



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

Wednesday, February 8, 2017

1:00 PM

Council Chambers

CALL TO ORDER

Mayor Tuck called the meeting to order at 1 p.m. All members of the City Council were present.

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

DONNIE R. TUCK PRESIDED

AGENDA

1. [17-0042](#) Briefing on the Public Comment Statistics

Attachments: [Presentation](#)
[Yearly Statistics](#)

City Manager Mary Bunting noted that Public Comment had been a topic of conversation during Council's organizational meeting in 2016 and Council developed a proposal to hold Public Comment in the middle of the Legislative Session, after advertised Public Hearings, but before the rest of the agenda. This would be held for a temporary six-month period, ending this evening, to gather statistics to be reviewed. She introduced Ms. Jennifer Green, Deputy Clerk of Council, who would be leading the presentation on the requested Public Comment Statistics.

Ms. Green reviewed the history of the proposed Public Comment change, and noted that an Ordinance Amendment has been prepared for this evening's Legislative Session for Council consideration that would codify this change permanently.

Ms. Green noted that there were various reasons why a citizen who spoke on an agenda item during Public Comment was not counted towards the total number of citizens speaking on agenda items in her statistics. These could include Public Hearing items that were being heard either before or after that evening's Public Comment, an agenda item that had been voted on during a previous Legislative Session, or an agenda item that had already been deferred to a subsequent meeting. The majority of the exclusions occurred when Public Comment was held as a separate meeting prior to the Legislative Session, totaling 56 speakers. Forty-one of those speakers spoke on Public Hearing items, meaning that their comments were not recorded in the most impactful and historically significant way. Anyone researching a specific Public Hearing would not see those comments in the minutes, as they were recorded in a separate meeting's minutes.

Ms. Green reviewed statistics from Audiences Granted to the Public, the Public Comment Period, when Public Comment was held at the end of the Legislative Session, and the trial basis Public Comment. She noted that the 10 speakers who had signed up to speak on an agenda item during the trial period were taken out of order by Council, to be heard before the vote.

Ms. Green shared a chart outlining the speakers from January 2006 through January 2017, noting the extreme inconsistencies from month to month. She stated that it was inadvisable to take the numbers at face value, as research into minutes indicated that increases were almost always driven by topic - not necessarily something on the agenda, but also events occurring within the City or items on which Council had already voted during a previous meeting. It is possible these topics would be discussed no matter when Public Comment occurred.

Ms. Bunting stated that staff believes the compromise Council has struck has worked well. She emphasized the fact that certain topics drive a larger turnout, but the proposed timing of Public Comment accomplishes getting speakers in early, yet honoring the fact that those coming for advertised Public Hearings should be heard first. Staff is supportive of continuing the practice started six months ago.

Councilwoman Schmidt noted that there were comments from citizens who felt they could not arrive in time to speak due to work and from those who did not want to stay late because of work the next day, so she believes this is a perfect compromise that seems to have worked well.

Ms. Bunting noted that an Ordinance Amendment will be on the agenda for either approval or modification this evening.

Presented by Jennifer Green, Deputy Clerk.

2. [17-0035](#) Regulation of Recreational Vehicles

Attachments: [REDLINE - City Code Draft](#)
[REDLINE - Zoning Ordinance Draft](#)
[Presentation](#)

Ms. Bunting noted that in early 2016, there were some concerns expressed during Public Comment and emails from residents who were receiving notices of violations for parking Recreational Vehicles (RVs) that were oversized according to the City's Code. It was noted that the Code was outdated based on current industry standards. In concert with the Neighborhood Commission, staff undertook a review of the Ordinance and looked at market standards. She introduced Mr. Jeff Conkle, Zoning Administrator, and Mr. Phil Russell, Property Maintenance Division Manager, who would be leading the presentation on proposed regulations. She noted that there is no action scheduled for this evening.

