



# City of Hampton

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

## Council Approved Minutes - Final City Council Work 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*

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Wednesday, June 14, 2017

1:00 PM

Council Chambers

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### CALL TO ORDER

### DONNIE R. TUCK PRESIDED

### Rollcall

**Present** 7 - Vice Mayor Linda D. Curtis, Councilmember Jimmy Gray, Councilmember Billy Hobbs, Councilmember Will Moffett, Councilmember Teresa V. Schmidt, Councilmember Chris Snead, and Mayor Donnie R. Tuck

### AGENDA

1. [17-0190](#) Briefing on HRT Peninsula Corridor Study by Hampton Roads Transit and City Staff

**Attachments:** [Presentation \(Modified\)](#)  
[Presentation \(Original\)](#)

City Manager Mary Bunting introduced Hampton Roads Transit (HRT) President and Chief Executive Officer Mr. William Harrell to provide the update on the Peninsula Corridor Study.

Mr. Harrell greeted those on the dais and announced that the Newport News City Council received this informational briefing yesterday. Today, the Hampton City Council will receive the same briefing and have an opportunity to pose questions. HRT will return to the Hampton City Council at a later date to provide public feedback results as that information may help them with determining how to proceed. Mr. Harrell assured everyone that HRT will not move forward with the environmental work

until it receives a definitive decision from both Councils.

Mr. Harrell noted that the project represents significant investment; therefore, HRT's consultants will prepare an economic land use implication report for the benefit of both Councils.

Mr. Harrell spoke about Federal, State, local and fare box funding sources associated with the project.

HRT Transit Development Planner Ms. Samantha Sink shared information about the various concept alternatives/recommendations which involve the cities of Hampton and Newport News. She also shared the cost associated with the investment and the potential economic benefits that may transpire as a result of implementing the proposed project.

Ms. Sink said HRT studied various transportation modes including light rail, street car and Bus Rapid Transit (BRT) and recommends the BRT mode for the City of Hampton. Not only is BRT cost effective, but it also delivers the same service and economic development benefits that light rail and street car modes deliver.

Ms. Sink shared additional benefits that Hampton may experience if it chooses to move forward with BRT, some of which include employment opportunities, a means for citizens to connect to workplaces, incentivizing development, providing an urban feel, and increasing tax revenue and general growth for the City.

Ms. Sink shared examples of cities that have invested in this type of transit and the return on their investments.

Ms. Sink spoke about the Federal funding process and project cost projections.

Mr. Harrell made closing remarks and emphasized the importance of working together on the legislative front to ensure resources are in place to pursue dedicated funding. He then opened the floor for questions and/or comments from those on the dais.

A series of questions and responses followed between HRT staff and those on the dais regarding Alternative 6. It was clarified that Alternative 6 includes the cities of Hampton and Newport News and would be proportionately allocated based on the amount of service in each city. Additional pieces of information were also provided about the plan. They include (1) estimated individual ridership cost of \$4. This information is based on the formula used by the Federal Transit Administration (FTA) for the small starts process. (2) the proposed transportation means will

provide a travel time advantage (3) park and ride locations will be assumed as part of the cost analysis plan (4) riders from Hampton to the Newport News Shipyard will arrive to their destination in one trip with no transfers and (5) the ridership service schedule/frequencies will be based on a time schedule. For example, peak periods will have 10 minute frequencies, off peak periods will have 20 minute frequencies and late night periods will have 30 minute frequencies.

Ms. Bunting made closing remarks and reiterated that the challenge with this project will be funding. She also announced that staff and Council will participate in a ride-along transit tour of Hampton to mirror the experience our Hampton transit riders have.

Mayor Tuck thanked HRT staff for the presentation and for preparing Hampton for the next steps in the process.

Presented by William E. Harrell, President and Chief Executive Officer of Hampton Roads Transit. Samantha Sink, Transit Development Manager, also provided information.

2. [17-0216](#) Diversity Matters in Public Safety

Attachments: [Presentation](#)

Human Resources Director Ms. Nicole Clark gave opening remarks. She also read an excerpt from the City of Hampton's Personnel Policy Manual regarding equal employment opportunity.

