

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, April 20, 2022, at 6:00 p.m.

PRESENT

Council Members -
Michael D. Duman, Mayor, presiding
Leroy Bennett, Vice Mayor
Shelley Butler Barlow
Roger W. Fawcett (departed at 7:37 p.m.)
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 April 20, 2022, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

Council Member Fawcett, on a motion seconded by Council Member Williams, moved to approve the resolution, as presented, 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

A RESOLUTION OF CERTIFICATION OF THE CLOSED MEETING OF APRIL 20 2022, 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 Vice Mayor Bennett, moved to approve the minutes from the October 20, 2021, Work Session and Regular Meeting, as presented, 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

SPECIAL PRESENTATIONS

Special Presentation - A proclamation in recognition of “Crime Victims’ Rights Week”

Mayor Duman presented the proclamation to Commonwealth’s Attorney Narendra Pleas and Victim/Witness Coordinator Brittney Landon. Commonwealth’s Attorney Pleas and Victim/Witness Coordinator Landon offered comments.

Special Presentation - Presentation of a Certificate of Accreditation to the Suffolk Sheriff’s Office

Todd Clingenpeel, Virginia Law Enforcement Professional Standards Commission Program Director, presented the certificate to Sheriff E.C. Harris. Sheriff Harris offered remarks.

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 Goldberg, moved to adopt the agenda, as presented, 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

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 additional funds from the Virginia Department of Rail and Public Transportation for the City of Suffolk’s public transit service

Consent Agenda Item #8 - A resolution to enter into a state-wide Programmatic Project Administration Agreement for Revenue Sharing projects for fiscal years Fiscal Year 2023, Fiscal Year 2024, Fiscal Year 2025 (PPAA) with the Virginia Department of Transportation

Referring to Consent Agenda Items #7 and #8, City Manager Moor submitted a review of the background information as printed in the official agenda.

Council Member Fawcett, on a motion seconded by Council Member Williams, moved to approve the Consent Agenda, as presented, 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 HEARINGS

Public Hearing - A public hearing to receive public comment on the Proposed Operating and Capital Budget for Fiscal Year 2022-2023 and related Ordinances

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

Jim Grandfield, 2737 Coldwell Street, Virginia Beach, Virginia, representing the Suffolk Public Defenders Office, spoke in support of the funding for his agency.

Liz Culpepper, no address provided, representing the Zuni Public Defenders Office, spoke in support of funding for the Behavioral Health Docket.

Bob Hayes, no address provided, Chair, Western Tidewater Free Clinic, spoke in support of funding for his organization.

Barbara Rankin, 4505 Quaker Drive, representing self, spoke in opposition to the funding request from Suffolk Public Schools.

Deborah Kliche, 121 Blessing Circle, representing self, spoke in opposition to the funding request from Suffolk Public Schools.

Kim Burnop, 105 Cottonwood Court, representing self, spoke in support of funding for equestrian facilities.

Deborah Wahlstrom, 137 Pitchkettle Point Circle, representing self, spoke in opposition to the funding request from Suffolk Public Schools.

Julia Young, 5000 Summer Harvest Lane, representing self, opined about the City's real estate reassessment process.

Ronald Duke, no address provided, representing self, offered comments about Public Hearing Item #16. City Clerk Dawley advised Mr. Duke that comments about that item would be heard later in the meeting.

Hearing no additional speakers, the public hearing was closed.

No action required on this item at this time.

Public Hearing – A public hearing to receive public comment regarding a Resolution to adopt the Fiscal Year 2022-2023 Annual Action Plan for the City of Suffolk’s Community Development Block Grant Program (CDBG) and the Western Tidewater Home Consortium Home Investment Partnership Grant Program (HOME)

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

Hearing no speakers, the public hearing was closed.

No action was required on this item at this time.

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 RM, Residential Medium Density zoning district, for property located at 240 Gloucester Street, Zoning Map 34G28(2)K, Parcel 13D, Account Number 353308200; RZN2021-022

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

Domenick Epps, 3009 Beech Grove Lane, representing MIBI International, LLC, applicant and property owner, spoke in support of the proposed ordinance, as presented.

