



City of Hampton

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

Council Approved Minutes - Final City Council Legislative Session

Mayor George Wallace
Vice Mayor Linda D. Curtis
Councilmember W.H. "Billy" Hobbs
Councilmember Will Moffett
Councilmember Teresa V. Schmidt
Councilmember Chris Snead
Councilmember Donnie R. Tuck

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

Wednesday, January 27, 2016

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Wallace called the meeting to order at 6:44 p.m. All members of City Council were present except for Councilman Tuck who is traveling.

Present: 6 - Vice Mayor Linda D. Curtis, Councilmember Billy Hobbs, Councilmember Will Moffett, Councilmember Teresa V. Schmidt, Councilmember Chris Snead and Mayor George Wallace

Out: 1 - Councilmember Donnie R. Tuck

GEORGE E. WALLACE PRESIDED

INVOCATION - Councilmember: Vice Mayor Curtis

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

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

Aye: 6 - Vice Mayor Curtis, Councilmember Hobbs,
Councilmember Moffett, Councilmember Schmidt,
Councilmember Snead and Mayor Wallace

Out: 1 - Councilmember Tuck

1. [16-0053](#) Resolution Approving the City of Hampton, Virginia's Participation in and Appropriation of the 2016 Juvenile Justice and Delinquency Prevention Title II Grant Program through the Virginia Department of Criminal Justice Services
Item approved.

Aye: 6 - Vice Mayor Curtis, Councilmember Hobbs,
Councilmember Moffett, Councilmember Schmidt,
Councilmember Snead and Mayor Wallace

Out: 1 - Councilmember Tuck

2. [16-0056](#) Resolution Authorizing the Transfer from the City of Hampton to the Economic Development Authority of the City of Hampton a Lot in Old Hampton, LRSN: 13002628 known as 334 West Queen Street

Attachments: [Deed of Gift - 334 W. Queen Street.doc](#)

Item approved.

Aye: 6 - Vice Mayor Curtis, Councilmember Hobbs,
Councilmember Moffett, Councilmember Schmidt,
Councilmember Snead and Mayor Wallace

Out: 1 - Councilmember Tuck

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

The Clerk noted that no individuals signed up to speak at the Public Hearing; and, therefore dispensed with reading the protocol after receiving approval from the City Attorney.

Use Permits

Ordinances

Resolutions

3. [16-0034](#) Resolution Authorizing the Conveyance of 123 E. Pembroke Avenue, LRSN: 2003496 to the Barrett-Peake Heritage Foundation

Attachments: [123 E. Pembroke Deed - COH to Barrett-Peake Heritage Foundation.doc](#)

The Clerk read the title for this item.

Mayor Wallace acknowledged Dr. Mary T. Christian who was in attendance.

City Attorney Vanessa Valldejuli made the following remarks regarding the item: The City acquired this parcel of property at 123 E. Pembroke Avenue from the Virginia State Federation of Colored Women's Clubs Inc. pursuant to the authority granted in the Virginia Code 15.2944 which was designed to preserve the building due to historic interest and value to the Commonwealth. Thanks to Dr. Mary T. Christian, former President and Director of the Virginia State Federation of Colored Women's Clubs Inc., has established the Barrett-Peake Heritage Foundation which is a 501c3 organization dedicated to pursuing the educational objectives and social reforms that are embodied by the lives and careers of two African-American pioneers and trailblazers: J. D. Porter Barrett, a social reformer, educator and founder of the Virginia State Federation of Colored Women's Clubs Inc. and Mary S. Peake, a humanitarian educator and founder of a school for the former children of slaves under what became known as the Emancipation Oak in the great City of Hampton. The Barrett-Peake Heritage Foundation now desires to house its operations at this property, the former Virginia State Headquarters for the Virginia State Federation of Colored Women's Clubs Inc., in order to continue the goals of the former organization and the mission of these two historically prominent women. The Virginia Code authorizes the City to convey this property to a Virginia Organization that is dedicated to preserving such historic places of interest.

