chime in to let us know how we may proceed with this, I would yield to her and then I have a motion to ask us to (consider) observe November 3 as an official holiday in the City of Hampton.

City Attorney Cheran Ivery made the following statement: Section 2-43 of the City Code governs order of business for City Council meetings, and specifically in that section, the miscellaneous new business is discussed and it is generally limited to the discussion of new items by City Council members, the City Manager or the City Attorney. However, there are two exceptions by which a Councilmember can place an item on the floor in new business for a vote. One of those exceptions is when the item has a specific time restraint or when the item is an emergency as determined by a majority of members of Council. In this instance, with Election Day only five

days away, the first prong with regard to a specific time restraint is satisfied.

Mayor Tuck reminded everyone that there was a motion on the floor and asked whether there was a second. The motion was seconded by Councilman Chris Bowman. Mayor Tuck then called for discussion.

Councilwoman Snead made the following statement: Mayor, for point of clarification, your motion says "so that citizens can vote", it is so City employees can vote, right? Because this doesn't impact the whole citizenry in Hampton. It's just for City employees. I just wanted that point of clarification.

Councilman Brown replied stating I understand that and I would simply say that my motion is to observe November 3 as the holiday. The Governor has signed, I don't know if it's a law, but he has declared it a holiday for citizens and City employees. Citizens are City employees too.

Councilwoman Snead replied stating, no. All of our City employees are not citizens, so that is why I wanted clarification. I didn't think that citizens of Hampton should think that this is a day for everyone. What we're declaring is just for our City employees.

Councilman Brown replied that he understood.

Mayor Tuck called for additional discussion.

Vice Mayor Gray made the following statement: There has been a lot of discussion around this subject for several months and I think everyone knows how critical this particular election is, but, all elections are extremely important, and this one just happens to be turned up a notch. But, when we began having some discussion on this, I had initially not supported doing Election Day because I thought, like many of you, that everybody is voting early. Many people I've talked to in the community are voting. I've seen people post from - having completed a vote with their sticker on and everything. And, so, I wonder why we needed to let our employees off to vote when so many had already voted early. But, when you are making decisions like this, sometimes it requires time to process, and so, over the last few days, I've had time to kind of process that even more and to talk to people, to read messages, the emails citizens have sent in about this. And, so, then given that, I began to think that there are more reasons to have November 3 as an Election Holiday that was really even more bigger than just the fact that people needed to be able to get to the polls and vote. And, so, I think one has been mentioned, I think it sends a message, to our kids, to our families, to our perspective employees who may want to come to work and see that in Hampton's benefits package, there is a day off or paid holiday

for Election Day. Students already have Election Day off because most of our schools are used for voting precincts, and so, students don't go to school even though teachers have a work day or conference day on that same day, and so, when kids are at home, they are out of school, but they probably don't know why because parents are off to work on that same day, and so they may not get a full understanding of the importance of being off on Election Day. And, so, I think with having a holiday, particularly for our employees, employees get to be home with their kids during Election Day, perhaps families will go to vote together and allow families, and mothers, fathers to kind of share the importance of why they go to the polls and vote, and then hopefully those kids will eventually grow up and be strong voters in exercising their civil rights in our community. And, again, as I've mentioned, I think that we have many employees who - as we try to attract new employees to our City, paid holidays are a part of benefits packages that many employees look at and find what's important in particular cities. Sometimes pay might not be all about - or might not be the same or the highest pay in a region, or whatever, but sometimes the benefits that come along with employment in a particular city is important to employees too. So, there are many other reasons, but really, the most important point is that voting is extremely important too. Our democracy, it's important to our City, and that's how we all got here was being elected by people and people going out and participating in that process. So, for that reason, I support the motion to make a paid holiday on November 3.

Councilwoman Snead asked if this was the time to make comments. Mayor Tuck said yes, because there is a motion and we are having a discussion before we have the question. He then confirmed that he had called upon Councilwoman Snead to give comments.

