



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, June 13, 2018

1:00 PM

Council Chambers

CALL TO ORDER

Mayor Tuck called the meeting to order at 1 p.m. with all members of the City Council 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

Mayor Tuck announced that they were just informed this morning of the death of former City Councilman and House of Delegates Representative Tom Gear. The City's heart goes out to his family.

[18-0224](#) Motion to amend the afternoon agenda to add two resolutions - 18-0207 and 18-0220.

Mayor Tuck made an announcement that there were several items to add to the agenda this afternoon.

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

18-0207 Resolution in Recognition of James "Pete" Peterson

Mayor Tuck made a presentation to retiring Assistant City Manager James "Pete" Peterson. Mayor Tuck stated that Mr. Peterson is the glue that holds the organization together due to his vast institutional knowledge and dedication to the City.

Mr. Peterson thanked Council and City Manager Mary Bunting. He also recognized his family.

Councilwoman Snead stated that Mr. Peterson was in charge of putting together the City's financial policies when he first came to the City. They are still in use today, with some updates, and these policies have helped the City increase its credit rating.

RESOLUTION IN RECOGNITION OF JAMES ARTHUR "PETE" PETERSON

WHEREAS, James Arthur "Pete" Peterson was born in Fayetteville, North Carolina, and has been a resident of Virginia since 1975;

WHEREAS, he is a graduate of North Carolina A&T State University where he received a Bachelor of Science in Accounting;

WHEREAS, he was commissioned in the Army Reserve and served as Field Artillery Officer for eight years, resigning his Army Commission at the rank of Captain;

WHEREAS, Mr. Peterson was a practicing Certified Public Account (CPA) and Audit Manager with the International CPA firm of Coopers and Lybrand for thirteen years;

WHEREAS, Mr. Peterson began his employment with the City of Hampton on February 1, 1984, as the Finance Director and the Treasurer and Administrator of the Hampton Employees' Retirement System;

WHEREAS, he was promoted to Assistant City Manager in July 2003 and served until the present;

WHEREAS, in his capacity as Assistant City Manager, he participated in the development and implementation of the City's six Master Plans and has served as Staff Liaison for several regional organizations associated with the City;

WHEREAS, he has served on numerous Boards, Commissions and Committees, including the Finance Committee; the Neighborhood Commission; the Debt Set-Off

Review Panel; the Virginia Air and Space Center Board; the Downtown Hampton Development Partnership Board; the Coliseum Central Business Improvement District Board; the H2O Community Development Authority; the Peninsula Town Center Community Development Authority; the Norfolk State Foundation Board; the Children's Hospital of the King's Daughters Board and the Norfolk Community Hospital Board;

WHEREAS, he served as the Treasurer of the Fort Monroe Authority and served on the City of Hampton Planning Commission, the Greater Peninsula Workforce Development Consortium Management Committee, the Hampton Tourism Advisory Committee and the Town and Gown Committee;

WHEREAS, he received an award from the Hampton Employees' Retirement System in appreciation of thirty-four years of outstanding and dedicated service as a Board Member;

WHEREAS, Mr. Peterson is married to Dianne Peterson;

WHEREAS, they are the proud parents of three sons: James II, Corey and Jared; one daughter: Brittany; grandparents of one grandchild: Francine; and daughter-in-law: Denise; and

WHEREAS, on July 1, 2018, Mr. Peterson will retire from the City of Hampton.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hampton, Virginia, that James Arthur "Pete" Peterson be, and hereby is, recognized and commended for his commitment to the Hampton City Council and the citizens of the City of Hampton.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of the June 13, 2018, City Council meeting of the City of Hampton, Virginia, and that an appropriate copy be signed by the Mayor, attested by the Clerk, and presented to James Arthur "Pete" Peterson.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Snead, that this Resolution 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

[18-0220](#) Resolution in Recognition of Vanessa Valdejuli

Mayor Tuck made a presentation to retiring City Attorney Vanessa Valldejuli. He stated that staff and the City is better because of her cost-saving measures, and she has added joy and levity to meetings.

Ms. Valldejuli stated that she is truly touched and that while she was not born in Hampton, she has come to love Hampton. It is not just enough to choose Hampton, but citizens need to love Hampton, with its great history and all it has to offer. It pains her that she will not be able to see some of the projects she has worked on through the years come to fruition, but the City has a great future. She thanked everyone for all their support.

