

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, February 16, 2022, at 6:00 p.m.

PRESENT

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

Erika S. Dawley, City Clerk
William E. Hutchings, Jr., City Attorney
Albert S. Moor, City Manager

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.

FREEDOM OF INFORMATION ACT CERTIFICATION

City Clerk Dawley presented a resolution certifying the Closed Meeting of February 16, 2022, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

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

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

A RESOLUTION OF CERTIFICATION OF THE CLOSED MEETING OF FEBRUARY 16 2022, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED

APPROVAL OF THE MINUTES

Council Member Johnson, on a motion seconded by Council Member Fawcett, moved to approve the minutes from the September 1, 2021, Work Session and Regular Meeting, as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

SPECIAL PRESENTATIONS

Special Presentation – United Way Campaign Partnership Overview and Award Presentation

Jacob Peterson, Vice President, Resource Development, Melissa Matthews, Campaign Director, and Michele Anderson, President/Chief Executive Officer, United Way of South Hampton Roads, presented the award to Mayor Duman.

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

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

Council Member Fawcett, on a motion seconded by Council Member Johnson, moved to adopt the agenda as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

AGENDA SPEAKERS

There were no items under this portion of the agenda.

CONSENT AGENDA

City Clerk Dawley presented the following Consent Agenda item:

Consent Agenda Item #7 - An ordinance to accept and appropriate Airport Rescue Grant funds from the United States Department of Transportation Federal Aviation Administration for the Suffolk Executive Airport

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

Members of City Council cast their votes. City Clerk Dawley advised that a motion would be required in order to act on the Consent Agenda.

Council Member Goldberg, 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 Butler Barlow Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

PUBLIC HEARINGS

Public Hearing – A public hearing to consider an ordinance to amend and reordain Chapter 26 of the Code of the City of Suffolk, Virginia, "Elections", which establishes the boundaries of boroughs

Utilizing a PowerPoint presentation, Robert Loftin, McGuireWoods, the City’s redistricting consultant, provided a synopsis of the background information as printed in the official agenda.

Jean Carmean, 3616 Labrador Lane, representing self, opined about green infrastructure. Mayor Duman ruled the speaker out of order, as the comments were not germane to the public hearing topic.

Carolyn White, 4216, Coltrane Avenue, representing the Pughsville Civic League, opined about the redistricting process and paper streets in Pughsville.

Patricia Jacobson, 915, representing self, spoke in support of proposed ordinance identified as Alternate C.

Pamela Brandy, 5016 Pearl Street, Chesapeake, Virginia, representing the Pughsville Civic League, opined infrastructural issues in Pughsville and spoke in support of one City Council member as the representative for Pughsville.

Jay Rohanna, 2400 Sir Lance Drive, Chesapeake, Virginia, representing self, spoke in support of the proposed ordinance identified as Alternate C.

Wallace Johnson, 2086 Nansemond Parkway, representing self, spoke in support of the proposed ordinance identified as Alternate C.

Paul Jackson, 106 Rochdale Lane, representing self, spoke in support of utilizing schools are voting precinct.

Catherine Anson, 4835 Desert Road, representing self, spoke in support of the proposed ordinance identified as Alternate C.

Hearing no additional speakers, the public hearing was closed.

Council Member Ward, on a motion seconded by Council Member Williams, moved to the ordinance identified as Alternate C.

Referring to the presentation, Council Member Fawcett opined about the origin of the proposed ordinance identified as Alternate C. Mr. Loftin explained that the proposed ordinance was formulated based on the comments received from members of City Council and the draft ideas submitted by Council Member Ward. He added that he reviewed the proposed ordinances as identified as Proposal 1, Proposal 2 and Alternative C to insure they all met the legal requirements and City Council’s previous directions regarding keeping City Council and School Board incumbents in their boroughs and keeping communities together.

Council Member Ward, on a motion seconded by Council Member Williams, moved to approve the ordinance identified as Alternate C, as presented, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow Goldberg, Fawcett, Johnson, Ward and Williams	8
NAYS:	None	0

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 26 OF THE CODE OF THE CITY OF SUFFOLK, VIRGINIA, "ELECTIONS", WHICH ESTABLISHES THE BOUNDARIES OF BOROUGHES

Public Hearing – A resolution to adopt the Capital Improvements Program and Plan for Fiscal Years 2022-2023 through 2031-2032

Utilizing a PowerPoint presentation, Finance Director Tealen Hansen submitted a summary of the background information as printed in the official agenda.