Jay Smallwood, 400 Finney Avenue, representing self, 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 Ward, moved to approve the ordinance, as presented, 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

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 RM, RESIDENTIAL MEDIUM DENSITY ZONING DISTRICT, FOR PROPERTY LOCATED AT 240 GLOUCESTER STREET, ZONING MAP 34G28(2)K, PARCEL 13D, ACCOUNT NUMBER 353308200; RZN2021-022

Public Hearing – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change the zoning from RLM, Residential Low-Medium Density zoning district, to O-I, office-institutional zoning district, for property located at 1653 Holland Road, Zoning Map 33 Parcel 99, Account Number 150666600; RZN2022-002

Utilizing a PowerPoint presentation, Planning and Community Development Assistant Director Wyne submitted an overview of the background information on the aforementioned item and next public hearing item, an ordinance to grant a Conditional Use Permit to establish a medical, physical and mental rehabilitation (resident) facility, on property located at 1653 Holland Road, Zoning Map 33, Parcel 99, Account Number 150666600; CUP2022-001, as printed in the official agenda.

The following individuals spoke in support of the proposed ordinance, as presented:

E. Grier Ferguson, 332 West Constance Road, Ferguson, Rawls and Raines, PC, agent, representing Rachael Culbertson, Hope Center Ministries, Incorporated, applicant.

Jordan Hale, no address provided, representing Hope Center Ministries.

Rachael Culbertson, no address provided, representing Hope Center Ministries.

Ashley Greene, 4525 Pruden Boulevard, representing the Western Tidewater Free Clinic.

Hearing no additional speakers, the public hearing was closed.

Council Member Johnson moved to approve the ordinance, as presented. The motion failed to receive a second.

Council Member Goldberg called for information about the cost for services at the proposed rehabilitation center. Ms. Culbertson advised that 12 months of services at the proposed rehabilitation facility is \$700.00.

Council Member Goldberg queried about any type of licensing regulations for the proposed rehabilitation center. Ms. Culbertson reported that the proposed rehabilitation facility would be the administrative responsibility of their main church.

Council Member Goldberg inquired about the admissions process into the proposed rehabilitation center. Patty Johnson, no address provided, Virginia Regional Admissions Coordinator, Hope Center Ministries, replied that about 90 percent of the participants are court mandated, and they must participate voluntarily.

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

Mayor Duman opined about the proposed rehabilitation center's participation in the Fifth Judicial Circuit Adult Drug Court. Ms. Culbertson said that staff at proposed rehabilitation center would participate in the Fifth Judicial Circuit Adult Drug Court, should it receive approval.

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

AYES: Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow
Goldberg, Johnson, Ward and Williams 7

NAYS: None 0

(Council Member Fawcett was excused.)

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO CHANGE THE ZONING FROM RLM, RESIDENTIAL LOW-MEDIUM DENSITY ZONING DISTRICT, TO O-I, OFFICE-INSTITUTIONAL ZONING DISTRICT, FOR PROPERTY LOCATED AT 1653 HOLLAND ROAD, ZONING MAP 33 PARCEL 99, ACCOUNT NUMBER 150666600; RZN2022-002

Public Hearing - An ordinance to grant a Conditional Use Permit to establish a medical, physical and mental rehabilitation (resident) facility, on property located at 1653 Holland Road, Zoning Map 33, Parcel 99, Account Number 150666600; CUP2022-001

The background information as printed in the official agenda was presented with the report on the previous item.

The following individuals spoke in support of the proposed ordinance, as presented:

Jim Grandfield, no address provided, representing the Suffolk Public Defenders Office.

E. Grier Ferguson, 332 West Constance Road, Ferguson, Rawls and Raines, PC, agent, representing Rachael Culbertson, Hope Center Ministries, Incorporated, applicant.

Amy Loggie, no address provided, Recovery Coordinator, Hope Center Ministries.