RESOLUTION IN RECOGNITION OF CITY ATTORNEY VANESSA T. VALLDEJULI

WHEREAS, Vanessa Valldejuli is a graduate of Granby High School, Norfolk, Virginia;

WHEREAS, she received her Bachelor of Arts from Mary Washington College, her Master of Arts from the University of Richmond and her Juris Doctor from the Marshall-Wythe School of Law of the College of William and Mary;

WHEREAS, Attorney Valldejuli has practiced law for thirty-one years and has been dedicated to public service in local government law for twenty-seven years;

WHEREAS, in 2005, she began working as a Deputy City Attorney for the City of Hampton and has served as its City Attorney since 2014;

WHEREAS, she has also worked for neighboring localities, including the City of Chesapeake and the City of Virginia Beach;

WHEREAS, Attorney Valldejuli has expertise in land use, zoning, environmental, real estate and economic development;

WHEREAS, in the past, she served as an Adjunct Professor at Regent University School of Law;

WHEREAS, Mrs. Valldejuli is dedicated to her community and serves as a Cantor in the Catholic Church, as Lay Minister to a Catholic Young Adults' Group and Social Ministries Outreach, and was a former Parish Council member and President;

WHEREAS, not only is she dedicated to those in her community, but also to those closest to her. She is the loving wife of Ray Bruns and the primary caregiver to her

mother;

WHEREAS, Attorney Valldejuli is a member of the Real Property Section-Virginia State Bar, Virginia Bar Association Real Estate Section (Councilmember) and the Hampton Bar Association; and

WHEREAS, on July 1, 2018, Vanessa Valldejuli will retire from the City of Hampton.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hampton, Virginia, that City Attorney Vanessa Valldejuli be, and hereby is, recognized and commended for her commitment to the Hampton City Council, the City of Hampton, and its citizens.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of the June 13, 2018, City Council meeting of the City of Hampton, Virginia, and that an appropriate copy be signed by the Mayor, attested by the Clerk, and presented to Vanessa T. Valldejuli.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Schmidt, that this Resolution 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

1. [18-0221](#) Medical Marijuana Zoning Interpretation Briefing

Attachments: [Presentation](#)

City Manager Mary Bunting stated that the General Assembly has just authorized the production and distribution of medical marijuana. There has been a flurry of inquiries about what is and is not allowed by the City's Zoning Ordinance. She introduced Mr. Steve Shapiro, Deputy Director of Community Development, and Ms. Bonnie Brown, Senior Assistant City Attorney. Mr. Shapiro prefaced his presentation with the information that they are not experts, but will work to get answers to any questions Council may have. He also noted that Ms. Corey Block, City Planner, participated in the research of this item.

Mayor Tuck asked who would receive the permit fees for processing facilities. Mr. Shapiro stated that it will all go to the State.

Vice Mayor Curtis asked at what point the City will be advised if anyone from Hampton applied for a permit. Mr. Shapiro stated that September 25th is the

deadline for the State to notify the locality.

Councilwoman Schmidt asked if the City would have an opportunity at the time of notification to update necessary Zoning Ordinances. Mr. Shapiro stated that Council may update the Zoning Ordinances whenever they choose. All of the areas that meet the requirements would require an additional Use Permit from the City.

Councilwoman Schmidt asked if the applicant is chosen based on the site or the person. Mr. Shapiro stated that if they have applied using the correct Zoning areas, they could proceed immediately. If not, they could look at another site within the City. Councilwoman Schmidt asked if the application was site specific. Mr. Shapiro stated that applicants were required to have a site on their application.

Councilwoman Schmidt asked if the City would be required to change its Zoning Ordinance no matter what site they chose. Mr. Shapiro stated that the areas listed in the presentation meet the Zoning Ordinance requirements with a Use Permit.

Councilwoman Schmidt stated that this is potentially a great business opportunity for Hampton, and asked if Council is being asked to expand the opportunities before an applicant comes forward. Ms. Bunting stated that even if Hampton does not have an applicant at this time, there is no indication on what could happen in the future. The City can advance a Zoning Amendment to plan for the future. It should not be considered just for this application process. Mr. Shapiro stated that more thorough research would be done before an actual proposal was issued to Council.

Councilwoman Snead asked if staff is asking if Council wants staff to investigate Zoning Amendments. Ms. Bunting stated that this was to let Council and the public know where it could go currently, based on the number of questions received last week. Council can give guidance for deeper analysis at this time if it so chooses.

Councilman Gray asked for clarification on the LFA-2, 4, and 6 Zoning language. Mr. Shapiro stated that those Zones, with a Use Permit, allow for manufacturing, or production of the oil, growing of the plants, and the retail dispensing. Councilman Gray asked if Council wanted to allow these three things to take place in another Zoning classification, would the language be the same as the LFA-2, 4, and 6 Zones. Mr. Shapiro stated that there would need to be some changes to the language, because M-2 does not allow for agriculture.

Councilman Gray noted that the City is in District 5. He asked if the City houses a processor, would the end product only be sold to others within District 5, or could there be transactions across the country. Mr. Shapiro stated that he believes they would be allowed to sell outside of the district, but he is not sure.