Ms. Clark clarified that the Human Resources (HR) Department facilitates hiring for all City departments through the online application system. Recruitment for public safety positions is more involved and requires background checks, physical agility requirements and a rigorous training academy. Ms. Clark explained that Hampton's Fire and Police Divisions have dedicated resources committed to recruiting for these positions and facilitate the applicants through various stages of the selection process. HR's primary role is to support the departments through the application submission and on-boarding processes.

City of Hampton Fire Chief David Layman and Police Chief Terry Sult spoke about specific diversity efforts in their respective public safety divisions. They also shared information about national and regional statistics, recruitment and outreach programs, and miscellaneous initiatives designed to ensure that both Hampton public safety divisions have a diverse workforce.

Chief Layman emphasized that diversity creates the ability to draw talent and ideas from all segments of the population. Both Chiefs emphasized that Hampton

measures well when compared to regional and national statistics. Chief Sult emphasized the importance of long-term problem solving and being committed to long-term diversity with respect to today's workforce and future work forces.

Chief Sult shared information about the Law and Public Safety Academy.

Chief Layman spoke about how the divisions are working to improve diversity and recruitment.

Chief Sult provided closing remarks and introduced two videos about diversity in public safety.

Chief Sult noted that social media has been a significant part of improving how both departments are viewed.

Councilman Gray commended both departments for the partnership they have developed and for showing how Hampton is diverse in public safety. He was pleased to hear that Hampton is doing well in comparison to other areas and continues to make improvements.

In response to Councilman Gray, Chief Sult spoke about responsibilities recruits have during the period between their hire date and the beginning of the Academy. Some of the responsibilities include: shadowing detectives, working in communications, learning functionality of the department, cleaning sidewalks, cleaning fire arms, and painting. Chief Sult emphasized that this not only prepares the recruit, but also prevents the department from having to hire contractors and take officers off the street to handle these duties.

In response to Councilman Gray, Chief Layman confirmed the Fire Division has a diverse recruitment team that ensures the division is well represented.

In response to Councilman Hobbs, Chief Sult commented that the HPD has more than 28,000 followers on social media. Councilman Hobbs commended both public safety divisions on the impressive videos and for their effort to keep Hampton citizens informed.

In response to Councilwoman Schmidt, Chief Sult clarified that recruits receive a recruit position level of pay during the interim period. Ms. Bunting added that in some cases attrition savings enable the department to pay the recruit salaries without causing budgetary problems.

In response to Mayor Tuck, Chief Layman noted that positions requiring 24 hour

shifts may impact recruitment efforts, particularly single parent applicants who may not have child care. He added that the emergency medical service (EMS) role is often incorporated into these positions; this may also affect whether people accept the positions.

Mayor Tuck expressed concern about the statistics which show African American female percentages are lower than that of other ethnicities.

Chief Layman explained that sometimes recruits do not show up for scheduled testing or do not pass the required tests. This may contribute to the statistics and percentages. Chief Sult added that another factor may be the younger generation is not as service oriented as past loyalty-based generations.

Presented by Nicole Clark, Human Resources Director; David E. Layman, Fire Chief; and Terry L. Sult, Police Chief.

3. [17-0212](#) Briefing on options for possible animal control ordinance amendments

Attachments: [Presentation](#)

City Manager Bunting introduced the item and stated that Council is being asked to provide staff with direction on the matter. The item will be brought before Council at a subsequent meeting should Council decide to amend the ordinance.

Assistant City Manager Steve Bond provided the Animal Control briefing. He provided an overview of the possibilities for amending the ordinance.

Mr. Bond acknowledged Animal Control Advisory Committee Chairman Mr. James Thornton and Deputy Director of Animal Control Ms. Angela Taylor who were in attendance.

PART 1 - CONCERN: SHOULD COUNCIL AMEND THE CURRENT LEASH LAW?

Assistant City Attorney Kimberly Karle addressed the current state of the leash law and the legal consequences of changing the law. She clarified that this would not involve enacting a new law; instead, it would involve redefining what it means to have a dog running at large.

Prior to the next portion of the presentation, discussion took place between staff and members of Council. Topics included: other localities which have training standards, which complaints are handled via Animal Control and/or the court system, penalties for dog owners charged with their dog attacking while at large, and the frequency with which people are injured by dogs on or off leash and under voice

control.

Communications Strategist Robin McCormick shared public input and online poll results regarding the leash law.