Jean Carmean, 3616 Labrador Lane, representing self, opined about green infrastructure.

Wayne White, 4216 Coltrane Avenue, representing the Pughsville Civic League, spoke in support of the proposed resolution.

Carolyn White, 4216 Coltrane Avenue, representing the Pughsville Civic League, opined about drainage in Pughsville.

Pamela Brandy, 5016 Pearl Street, Chesapeake, Virginia, representing the Pughsville Civic League, opined about drainage in Pughsville.

Hearing no additional speakers, the public hearing was closed.

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

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

A RESOLUTION TO ADOPT THE CAPITAL IMPROVEMENTS PROGRAM AND PLAN FOR FISCAL YEARS 2022-2023 THROUGH 2031-2032

Public Hearing – An ordinance to grant a Conditional Use Permit to establish an Amusement/Entertainment/Recreation Center, Indoor, for property located at 201 East Washington Street, Zoning Map 34G18(A), Parcel 227, Account Number 353144000; CUP2021-024

Utilizing a PowerPoint presentation, Interim Planning and Community Development Assistant Director Kevin Wyne gave a summation of the background information as printed in the official agenda.

Hearing no speakers, the public hearing was closed.

Council Member Williams, 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 Butler Barlow Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH AN AMUSEMENT/ENTERTAINMENT/RECREATION CENTER, INDOOR, FOR PROPERTY LOCATED AT 201 EAST WASHINGTON STREET, ZONING MAP 34G18(A), PARCEL 227, ACCOUNT NUMBER 353144000; CUP2021-024

Public Hearing – An ordinance to grant a Conditional Use Permit to establish a Place of Worship, (small, under 6,000 square feet in main sanctuary), on property located at 600 West Washington Street, Zoning Map 34G16(3)A, Parcel 4; Account Numbers 350639000; CUP2021-025

Utilizing a PowerPoint presentation, Interim Planning and Community Development Assistant Director Kevin Wyne offered an overview of the background information as printed in the official agenda.

Dr. Dana Cameron, 203 Doe Run Court, Life Changing Ministries, applicant, representing Lasir, LLC, property owner, 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.

Referring to the presentation, Council Member Goldberg called for information regarding parking. Dr. Cameron advised that in addition to the parking at the building, there is a nearby parking lot that the owner has agreed to permit the church to use.

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 Butler Barlow Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A PLACE OF WORSHIP, (SMALL, UNDER 6,000 SQUARE FEET IN MAIN SANCTUARY), ON PROPERTY LOCATED AT 600 WEST WASHINGTON STREET, ZONING MAP 34G16(3)A, PARCEL 4; ACCOUNT NUMBERS 350639000; CUP2021-025

Public Hearing – Consideration of an appeal of the decision of the Historic Landmarks Commission in regard to request for Certificate of Appropriateness HLC2021-00041, for property located at 110 West Finney Avenue, Zoning Map 34G 11, Block A, Parcel B

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

The following individuals spoke in support of an appeal of the decision of the Historic Landmarks Commission:

Lorelei Costa Morrow, no address provided, Executive Director, Suffolk Center for Cultural Arts.

David Marrow, no address provided, representing self.

Mark Brinkley, 3005 Corporate Lane, Suite 100, C.W. Brinkley, Incorporated, Construction.

Clay Dill, no address provided, Dills Architects.

Hearing no additional speakers, the public hearing was closed.

Council Member Fawcett, on a motion seconded by Council Member Johnson, moved to reverse the decision of the Historic Landmarks Commission, by the following vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

Public Hearing – An ordinance authorizing the lease of Tract Number 3082 for the purpose of farming on certain property owned by the City of Suffolk located at Lone Star Lakes

Utilizing a PowerPoint presentation, Purchasing Agent Jay Smigielski gave an overview of the background information as printed in the official agenda.

Council Member Butler Barlow announced she would abstain from the discussion and any action regarding the proposed ordinance.

Hearing no speakers, the public hearing was closed.

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

Council Member Fawcett asked if Council Member Butler Barlow was the applicant. City Attorney Hutchings said that Council Member Butler Barlow is not the applicant, but she does have a personal interest in the proposed ordinance. He added that the State's Conflict of Interest Act permits an exception in the case of leases as it relates to elected officials in localities, but that would be a decision for City Council.