Wynn Anderson, no address provided, Lead Pastor, Harvest Church.

Hearing no additional speakers, the public hearing was closed.

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

AYES: Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow
Goldberg, Johnson, Ward and Williams 7

NAYS: None 0

(Council Member Fawcett was excused.)

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A MEDICAL, PHYSICAL AND MENTAL REHABILITATION (RESIDENT) FACILITY, ON PROPERTY LOCATED AT 1653 HOLLAND ROAD, ZONING MAP 33, PARCEL 99, ACCOUNT NUMBER 150666600; CUP2022-001

Public Hearing – An ordinance to grant a Conditional Use Permit to establish a Utility Facility, not otherwise enumerated, on properties located at 120, 122, and 124 South 5th Street, Zoning Map 35G(N)C, Parcels 28, 29, and 30, Account Numbers 050730000, 050731000, and 05355000; CUP2021-026

Utilizing a PowerPoint presentation, Planning and Community Development Assistant Director Wyne outlined the background information as printed in the official agenda.

David Beniamino, no address provided, Network Building and Consulting, representing Shenandoah Cable Television, LLC, property owner, spoke in support of the proposed ordinance, with conditions.

The following individuals spoke in opposition to the proposed ordinance, with conditions:

James Richardson, 1301 East Washington Street, representing self.

Wallace Johnson, 2086 Nansemond Parkway, representing self.

Demtrus Macaron, 117 South 5th Street, representing self.

Antonio Holland, 134 South 5th Street, representing self.

Debra Wiggins, no address provided, representing self.

David Beniamino, no address provided, Network Building and Consulting, representing Shenandoah Cable Television, LLC, property owner, spoke in support of the proposed ordinance, with conditions.

Hearing no additional speakers, the public hearing was closed.

Council Member Williams called for information about the notification of the adjacent property owners about the proposed ordinance. Planning and Community Development Assistant Director Wyne said that there are eleven adjacent property owners that received the legally required notifications with the public hearing date. He added that the public hearing was also advertised in a local newspaper in accordance with the State Code.

Council Member Williams queried about the process used to select the location for the proposed utility facility. Mr. Beniamino stated that as the attorney for Shenandoah Cable Television, LLC, he could not speak to the process used to select the location for the proposed utility facility. He added that the applicant has fulfilled all of the legal requirements for this type of facility in accordance with the Unified Development Ordinance.

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

Council Member Ward opined about the selection process for this type of facility. Mr. Beniamino reiterated that as the attorney for Shenandoah Cable Television, LLC, he could not speak to the process used to select the location for the proposed utility facility. He added that the applicant has fulfilled all of the legal requirements for this type of facility in accordance with the Unified Development Ordinance. Danny Agee, Shantel Cable Television, added that the location depends on the type of service that is being provided.

Council Member Ward asked about any community outreach regarding the proposed utility facility. Mr. Agee reported that a representing from Shenandoah Cable Television walked the community to offer information. He added that they would be conducting a meeting with the Hollywood/Jericho Civic League meeting tomorrow as that was the earliest date that the body was available to meet with his company.

Council Member Williams called for clarification about the process should Shenandoah Cable Television select another site. Planning and Community Development Assistant Director Wyne explained that if another site was selected, a new application would need to be submitted which would take approximately 90 days.

Council Member Williams, on a motion seconded by Council Member Ward, moved to deny the ordinance, with conditions, by the following vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow Goldberg, Johnson, Ward and Williams	7
NAYS:	None	0

(Council Member Fawcett was excused.)

Public Hearing – An ordinance to grant a Conditional Use Permit to establish an accessory dwelling unit, detached, on property located at 5226 Regatta Pointe Road, Zoning Map 6D*RF*2*C, Parcel 38; Account Number 304839800; CUP2022-003

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

William Guglielmo, 5226 Regatta Point Road, applicant and property owner, spoke in support of the proposed ordinance, with conditions, as presented.

Hearing no additional speakers, the public hearing was closed.