Councilwoman Snead asked how this benefits the City. Ms. Bunting stated that it is a potential economic development opportunity. The companies that have contacted the City about Zoning clarification have varying levels of potential employment. The production of a pharmaceutical typically involves scientists and medical professionals, and will most likely employ 100+ people. If it was any other pharmaceutical, this would not be a conversation, but this is a unique situation. Because there will be only one processor per district, people will be coming from other areas to visit the processor, resulting in indirect revenues.

Councilwoman Snead asked what potential tax revenues would be received. Ms. Bunting stated that there would be real estate property tax, business license tax, and personal property tax at a minimum, in addition to the indirect revenues from those outside the locality. This was not something any locality was expecting, and it was set up by the State in a way to provide a unique Zoning challenge.

Ms. Bunting stated that staff would like to receive guidance at some point on whether or not they should pursue possible Zoning Amendments.

Mayor Tuck stated that there may be some in the City who are apprehensive, but that apprehension is somewhat unfounded. He indicated that there are many uses beyond treating epilepsy, to include chemotherapy, HIV, Crohn's Disease, and nausea. The way the State is limiting the number of dispensaries bodes well for the City as several businesses are looking at Hampton as a possibility. A person can get to Hampton much more easily than they can get to the Southside. He would like to see Council offer guidance now rather than wait.

Vice Mayor Curtis stated that she would like the staff to move forward, as this is something that should be looked at thoughtfully and not done quickly when it becomes necessary. She stated that there are several factors that make Hampton unique, including the Veterans Affairs (VA) Hospital and the Proton Therapy Institute. She also believes District 5 reaches New Kent, so Hampton is ideally positioned.

Ms. Bunting stated that any Zoning Amendments would involve Public Hearings, so there will be time for the public to process the information and weigh in.

Councilwoman Snead stated that she agrees with the Vice Mayor on moving forward.

Presented by Steve Shapiro, Deputy Director of Community Development and Zoning Administrator, and Bonnie Brown, Senior Assistant City Attorney.

2. [18-0216](#) Briefing on Allowing Disabled Citizens to Participate in Public Hearing and/or Public Comment Periods by an Alternate Means

Attachments: [Presentation](#)

Ms. Bunting stated that this issue has come before Council for consideration in the past, most recently in 2015, and a resident has requested it be considered again. She introduced Assistant City Attorney Steven Bond, who provided a presentation to Council.

[Please Note: The email address to reach the City Council is council@hampton.gov, not citycouncil@hampton.gov as indicated in the original presentation. This error was updated in the presentation following the meeting.]

Ms. Bunting stated that in 2015 Council voted not to change the way they handled Public Comment. Unless Council would like to change course, staff will maintain the current processes in place for citizen engagement and Public Comment.

Presented by Steve Bond, Assistant City Manager.

REGIONAL ISSUES

There were no regional issues.

NEW BUSINESS

There was no new business.

CLOSED SESSION

3. [18-0187](#) Closed session pursuant to Virginia Code Sections 2.2-3711.A.1, .3, .5, and .7 to discuss the City Manager and Clerk of Council, the appointment of a City Attorney and Interim City Attorney, a personnel matter in a department under the City Manager's supervision, and the appointments as listed on the agenda; to discuss or consider the acquisition of real property for a public purpose and the disposition of publicly held real property in the Kecoughtan Road corridor where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the city; to discuss a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in

Hampton; and to consult with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the City.

At 2:01 p.m., a motion was made by Vice Mayor Curtis and seconded by Councilmember Schmidt, 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

4. [18-0177](#) Consideration of appointments of Council Liaisons to various Boards, Commissions and Committees
5. [18-0136](#) Consideration of an appointments to the Peninsula Stadium Authority
6. [18-0196](#) Consideration of appointments to Coliseum Advisory Committee
7. [18-0197](#) Consideration of appointments to Grievance Board
8. [18-0199](#) Consideration of appointments to Hampton-Newport News Community Criminal Justice Board
9. [18-0200](#) Consideration of appointments to Hampton-Newport News Community Services Board
10. [18-0201](#) Consideration of appointments to Hampton Redevelopment & Housing Authority appointments.
11. [18-0202](#) Consideration of appointments to Purchasing & Procurement Oversight Committee
12. [18-0203](#) Consideration of appointment to Thomas Nelson Community College Board of Trustees
13. [18-0208](#) Consideration of appointments to Hampton Economic Development Authority
14. [18-0218](#) Consideration of appointments to Peninsula Town Center CDA

CERTIFICATION

15. [18-0219](#) Resolution Certifying Closed Session

A motion was made by Councilmember Moffett 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

The meeting adjourned at 6:10 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____