

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, February 5, 2020, at 7:00 p.m.

PRESENT

Council Members -

Linda T. Johnson, Mayor, presiding

Leroy Bennett, Vice Mayor

Michael D. Duman

Roger W. Fawcett

Donald Z. Goldberg

Timothy J. Johnson

Curtis R. Milteer, Sr.

Lue R. Ward, Jr.

Patrick G. Roberts, City Manager

Helivi L. Holland, City Attorney

Erika S. Dawley, City Clerk

ABSENT

None

CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

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

FREEDOM OF INFORMATION CERTIFICATION

City Clerk Dawley presented a resolution certifying the Closed Meeting of February 5, 2020, 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 vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	8
NAYS:	None	0

A RESOLUTION OF CERTIFICATION OF THE CLOSED MEETING OF FEBRUARY 5, 2020, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED

APPROVAL OF THE MINUTES

Council Member Duman, on a motion seconded by Council Member Johnson, moved to approve the minutes from the December 4, 2019, Work Session, as presented, by the following vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	8
NAYS:	None	0

SPECIAL PRESENTATIONS

There were no items under this portion of the agenda.

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

Mayor Johnson advised that a motion was in order at this time to adopt the agenda.

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

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	8
NAYS:	None	0

AGENDA SPEAKERS

There were no speakers under this portion of the agenda.

CONSENT AGENDA

City Clerk Dawley presented the following Consent Agenda items:

Consent Agenda Item #7 - An ordinance to accept and appropriate funds from the Virginia Department of Housing and Community Development in support of the Suffolk Department of Economic Development

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 establish the Schools Facilities Assessment and Master Plan project and to authorize the transfer of available funds from the completed Colonel Fred Cherry Middle School project and the Department of Planning and Community Development Professional Services Line Item

Consent Agenda Item #10 – An ordinance to authorize the transfer of capital project funds from the Florence Bowser Elementary School and Colonel Fred Cherry Middle School projects to the Schools Major Repairs/Systems Replacement project

Consent Agenda Item #11 – An ordinance to appropriate funds from the General Fund Unassigned Fund Balance for one-time expenditures and to transfer funds to the Capital Projects Fund

Consent Agenda Item #12 – An ordinance to accept and appropriate funds from Walmart for the Suffolk Public Library

Consent Agenda Item #13 – A resolution authorizing the City Manager to amend the James River Shoreline Design & Engineering Services Agreement

Referring to Consent Agenda Items #7 through #13, City Manager Roberts 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 vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	8
NAYS:	None	0

PUBLIC HEARINGS

Public Hearing – A public hearing regarding an ordinance to rezone and amend the official zoning map of the City of Suffolk in order to amend the previously approved proffered conditions for the Foxfield Meadows Development located at 1241 Pitchkettle Road, Zoning Map 34, Parcel 24A; RZN2019-007 (Conditional)

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

Whitney Saunders, 705 West Washington Street, representing NVR, Incorporated, applicant, spoke in support of the proposed ordinance.

Kelly Hengler, 9345 Eclipse Drive, representing self, opined about the proposed design standards.

Bill Blankenship, 321 Great Bridge Boulevard, Chesapeake, Virginia, representing Cloverleaf Development, LLC, property owner, spoke in support of the proposed ordinance.

Eric Shirey, no address given, representing NVR, Incorporated, applicant, spoke in support of the proposed ordinance.

Hearing no additional speakers, the public hearing was closed

Council Member Milteer, on a motion seconded by Council Member Fawcett, moved to approve the ordinance, as presented.

Council Member Duman asked about the condominium form of ownership. Mr. Saunders replied that there is a land condominium form of ownership for single family, detached homes where the surrounding land is owned communally.

Council Member Duman asked about the difference between the condominium association and a homeowners association. Mr. Whitney advised that maintenance standards are more uniform but are similar in fee structure.