Councilwoman Snead made the following statement: No one knows how important voting is than me. I know the importance of voting. My parents instilled it in me when I was young. I watched them go to the polls. They never took me, but I watched them and they talked about it. I voted early, and I took my grandson with me because that's how important I think it is, and he knows about the power vote. His Nanna had to go through an election. He's been through this election. I have a lot of young people that work on my team. However, let me say this - that no one can say that I'm not an advocate for City employees, because I am. I support my City employees whole-heartedly, having been one of them. I would have considered this holiday had we had lines during early voting. We haven't had lots of lines for early voting like other cities have. Cities have had massive lines of early voting. We have two places you can go to early vote and everyone's talked about the great experience that we've had. We have the ability to vote by mail early. You don't even have to have a signature to guarantee that. And, then you have Election Day. Over half of our citizens have voted already. So, you know, that would have

triggered me, had we had these things to consider - well, maybe our employees do need a longer time to go and vote, but they have up to four hours and I'm sure that if someone had to be in line longer than four hours to vote, that no one would make them go get out of the line. Yes, the Governor did declare a state holiday for election, and what he did was wonderful, but it was easy for him to do. He exchanged another day (holiday) to make Election Day. We don't have the luxury to do that. From what I understand, it could cost us up to \$90,000 to make, to have the holiday pay. The manager has suggested an administrative day which wouldn't cost us, but from what I understand, that was not acceptable; that it had to be a holiday. I have polled many City employees and I've been told that....Sure, I'd like to have the day off. Wouldn't anybody like to have the day off? But, there really was not a need for a holiday to go and vote because they have the flexibility to go and vote. I personally would prefer to utilize the funds to go towards areas for City employees like making sure all our City employees earn a livable wage. We have a number of employees that are not to that level yet. I'd much rather find it more palatable to spend the money that way. I really haven't been bombarded with requests to make Election Day a holiday. I've had a couple of phone calls. The requests that I got through emails, those people think that by us making Election Day a holiday gives every Hampton citizen the right to have the holiday, and it doesn't. It only gives City employees that day. All of our City employees don't live in Hampton, and our City of Hampton workforce make up only a small percentage of the total workforce in the City of Hampton. So, we have a lot of people who are still going to be going to work on Election Day. And, I understand about setting the example of how important voting is, but when I have to make a decision, I try to look at it logically, I really do. I don't make decisions based on politics. I never have and I never will. And, so, I can't in good conscience support this because no one has really given me a good reason why. It's COVID. We can't even celebrate. We can't get together to celebrate. So, yes, I took my grandson to the polls. You can take your child to the polls still. Nothing prevents you from doing that. Not at all. So, I just can't in good conscience, and I'm sure I've got some other stuff. And, so, Ms. Latasha, I want to let you know too, you stated that it was a national holiday. It's not a national holiday. This is a holiday that the state, the Governor, gave to state employees and city, localities have the option of doing it. And, I commend those that do, but we've been ahead of the game for years, because we are probably one of the only localities that have given our employees as much time to go and liberally vote - get the vote out. And, so I think that in some cases, we are being looked at unfairly because we won't do this. So, with that, I can't in good conscience. I have to do what I think is best for the whole City of Hampton.

Mayor Tuck asked the Clerk to clarify the motion before Council, specifically, if it is just November 3, 2020, or all first Tuesdays in November.

Ms. Glass said that because the motion is on the floor, has been properly seconded, and discussion is underway, the next steps should be to: conclude discussion on the motion as stated, and ask Councilman Brown to consider rescinding and withdrawing that motion restating it to clarify whether it is November 3, 2020, or if it's Election Day.

Mayor Tuck asked for clarification if those steps should be taken only after discussion is concluded.

Ms. Glass reiterated that since there is a motion on the floor with a second that is properly being discussed, discussion should conclude before moving forward.

Councilwoman Brown made the following statement: I want to thank my colleagues and also all the citizens who have come today to speak to us, and as I prayed today during the invocation, we truly give thanks for the right to vote and we do hold it as a dear privileged and responsibility. And, we take that responsibility very earnestly and strongly, as we take our responsibility as members of Council. I know my colleagues here all take that responsibility very dearly and sincerely. And, I am very grateful for the discussions that we've had together, and as Councilman Brown said, that we have been able to share our views, discuss them, and discuss what was best, and that's the Hampton way, and I'm very proud of that. I'm proud of what Mr. Bond shared with us about the preparedness for the election; about what we experience in Hampton. I was blessed to grow up in Hampton and my parents - my father was in the Airforce, and my father had to go to work very early, and my parents set the example of going to the polls at the opening at 6:00 and I was fortunate to go, like Councilwoman Snead's grandson, with my parents to the polls and they established for me that excellent example of how important it was, and my father showed me how it was to get up early and go and then went off to work the rest of the day. And, I have been fortunate to have had that example and hold that right very dearly, and I want to thank all of those who have been shining the spotlight on this privilege, so that those like the gentleman who spoke last, who is sharing with our young people and young adults how important it is that they register and that they get to the polls. So, thank you for those efforts. I think they will bear fruit as we bring awareness to how important this right is. And, I agree with Ms. Kanoyton that it is something to celebrate, and I look forward to celebrating when we can. As Councilwoman Snead said, be together again, but, we will be all in our own way, celebrating that we live in a democracy and that we have these rights and that we will be able to exercise them. I'm very proud of the efforts of our registrar and the support of this Council to make voting accessible for everyone, both by the curbside voting. I witnessed that. I early voted also and also was only there for five minutes. I went at lunch time. It was excellent, and I witnessed the curbside voting of people who... an elderly lady with a walker, and I really commend the registrar's staff for

