

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, January 20, 2021, at 6:00 p.m.

PRESENT

Council Members -
Michael D. Duman, Mayor, presiding
Leroy Bennett
Roger W. Fawcett
Donald Z. Goldberg
Timothy J. Johnson
Lue R. Ward, Jr.
LeOtis L. Williams

Albert S. Moor, Interim City Manager
Helivi H. Holland, City Attorney
Erika S. Dawley, City Clerk

ABSENT

None

CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Duman called the meeting to order. Council Member Goldberg offered the Invocation and led the Pledge of Allegiance.

City Clerk Dawley called the roll, and all members of City Council were in attendance.

FREEDOM OF INFORMATION ACT CERTIFICATION

City Clerk Dawley presented a resolution certifying the Closed Meeting of January 20, 2021, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

Council Member Fawcett, on a motion seconded by Vice Mayor Bennett, moved to approve the resolution, as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

A RESOLUTION OF CERTIFICATION OF THE CLOSED MEETING OF JANUARY 20, 2021, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED

APPROVAL OF THE MINUTES

Council Member Williams, on a motion seconded by Council Member Ward, moved to approve the minutes from the August 19, 2020, Work Session and Regular Meeting, as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

SPECIAL PRESENTATIONS

Special Presentation – COVID-19 Vaccination Update

Utilizing a PowerPoint presentation, Deputy Fire Chief Brian Spicer provided a summary of the above referenced item.

Referring to the presentation, Vice Mayor Bennett asked for information about the locations for vaccination clinics. Deputy Fire Chief Spicer explained that the limited number of staff persons and vaccination doses are the driving forces behind the number of vaccination clinics.

Council Member Fawcett queried about the availability of vaccinations in assisted living facilities. Deputy Fire Chief Spicer said that the State has been working directly with those facilities to address the need for vaccinations.

Referring to the presentation, Council Member Williams sought clarification about Suffolk’s bimonthly schedule for vaccination distribution as compared to those held in Franklin and Smithfield on a weekly basis. Deputy Fire Chief Spicer stated that the City has been advised by the Western Tidewater Health Department that the Suffolk’s schedule is based on the limited number of staff persons and vaccinations doses.

Mayor Duman inquired about the Western Tidewater Health Department’s authority as it relates to the distribution of vaccines. Deputy Fire Chief Spicer indicated that the Western Tidewater Health Department is the authority as it relates to the number of vaccine doses received by each locality within the district.

Mayor Duman called for information about the cost of the vaccinations. Deputy Fire Chief Spicer replied that the vaccinations are free if provided by one of the State sponsored immunization clinics, but he could not speak to the cost if a vaccine was administered by a private medical professional.

REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ADOPTION OF THE AGENDA

Mayor Duman advised that a motion was in order at this time to adopt the agenda, as presented.

Vice Mayor Bennett, on a motion seconded by Council Member Goldberg, to adopt the agenda, as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

AGENDA SPEAKERS

Chris Jensen, 304 Bridlewood Lane, representing self, spoke in opposition to Item #20 - Motion – A motion to schedule a Public Hearing for February 3, 2021, to receive public comment on an ordinance authorizing the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the Nansemond Parkway/Wilroy Road Overpass Over Commonwealth Railway Project.

Arlyn Winslow, 5000 Bob White Lane, representing self, spoke in opposition to Item #20 - Motion – A motion to schedule a Public Hearing for February 3, 2021, to receive public comment on an ordinance authorizing the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the Nansemond Parkway/Wilroy Road Overpass Over Commonwealth Railway Project.

CONSENT AGENDA

City Clerk Dawley presented the following Consent Agenda items:

Consent Agenda Item #7 – An ordinance to accept and appropriate funds from the Library of Virginia Circuit Court Records Preservation Program for the Clerk of the Circuit Court

Consent Agenda Item #8 – An ordinance to accept and appropriate funds from the Target Corporation for the Suffolk Parks and Recreation Department

Consent Agenda Item #9 – An ordinance to appropriate and transfer funds from the General Fund Unassigned Fund Balance to the Capital Projects Fund for the Water Access – Nansemond River and Downtown Implementation Plan Festival Events/Venue and Market Hall capital projects

Consent Agenda Item #10 – An ordinance to accept and appropriate funds from the Virginia Office of Emergency Medical Services Rescue Squad Assistance Fund for the Suffolk Department of Fire and Rescue

Consent Agenda Item #11 – A resolution approving the issuance by the Suffolk Redevelopment and Housing Authority of its Revenue Bonds, for the acquisition, construction, renovation, rehabilitation and equipping of the approximately 114 unit Place One Apartments Multifamily Housing Facility located in the County of Henrico, Virginia

Referring to Consent Agenda Items #7 through #11, Interim City Manager Moor submitted a review of the background information as printed in the official agenda.

