

October 14, 2021

Members Present: Sylvia Nery-Strickland (Chair), Virginia Jenkot (Vice Chair), Beatriz Amberman, Joe Burnsworth, David Calliott, Thomasine Cubine, Heidi Daniels, Jamal Gunn, Carla Hesseltine, Niam Lagoe, Evie Liu, Emiliano “Jojo” Orenca, Luis Rivera, Teresa Stanley, Mark Stevens, Ron Taylor, Frances Knight Thompson, Allison White, Rabbi Israel Zoberman

Staff Present: Regina Hilliard (Human Resources), Shelley Johnson (Human Resources), Dominique McKinnon (HRC Liaison)

Liaisons Present: Deputy Chief William T. Dean, Jennifer Franklin (School Board Liaison), Rod Ingram (Deputy City Attorney), Captain Henri Norris, Dr, LaQuiche Parrott

I. Call to Order

The meeting was called to order by Vice Chair Jenkot at 4:07 p.m.

II. Welcome New Student Commissioners

Vice Chair Jenkot welcomed the newly appointed student commissioners, Niam Lagoe and Evie Liu.

III. Roll Call

Roll Call of the Commissioners was taken. Commissioner Calliott, Commissioner Burnsworth, Commissioner Nery-Strickland and Commissioner Thompson participated in the meeting remotely from their homes for medical reasons. Commissioner Gunn and Commissioner Orenca participated in the meeting remotely from their homes for the personal reasons due to traffic concerns and work commitments.

IV. Minutes Approval

Vice Chair Jenkot made a motion to approve the minutes with two corrections from the August 12th meeting. Commissioner Amberman seconded the motion. The minutes from the August 12th meeting with two corrections were approved by 18-0.

V. Chairman’s Report

Chair Nery-Strickland reported that she notified the Commission about the Salem Lakes incident as soon as she was made aware on that Monday and by the following afternoon the problem had been resolved through police mediation. She opened the floor for discussion on the matter.

Deputy City Attorney Rod Ingram stated that this was a tough situation and reported that the police department (with advice from the City Attorney’s Office, and the Commonwealth Attorney’s Office), a magistrate judge and a civil judge all concluded that the conduct, while reprehensible, did not rise to the level of a crime. The police department entered into discussions with the neighbors to broker a peace agreement and it is still holding.

Commissioner Amberman reported that she and Sylvia received an email from current and former members of the VAHR who wanted to share some options for handling this incident at Salem Lakes. She and Sylvia suggested that this matter be included in the discussion during the Association meeting, and they agreed. She stated that the VBHRC can be better utilized by the City and suggested the City invest in promoting the Commission with brochures in the libraries, as done in the past and use VBTv to prompt the different departments that can help ease community relations.

Chair Nery-Strickland reminded that there is a Public Information Committee and suggested boosting the VBHRC's visibility with brochures and wristbands that are being researched with vendors. She asked if the VBHRC can be notified about calls received by the police department that involve racial issues.

Commissioner Rivera asked Rod what level of crime has to be committed for the police department to confront an individual. He stated that he has heard of the police intervening in incidents that are not felonies such as disturbing the peace and loitering, and asked why the police were not more aggressive in resolving this situation. He asked why the VBHRC was not in the loop about the incident so the Commission could have been proactive and acted to help resolve the situation.

Rod reported that from his understanding, when the police department became aware of the situation, they responded in a timely manner. They attempted voluntary compliance first and after they were advised that there were no viable criminal options, they continued to try to help by having a meeting with the offensive neighbor. He informed the Commission that the Office of the Attorney General and the Virginia Housing Authority have reached out to the victim to provide assistance. He explained that disturbing the peace applies to speech when it is offensive and delivered in such proximity that it was clearly intended to provoke immediate and imminent unlawful conduct such as assault and battery. Speech is difficult to prosecute because of the 1st Amendment and the Supreme Court has ruled in many cases that even hurtful, offensive, racist speech is protected by the 1st Amendment. If the conduct in this incident doesn't meet the elements needed to prove the crime occurred, then the prosecutor is not going to bring that criminal charge because he will lose the case and the City could be sued for violating the offensive neighbor's 1st Amendment rights.