the courtesy they are showing to all citizens. They really had it organized. So, I'm very proud of us doing things the Hampton way. I appreciate the suggestion of having a holiday. I appreciate what the Governor has done for the state employees, but as Councilwoman Snead said, he traded the Lee Jackson Holiday. Hampton didn't observe the Lee Jackson Holiday. We are a very progressive place here in Hampton. We've been giving our employees time off to vote now for many, many, many years and that's something we can really be proud of that that's the Hampton way. So, I have also not been persuaded that we needed to provide a holiday for City employees on Election Day. Our folks will exercise their civic responsibility in the ways that make sense for their own families, and I will not be supporting the resolution, but I am very grateful for this opportunity to second my support and my hearty encouragement for all citizens to get out and vote. Thank you.

Councilman Hobbs made the following statement: I'm like Councilwoman Chris Snead and Councilwoman Brown. I've tried to make sense out of taking off a day, a whole day, at the cost of like Councilwoman Snead pointed out, \$90,000, when most of the people I've talked to - I've had one email asking me to consider the holiday, and I've had a couple of phone calls, and that's all I've had. Now, maybe people just aren't talking to me, but I'm not a hard guy to talk to. I've not heard anything from our state delegates. Of course, I'm a small guy. They don't need to call me and talk to me and ask me what it will do to the City of Hampton, but this will have some negative effects on our budget and the City of Hampton, and I am proud to be a Hamptonian. I am proud to say the first vote I ever took, I took in this City. I stood in line to be able to register to vote and I vote every time I get the opportunity, and a lot of good people have voted for me and put me where I'm at now, and I understand that, and I'm trying to be logical. I appreciate my colleagues. We've had some great discussion. Councilman Steve Brown and I have had very good lively discussion, and it has been friendly, and like Eleanor says, it's been the Hampton way, and I cannot support this motion, and I love Steve Brown, but... and he's got a good heart and he's passionate about this, but I cannot make good sense out of supporting this. And, I love our City employees. I took a beating at budget time because I made the statement that I thought that we should take care of our employees first. Our employees are the most valuable asset the City has for a workforce. And, I'm just not going to keep beating a dead horse. I just can't make sense out of it and I can't support the motion.

Councilwoman Brown made the following statement: I just wanted to add one other thing that I forgot to say which is I appreciate the staff quantifying what the extra holiday pay would cost and I agree we have lots of need of those funds, but I also want to point out that there is the opportunity cost of the loss of a day's work. So, we want to also mention that our folks, you know, their work is sitting on their desk if they are not there working, we will also lose the day's work and that work will still be



there the next day. So, hopefully, everyone will be able to fit it into their workday and be able to get everything done because our folks really are our talent. So, thank you. I had failed to make that point. I just wanted to clarify that the money was not the only cost. Thank you Councilman Brown.

Councilman Brown thanked Councilwoman Brown.

Councilman Brown made the following statement: I realized that when I made the motion, I did indicate November 3, but, Election Days change in the Commonwealth, so I would like to withdraw that motion and restate a new motion that simply says that I would make a motion to observe the Election Day as a paid holiday in the City of Hampton, Election Day, without a specific date.

Mayor Tuck reminded everyone that there are two election days.

Councilman Brown asked the City Attorney to assist with the motion language.

City Attorney Ivery said that it would be helpful to clarify language in the motion “for City employees” and also asked if Councilman Brown meant Election Day only in November.

Councilman Brown said, for City employees.

City Attorney Ivery said if the language “the Election Day in the month of November for City employees” is inserted into the language of the motion, that should accomplish what Councilman Brown is trying to accomplish.

