



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 Linda D. Curtis
Councilmember Jimmy Gray
Councilmember W.H. "Billy" Hobbs
Councilmember Will Moffett
Councilmember Teresa V. Schmidt
Councilmember Chris Snead

STAFF: Mary Bunting, City Manager
Vanessa T. Valldejuli, City Attorney
Katherine K. Glass, CMC, Clerk of Council

Wednesday, September 28, 2016

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:31 p.m. All members of City Council were present with the exception of Councilman Will Moffett who is attending the Smart Cities Conference.

Present: 6 - Vice Mayor Linda D. Curtis, Councilmember Jimmy Gray, Councilmember Billy Hobbs, Councilmember Chris Snead, Councilmember Teresa V. Schmidt and Mayor Donnie R. Tuck

Excused: 1 - Councilmember Will Moffett

DONNIE R. TUCK PRESIDED

INVOCATION - Councilmember Hobbs

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

Mayor Tuck made the following announcements: Councilman Moffett is attending the Smart Cities Conference; Assistant City Manager James Peterson is filling in for City Manager Mary Bunting, who is attending the International City Manager's Conference; and, Senior Deputy City Attorney Patricia Melochick is filling in for City Attorney Vanessa Valldejuli, who is attending the Institute for Local Government Lawyers.

Mayor Tuck noted that Council is wearing orange ribbons in support of Hunger

Action Month.

Mayor Tuck introduced Jerry and Amy Frostick with J & A Racing. Mr. Frostick officially invited Council to the 5th running of the Crawlin' Crab 5k and Half Marathon. This is the largest event yet, with over 5,000 runners from over 29 states participating. Runner's World, a leading national publication, named Hampton's Crawlin' Crab as the perfect race to do in Virginia. He thanked the City for its support in this event and noted that the community is very welcoming.

CONSENT AGENDA

Clerk of Council Katherine K. Glass read the protocol for the Consent Agenda.

Mayor Tuck requested that Agenda Item #3 be removed from the Consent Agenda for further discussion. Following that discussion, Ms. Glass summarized the remaining items for vote.

3. [16-0325](#) Ordinance to Amend and Reenact Chapter 1 of the City Code of the City of Hampton, Virginia Entitled "General Provisions" by Amending Sections 1-15, 1-16, 1-17 and 1-18 and adding Section 1-19 to provide that an additional five dollars will be added to the costs in each criminal or traffic case in the Hampton courts to provide additional funding for the Hampton Police Division's Criminal Justice Academy

Attachments: [Redline](#)

Mayor Tuck invited Hampton Police Division (HPD) Chief Terry Sult to provide more information on the rationale behind this proposed fee.

Chief Sult stated that the City has authority from the Commonwealth to charge an additional \$5 court fee in traffic and criminal cases because it is a locality that runs its own Police Academy. This would result in approximately \$138,000 per year. HPD has not requested this fee for a number of years; however, in light of the current environment and additional demands on training under the 21st Century Policing recommendations previously presented, HPD needs to enhance its training. They are doing a lot of outreach and travel to better understand dynamics occurring in other cities so that Hampton can be prepared. He also indicated that the Police Academy needs to be expanded to provide the capacity for increasing the number of police officers on the street.

Chief Sult indicated that the training budget is lacking already, even before these additional stresses. He stated that it makes sense to have those committing the violations help fund the additional training that is needed.

Mayor Tuck noted that one of the reports about Ferguson, Missouri indicated that the police were building budgets off of court fees. There may be an appearance that because this money is needed for the academy, tickets will be written to get additional funds. He asked if there was another way to obtain the funding and how soon HPD needed the funding. He suggested approaching the City Manager to add this additional funding into the budget.

Chief Sult stated that it is up to Council. He noted that citations have been dropping over the last few years, partly due to the engagement in community policing. HPD is actively looking to engage and do less unnecessary enforcement. If the additional training is not funded by these fees, HPD will need to wait until the next budget cycle, and will need to be addressed every year. This could delay implementation of the 21st Century Policing recommendations.

Councilwoman Snead stated that she had been prepared not to support this because she has a problem with implementing fees outside of the budget cycle and believed this should be a part of HPD's budget presentation. She commented she is still concerned about additional money on top of fees that people already cannot afford. However, she feels Chief Sult has made a compelling case.