Ms. Valldejuli clarified that Council is being asked to allow the transfer of the property to the Barrett-Peake Heritage Foundation. She also thanked Dr. Christian for her assistance with this endeavor.

Public Hearing:

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

Presented by Vanessa Valdejuli, City Attorney. Mayor Wallace also introduced Dr. Mary T. Christian who was in attendance and was instrumental in assisting on this item.

Held Public Hearing - there were no speakers.

A motion was made by Councilmember Moffett, seconded by Vice Mayor Curtis that this agenda item be approved. The motion carried by the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Hobbs,
Councilmember Moffett, Councilmember Schmidt,
Councilmember Snead and Mayor Wallace

Out: 1 - Councilmember Tuck

GENERAL ITEMS

Ordinances

Resolutions

4. [16-0044](#) Resolution Appropriating \$9,099,893.00 from the Risk Management Fund Unrestricted Net Balance to the Risk Management Fund Operating Budget to Cover a Shortage Due to Unanticipated Claims in FY2015 as well as Additional Reservations for Existing Claims that will be Paid Out in Future Fiscal Years

Attachments: [Risk Management Fund](#)

City Manager Mary Bunting introduced the item stating the Risk Management Fund was established separately from our City's General Fund to manage an account for various insured and uninsured risks of loss to City departments in the Hampton City Schools. She clarified that it is a fund which covers not only the City, but also the schools' insurance needs. She turned the floor over to Finance Director Karl Daughtrey to elaborate on the fund, how it works, and the request for an appropriation to cover unexpected 2015 claims as well as how the reserve policy works for existing claims that span more

than one fiscal year.

Mr. Daughtrey greeted those on the dais and provided background information about the Risk Management Fund.

Mr. Daughtrey emphasized that although liabilities are recorded on the books at the end of the fiscal year, the actual payment of the liability can occur over several future fiscal years. For example, a claim for an employee entitled to workers compensation, particularly for total disability, can be paid up to 500 weeks, or approximately 10 years.

Mr. Daughtrey also emphasized that accounting standards require the consideration of claims incurred, but not reported. He explained that claims are often filed in a later period, and you are unaware of the claims until they are filed. The accounting standard requires consideration of claims that could have been incurred, but were not filed. This is done by looking at historical trends and whether there were any claims in the past.

Mr. Daughtrey paused to answer questions from those on the dais before moving to the next portion of the presentation.

In response to Councilwoman Schmidt, Mr. Daughtrey explained it is important to consider the historical trends of claims to see how many claims were not reported but turned up as valid claims. He reiterated that while trends are difficult to predict, an amount can be determined based on historical trends. He noted that the City of Hampton does not have any claims incurred but not reported and all of Hampton's claims are claim-specific.

Mr. Daughtrey stated City Council is being asked to appropriate funds from the Risk Management Fund's Unrestricted Net Position (Reserves) to cover unanticipated claims in FY2015 as well as additional reserves for claims to be paid in future fiscal years. The claims for FY2015 are primarily for the Police Fair Labor Standards Act settlement, adjustments to existing Workers Compensation claims, general liability issues, and the Line of Duty Act.

Mr. Daughtrey elaborated on Workers Compensation claims for FY2015 stating there were seven new claims for the City, two new claims for the

schools, and eleven old claims for the schools. He noted that most medically approved workers compensation cases are covered for life and added that Hampton had some old claims to be re-opened creating an impact on the Workers Compensation claims for 2015.

Mr. Daughtrey elaborated on the Line of Duty Act. He explained this Act requires State and local governments to provide death benefits and continued health, dental and vision insurance to eligible hazardous duty employees and volunteers, law enforcement and firefighters and their dependents if killed or disabled in the line of duty. In 2013, the State made the locality responsible for the in the line of duty costs.