Council Member Fawcett, on a motion seconded by Vice Mayor Bennett, moved to approve the Consent Agenda, as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

PUBLIC HEARINGS

Public Hearing – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change the zoning from M-2, Heavy Industrial zoning district, to B-2, General Commercial zoning district, for property located at 5045 Nansemond Parkway, Zoning Map 20, Parcel 22J, Account Number 306003953; RZN2020-007 (Conditional)

Utilizing a PowerPoint presentation, Planning and Community Development Director David Hainley gave a summation of the background information as printed in the official agenda.

John Babineau, no address provided, representing C. Burt Cutright, SNC, LLC, applicant, spoke in support of the proposed ordinance, as presented.

Hearing no additional speakers, the public hearing was closed.

Vice Mayor Bennett, on a motion seconded by Council Member Fawcett, moved to approve the ordinance, with conditions, as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO CHANGE THE ZONING FROM M-2, HEAVY INDUSTRIAL ZONING DISTRICT, TO B-2, GENERAL COMMERCIAL ZONING DISTRICT, FOR PROPERTY LOCATED AT 5045 NANSEMOND PARKWAY, ZONING MAP 20, PARCELS 22J, ACCOUNT NUMBER 306003953; RZN2020-007 (CONDITIONAL)

Public Hearing – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to amend the previously approved proffered conditions for property located at 273 South Saratoga Street, Zoning Map 34G23(A), Parcels, 114*115*116, 114*115*116*1, 114*115*116*2, and 114*115*116*3, Account Numbers 351342000, 354000339, 354000340, and 354000341; RZN2020-008 (Conditional)

Utilizing a PowerPoint presentation, Planning and Community Development Director Hainley supplied a review of the background information as printed in the official agenda.

Edwin Gaskin, no address provided, representing self, spoke in support of the proposed ordinance, with conditions, as presented.

Hearing no additional speakers, the public hearing was closed.

Referring to the presentation, Council Member Fawcett opined about the parcel under consideration, as it relates to impact on Suffolk Public Schools. Planning and Community Development Director Hainley advised that the parcel under consideration is zoned Central Business District, therefore, this project is exempt from analysis of adequate public facilities.

Referring to the presentation, Council Member Goldberg asked about the number of students generated by the proposed property. Planning and Community Development Director Hainley stated that no students would be generated by the proposed project for Hillpoint Elementary School or Lakeland High School, and eight students would be generated for Forrest Glenn Middle School.

Council Member Fawcett, on a motion seconded by Council Member Goldberg, moved to approve the ordinance, with conditions, as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO AMEND THE PREVIOUSLY APPROVED PROFFERED CONDITIONS FOR PROPERTY LOCATED AT 273 SOUTH SARATOGA STREET, ZONING MAP 34G23(A), PARCELS, 114*115*116, 114*115*116*1, 114*115*116*2, AND 114*115*116*3, ACCOUNT NUMBERS 351342000, 354000339, 354000340, AND 354000341; RZN2020-008 (CONDITIONAL)

Public Hearing – An ordinance to amend the previously approved conditions pertaining to the establishment of a multi-family apartment complex on property located at 273 South Saratoga Street, Zoning Map 34G23(A), Parcels 114*115*116, 114*115*116*1, 114*115*116*2, and 114*115*116*3, Account Numbers 351342000, 354000339, 354000340, and 354000341; CUP2020-019

Utilizing a PowerPoint presentation, Planning and Community Development Director Hainley offered a report of the background information as printed in the official agenda.

Edwin Gaskin, no address provided, representing self, spoke in support of the proposed ordinance, with conditions, as presented.

Hearing no additional speakers, the public hearing was closed.

Council Member Goldberg, on a motion seconded by Council Member Johnson, moved to approve the ordinance, with conditions, as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

AN ORDINANCE TO AMEND THE PREVIOUSLY APPROVED CONDITIONS PERTAINING TO THE ESTABLISHMENT OF A MULTI-FAMILY APARTMENT COMPLEX ON PROPERTY LOCATED AT 273 SOUTH SARATOGA STREET, ZONING MAP 34G23(A), PARCELS 114*115*116, 114*115*116*1, 114*115*116*2, AND 114*115*116*3, ACCOUNT NUMBERS 351342000, 354000339, 354000340, AND 354000341; CUP2020-019

Public Hearing – An ordinance to grant a Conditional Use Permit to establish a day care, child day center, on property located at 3575 Bridge Road Suites 1 - 3, Zoning Map 12, Parcel 55*1D*1E, Account Number 3060000276; CUP2020-022

Utilizing a PowerPoint presentation, Planning and Community Development Director Hainley provided a synopsis of the background information as printed in the official agenda.