Commissioner Stanley thanked Rod Ingram for providing that clarity, the Chair for informing the Commission as quickly as she could and the police department for the response that they could provide. She spoke of the importance of the VBHRC's partnership with the police and stated that there may be other methods to proactively address matters like this incident.

Commissioner Gunn stated that certain communities, like the African American community, feel that the City did not do enough to stop that offensive individual. Something In the Water coupled with Salem Lakes makes him worry about Virginia Beach's reputation and he doesn't want people to get the idea that Virginia Beach is a racist city. He stated that Pharrell Williams spoke of a toxic environment, and the VBHRC should take steps to dispel that idea and change the narrative.

Commissioner Thompson stated that the African American community has been feeling the stress of what has been going on with this incident. She felt troubled by the VBHRC's silence over this incident at Salem Lakes as it is a human rights issue and at least a statement should have been released against the treatment of this neighbor. She stated that it is unconscionable that so little could be done in the form of a reprimand in this situation, yet Black boys are being cited for playing their music too loud when driving.

Chair Nery-Strickland stated she was notified and shared the news with the Commission Monday afternoon and by the time a statement would have been released, it was resolved. She stated that the VBHRC was not contacted by the victim regarding this incident and the Commission received all the information from the news. She would like to discuss this matter further with Chief Neudigate present to answer the questions that the VBHRC has about the legalities of this incident.

Rod Ingram clarified why people get cited for playing music too loud while driving and why no citation was given in this incident. He stated that from his understanding, by the time the police

arrived the noise had stopped. With a misdemeanor, the police department can only arrest for a crime that occurs in their presence. He understands that these are all technicalities that are not satisfying, but he believes the Chief can tell the Commission more.

Chair Nery-Strickland stated that she is open to any suggestions for new ideas to handle situations like this in the future. She opened the floor for discussion on Something In the Water.

Commissioner Gunn stated that given who Pharrell Williams is and his platform, other people in the City are starting to believe that Virginia Beach has a toxic environment, and it is incumbent upon the VBHRC to combat that perception.

Commissioner Stanley agreed with Commissioner Gunn and stated that the optics surrounding Something In the Water have to be addressed. There is an event on November 6th where people around the community will be voicing their concerns and the VBHRC shouldn't stay silent.

Chair Nery-Strickland suggested that maybe the VBHRC take the role of showing that Virginia Beach is not toxic and do something to show the positive side of Virginia Beach. Chair Nery-Strickland stated that it is a multilayered issue, but she is open to any suggestion from the commissioners on what kind of statement that the VBHRC wants to make.

Commissioner Amberman stated that weighing in on one side or the other doesn't bring peace. People on both sides of an issue should feel comfortable coming to speak to the VBHRC, and the VBHRC needs to remain neutral and knowledgeable as there are many elements of this issue. She suggested the Commission should receive mediation training to help strengthen civil conversation in the community. She stated that the VBHRC's role is to advise City Council and not make statements on the policies of the City, but since these pressing issues affect our City, the Commission needs to know what proactive steps to take to let leadership know what the community is feeling.

Commissioner Daniels stated that this is not just a local issue, but a national issue. She suggested reaching out to Pharrell Williams's liaison to see if they would have a conversation with the VBHRC. This may affect tourism and people may not want to come to our city if they think we have a toxic environment.

Commissioner Rivera made a motion to dedicate an entire VBHRC meeting to establish policies and procedures for responding to issues like the Salem Lakes incident and Something In the Water with a representative from the VBPD and City Council liaison. Commissioner Hesseltine agreed that developing policies and procedures on how the VBHRC is going to weigh in on an issue to ensure consistency. She suggested that Chief Neudigate send a representative or the Commission make a formal request. Commissioner Hesseltine seconded the motion, and it was approved by 19-0.