Council Member Duman opined about differing transitional design standards. Mr. Whitney checked with the applicants.

City Attorney Holland asked for clarification of Council Member Duman’s comments. Council Member Duman advised he was asking for an explanation about the applicant’s proposed design standards as the matter was raised at the Planning Commission meeting.

City Attorney Holland, Mayor Johnson and Council Member Duman clarified that the request for information was not a solicitation for a proffer. Mr. Saunders replied that the applicant did not interpret Council Member Duman’s comments as a solicitation for a proffer.

Mr. Saunders offered the following additional voluntary proffered conditional language to address the matter that was raised at the Planning Commission meeting cited by Council Member Duman: “The Owner/Applicant will construct all homes adjacent to the Foxfield Parkway and Terrywood Drive of Hardie Plank or L.P. Smartside siding with optional partial stone or brick veneer offered for front elevations.”

Referring to the presentation, Council Member Johnson opined about the type of proposed development. City Manager Roberts and Planning and Community Development Director Hainley offered supplemental information about the type of proposed development.

City Clerk Dawley called for clarification of the inclusion of the language regarding the additional voluntary proffered conditional in the motion to approve the proposed ordinance. It was the consensus of Council Member Milteer and Council Member Fawcett to include the language regarding the additional voluntary proffered conditional language in the motion to approve the proposed ordinance.

Council Member Milteer, on an amended motion seconded by Council Member Fawcett, moved to approve the ordinance, with the additional voluntary proffered condition: “The Owner/Applicant will construct all homes adjacent to the Foxfield Parkway and Terrywood Drive of Hardie Plank or L.P. Smartside siding with optional partial stone or brick veneer offered for front elevations”:

AYES:	Mayor L. Johnson, and Council Members Duman, Fawcett, Goldberg, Milteer and Ward	6
NAYS:	Vice Mayor Bennett and Council Member T. Johnson	2

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK IN ORDER TO AMEND THE PREVIOUSLY APPROVED PROFFERED CONDITIONS FOR THE FOXFIELD MEADOWS DEVELOPMENT LOCATED AT 1241 PITCHKETTLE ROAD, ZONING MAP 34, PARCEL 24A; RZN2019-007 (CONDITIONAL), AS AMENDED

Public Hearing – A public hearing regarding an ordinance to grant a Conditional Use Permit to establish a Day Care, Child Day Center, on property located at 361 E. Washington Street, Zoning Map 34G25(A), Parcel B; CUP2019-007

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

The following individuals spoke in support of the proposed ordinance:

Shamica Bullock, no address given, applicant.

Robert Hobbs, 206 Locust Street, representing Metropolitan Baptist Church. He also recognized supporters in attendance.

Marcus Williams, 156 West Washington Street, owner, Boogie’s Soul Food, representing self.

Hearing no additional speakers, the public hearing was closed.

Council Member Duman, on a motion seconded by Council Member Milteer, moved to approve the ordinance, with conditions, as presented.

Referring to the presentation, Council Member Fawcett asked about the age of the building. Planning and Community Development Director Hainley indicated that he did not know the specific age of the building, but he thought it would qualify as a historical structure.

Council Member Fawcett solicited information about applicable fire code provision, as it relates to the proposed child day care center. Planning and Community Development Director Hainley advised that the Conditional Use Permit is the first step, and the applicant will have to meet other fire code requirements applicable to child day care operations.

Council Member Duman, on a motion seconded by Council Member Milteer, moved to approve the ordinance, with conditions, as presented, by the following vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	8
NAYS:	None	0

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A DAY CARE, CHILD DAY CENTER, ON PROPERTY LOCATED AT 361 E. WASHINGTON STREET, ZONING MAP 34G25(A), PARCEL B; CUP2019-007

Public Hearing – A public hearing regarding an ordinance to grant a Conditional Use Permit to establish a public assembly not otherwise enumerated (banquet facility with live entertainment), on property located at 127 East Washington Street, Zoning Map 34G18(A), Parcel 284; CUP2019-017

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

Valencia Ballard, 6018 Spinnaker Court, property owner, spoke in support of the proposed ordinance.

