

# Hampton Animal Control Advisory Committee

March 3, 2016 - 5:30 p.m. - Lawson Conference Room

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## Meeting Minutes

Present: Andy Anderson, Debbie Sheffield, Betty Bates, Melanie Paul, Linda Seely, Steve Bond; (Staff) Therese Price, Annette Oakley; (Guests) George Cunningham, Regina Quinn, Jim Harris, Laverne Johnson (Interpreter) and Kimberly Davenport (Interpreter)

### Call to Order & Welcome

Vice Chairman Anderson called the meeting to order at 5:35 p.m. He introduced himself and let the committee know he was filling in for Chairman Thornton. He asked everyone to introduce themselves.

### Review Agenda & Approval of Minutes

Vice Chairman Anderson reviewed the meeting agenda and asked if there were any questions or changes to the agenda or the minutes. There being none, he asked for a motion to approve the minutes.

ACTION: Betty Bates made a motion and Debbie Sheffield seconded. A vote was taken and motion passes.

### City Manager's Report – Steve Bond

Mr. Bond reported Angie Taylor is unable to attend the meeting and Captain Walden has retired, as of March 1, 2016. Mr. Bond stated the City of Hampton is currently looking to post the vacant position and may look at a civilian to fill the position, as opposed to a Police position, but no decision has been made yet.

Mr. Bond stated he unfortunately could not get a representative from the Health Department at this meeting, but will try to have someone here at the next meeting to speak about rabies.

Ms. Paul inquired about Police involvement in the Animal Control if the position will be a civilian. Mr. Bond stated the position may be a civilian, as there are civilian positions in the Police Department, but Animal Control will still remain under the Police Department.

### Animal Control Report – No Report

### Current Issues/Trends – No Report

### Old Business

- Leash Law:  
Ms. Price provided excerpts of codes from the surrounding seven cities that pertain to leashing and control of dogs within their jurisdictions. She stated because some of them are lengthy, suggested the committee

review them to be prepared to discuss at the next meeting. Ms. Paul inquired about the ordinance and what happened to the process from discussion at the November 2013 meeting (referenced Mr. Thornton's comments). She also referenced articles from various localities. Ms. Bates mentioned that the bottom line is, we cannot make something stricter than the State. Ms. Price responded yes, that the Virginia statute is fairly broad and explained the code.

Vice Chairman Anderson asked if Ms. Price looked at Poquoson and York County. Ms. Price did not, but will provide additional information on both localities. She asked committee members to make a list of any additional jurisdictions and she can provide the information. Ms. Bates inquired about the genesis of this issue. Mr. Bond stated a request from the public, who lives in Buckroe, attended a meeting to express concerns about dogs running at large.

Ms. Bates researched the leash laws from a citizen perspective. She reviewed various findings; stating it was difficult to find any information. She stated some issues were:

- Lack of communications (suggested each area; Grandview, Buckroe, Parks & Recreation, etc., have some coordinated information/cross reference).
- Clear and correct information needs to be published, such as Bark Park information.
- Animal Control Advisory Committee (ACAC) direct citizens to the correct source – if individual complaints, it should be addressed by Animal Control, but policy changes made by the ACAC.

Ms. Sheffield also researched and agreed with Ms. Bates on the information provided. Ms. Bates suggested one person take the lead on the information. Mr. Bond will address these issues with the Assistant City Manager who oversees Parks & Recreation. Ms. Paul inquired if someone was attacked by a dog at Gosnolds Hope Park, for example, is the City of Hampton liable. Mr. Bond responded no, it would be the owner.

Mr. Bond will discuss with the appropriate person(s), regarding the website and will also discuss with the Assistant City Manager. Ms. Bates inquired if ACAC can go through legislation on this issue. Ms. Price referenced the code provision, Section 326538, which is fairly broad, states 'the governing body of any locality may prohibit the running at large of all or any category of dogs in all or any designated portion of such locality during such months as they may designate'. She stated it's different for localities because they may have different needs. Ms. Price will email information on the other localities mentioned tonight, which will benefit future discussion. Mr. Bond mentioned he received an email from the Park Ranger at Sandy Bottom Nature Park and the Director of Parks & Recreation. He read the following Parks Rule #16-A, regarding domestic animals, 'no person shall have in his or her custody within a park any animal that is not either caged or on a leash and under the person's control, except that a dog may be under the direct supervision of its owner or agent without a cage or leash and in an area designated as off-leash dog park. Mr. Bond has asked that this information be put consistently on the website.