Mr. Conkle noted that the City's regulations are outdated, as RV standards have changed over time, getting larger and with more types of vehicles that qualify under the definition. He stated that the current regulations are complicated, although very specific on the weight, length, and height with standards that have to be met as far as setbacks.

Mr. Russell highlighted some of the issues with enforcement and provided pictures showing examples.

Mr. Conkle reviewed the proposed changes, noting that it is open to adjustment by Council. He noted that while staff is proposing to move most of the regulations into the City Code to allow for easier enforcement, one regulation that would remain in the Zoning Ordinance is the prohibition regarding living in RVs.

Mr. Conkle stated that the Neighborhood Commission was given the same red-line proposal given to Council, which they then took to their neighborhoods for feedback. The feedback generally indicated that this was a good idea. There are some who felt it would be okay not to limit the total number of vehicles, which falls in line with some of the surrounding localities. There was also a small amount of feedback from those who felt the City should not regulate RVs at all.

Vice Mayor Curtis asked if there was any feedback about not allowing RVs at all. Mr. Conkle stated none was received by staff. Vice Mayor Curtis noted that Council had received an email suggesting that RVs represent a traffic hazard.

Vice Mayor Curtis asked if Council could receive data for the number of complaints

about RVs, whether or not they are in compliance, and the number of violations discovered over a reasonable amount of time.

Councilman Hobbs asked about the penalty for someone who is out of compliance and who enforces the penalty. Mr. Russell stated that Codes and Compliance would issue a Zoning Violation, which has an appeals process. Due to this process, action is generally not taken for at least 30 days to give citizens the appropriate time for appeal. If they are not in compliance at a later date, Codes and Compliance would then issue a criminal complaint, which goes through the Magistrate's Office, and the Hampton Police Division takes action. He stated that most of the time, the Courts just explain to the citizen that they cannot continue as they have been. Ms. Bunting noted that with the proposal, this would change. Citizens would receive a parking ticket with an associated fine.

Mr. Russell stated that with the way the Ordinance is currently written, a citizen could have an RV on property for 48 hours, during which time they can load and unload it, drive offsite for a day, then return it the next day for another 48 hours. When his office worked out the numbers, if a citizen did not have the RV parked onsite on Wednesday, but did for the rest of the week, they would not be in violation.

Councilwoman Schmidt asked if RVs are allowed on the street. Ms. Bonnie Brown, Senior Assistant City Attorney, stated that the City Code currently states that all vehicles other than private passenger automobiles are generally prohibited from being on the street.

Councilwoman Schmidt asked if work vehicles were allowed on the street. Ms. Brown stated that there are some provisions that allow for work vehicles in a residential district, but they are not regulated in commercial districts.

Councilwoman Schmidt noted that the proposed changes stated "paved parking," although the term "improved parking" was used during the presentation. She stated that her driveway is a rock driveway, to allow flood waters to seep into the ground. This is where her boat is currently parked. She asked if this would constitute a "paved" driveway although it is not technically paved. Mr. Conkle stated that this had not been intentionally worded this way, so he will review that there is no issue with the wording of the proposal.

Councilwoman Snead asked for clarification on boats being considered RVs. She also asked if the City's allowance of two RVs allows for two of the larger mobile homes on a property. Mr. Conkle noted that the definition of RV is large, and most people picture the larger camper style vehicles, but the Ordinance definition of RV includes a lot of things, such as boats, jet skis or other equipment used for

recreational purposes. The total of two does not take into account the type, so it could be two large, camper style RVs, or two boats. Councilwoman Snead asked if the neighborhoods were okay with that. Mr. Conkle stated that they had been given the proposal seen by Council and the definition of what RVs are. Most were okay with the language, and the complaints were more about not regulating the total number, allowing for more than two as long as they were in the backyard.

Mr. Russell stated that the biggest complaint his division gets when it comes to an RV is about blocking vision of someone pulling out or into a driveway. This is something that must be considered. He stated that he has never seen more than one large RV on a property, but he would not say it would not occur.