Council Member Goldberg queried if there was a distinction between an elected official paying a locality versus a locality paying an elected official for a lease. City Attorney Hutchings explained that the State's Conflict of Interest Act's services exception requires the permission of the elected body for an elected official to enter into contracts. He added that the State's Conflict of Interest Act services exception does not require the permission of the elected body for an elected official to enter into a lease. He concluded that the only requirement for leases is that the elected official that enters into it is unable to vote on the lease.

Council Member Ward inquired if there was a distinction between an elected official paying a locality versus a locality paying an elected official for a lease. City Attorney Hutchings explained that the State's Conflict of Interest Act's services exception requires the permission of the elected body for an elected official to enter into contracts. He added that the State's Conflict of Interest Act services exception does not require the permission of the elected body for an elected official to enter into a lease. He concluded that the only requirement for leases is that the elected official that enters into it is unable to vote on the lease.

Council Member Ward opined about the feasibility of the City placing advertisements in his newspaper. City Attorney Hutchings replied that there are State provision that would prohibit that type of action.

Council Member Ward opined about the feasibility of the City placing advertisements in his newspaper. City Attorney Hutchings advised that he would gladly discuss this matter with Council Member Ward, but he would be best served to consult with the State's Ethics Council for additional information.

Council Member Ward asked about the City's ability to permit Council Member Williams to maintain his lawn care contracts. City Attorney Hutchings said that the State provides a two part process that would permit City Council to allow Council Member Williams to maintain his lawn care contracts.

Council Member Ward called for clarification about the feasibility of other small businesses owned by members of City Council to enter into contracts with the City. City Attorney Hutchings said it would depend on the type of the contract and all of the exception, rules and steps, which are outlined in the State's Conflict of Interest Act.

Referring to the proposed ordinance, Council Member Ward questioned that should Council Member Butler Barlow wished to enter into a lease with the City in the future, would she be required to abstain from any discussion or action on the matter. City Attorney Hutchings replied in the affirmative.

Members of City Council exchanged comments about leases with the City and contracts for City services.

City Council recessed at 7:59 p.m. and reconvened at 8:09 p.m.

Council Member Williams, on a motion seconded by Council Member Ward, moved to approved the ordinance, as presented, by a roll call vote:

AYES:	Mayor Duman, and Council Members Fawcett, Goldberg, Johnson, Ward and Williams	6
NAYS:	None	0
ABSTAIN:	Council Member Butler Barlow and Vice Mayor Bennett	2

AN ORDINANCE AUTHORIZING THE LEASE OF TRACT NUMBER 3082 FOR THE PURPOSE OF FARMING ON CERTAIN PROPERTY OWNED BY THE CITY OF SUFFOLK LOCATED AT LONE STAR LAKES

ORDINANCES

There were no items under this portion of the agenda.

RESOLUTIONS

There were no items under this portion of the agenda.

STAFF REPORTS

Staff Report – City Assessor’s Annual Report to City Council

Utilizing a PowerPoint presentation, City Assessor Holt Butt submitted a summation on the above referenced item.

Referring to the presentation, Council Member Fawcett called for clarification of the assessment value of the new Amazon Distribution Center in the report. City Assessor Butt advised that 75% of the assessed value was included in this report and the remaining 25% will be included in the next report.

Mayor Duman asked about the amount of residential assessments were a result of new construction. City Assessor Butt replied that he could research that matter.

MOTIONS

Motion – A motion to schedule a City Council Work Session, for Wednesday, March 2, 2022, at 4:00 p.m., unless cancelled

Council Member Johnson, on a motion seconded by Council Member Ward, moved to schedule a City Council Work Session, for Wednesday, March 2, 2022, at 4:00 p.m., unless cancelled, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

NON-AGENDA SPEAKERS

John Ducote, 104 Huber Road, Newport News, Virginia, representing self, opined about his concerns about crime in the City.

Audrey Dennis, 1849 Oyster Bay Lane, representing Suffolk Clean Community Commission, opined about the activities of the commission

Michele Bolton, 5311 Sports Club Run, expressed her appreciation to the City for their assistance with an issue with Dominion Virginia Power.

