



# 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, January 13, 2021**

**6:30 PM**

**Council Chambers**

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### CALL TO ORDER/ROLL CALL

At 6:30 p.m., Mayor Tuck convened the meeting. Those physically present in Council Chambers were Councilman Bowman, Councilman Brown, Vice Mayor Gray, and Mayor Tuck. Those participating remotely via Zoom were Councilwoman Brown (pursuant to Section (1)(b) of the City Council's Electronic Meeting policy), Councilman Hobbs (pursuant to Section (1)(a) of the City Council's Electronic Meeting policy), and Councilwoman Snead (pursuant to Section (1)(a) of the City Council's Electronic Meeting policy).

Also physically present in Council Chambers were Katherine Glass, Clerk of Council, Steve Fryer, Channel 47, a Deputy Sheriff and a representative of the Fire Marshal's office. The City Manager, Mary Bunting, and the City Attorney, Cheran Ivery, participated from within City Hall via Zoom.

**Present:** 7 - Councilmember Chris L. Bowman, Councilmember Eleanor Weston Brown, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead and Mayor Donnie R. Tuck

### DONNIE R. TUCK PRESIDED

[21-0041](#)

Motion to approve the electronic participation of Councilwoman Brown (pursuant to Section (1)(b) of the City Council's Electronic

Meeting policy), Councilman Hobbs (pursuant to Section (1)(a) of the City Council's Electronic Meeting policy), and Councilwoman Snead (pursuant to Section (1)(a) of the City Council's Electronic Meeting policy).

For the benefit of the public, Mayor Tuck announced that in December, the Governor issued an executive order which limited gatherings in public spaces to no more than 10 individuals. He explained that as a governing body, Council is exempt from this requirement; but, would like to set a positive example, therefore, three members of Council will participate in the meeting remotely. He then called for the motion to approve the electronic participation of Councilmembers Eleanor Brown, Billy Hobbs and Chris Snead.

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

**Aye:** 4 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray and Mayor Tuck

**Abstained:** 3 - Councilmember Weston Brown, Councilmember Hobbs and Councilmember Snead

#### **INVOCATION - Councilwoman Chris Snead**

Councilwoman Snead gave the invocation.

#### **PLEDGE OF ALLEGIANCE TO FLAG**

#### **MAYOR'S COMMENTS**

Mayor Tuck made the following remarks:

Every year, the City adds names to our Dr. Martin Luther King, Jr. and Hampton Heroes Memorial Plaza in a ceremony on Martin Luther King Jr. Day.

The memorial recognizes both Dr. King, and Hampton citizens who have had an impact on Hampton through a commitment to peace, justice and progress.

Usually, we gather at the site of the memorial plaza, a quiet, reflective spot outside the Hampton Roads Convention Center, or inside the Convention Center since it's usually pretty cold this time of year.

This year, due to the spread of COVID-19, we will have to gather virtually instead.

You can view the ceremony on Monday, January 18th, at 1:00 p.m. It will be streamed on the web page <https://hampton.gov/hamptonheroes>, and you can also view it on the City's Facebook and YouTube channels.

We hope you will join us live for this virtual ceremony to honor our many Hampton Heroes. Also, please take the time to visit the Memorial Plaza on your own at the Hampton Roads Convention Center, since we can't all gather there together this year.

Mayor Tuck announced the names of this year's honorees whose names are being added to the Hampton Heroes Memorial Plaza in a ceremony on Martin Luther King, Jr. Day:

Trailblazers in History: Alice Bacon, A.W.E. Bassette, Rosa Parks, Ruppert Leon Sargent, William H. Trusty, William Tucker, Harriet Tubman, and George Wythe

Modern-Era Trailblazers in Public Service: Linda D. Curtis and B.J. Roberts

Community Leaders: Chester Lee Brown, Anderson W. Clary, Jr., Jacob Heffelfinger, Lillian Epps Johnson, Lillie Mae Jones, and William Alfred Smith

The Mayor also announced that City Hall would be lighted in white beginning tomorrow, and for one week, to memorialize the American lives lost to COVID-19. He asked that citizens join in remembering our neighbors and fellow citizens and to please continue to do their part to slow the spread of COVID 19.

## 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 Hobbs, 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

1. [21-0001](#) Approval of the minutes from the special meeting (Council Retreat) of November 18, 2020; the special meeting (War Memorial Stadium Tour) of December 9, 2020; the work session

of December 9, 2020; the special Spotlight on Citizens ceremonial session of December 9, 2020; and the legislative session of December 9, 2020.

Item approved.

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

2. [21-0002](#) Resolution Approving the Fiscal Year 2020 Year End Budget Adjustments

**Attachments:** [FY20 Year End Budget Adjustments](#)

Item approved.

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

3. [21-0004](#) Resolution to Amend the Fiscal Year 2021 Council Approved Budget to Accept and Appropriate the 2020 Emergency Management Performance Grant-Supplemental (EMPG-S) Grant Awarded through the Virginia Department of Emergency Management

**Attachments:** [Subaward Agreement](#)  
[Grant Application](#)  
[Grant Routing and Overview Forms](#)  
[Grant Award Letter](#)  
[Budget Match Memo](#)

Item approved.