Vice Mayor Curtis noted that one of the drivers of this Ordinance change is the increased size of RVs over time. She asked if this would continue to be a problem if they continue to get larger. She asked if there was some limit that could be imposed. Mr. Conkle stated that staff has not looked into where these vehicles might go in the future. He noted that at some point, a vehicle would not be road legal to drive on City roads. He stated that removing the regulations on total length and width is in alignment with surrounding localities, but it is possible at some point that the City may need to change that if it believes it needs to start regulating it again.

Mayor Tuck noted that he believes it is reasonable to move it from the Zoning Ordinance to make it a City Code to allow for more immediate enforcement.

Councilwoman Snead noted that there are some ugly RVs and asked if this deals with aesthetics at all. Mr. Russell stated that "ugly" is not a violation. He noted that it is hard to explain to citizens sometimes that the City cannot regulate the aesthetics. He stated that if at some point it becomes debris, or if it does not have current tags, it can be declared an inoperable vehicle and it can be addressed differently for removal.

Mayor Tuck noted that the City does not have enforcement power for people parking on their lawns, which is one of his aesthetic complaints. Mr. Russell noted that he had lost a case in court because a violator had put pavers beneath blocks on a boat in a front yard. A lot of those issues would be clarified with the proposed changes.

Councilman Gray noted that if a resident has a boat, they can lease a slip at one of the marinas if for some reason the resident cannot meet the City Code for storing on their property. He asked if there were places where a resident can lease space to store large motor homes. Mr. Russell indicated that he is aware of two in Hampton and several in Newport News.

Presented by Jeff Conkle, Zoning Administrator, and Philip

Russell, Property Maintenance Division Manager.

3. [17-0012](#) Update on Fiscal Year 2017 Budget Development: State Budget Briefing and Opportunities for Public Input

Attachments: [Presentation](#)
[REVISED Presentation](#)

Ms. Bunting noted that as the City approaches budget adoption, Council Work Sessions feature a budget workshop topic. Today's focus is on the State Budget and she noted that the presentation has been updated from what was released on Friday because the House and Senate released their proposed budgets on Sunday evening. She introduced Mr. Brian DeProfio, Director of Budget & Strategic Initiatives, who would present on each of the proposed State budgets and how they impact the City's budget. She also noted that there are several key pieces of legislation making their way through the General Assembly that have the potential to impact the City's revenue sources. She indicated that there are several citizen budget input events scheduled for February 21st, February 28th and March 6th.

Mr. DeProfio noted this process started with an announcement that the State would be facing a \$1 billion shortfall over the next biennium. He noted that all the proposed budgets and recommended changes will need to be reconciled by February 25th for the State to pass its budget.

Mr. DeProfio reviewed the Governor's proposed amendments, noting that the adjustments account for over \$1 billion before adding back in additional spending. He noted that eliminated contingent pay increases including those that went to the City's teachers and constitutional officers that were included in last year's budget.

When reviewing the Hampton specific impacts, Mr. DeProfio noted that those impacts not related to the schools tend to come out at the end of the budget process, such as after budgets have gone through the Compensation Board, which allocates how much money localities get for constitutional officers. At the moment, there does not appear to be anything positive or negative in that regard.

When reviewing the General Assembly Actions, Mr. DeProfio noted that the Department of Education has not yet released what proposed actions would mean for individual school systems. Staff is working with Hampton City Schools (HCS) to determine what those impacts would be.

When reviewing potential legislation and the potential budget impacts, Mr. DeProfio noted that the Commissioner of the Revenue worked on promoting amendments made to the original language of the wholesale manufacturing defense contractors'

exemption. It is believed this will have a *di minimis* impact on the City's revenue.

Mr. DeProfio shared the dates for the upcoming public input sessions:

Budget Information & Input

Tuesday, February 21, 6:30PM - Kecoughtan High School

Capital Improvement Plan (CIP) Input

Tuesday, February 28, 6:30PM - Hampton High School

Operating Budget Input

Monday, March 6, 6:30PM - Bethel High School

Mr. DeProfio stated that the first formal Public Hearing on the FY18 Budget will be April 26th, with the second formal Public Hearing and 1st Reading of the FY18 Budget on May 3rd, and the 2nd Reading and Adoption of the FY18 Budget on May 10th.