Ms. McCormick clarified that this information was derived from online input from Hampton residents. All of the comments were grouped together; therefore, it is difficult to determine which comments came from residents who believe there is or is not a need for the leash law. For the benefit of Council and the public, Ms. McCormick noted that it would be difficult for someone to manipulate the poll by answering the same questions more than once on the same computer.

In response to Mayor Tuck, Ms. McCormick stated that there is a small fee associated with the use of the two bark parks located in our community.

Mr. Bond presented council with three options: Maintain the status quo, enact a leash law with no exceptions, or enact a leash law with exceptions for trained dogs with permits. He then shared the pros and cons associated with each option.

In response to Mayor Tuck, Mr. Bond stated he would provide Council with statistics regarding animal on animal attacks in ideal situations such as dogs that are under voice command at dog parks.

Mr. Bond described the recommendation of the Animal Control Advisory Committee and the recommendaton of staff as well as the rationale behind each recommendation.

Councilmembers voiced their opinion on the matter.

Vice Mayor Curtis commented that current law states it is a violation if an animal is off a leash and not under the owners control; therefore, enacting a leash law would not be new. Mr. Bond agreed.

Councilman Gray inquired about leash laws in other localities in our region. Mr. Bond noted that he would return to Council with that information. Councilman Gray continued stating that in his opinion, this is not a matter of the number of dog attacks, dog deaths, or the number of running at large violations to be prosecuted in court; instead, the citizens have verbalized that they feel more safe, secure and comfortable in public when dogs are on leashes.

Councilman Moffett commented that statistics show more injuries occurred from dogs who were on leashes than from dogs who were under voice control; this

indicates that statistics do matter. He also questioned how far government will go to determine what happens in people's personal lives with regards to their pets.

Councilwoman Snead commented that she is uncomfortable with requiring everyone to use a leash because some owners have spent time and money to train and control their animals. She also asked whether owners are permitted to have pets roaming around their establishments under voice command.

Mr. Bond clarified that is allowed and the at-large law applies once the dog is not on the owner's property.

In response to Councilwoman Snead, Mr. Bond confirmed that there is no clear agreement between the Animal Control Advisory Committee and staff.

Councilman Hobbs agreed with Councilman Moffett's comments and suggested that there needs to be additional data to determine whether we are seeking a remedy for a situation that may not be substantial. He assured everyone that he is concerned about public safety; however, does not think the government should be "big brother" or do nothing at all. He noted that he is uncomfortable with going against the Animal Control Advisory Committee and reiterated that he would like more data before agreeing to make any changes.

In the interest of time, Mayor Tuck asked that everyone give additional comments following the conclusion of the presentation.

#### PART 2 - CONCERN: SHOULD THERE BE A STRICT LIMITED NUMBER OF PETS ALLOWED TO LIVE AT A RESIDENCE?

Senior Assistant City Attorney Bonnie Brown addressed the legal ramifications of this subject.

Ms. Brown shared information about animal limitations in other jurisdictions in our area.

Ms. Karle spoke about the parameters which would need to be established should Hampton enact an ordinance regarding a limited number of animals being permitted. The topics she spoke about include administration, enforcement and penalties related to animal control.

Ms. Brown shared information about penalties related to zoning.

Vice Mayor Curtis asked whether the grandfathering provision applies only to the

zoning violation or also to the animal control/criminal ordinance.

Ms. Brown stated in that case, we are required to consider them legal non-conforming under zoning.

Ms. Karle noted that grandfathering may create additional legal challenges. For example, the Code allows people their right to property and animals are considered property.

Ms. McCormick shared public input and online poll results regarding limitations on the number of animals permitted.

Mr. Bond listed the pros and cons related to maintaining the status quo and the pros and cons related to enforcing a strict limited number of pets. He also described the recommendation from the Animal Control Advisory Committee and the rationale behind the recommendation. He advised that staff is not united behind a single recommendation regarding a strict limited number of pets.

Mayor Tuck said Council has received numerous email complaints about people having large numbers of animals causing concerns such as odors and hoarding. He expressed concern that no conclusion has been reached about what the limit should be and how that should be enforced. He asked the City Manager for guidance on staff's expectations from Council.

Ms. Bunting stated the concern continues to be brought up in the community and the matter needs to be brought to closure; therefore, staff is seeking Council's guidance on the matter.