## **Public Comment**

- George Cunningham – Mr. Cunningham shared his concerns regarding lack of care of his neighbor's two dogs. He called Animal Control about three weeks ago during a cold spell, and was wondering what the criteria of temperatures where animals can be outside. He stated feces and the smells are a problem, which in turn presents a fly problem in the summer. He feels his neighbor made an attempt to clean, but it's still not a clean area. He stated he visited the Regional Animal Shelter and received information, but he is still not clear on 'clean' definition. Ms. Price stated there are tiered considerations; (1) it could fall under

necessary sanitation, or (2) normal standard duties of care. She provided Mr. Cunningham with the codes he can reference. Ms. Seely inquired what can Animal Control do regarding Mr. Cunningham's concerns. Ms. Price stated it sounds like Animal Control has gone to the property and provided a warning; she encouraged Mr. Cunningham to continue calling Animal Control. Mr. Cunningham inquired if there were codes that address temperatures. Ms. Price stated Animal Control will take a picture of the area and use a gage to detect the temperatures, which can be used as evidence in court. Mr. Cunningham was also concerned about the shock-collar on his neighbor's dogs. Ms. Bates inquired if Mr. Cunningham has discussed these issues with his neighbor. He responded yes, he has tried, but it is difficult. She stated maybe it's a possibility the neighbor would surrender the animals. Mr. Cunningham stated he is not sure, it's a possibility, but would be difficult. She suggested maybe he can open up a dialogue with the neighbor.

- Regina Quinn – Ms. Quinn shared her concern of the many dogs in Hampton who are suffering, in particular in regards to adequate shelter and water during cold temperatures. She feels Animal Control needs to step up efforts and be more consistent and enforce the laws. She stated she has been taking pictures in the community of various animals and has put information on social media. Ms. Quinn stated she recently attended the City Council meeting and is trying to be more involved. She mentioned she called Mr. Bond regarding her concern of animals not having adequate shelter during the recent cold weather. Ms. Price explained the Virginia code, stating Virginia is a Dillon Rule state, which means a local government cannot do anything more restrictive than the State code. Mr. Bond also stated if citizens see an animal in distress, they need to call Animal Control. In regards to the Dillon Rule, Ms. Quinn referenced laws of Baltimore and New Jersey. Mr. Bond stated he advised Ms. Quinn to lobby her legislators, as neither Hampton City Council, nor Animal Control Advisory Commission, have control over the State legislators. Ms. Price explained that the Virginia State code has defined adequate shelter, and can only be changed through the General Assembly. Ms. Quinn feels there needs to be more attention to helping animals; she is passionate about them and has made it her mission to make a difference for the animals in her community. The Board thanked Ms. Quinn for her efforts.

## **New Business**

- Closed Meeting – Vice Chairman Anderson entertain a motion to convene into closed meeting pursuant to exception from open meetings allowed by Section 2.2-3711A.1 of the code of Virginia to consider recommendation for appointments to the Animal Control Advisory Committee.

ACTION: Debbie Sheffield made a motion to go into closed session and Betty Bates seconded. A vote was taken and motion passes.

- Certify Closed Meeting – Vice Chairman Anderson called for a motion to certify the closed meeting.

ACTION: Betty Bates made a motion to certify the closed meeting and Debbie Sheffield seconded. A vote was taken and motion passes.

- Running at Large – Ms. Paul inquired if City Council can change the language in Section 5.38 from 'permit'. Ms. Price stated she addressed this at the last meeting; that our code needs some revision to match up with the State code and she is looking into doing so. She stated the current code is a 'criminal offense' and she would like to recommend it change to a 'strict liability civil offense'. She can make a recommendation to City Council to change the code and City Council can adopt the recommendations.

- Time Limit on Public Comment - Vice Chairman Anderson suggested there be a time limit on public comment. Mr. Bond stated City Council has a three minute time limit for public comment. Ms. Seely disagreed, as she feels someone should be able to take time needed to express their concerns before the Board. Ms. Bates stated her concern is this Board needs to be involved with issues that have a wide impact and they should be able to sum it up in three to five minutes.

ACTION: Debbie Sheffield made a motion to limit public comment to five minutes. Betty Bates seconded and the vote passes with the following results:

Ayes – Anderson, Bates, Paul, Sheffield

Nays – Seely

Absent – McKelvin, Thornton

Vice Chairman inquired if there are follow-up questions after the five minute limit, does the committee want to have a limit to the follow-up. Ms. Bates inquired about the process for getting items on the meeting agenda for discussion once it's presented to the Board during public comment to allow forthought or investigation. Mr. Bond stated if members want an item on the agenda, they would contact the Chair or Vice Chair. Vice Chairman Anderson stated he brought this up because he does not want the committee to get bogged down with discussion on one topic. It is important what that person is bringing forward, but discussion should be limited to allow the committee to move forward. Ms. Seely stated as a Board, we should make sure people who leave the meeting should feel comfortable that the Committee is concerned with issues or complaints and tries to help animals.

ACTION: Betty Bates made a motion to limit the follow-up conversation to five minutes. Debbie Sheffield seconded and the vote resulted as follows:

Ayes – Anderson, Bates, Paul, Sheffield

Nays – Seely

Absent – McKelvin, Thornton

It was discussed that the item can be put on the agenda for the next meeting if the topic is not satisfied or needs further discussion/follow-up.

## **Next Meeting**

The next meeting is scheduled for Thursday, May 19, 2016 at 5:30 p.m.

## **Adjournment**

Vice Chairman Anderson called for a motion to adjourn. Debbie Sheffield made the motion, Ms. Seely seconded and motion passes. The meeting adjourned at 7:40 p.m.

/mao