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

4. [21-0038](#) Resolution Authorizing an Advance of \$6,193,800 from the City's General Fund Unassigned Fund Balance to the Capital Projects Fund for Hampton City Schools Maintenance and Technology Investments; the Enhanced Park Maintenance and Buckroe Boardwalk Project; Maintenance of Public Properties Project; the

Wythe Fire Station Project; and the Council Strategic Initiative Funds for the Firing Range Project  
Item approved.

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

## PRESENTATIONS, PROCLAMATIONS, AWARDS

## PUBLIC HEARINGS

There were no public hearings on the agenda.

[21-0046](#) Motion to Take Agenda Items Under General Items Out of Order to Move Them Before Public Comment

The Mayor indicated that the time allowed for citizens to sign up for public comment had not yet concluded and suggested that the general items be taken out of order.

A motion was made by Councilmember Chris Snead and seconded by Councilmember Steven Brown, that this Motion be approved. The motion carried by the following vote:

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

5. [21-0003](#) Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton, Edward J. Haughton, and Joyce M. Haughton, Also Known as Joyce M. S. Haughton, to Allow an Encroachment Into a Portion of City of Hampton Drainage Easements for the Replacement and Installation of a Wooden Privacy Fence

**Attachments:** [Presentation](#)  
[Encroachment Agreement](#)

Ms. Glass read the title for the item.

City Manager Mary Bunting made the following statement regarding the item: Mr. Mayor and Council: Edward J. Haughton and Joyce M. Haughton, also known as Joyce M. S. Haughton, own property located at 10 Pine Cone Drive. The City of

Hampton has a 10-foot wide drainage easement along the western property line of the licensee's parcel and a 5-foot wide drainage easement along the northern property line. Licensee's request permission to encroach into an approximate 61.32 (plus or minus) square foot area of the City easement along the western property line to replace an existing wooden fence and to install a new wooden privacy fence along the northern property line. As requested, the encroachment application is illustrated in your package. The request was routed to City staff and local utility companies and none had any objections, but some recommended certain conditions that are included in the recommended encroachment agreement. Therefore, pursuant to Hampton City Code, section 34-86, City staff recommend approval of the encroachment agreement.

Mayor Tuck opened the floor for questions or comments related to the item.

In response to Councilman Bowman, Ms. Bunting stated that it is to her understanding that the fence is a wooden fence.

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

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

6. [21-0007](#) Resolution Ratifying the Submission by the City Attorney to the Circuit Court of the City of Hampton of a Petition Requesting that a Special Election be Ordered to Fill the Vacancy of the Office of Sheriff of the City of Hampton

Ms. Glass read the title for the item.

City Attorney Cheran Ivery made the following statement regarding the item: Good evening. The resolution before you will ratify the City Attorney's submission to the Hampton Circuit Court of a petition requesting a Special Election be ordered to fill the vacancy in the Office of Sheriff. As background to what led to the filing of this petition, I offer the following: Due to the announcement that long-time Sheriff B.J. Roberts would retire in early January 2021, on December 9, 2020, this Council adopted a resolution authorizing the filing of a petition with the circuit court requesting that no special election be ordered to fill the anticipated vacancy created by his retirement. Under Virginia law, the Council can request such an action if the vacancy occurs within one year before the end of the term of office. If such action is granted by the court, the election for the Office of Sheriff would be held as scheduled at the next general election in November 2021 at the end of Sheriff

Roberts' term and in the interim, the highest ranking deputy officer that is qualified to vote for and hold that office, would serve as sheriff for the remainder of the unexpired term. However, due to the passing of Sheriff Roberts on December 26, 2020, the vacancy in the Office of the Sheriff occurred more than one year before the end of his term thus making the petition for no special election no longer allowable under the law. As such, in accordance with section 24.2-228.1(A) of the Code of Virginia, the City Council was required within 15 days to petition the circuit court to issue a writ of election to fill the vacancy. In that petition, the City requested that the special election be held on the same date as the general election, the same date and time as it would have been held if Sheriff Roberts had completed his 4-year term. This also saves the City and taxpayers the additional expense of funding a special election at an earlier date. The court entered the writ on December 28, 2020, thus there will be a special election held on November 2, 2021, for a new four-year term in the Office of Sheriff. Further, in accordance with state law, until the special election is held and a new sheriff is sworn into office, the highest ranking deputy shall serve out the remainder of the unexpired term and Sheriff Bowden was sworn in on December 28, 2020. At this time, the resolution is before you for the Council's consideration. Thank you.

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

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

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

## **PUBLIC COMMENT**

Mr. Craig Knopp greeted those on the dais and made the following statement: I just have a couple of quick questions here. I was hoping to get some help.

A portion of Mr. Knopp's comments were inaudible. The remainder of his statement is as follows: I was just looking to see if I could get some help with talking to the right person. 1. Some information on starting a neighborhood watch. Who do I need to talk to about that? 2. I need some help with the breakdown on responsibility of replacing curbs along with the apron of your driveway (like, who owns what). My understanding is that the owners own the aprons and the City owns the curbs, but I'm not real sure on that. That's all I have.

Mayor Tuck thanked Mr. Knopp for his comments and assured him that the

information requested would be provided to him.

**GENERAL ITEMS**

**Resolutions**

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

There were no reports.

**MISCELLANEOUS NEW BUSINESS**

There were no items of new business.

**ADJOURNMENT**

The meeting adjourned at 6:48 p.m.

**Contact Info:**

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

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

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Katherine K. Glass, CMC  
Clerk of Council

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