Councilman Hobbs noted that training is very important and asked if \$138,000 is enough. Chief Sult stated that HPD would be limited in how the funds can be used. They cannot be used as travel funds, but can be used to bring instructors into the academy. The money that is currently budgeted through the General Fund could then be used to develop leadership within HPD, sending officers to various training sessions and conferences. HPD has lacked in this portion of training in recent years. If HPD is going to embrace cultural change within the department, it has to be funded.

Vice Mayor Curtis stated that this is a timely request. A study was recently printed in the Daily Press about the local perception of police. Hampton came out pretty well. Chief Sult indicated that there is still work to do. Vice Mayor Curtis agreed, and stated that the work has to be both within the department and with the officers engaging with the community to create relationships and trust.

Vice Mayor Curtis indicated that she had requested additional information on current court costs. These varied depending on which court was charging the fees, but the average in General District Court, or a traffic case, is approximately \$98. This fee would increase that cost to \$103. She had been concerned about additional costs to those who already struggle with enormous fines and costs, but this does not seem excessive to her. The use of the fee would benefit everyone in the community.

Mayor Tuck stated that he supports what the Chief wants to do, but he thinks there is another way to do it without imposing fines.

Councilman Gray stated that he supports HPD and understands the need for training funding, and how much needs to be accomplished with limited resources. He suggested deferring the item until the next meeting to give the City Manager time to possibly find the resources somewhere else in the budget. He noted that this would not just be a one-time cost, but will need to be funded each year going forward.

Councilwoman Schmidt stated that she would prefer to pass it now, but will support deferral.

This item was removed from the consent agenda at the request of Mayor Tuck. Mayor Tuck asked Police Chief Terry Sult to provide additional information on this item. Following the discussion, Councilman Gray made a motion to defer the item until October 12, 2016. The motion was seconded by Councilman Hobbs, and passed on the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

Approval of the Consent Agenda

Motion made by Vice Mayor Curtis, seconded by Councilmember Schmidt, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

1. [16-0321](#) Resolution Approving The Grant of Permanent Sanitary Sewer Easements to the Hampton Roads Sanitation District Totaling 5,241 Square Feet (0.1203 Acre), More or Less, on City Properties located at 1505 N. Armistead Avenue (LRSN 7000123), 1507 N. Armistead Avenue (7000122), 1509 N. Armistead Avenue (7000121), 1511 N. Armistead Avenue (7000120), 1513 N. Armistead Avenue (7000119), 1515 N. Armistead Avenue (7000117), and Freeman Drive (LRSN 7000118)

Attachments: [Plat](#)
[Easement](#)

Item approved.

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

2. [16-0324](#) Resolution Authorizing a Petition to the Commonwealth Transportation Board to Transfer Certain Real Property Acquired for the Construction of Briarfield Road to the City of Hampton Pursuant to Virginia Code §§ 33.2-1001 and 33.2-907

Attachments: [Sketch](#)

Item approved.

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

4. [16-0329](#) Resolution of the City of Hampton Authorizing the Dissolution of the Hampton Parking Authority

Item approved.

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

5. [16-0332](#) Resolution to Change the Name of the Citizens Engagement and Advisory Commission (CEAC) to the Citizens Engagement Advisory and Review Commission (CEARC)

Attachments: [CEARC By-laws](#)

Item approved.

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

Ms. Glass read the protocol for the Public Hearing session.

6. [16-0328](#) 2015-2016 Consolidated Annual Performance and Evaluation Report (CAPER)

Attachments: [CAPER 2016 - MASTER Presentation](#)

Assistant City Manager Peterson introduced Mr. Jonathan McBride, Housing & Neighborhood Services Division Manager, who provided a presentation on the Consolidated Annual Performance and Evaluation Report (CAPER). This is an annual report required by the U.S. Department of Housing and Urban Development (HUD) because the City receives an entitlement under the Community Development Block Grant (CDBG).

Mayor Tuck opened the Public Hearing. As there were no speakers, Mayor Tuck closed the Public Hearing.

In response to Councilwoman Schmidt's questions, Mr. McBride stated that the program income is from the sale of homes, and indicated that there have been occasions in the past when time has expired on some properties, requiring the City to buy back property from HUD. The funds went into constructing five new homes this year, some of which are still under construction. One of those homes has sold, and there is approximately an 18-month timeline between construction and resale. Disposition includes legal fees, closing costs, title research, and any nonphysical activities within the program. The City usually only receives one or two comments during the Public Comment period each year and has not received any this year.