For the benefit of the public, Mayor Wallace noted that this is an example of an Unfunded Mandate, a situation in which the local government is required to absorb a cost mandated by the State.

Mr. Daughtrey elaborated further on the Line of Duty Act benefit. He explained that this benefit is considered an Other Post-Employment Benefit (OPEB), such as retired health insurance; therefore, accounting standards require us to record a net OPEB obligation when we do not make the full actuarially required contribution. He continued explaining that across the State of Virginia, the Line of Duty benefit is paid based on a cash pay-as-you-go basis. We are not fully funding our actuarially required contributions for the City; this would be approximately \$971,000. He explained this is why there is a difference between the actuarially required contribution and our actual cash funding of approximately \$871,000. He noted this is typical of State and local governments as most of them pay on a pay-as-you-go basis otherwise it is more expensive to fund.

Mr. Daughtrey noted that the General Liabilities category represents auto liabilities and other general liabilities for both the City and Schools. He also noted that these are new claims which occurred during 2015.

Mr. Daughtrey stated City related claims were approximately \$6.7 million and School related claims were approximately \$2.3 million totally \$9,099,893.

Mr. Daughtrey paused to answer questions from those on the dais before moving to the next portion of the presentation.

Councilwoman Snead inquired why FY2015 figures were being displayed versus FY2016. Mr. Daughtrey explained we delayed bringing this action to City Council until the Police Fair Labor Standards Act settlement was finalized to prevent having an impact on the negotiations.

Mr. Daughtrey noted that prior to FY2013, we were not required to bring these types of requests before Council; however, this is being done to create more transparency for the public and the City Council.

City Attorney Valldejuli reiterated that there is no legal requirement to do this; instead, the intent is to be more transparent.

Mr. Daughtrey closed stating after this appropriation, there will be \$7 million in the Unrestricted Net Position of the Risk Management Fund to cover future claims.

Mr. Daughtrey opened the floor for questions from those on the dais.

In response to Vice Mayor Curtis, Mr. Daughtrey explained there are three sources of funding: premiums paid by the City, premiums paid by the schools, and insurance recoveries where we have covered risks through some insurance policies.

Karl Daughtrey, Finance Director, presented information on this item.

A motion was made by Vice Mayor Curtis, seconded by Councilmember Snead that this agenda item be approved. The motion carried by the following vote:

Aye: 6 - Vice Mayor Curtis, Councilmember Hobbs,
Councilmember Moffett, Councilmember Schmidt,
Councilmember Snead and Mayor Wallace

Out: 1 - Councilmember Tuck

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

Vice Mayor Curtis suggested anyone who missed the 6:00 p.m. Spotlight on Citizens program which recognized local restaurants in the Hampton's Art

District take the opportunity to view the segment on the City station or online. She expressed how proud she is of all of the restaurants in our City and how blessed our City is to have them.

City Manager Bunting noted that the restaurants highlighted this evening are those in two districts of our City; however, there will be many opportunities for us to recognize other restaurants in the City.

Vice Mayor Curtis also suggested that the Hampton Conventions and Visitors Bureau consider new ways to market these restaurants and bring visitors to them; for example, via a cellular phone application.

Councilwoman Schmidt announced that Hampton has three recycling drop off centers for citizens who have no means of recycling. She noted that details about the recycling centers can be found at www.hampton.gov.

Councilwoman Snead commended City Manager Bunting and City staff for their efforts during the recent snow and ice storm.

Mayor Wallace and City Manager Bunting agreed with Councilwoman Snead's sentiment. Ms. Bunting noted that she would share Council's positive feedback with the workforce.

MISCELLANEOUS NEW BUSINESS

PUBLIC COMMENT

The Clerk read the protocol for the public comment period.