For the benefit of the public, Ms. Bunting explained that by law under the current ordinance, the City can regulate minimum standards of animal care such as food, water, shelter and physical health. Citizens often want the City to enforce additional things; however, it is not legally authorized to do so.

Additional discussion took place between members of Council and staff regarding enforcing animal control laws, violation consequences, other animals in addition to cats and dogs, and the limited number of animals citizens are permitted to have.

Councilmembers provided closing thoughts on the matter.

Councilwoman Snead expressed concern about violation of regulation and penalties. Councilman Moffett supported making no changes to the ordinance regarding the number of pets permitted. Vice Mayor Curtis supported making no changes to the



ordinance regarding either concern. Councilman Hobbs expressed the need for additional information prior to any decision being made. Councilwoman Schmidt commented that she does not foresee a problem with the leash law; however, supported setting a guideline for a limited number of dogs. Councilman Gray shared information about the leash law in other localities in our region and noted that he agrees with the Animal Control Advisory Committee's recommendation on both topics.

Animal Control Advisory Committee Chairman Mr. James Thornton made remarks and requested an opportunity to come before Council at a later date to address some of the concerns posed by Council.

Mayor Tuck shared examples of aggressive dog situations he has been made aware of and said he believes we are obligated to do something in order to assure our citizens are comfortable in the community. He agreed that Mr. Thornton and the Animal Control Advisory Committee should be allowed to return to Council to present more information and answer questions.

For the benefit of the public, Ms. Bunting clarified that staff will return to Council with additional information regarding the leash law.

Presented by Steve Bond, Assistant City Manager; Kim Karle, Assistant City Attorney; Robin McCormick, Communications Strategist; and Bonnie Brown, Senior Assistant City Attorney. James R. Thornton, Chair of the Animal Control Advisory Committee was also present at the meeting and spoke briefly.

## REGIONAL ISSUES

## NEW BUSINESS

Mayor Tuck asked the City Manager if Council could receive a new report with current statistics and Ms. Bunting indicated that the annual "Safe and Clean" presentation is already scheduled for the July Council meeting.

## CLOSED SESSION

4. [17-0217](#) Closed session pursuant to Virginia Code Sections 2.2-3711.A1, .3, and .7 to discuss appointments to the Citizens Police Advisory Group (CPAG) and the Citizens Engagement Advisory Review Commission (CEARC) and to the bodies as listed on the published agenda, to discuss personnel matters concerning

Council appointees; to discuss the disposition of publicly held real property in the Downtown Hampton area where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the city; and to consult with legal counsel regarding specific legal matters pertaining to environmental ordinances and a performance agreement requiring the provision of legal advice by such counsel.

At 3:50 p.m., a motion was made by Vice Mayor Curtis and seconded by Councilmember Gray that this Closed Session - Motion be approved. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Moffett, Councilmember Schmidt, Councilmember Snead and Mayor Tuck

5. [17-0063](#) Consideration of an appointment to the Hampton Economic Development Authority
6. [17-0121](#) Consideration of appointments to the Building Code Board of Appeals
7. [17-0122](#) Consideration of appointments to the Citizens' Unity Commission (CUC)
8. [17-0123](#) Consideration of appointments to the Grievance Board
9. [17-0124](#) Consideration of appointments to the Hampton-Newport News Community Services Board
10. [17-0125](#) Consideration of appointments to Hampton Redevelopment & Housing Authority (HRHA)
11. [17-0127](#) Consideration of an appointment to the Thomas Nelson Community College Board of Trustees
12. [17-0130](#) Consideration of an appointment to the Peninsula Airport Commission
13. [17-0213](#) Consideration of appointments to the Planning Commission
14. [17-0215](#) Consideration of an appointment to the Board of Zoning Appeals

**CERTIFICATION**

15. [17-0218](#) Resolution Certifying Closed Session

At 6:18 p.m., a motion was made by Councilmember Moffett and seconded by Councilmember Hobbs, that this Closed Session - Certification be approved. The motion carried by the following vote:

**Aye:** 7 - Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs, Councilmember Moffett, Councilmember Schmidt, Councilmember Snead and Mayor Tuck

**ADJOURNMENT**

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Donnie R. Tuck  
Mayor

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Katherine K. Glass, CMC  
Clerk of Council

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