Hearing no additional speakers, the public hearing was closed.

Referring to the presentation, Council Member Milteer queried about the number of available parking spaces. Ms. Ballard said that there is adequate parking located behind the building and across the street.

Referring to the presentation, Council Member Duman asked about the number of security officers required, as outlined in condition number four in the proposed ordinance. Planning and Community Development Director Hainley replied that there would be at least one security officer required, but the applicant must comply with the standards as required by the Suffolk Police Department. He added that this is standard number of security officers for similar existing banquet halls.

Referring to the presentation, Council Member Johnson solicited information about the number of people allowed in the proposed banquet facility. Planning and Community Development Director Hainley offered that the number of people in the space would depend on the set up configuration. He estimated that close to 100 people would be the maximum.

Referring to the presentation, Mayor Johnson called for clarification about the difference between a dance floor and a public dance hall. City Manager Roberts explained that a public dance hall is akin to a nightclub open to the general public.

Referring to the presentation, Vice Mayor Bennett opined about the applicant’s willingness to comply with all of the conditions included in the proposed ordinance. Planning and Community Development Director Hainley advised that the applicant has been advised of all of the conditions included in the proposed ordinance and has indicated that she will comply as required.

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

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, T. Johnson, Milteer and Ward	7
NAYS:	Council Member Goldberg	1

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A PUBLIC ASSEMBLY NOT OTHERWISE ENUMERATED (BANQUET FACILITY WITH LIVE ENTERTAINMENT), ON PROPERTY LOCATED AT 127 E. WASHINGTON STREET, ZONING MAP 34G18(A), PARCEL 284; CUP2019-017

ORDINANCES

Ordinance – 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 Intersection Improvements Project (This item was continued from the January 15, 2020, City Council Meeting.)

Utilizing a PowerPoint presentation, Public Works Director Louis Hansen submitted a report on the background information as printed in the official agenda.

Vice Mayor Bennett, on a motion seconded by Council Member Milteer, moved to deny the ordinance, as presented.

Referring to the presentation, Council Member Johnson solicited information about the placement of the Nansemond River High School entrance. Public Works Director Hansen advised that placing the entrance on Sleepy Hole Road rather than Nansemond Parkway would have been impractical.

Vice Mayor Bennett, on a motion seconded by Council Member Milteer, moved to deny the ordinance, as presented, by the following vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	8
NAYS:	None	0

RESOLUTIONS

There were no items under this portion of the agenda.

STAFF REPORTS

There were no items under this portion of the agenda.

MOTIONS

Motion – A motion to schedule a City Council Work Session for Wednesday, February 19, 2020, at 4:00 p.m., unless cancelled

Council Member Fawcett, on a motion seconded by Vice Mayor Bennett, moved to schedule a Work Session for Wednesday, February 19, 2020, at 4:00 p.m., unless cancelled, by the following vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	8
NAYS:	None	0

Motion – A motion to schedule a public hearing to be held on February 19, 2020, to receive public comment on the Proposed Fiscal Year 2021-2030 Capital Improvements Program and Plan

Council Member Ward, on a motion seconded by Council Member Fawcett, moved to schedule a public hearing to be held on February 19, 2020, to receive public comment on the Proposed Fiscal Year 2021-2030 Capital Improvements Program and Plan, by the following vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	8
NAYS:	None	0

NON-AGENDA SPEAKERS

Shedrick Roberts, 103 Sandy Lake Drive, representing self, was not present when called.

Shirley Bowen, 5853 Bernhowe Manor Lane, representing self, was not present when called.

Troy H. Jean, 6625 Crittenden Road, representing self, opined about transportation patterns on Bennetts Pasture Road, Wilroy Road and Nansemond Parkway.