Commissioner Stanley also agreed with Commissioner Rivera and clarified that the Commission shouldn't pick sides, but think about how does the VBHRC stay in their lane while always looking through the lens of human rights. She added that feeling welcomed in our City is a human rights issue. The VBHRC's history came from the Labor Day riots at the beach, and took a long time and hard work to find a remedy for those issues. Something In the Water was that solution.

Commissioner Stevens asked what would be the purpose of a VBPD representative being present for the meeting and Commissioner Rivera clarified that the department can give the Commission insight on what can and can't be done from a legal standpoint by the police department.

Commissioner Taylor stated that we need to get our local elected officials and the community to work together to resolve these issues. He added that he agrees with the VBHRC establishing policies and procedures, and that we can get through these issues if we all work together by being intentional and committed.

Chair Nery-Strickland reported that the VAHR will be meeting in November and she will send out that information once she receives it.

Staff Liaison McKinnon reported that the November 11th meeting is Veteran's Day, an observed City holiday and City offices will be closed. She suggested that alternatively, the meeting and Retreat could be held on the 10th from 4pm-6pm. She has reserved the same room in Building 19 and a facilitator is available to help guide the discussion. She asked that the commissioners review their calendars for this availability and let her know if they can attend the meeting on November 10th. She also reminded the Commission that she sent out the committee membership lists for the commissioners to view and notify her if they want to be added or removed from any committees.

VI. Committee Reports

Chair Nery-Strickland reported that the Joint Oceanfront Committee has been suspended until January because most of the RAC members are in the food and hotel industry and are currently overwhelmed. Commissioner Stevens stated that during the last Joint Oceanfront meeting, an art show was proposed by the Virginia African American Cultural Center for support from the VBHRC and he believes it is important to consider. He sent information on the proposal to the Chair and she stated that she would share with the Commission for review.

Commissioner Cubine reported that the Mental Health Task force is still working on getting STEP-VA fully funded. Members of the South Hampton Roads Legislative Collaborative Table will be visiting their local and state legislators to ensure STEP-VA gets fully funded for all 9 components. The committee has submitted a proposal to the IAB to expand mental health programs to include outreach to faith communities. NAMI Coastal Virginia is considering holding a breakfast next year, possibly in February, for faith leaders to discuss mental health concerns. Commissioner Cubine thanked Councilman Berlucchi for getting a \$200,000 grant approved by City Council for local, private and non-profit mental health groups. She reported Commissioner Stanley and Jen Williams are working on supportive housing for people dealing with mental health challenges. Commissioner Cubine added that Unity Week is next week and on Tuesday, the public library is hosting a panel discussion on public health with a segment on mental health. Stacey O'Toole with the Virginia Beach department of Human Services and Jen William of NAMI Coastal Virginia will be panelists. VB Strong will be have an event on mental health in November as well.

Commissioner Taylor reported that Men of Faith are working to assist our community with closing the school to prison pipeline through mentorship. They are also fighting to diversify the judicial system in Virginia Beach and meeting with delegations to address that issue. He also reported that VAHR needs an updated list of our Commission.

Commissioner Amberman reported on the COVID-19 Task Force. The vaccination rate has increased and children 12 years old and up are now eligible for the vaccine. The Pfizer vaccine is waiting on approval for children 5 years old and up. The number of hospitalizations and deaths are down and there is still concern with uncivil behavior regarding masks and vaccinations, but that should improve.

VII. Liaison Reports

Vice Chair Jenkot welcomed Jennifer Franklin as the VBHRC's new School Board liaison. Jennifer spoke on her honor to be a part of the Commission and looks forward to working with the group.

Commissioner Stanley reported that the South Hampton Roads Legislative Collaborative Table has more than 26 non-partisan groups working on human rights and at the top of their list are the issues of paid sick days, STEP-VA, giving marginalized people a voice in environmental justice, solitary confinement, voting rights, housing and minimum wage for farm workers. She added that the Season for Non-Violence Collective will be continuing their work with mental health and she would like to engage the new student commissioners in the Collective. She asked if Dr. Parrott or Jennifer would be the liaison from the Virginia Beach Public Schools. Virginia Wesleyan College is working on developing a play with the In[Heir]itance Project in the Spring and all proceeds would go to conversations regarding healing and understanding.