Councilwoman Schmidt asked for an explanation of "Attorney General Settlement Funds" on Slide 3. Mr. DeProfio stated that over the course of the Attorney General's activities, there may be funds awarded based on various legal settlements. Specific funds were not identified at the time it was suggested that be a potential source of funding for the State budget shortfall.

Mayor Tuck asked what the indirect impact to Hampton is relative to constitutional officers. Mr. DeProfio noted that most of the City's constitutional officers are on the City's pay plan, with the exception of the Sheriff's Office and the Clerk of Court's Office. This means that when the City provides raises or compensation increases, those constitutional officers are paid on that basis. The State does not always provide funding for constitutional officers to get raises, so if revenue comes in from the State, it helps the City's budget by offsetting the raises. For the Sheriff and the Clerk, their staff can only count on funding the General Assembly provides for raises.

Ms. Bunting noted that whether or not the constitutional officers participate in the City pay plan is at their discretion. The City has certain requirements for an office to participate in the plan, such as following the City's pay and personnel procedures, and only taking the State's pay raise or the City's pay raise, not both. The Council has not determined which constitutional officers are on the pay plan.

Mayor Tuck asked about the direct or indirect impact on the City relative to HCS. Ms. Bunting noted that the City's practice has been to follow the local funding formula, which was agreed upon by the Council and the School Board. She stated that there are only certain funds that can be shared with the schools. The City

shares residential real estate, personal property, and utility taxes with HCS. This provides predictability in what they can expect from the City, and then they receive their State and Federal sources. Most of the funding comes from the State, not the Federal government. She noted that about half of the City's budget goes to the HCS budget. They always reserve the right to ask for more, and when the State does not adequately fund them, and they have a genuine need, it potentially puts more pressure on HCS to ask the City to exceed the funding formula. The past practice has been that if HCS wants additional funding, they need to advocate for a tax increase because the City is already giving them such a significant percentage of its revenue, and there are other City services that must still receive funding.

Ms. Bunting stated that she believes HCS is doing everything possible to remain within the funding that is being provided to them, but it is not an easy task. They have been invited to present to Council in February or March.

Mayor Tuck stated that it is important for the citizens to know that there are pressures on HCS and there is a funding formula in place which does not allow for much latitude to meet additional demands. Ms. Bunting stated that the City gladly gives a significant portion of its revenue to HCS because it is important to educate children and schools are a fundamental economic driver, but there are other items the City also has to fund. She stated that it is disappointing that there is not unanimous support from the State for a teacher raise.

Presented by Brian DeProfio, Director of Budget and Strategic Initiatives.

REGIONAL ISSUES

Councilman Moffett announced the 2nd Regional Convening of the Urgency of Now Symposium to address some issues with youth violence. The public is invited to attend on February 15th at 5pm at the Hampton Roads Convention Center. There are additional events on February 16th. Information is posted on the City of Hampton's website.

NEW BUSINESS

CLOSED SESSION

4. [17-0022](#) Closed session pursuant to Virginia Code Sections 2.2-3711.A.3 and .7 to discuss or consider the acquisition of real property in the Fox Hill area for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City and to consult with legal counsel employed or retained by the City regarding specific legal matters

pertaining to a proposed public safety ordinance pertaining to pedestrian safety issues, and boards and commissions requiring the provision of legal advice by such counsel and to discuss actual or probable litigation.

A motion was made by Vice Mayor Curtis seconded by Councilmember Snead, 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

CERTIFICATION

5. [17-0041](#) Resolution Certifying Closed Session

A motion was made by Councilmember Moffett seconded by Vice Mayor Curtis, 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

The meeting adjourned at 4:27 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____