Presented by Jonathan McBride. There were no speakers for the public hearing. A motion to approve was made by Councilman Gray, seconded by Councilwoman Schmidt, and passed on the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

PUBLIC COMMENT

Ms. Glass read the protocol for the Public Comment Session.

Mr. Garrick Blount greeted those on the dais and made the following comments: I'd like to the address the issue with the leash laws. I'm very fortunate, I do have a fair bit of travelling, both nationally and internationally, and I've witnessed that the

general trend is towards cities, towns, to be more pet friendly. This is evident with hotels, restaurants, outdoor decks where you can bring a pet up onto the deck, and I question why Hampton's basically looking at maybe bucking this trend. I personally, obviously, do own a dog and I have an interest in it. However, I think that the current laws do suffice, and I think if they are enforced, basically made with a little bit more bite to them, excuse the pun. I think that - I ask for you to consider not addressing this issue with a broad paintbrush which will affect every pet owner and penalize those who do take time to basically train their pets to be under positive verbal control, and basically focus on being more specific. I thank you for your time.

Mayor Tuck noted that Council received a number of concerns earlier in the summer about some animals that were mauled by other animals. There needs to be a balance in the City, and Council is currently accepting suggestions and recommendations to strike that balance. This is why Council has deferred this matter until November 9th.

GENERAL ITEMS

Ordinances

7. [16-0327](#) Ordinance To Amend and Reenact Chapter 5 - Animals of the City Code of Hampton, Virginia By Amending Section 5-38 - Running at Large

Attachments: [5-38 CORRECT](#)

Following the Mayor's Comments, Mayor Tuck indicated that it is Council's intention to defer Agenda Items #7 and #8.

Assistant City Manager Peterson stated that the City Attorney's Office is recommending a change that will enhance enforcement of the current "Running At Large" statute by removing the requirement that an owner has permitted a dog to run free. The current provision has proven to hinder the ability to convict owners in court and for victims in attack situations because it requires that the City's attorneys prove that the owner permitted the dog to be at large.

The second amendment that was recommended came from the Animal Control Advisory Committee and would have amended the City's leash law by requiring that dogs be on a leash when off the owner's property. It also does not require a leash when the dog is in an area where a non-leashed dog is permitted, such as a dog park or when hunting. Currently voice control is considered sufficient, but the Committee believes the new requirement will be safer for the public and their pets.

Councilman Gray moved to defer this item until Novmeber 9, 2016. The motion was seconded by Councilwoman Schmidt and passed on the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

8. [16-0326](#) Ordinance To Amend and Reenact Chapter 5 - Animals of the City Code of Hampton, Virginia By Amending Section 5-2, pertaining to the definition of "at large"

Attachments: [5-2 CORRECT](#)

This item was discussed concurrently with Agenda Item #7.

Councilman Gray moved to defer this item until Novmeber 9, 2016. The motion was seconded by Councilwoman Schmidt and passed on the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

Resolutions

Appointments

Ms. Glass read a summary of the motion for the appointments.

[16-0340](#) Motion to Affirm the Appointment of Nakia Cook to the Board of Directors of the Peninsula Agency on Aging for the term beginning October 1, 2014, and ending on September 30, 2017
A motion was made by Vice Mayor Curtis, and seconded by Councilman Hobbs, to affirm the appointment of Nika Cook to the Board of Directors to the Peninsula Agency on Aging for the term beginning October 1, 2014, and ending on September 30, 2017. The motion passed on the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

9. [16-0283](#) Consideration of appointment to Planning Commission

A motion was made by Vice Mayor Curtis to defer this matter until October 12, 2016. It was seconded by Councilman Hobbs and passed on the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Snead, Councilmember Schmidt and Mayor Tuck

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

MISCELLANEOUS NEW BUSINESS

Assistant City Manager Peterson emphasized the importance of the Crawlin' Crab race hosted in Hampton. It has become a popular event and occurs over a two day period. It is a good thing for Hampton. Councilmembers voiced their support of the race and encouraged citizen participation.

Mayor Tuck shared pictures from a recent event, the Smocking Arts Guild of America conference. Participants came from as far as California and Australia. This was the first time they have held the conference here and it had an approximate \$110,000 economic impact on Hampton.

ADJOURNMENT

The meeting adjourned at 7:10 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____