Tralana Keaton, 3428 Bob White Lane, applicant, representing Bennetts Creek Crossing, LLC, property owner, spoke in support of the proposed ordinance, as presented.

Les Scott, 432 Spurlane Circle, Chesapeake, Virginia, representing self, spoke in support of the proposed ordinance, as presented.

Hearing no additional speakers, the public hearing was closed.

A person in attendance attempted to speak after the public hearing was closed. After being ruled out of order by Mayor Duman, she raised a point of order.

Mayor Duman asked City Attorney Holland for a parliamentary opinion. City Attorney Holland advised that only members of City Council can raise a point of order during the proceedings in accordance with Roberts Rules of Order.

Council Member Fawcett, on a motion seconded by Vice Mayor Bennett, moved to approve the ordinance, with conditions, as presented, by the following vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members	
	Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A DAY CARE, CHILD DAY CENTER, ON PROPERTY LOCATED AT 3575 BRIDGE ROAD SUITES 1 - 3, ZONING MAP 12, PARCEL 55*1D*1E, ACCOUNT NUMBER 3060000276; CUP2020-022

Public Hearing – An ordinance authorizing an agreement between the City of Suffolk, Virginia and Tidewater Block, L.L.C. pertaining to the lease of a certain portion of an abandoned railroad right-of-way owned by the City of Suffolk; Tax Map 33, Parcel X, Account Number 253112700

Utilizing a PowerPoint presentation, Planning and Community Development Director Hainley gave an overview of the background information as printed in the official agenda.

Samuel Finney, 1700 Bolling Avenue, Norfolk, Virginia, representing Tidewater Block, L.L.C., spoke in support of the proposed ordinance, as presented.

Hearing no additional speakers, the public hearing was closed.

Council Member Johnson, on a motion seconded by Council Member Goldberg, moved to approve the ordinance, as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SUFFOLK, VIRGINIA AND TIDEWATER BLOCK, L.L.C. PERTAINING TO THE LEASE OF A CERTAIN PORTION OF AN ABANDONED RAILROAD RIGHT-OF-WAY OWNED BY THE CITY OF SUFFOLK; TAX MAP 33, PARCEL X, ACCOUNT NUMBER 253112700

ORDINANCES

There were no items under this portion of the agenda.

RESOLUTIONS

Resolution – A resolution in support of the Saratoga Place Development’s application to the Virginia Housing Development Authority for the Low Income Housing Tax Credit program

Utilizing a PowerPoint presentation, Interim Deputy City Manager Kevin Hughes submitted an outline of the background information as printed in the official agenda.

Council Member Fawcett, on a motion seconded by Council Member Ward, moved to approve the resolution, as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

A RESOLUTION IN SUPPORT OF THE SARATOGA PLACE DEVELOPMENT’S APPLICATION TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY FOR THE LOW INCOME HOUSING TAX CREDIT PROGRAM

STAFF REPORTS

Staff Report – Railway Crossing Review

Utilizing a PowerPoint presentation, Public Works Director Louis Hansen provided a synopsis of the background information as printed in the official agenda.

Referring to the presentation, Council Member Fawcett queried about the party responsible for maintaining railroad tracks on private railway crossings. Public Works Director Hansen said that the railroad companies are always responsible for maintenance of the railroad crossings.

Council Member Fawcett opined about the removal of railroad tracks from abandoned railway crossings. Public Works Director Hansen explained that until a railroad company is ready to abandon a line, they will not remove the railroad tracks, and it is classified as inactive, not abandoned.

Referring to the presentation, Council Member Goldberg called for information about the issues in need of evaluation at Capitol Street and Railroad Avenue. Public Works Director Hansen and Interim Police Alfred Chandler stated that they would research that matter and follow up accordingly.

Vice Mayor Bennett sought clarification about the ability of the public to offer comments about project referenced in Item #20 on tonight’s agenda - Motion – A motion to schedule a Public Hearing for February 3, 2021, to receive public comment on an ordinance authorizing the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the Nansemond Parkway/Wilroy Road Overpass Over Commonwealth Railway Project. Public Works Director Hansen advised that at the upcoming public hearing staff will request authorization to proceed with the project as previously outlined. He added that an alternative proposal was presented for the project, but after evaluation, it was deemed infeasible.