Ms. Regina Quinn, greeted those on the dais and made the following statement: I am a business owner in Hampton. I have been since 2009. I am also an animal advocate. I am a volunteer for Dogs Deserve Better, the old Michael Vick Bad Newz Kennels in Surry, Virginia. I have also had the opportunity to be a program director and reporter for a live TV animal welfare show that aired in 49 countries. I am here to speak for the animals of Hampton. I have some concerns that I would like to share with you. Virginia State laws are what Animal Control follows for the animals in Hampton. I feel that there are certain ordinances and laws that need to be updated, changed or tweaked to better serve the animals' welfare, in particular Virginia State Law, section 579 which addresses adequate shelter for animals. As you

know, we have had some severe weather these past few weeks. According to Virginia State Law, adequate shelter in Hampton is 3 sides for an outdoor dog: a roof, a back and a top. It (the shelter) could be made out of wood; it could be made out of plastic; it could be a cardboard box, as long as it has three sides, a roof, a top and a back. There are not enough specifics. I would like to see some of those specifics added.

Ms. Quinn shared the following details that the City of Baltimore, Maryland has added to its adequate shelter that have improved the lives of animals there: In Baltimore, a dog house shall have a roof, enclosed sides, a doorway, and a solid level floor raised at least two inches from the ground. That is something that is not specified in Hampton law. The dog house shall be shaded during the months when the weather is hot. The entry shall be protected by a self-closing door, an outer door and a flexible flap made of wind-proof material. Bedding such as cedar shavings, straw and other non-absorbent materials shall be provided in sufficient quantity for insulation against cold and damp.

Ms. Quinn continued her statement: In the City of Hampton, this past week, several hundred dogs were outside in makeshift shelters without those provisions. That is concerning. I feel like if we want to show the world that Virginia is for lovers, I think we need to pay more attention to animal welfare in our community. Thank you.

Mr. Barry Butler, Government Relations Specialist with the Peninsula Housing and Builders Association (PHBA), greeted those on the dais and made the following statement: On behalf of the nearly 200 businesses and organizations that the PHBA represents and our Board of Directors, we would like to thank you for your commitment and service to the City of Hampton and the people who call it home. For those that are not familiar with the Peninsula Housing and Builders Association, since 1956 we've acted as the voice of our members on issues that affect the housing and building industry. The PHBA works to protect economic growth and strives to keep housing affordable. Through our public and legislative efforts, we have helped to educate the public and keep the building industry thriving. The PHBA supports and promotes "Smart Growth" policies. These policies address how to best plan for and manage when and where new residential and commercial development, schools and major highways should be built;

how and where to preserve meaningful open space and protect environmentally sensitive areas; and how to pay for infrastructure required to serve a growing population. The PHBA works with locally elected governments to balance interests and assure the realities of the housing marketplace are a part of local decision-making. The PHBA encourages decisions based on direct citizen input that best reflect the needs, desires, and priorities of our communities. Again, on behalf of our members and Board of Directors, thank you for your service to the citizens of Hampton. We look forward to working with you in the months and years to come.

THE FOLLOWING COMMENTS FOLLOWED PUBLIC COMMENT

For the benefit of the public and Ms. Quinn, City Manager Bunting introduced Assistant City Manager Steven Bond who works alongside the Animal Control Advisory Committee. She suggested Ms. Quinn provide Mr. Bond with the information she presented today so that he and the Committee may review it and take her suggestions into consideration. She also noted that the Animal Control Advisory Committee advises Council on changes to the ordinance.

City Attorney Valdejuli added that any changes to the ordinance must be in accordance with the Virginia Code. She explained that we can only do what the General Assembly authorizes because Virginia is a Dillon Rule state. She stated that some of Ms. Quinn's suggestions are good; however, we would need to seek authorization from the General Assembly in order to accomplish those things. She noted that we will be happy to review all of Ms. Quinn's suggestions.

ADJOURNMENT

The meeting adjourned at 7:21 p.m.

**Contact Info:
Clerk of Council, 757-727-6315, council@hampton.gov**

George E. Wallace
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____