Commissioner Hesseltine reported that the Community Service Board is really short staffed and they are not accepting new patients. Councilman Rocky Holocomb is the new City Council liaison to the Community Service Board. The board is very excited about the new Marcus Alert and she would like to have a Law Enforcement Oversight Committee meeting to hear from the law enforcement departments about the alert system. She added that the Chair for the Mayor's Commission on Aging has stepped down and they haven't meet yet, but she will notify the Commission when they do.

Dr. Parrott thanked the Commission for supporting the Educational Equity policy on September 9, 2020 and she reported that her office conducted a division wide equity assessment. The evaluators will provide a final report and recommendations to the School Board on October 26th. There is limited capacity in the meeting space due to the pandemic, but the workshop will be televised, and she will share the Zoom link with the Commission.

Commissioner Stevens reported that there has been an increase in the homeless population, especially at the Oceanfront. He spoke with Captain Harry McBrien of the 2nd precinct and the precinct will be getting more involved, so he requested that they take VBHRC commissioners with them during their outreach efforts. Commissioner Stevens will be coordinating that with him and encouraged commissioners to join in the outreach program.

Commissioner Stanley asked if those assigned to the IDEA Commission is a liaison role and Vice Chair Jenkot said she will follow up on that. She added that the Pastors/Leaders Community Police Relations Table continues their commitment to their work. Chair Nery-Strickland stated that she will send out a link to Dr. Amelia Ross-Hammond's report to City Council on the IDEA Commission.

VIII. Staff Report and Updates

Liaison McKinnon reported that she has been in contact with the Housing and Neighborhood Preservation department regarding the Homeless Vigil. They are anticipating doing a virtual program again this year and they have not started the planning process, but once they do, they will keep her in the loop on what they need from the VBHRC. She will notify the Commission once she has more details. She reported that she will be ordering the gold and black magnetic VBHRC name tags and asked anyone who doesn't have one to let her know. She added that she is working on the letters formally requesting VBHRC liaisons to the Community Service Board and Mayor's Commission on

Aging. Commissioner Amberman reminded that she has been asked to attend the Arts of Humanity Commission.

IX. Old Business

Commissioner Stanley reported that she shared the presentation made by Dante Strobino on collective bargaining and City Council has appointed a task force that is looking at the collective bargaining issue.

X. New Business

Amberman expressed her appreciation to Councilman Berlucchi for his support for the National Hispanic Heritage Month celebration and the new Hispanic Resource Center of Coastal Virginia will have an event at the Convention Center on Saturday from 6pm to 10pm. She will be sending a link to the Commission for those who want to attend.

Rabbi Zoberman reported that he was able to speak on behalf of Commissioner Hesseltine as a candidate for the Lynnhaven district City Council seat. He participated in the 12th Annual Garden Celebration at the Norfolk Botanic Garden to honor the 200 African American women and 20 African American men who labored to clear out the space where the garden is now located. He also participated in the Violins of Hope at Norfolk Academy, sponsored by the VA Arts Festival and the Holocaust Commission of the United Jewish Federation of Tidewater. The event featured violins that survived the Holocaust. He also reported that Governor Northam and other community leaders are supporting him for appointment to the United States Holocaust Memorial Council.

Commissioner Stevens reported that the second precinct is hosting a Hispanic Fall Fest on October 23rd. He handed out the flyers to the Commission and asked that Staff Liaison McKinnon send it to the commissioners who are participating remotely. He suggested that the commissioners participate in this outreach event to let the community know that the VBHRC is available to assist them.

XI. Adjournment

Chair Nery-Strickland adjourned the meeting at 6:10 pm.

Next Meeting:
November 10th @ 4pm