Kelly Hengler, 9345 Eclipse Drive, representing Crittenden-Eclipse-Hobson Heritage Civic League, spoke about the mitigation of impacts to the villages of Crittenden and Eclipse.

NEW BUSINESS

City Clerk Dawley presented the following board and commission nomination for City Council’s consideration: Mike Ellis, Agricultural Advisory Committee (Farm Service Agency Local Administrative Area – Cypress representative).

Council Member Duman, on a motion seconded by Council Member Johnson, moved to nominate and appoint the above referenced individual to the aforementioned body, by the following vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	8
NAYS:	None	0

ANNOUNCEMENTS AND COMMENTS

Utilizing a PowerPoint presentation, Media and Community Relations Director Diana Klink reported on the following: Exhibit of Excellence: Suffolk Student Art 2020 at the Suffolk Art Gallery; 32nd Annual Young Artists and Authors Showcase at the Suffolk Center for Cultural Arts; Free Family Movies showing of The Princess and the Frog by Suffolk Tourism; Suffolk Fire & Rescue 3rd Annual Citizens’ Fire and Rescue Academy; and the City’s observance of Presidents Day.

Council Member Johnson reported he attended the Hampton Roads Fire Academy Graduation.

Council Member Johnson recognized the donation from the Believers Church to reduce student lunch debt in Suffolk Public Schools.

Council Member Ward announced he attended the following events: the Hampton Roads Fire Academy Graduation; Suffolk Ministers Wives and Widows Breakfast at Tabernacle Baptist Church; and Martin Luther King, Jr. celebration at East End Baptist Church.

Council Member Ward opined about the Nansemond Parkway project denial.

Council Member Duman reported he attended the Martin Luther King, Jr. celebration at East End Baptist Church and Hampton Roads Fire Academy Graduation.

Council Member Duman opined about the Suffolk Humane Society’s PAWS for the Arts fundraiser.

Council Member Milteer invited residents to attend the Capital Improvement Plan public hearing.

Council Member Fawcett announced he attended the Hampton Roads Fire Academy Graduation.

Council Member Fawcett opined about the Nansemond Parkway project.

Council Member Fawcett acknowledged the donation from the Believers Church to reduce student lunch debt in Suffolk Public Schools.

Council Member Fawcett recognized the Suffolk Ruritan Club for its fundraiser.

Council Member Goldberg acknowledged the Suffolk Art League for their efforts.

Council Member Goldberg encouraged residents to attend the upcoming Suffolk Sister Cities Young Artists and Authors Showcase.

Vice Mayor Bennett congratulated the Hampton Roads Fire Academy graduates.

Vice Mayor Bennett recognized the retirement of Lieutenant John Meston from the Suffolk Police Department.

Vice Mayor Bennett opined about constituent concerns about higher bills from Charter Cable.

Vice Mayor Bennett reported he attended the Martin Luther King, Jr. event at East End Baptist Church.

Vice Mayor Bennett opined about the upcoming events: the Sickle Cell Banquet; NAACP Freedom Fund Banquet and Mothers Against Violence Luncheon.

Mayor Johnson extended her appreciation for expressions of concern her family received for her grandson.

Mayor Johnson acknowledged the graduates of the Hampton Roads Fire Academy.

Mayor Johnson reported on a recent meeting with General Assembly legislators and representatives from State agencies about regional transportation issues.

Mayor Johnson opined about the joint City/Schools facilities study.

Mayor Johnson encouraged residents to attend the upcoming Suffolk Sister Cities Young Artists and Authors Showcase.

Council Member Milteer, on a motion seconded by Vice Mayor Bennett, moved to adjourn, by the following vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	8
NAYS:	None	0

There being no further business to come before City Council, the regular meeting was adjourned at 9:31 p.m.

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

Approved: _____
Linda T. Johnson, Mayor

APPROVED: JUNE 3, 2020