Councilman Brown stated that he should have read what he wrote, but was attempting to wing it.

Councilman Brown said I would like to make a motion that the City of Hampton observe Election Day as a paid holiday for City employees in November.

Councilman Chris Bowman seconded the motion.

Mayor Tuck called for new discussion and asked whether Councilman Brown intended for municipal elections to not be a holiday?

City Attorney Ivery asked Councilman Brown if that was his intent.

Councilman Brown said that he was talking about the national election and that he was asking that to be observed as a paid holiday for City employees in November

for this particular election.

Mayor Tuck responded saying there was no need for clarification if Councilman Brown meant November 3, which is this particular election because that would mean he was only considering November 3, 2020, and not looking beyond this election.

Councilman Brown said that he was referring to this election.

City Attorney Ivery made a comment which was not audible.

Councilman Brown apologized for the confusion and requested to clear things up. He said the Governor has given the holiday for state employees for this election; therefore, he (Councilman Brown) is asking that we observe the holiday for City employees to be given a paid holiday for elections.

Mayor Tuck noted that Councilman Brown said the word elections, with an S, and asked if Councilman Brown intended for his request to go beyond this November 3, 2020?

Councilman Brown replied, yes.

Mayor Tuck asked if Councilman Brown meant for all November elections.

Councilman Brown replied, November elections.

Mayor Tuck asked whether Councilman Brown was also including municipal elections.

Councilman Brown said that he was not certain about that, and acknowledged that Vice Mayor Gray wanted to speak.

Vice Mayor Gray asked if the motion could include that we follow the state holiday for elections and when the state is off for elections, then the City of Hampton would be off for elections. He also asked for confirmation if Council was talking about November elections.

City Attorney Ivery said that she did not want to preempt what Councilman Brown was trying to accomplish, but if he was trying to accomplish following the Election Day holiday as provided by the state, yes.

Councilman Brown confirmed that is what he was trying to accomplish.

City Attorney Ivery said that the motion should reflect that language so that it is clear as there are two Election Days.

Councilman Brown agreed that was fair.

Mayor Tuck asked Councilman Brown to confirm that he wanted to discount municipal elections.

Councilman Brown confirmed that he wanted to discount municipal elections and wanted to follow what the state mandates.

Mayor Tuck called for additional discussion.

Councilman Brown again apologized for the confusion and said that he understood.

Ms. Glass reminded everyone that additional discussion took place following the second.

Mayor Tuck asked the Clerk to read the motion.

Councilman Brown agreed that the Clerk should read the motion again.

Ms. Glass said that she was uncertain if she could do that; however, could probably on the fly, craft what Councilman Brown was trying to say.

Mayor Tuck said I think the motion is that every November that the state observes a holiday for state employees (every November election) that we observe the same for City employees.

Mayor Tuck asked Councilman Brown if his intent was to diminish the importance of municipal elections by not asking for that to be a holiday.

Councilman Brown clarified that he was not diminishing any elections in particular and was not going to get into all elections, but he was specifically talking about this election.

Ms. Glass clarified that the motion would be that when the state of Virginia observes a November Election Day as a holiday that the City of Hampton also observe that Election Day as a paid holiday for City employees.

Councilman Brown replied, yes.

Mayor Tuck called for the question.

Ms. Glass reminded everyone that the motion was made by Councilman Brown and seconded by Councilman Bowman and asked if the Mayor was ready for the question.

Mayor Tuck called for the question.

[20-0323](#) Motion that when the state of Virginia observes a November Election Day as a holiday, that the City of Hampton also observes that Election Day as a paid holiday for City employees.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Bowman, that when the state of Virginia observes a November Election Day as a holiday, that the City of Hampton also observe that Election Day as a paid holiday for City employees, be approved. The motion failed by the following vote:

**Aye:** 3 - Councilmember Bowman, Councilmember Brown and Vice Mayor Gray

**Nay:** 4 - Councilmember Weston Brown, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

## ADJOURNMENT

Prior to adjourning, Mayor Tuck indicated that there would be a ceremonial groundbreaking tomorrow at 11 a.m. for the expansion of the Hampton Roads Bridge Tunnel and also on tomorrow there will be a Town Hall at 7 p.m. which will be on Facebook Live and the guest will be Dr. Jeffery Smith.

The meeting adjourned at 7:42 p.m.

**Contact Info:**  
**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**

\_\_\_\_\_  
Donnie R. Tuck  
Mayor

\_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_