Carolyn White, 4216 Coltrane Avenue, representing the Pughsville Civic League, opined about infrastructural needs in Pughsville.

Pamela Brandy, 5016 Pearl Street, Chesapeake, Virginia, representing the Pughsville Civic League, opined about infrastructural needs in Pughsville.

Wallace Johnson, 2086 Nansemond Parkway, representing self, opined about the City employee’s compensation plan and traffic concerns on Portsmouth Boulevard.

NEW BUSINESS

City Clerk Dawley presented the following board and commission nominations: Economic Development Authority of the City of Suffolk (Whaleyville Borough, effective March 1, 2022) – Andrea Anthony Harper; The Planning Council – Shameka Council and the Tidewater Emergency Medical Services Council – Acting Battalion Chief Keith Johnson.

Council Member Fawcett, on a motion seconded by Council Member Williams, 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 Butler Barlow	
	Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

Vice Mayor Bennett, on a motion seconded by Council Member Fawcett, moved to direct City Manager Moor to prepare an ordinance to rename the Whaleyville Recreation Center to the Curtis R. Milteer, Sr. Recreation Center, by the following roll call vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow	
	Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

ANNOUNCEMENTS AND COMMENTS

Utilizing a PowerPoint presentation, Media and Community Relations Director Timothy Kelley provided a report on the following: ribbon cuttings for Nothing Bundt Cakes, Apothecary 1885 and Pink Box Sweets; the Parks and Recreation Department's Adopt-A-Bed program; the Suffolk Public Library's Black History Month events; Burn Law effective dates of February 15 through April 30; the City's operating schedule on George Washington Day; free COVID-19 testing events; the Commonwealth's coronavirus vaccination and testing finder website and customer service number.

Council Member Williams opined about the redistricting ordinance and the City's employee compensation Plan.

Council Member Williams asked City Manager Moor for information about City Code Section 34-108 regarding the removal the weeds.

Council Member Goldberg opined about public safety.

Council Member Goldberg commended the Economic Development Authority.

Council Member Ward reported that he attended Virginia Municipal League Day.

Council Member Ward acknowledged the following citizens: Michele Bolton; Carolyn White; Wayne White and Carolyn Brandy.

Council Member Ward opined about assessing the status of paper streets in the Pughsville.

Council Member Ward thanked Johnnie Edwards for his assistance during the redistricting process.

Council Member Ward announced he attended the Nothing Bundt Cakes ribbon cutting.

Council Member Butler Barlow reported that she attended Apothecary 1885 ribbon cutting.

Council Member Butler Barlow queried about recycling at City buildings.

Council Member Johnson opined about the Suffolk Clean Community Commission.

Council Member Johnson asked for a special presentation about Holly Lawn Cemetery.

Council Member Johnson requested information about the setback limits for Dominion Power.

Council Member Johnson opined about the City's employee compensation plan.

Council Member Fawcett reported on potholes in the City.

Council Member Fawcett opined about the redistricting process.

Council Member Fawcett opined about the City's employee compensation plan.

Council Member Fawcett announced he attended the memorial service for the late Council Member Curtis R. Milteer, Sr.

Council Member Fawcett opined about the non-agenda speaker topics.

Vice Mayor Bennett opined about the new mental health staff member for the Suffolk Police Department, Satrina Artis.

Vice Mayor Bennett opined about Pink Box Sweets two-year anniversary.

Vice Mayor Bennett announced Dominion Energy’s donation to Oak Lawn Cemetery.

Vice Mayor Bennett opined about the City’s employee compensation plan.

Vice Mayor Bennett reported that Bob White Lane required repairs.

Vice Mayor Bennett reported he attended the memorial service for the late Council Member Curtis R. Milteer, Sr. and talked about his support for renaming Whaleyville Recreation Center in his honor.

Mayor Duman opined about the City’s employee compensation plan.

Mayor Duman opined about the approval of the Capital Improvements Plan, redistricting plan and City Assessor’s report earlier in the evening.

Mayor Duman wished Marie Hill a happy 101st birthday.

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

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow Fawcett, Goldberg, Johnson, Ward and Williams	8
NAYS:	None	0

There being no further business to come before City Council, the regular meeting was adjourned at 9:50 p.m.

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

Approved: _____
Michael D. Duman, Mayor

APPROVED: AUGUST 17, 2022