Council Member Goldberg asked if the alternative option for the Nansemond Parkway/Wilroy Road Overpass Over Commonwealth Railway Project included a flyover. Public Works Director Hansen stated that the alternative option for the project was presented about six months ago, which was well after the project’s design concept was already prepared.

MOTIONS

Motion – A motion to schedule a Public Hearing for February 3, 2021, to receive public comment on an ordinance authorizing the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the Nansemond Parkway/Wilroy Road Overpass Over Commonwealth Railway Project

Council Member Fawcett, on a motion seconded by Council Member Goldberg, moved to schedule to a motion to schedule a Public Hearing for February 3, 2021, to receive public comment on an ordinance authorizing the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the Nansemond Parkway/Wilroy Road Overpass Over Commonwealth Railway Project, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

Motion – A motion to schedule a public hearing to be held on February 17, 2021, to receive public comment on the Proposed Fiscal Year 2022-2031 Capital Improvements Program and Plan

Council Member Johnson, on a motion seconded by Council Member Ward, moved to schedule a public hearing to be held on February 17, 2021, to receive public comment on the Proposed Fiscal Year 2022-2031 Capital Improvements Program and Plan, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

Motion – A motion to schedule a joint City Council and School Board Work Session, for Wednesday, February 3, 2021, at 4:00 p.m., unless cancelled

Council Member Williams, on a motion seconded by Vice Mayor Bennett, moved to schedule a City Council Work Session, for Wednesday, February 3, 2021, at 4:00 p.m., unless cancelled, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members	
	Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

NON-AGENDA SPEAKERS

Miller Cary, 1002 MacArthur Drive, representing self, congratulated those newly elected to City Council.

Angela Harris, 2101 Jefferson Avenue, Newport News, Virginia, representing the Southeast Care Coalition, offered concerns about water quality in the Hobson area.

Kelly Hengler, 9345 Eclipse Drive, representing the Crittenden-Eclipse-Hobson Heritage Civic League, opined about comprehensive planning.

NEW BUSINESS

City Clerk Dawley presented the following board and commission nominations to the respective bodies: Hampton Roads Military and Federal Facilities Alliance – Mayor Michael Duman; Hampton Roads Transportation Accountability Commission – Mayor Michael Duman; Hampton Roads Transportation Planning Organization – Mayor Michael Duman and Southside Network Authority – Interim Information Technology Director Regina Chandler

Vice Mayor Bennett, on a motion seconded by Council Member Fawcett, moved to nominate and appoint the above referenced individuals to the aforementioned bodies, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members	
	Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

Council Member Fawcett, on a motion seconded by Council Member Goldberg, moved to direct Interim City Manager Moor to provide Chrome Books to all members of City Council.

Members of City Council opined about the proposed motion, specifically the individual members of City Council desire to utilize Chrome Books.

Council Member Fawcett, on an amended motion seconded by Council Member Goldberg, moved to direct Interim City Manager Moor to provide Chrome Books to any member of City Council based on their interest, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, and Williams	6
NAYS:	Council Member Ward	1

ANNOUNCEMENTS AND COMMENTS

Utilizing a PowerPoint presentation, Media and Community Relations Assistant Director Timothy Kelley provided a report on the following: the Virginia Department of Health’s COVID-19 vaccination webpage; the Lake Cohoon Road Bridge Crossing Project; new Virginia law prohibiting cell phone usage while driving, and vehicle safety tips from the Suffolk Police Department.

Council Member Williams reported a drainage issue at South 11th Street and 206 Columbus Avenue.

Council Member Johnson extended his condolences to the family of the late Ruby Walden.

Council Member Fawcett opined about Knotts Creek Coffee and Amedeo’s.

Vice Mayor Bennett advised that the East Suffolk Civic League has requested a waste receptacle at Truman Road and White Marsh Road.

Mayor Duman called for information about the time line for the utility relief program. Interim City Manager Moor said that the program is still ongoing and will be in effect until the end of the year.

Mayor Duman extended his condolences to the family of the late Ruby Walden.

Council Member Goldberg, on a motion seconded by Council Member Fawcett, moved to adjourn, by the following vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Ward and Williams	7
NAYS:	None	0

There being no further business to come before City Council, the regular meeting was adjourned at 8:51 p.m.

Teste: _____
Erika S. Dawley, MMC, City Clerk

Approved: _____
Michael D. Duman, Mayor