Council Member Ward, on a motion seconded by Council Member Goldberg, moved to approve the ordinance, with conditions, by the following vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow Goldberg, Johnson, Ward and Williams	7
NAYS:	None	0

(Council Member Fawcett was excused.)

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH AN ACCESSORY DWELLING UNIT, DETACHED, ON PROPERTY LOCATED AT 5226 REGATTA POINTE ROAD, ZONING MAP 6D*RF*2*C, PARCEL 38; ACCOUNT NUMBER 304839800; CUP2022-003

Public Hearing – An ordinance to grant a Conditional Use Permit to restore a nonconforming residential structure to an extent of greater than 50% of its replacement cost, on property located at 315 Bullock Street, Zoning Map 35C*6, Parcel 16; Account Number 051568000; CUP2022-005

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

Ronald Duke, 315 Bullock Street, applicant and property owner, spoke in support of the proposed ordinance, with conditions, as presented.

Tony Stokes, 114 Battle Road, Capon, Virginia, 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 Ward, moved to approved the ordinance, with conditions, as presented, by the following vote:

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow	
	Goldberg, Johnson, Ward and Williams	7
NAYS:	None	0

(Council Member Fawcett was excused.)

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO RESTORE A NONCONFORMING RESIDENTIAL STRUCTURE TO AN EXTENT OF GREATER THAN 50% OF ITS REPLACEMENT COST, ON PROPERTY LOCATED AT 315 BULLOCK STREET, ZONING MAP 35C*6, PARCEL 16; ACCOUNT NUMBER 051568000; CUP2022-005

ORDINANCES

There were no items under this portion of the agenda.

RESOLUTIONS

There were not 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, May 4, 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, May 4, 2022, at 4:00 p.m., unless cancelled, by the following vote:

AYES: Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow
Goldberg, Johnson, Ward and Williams 7

NAYS: None 0
(Council Member Fawcett was excused.)

NON-AGENDA SPEAKERS

There were no speakers under this portion of the agenda.

NEW BUSINESS

City Clerk Dawley presented the following nominations: Virginia Municipal League Policy Committees: Community and Economic Development - Council Member Lue Ward; Finance – Council Member Shelley Butler Barlow; General Laws – Council Member Donald Goldberg; Human Development and Education – Vice Mayor Bennett; and General Development and Infrastructure – Council Member Roger Fawcett and Council Member LeOtis Williams.

Council Member Williams, on a motion seconded by Council Member Goldberg, moved to nominate and appoint the following individuals to the respective bodies, by the following vote:

AYES: Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow
Goldberg, Johnson, Ward and Williams 7

NAYS: None 0
(Council Member Fawcett was excused.)

ANNOUNCEMENTS AND COMMENTS

Utilizing a PowerPoint presentation, Media and Community Relations Director Timothy Kelley provided a report on the following: the appointment of Harry Cromer as Social Services Director; the upcoming Swearing in Ceremony for Police Chief Alfred Chandler; the Suffolk Public Library’s Sixth Annual Iconicon; and the Commonwealth’s coronavirus vaccination finder website and customer service number.

Council Member Williams announced he attended the Great Dismal Swamp Refuge Media Event for the Jericho Lane Trailhead Project.

Council Member Williams reported that there are ditches in need of cleaning and pothole repair in the Skeetertown.

Council Member Williams reported high grass on Webb Street and speeding on Brook Avenue and Merrick Avenue.

Council Member Goldberg opined about funding for Western Tidewater Free Clinic and Virginia Legal Aid in the proposed Operating Budget for Fiscal Year 2022-2023.

Council Member Ward announced he attended the following events: Great Dismal Swamp Refuge Media Event for the Jericho Lane Trailhead Project; the Norfolk State of the City and the Portsmouth State of the City.

Council Member Ward opined about flooding on 5th Street.

Council Member Butler Barlow extended her congratulations Harry Cromer on his appointment as Social Services Director.

Council Member Butler Barlow reported she attended meetings of the Crittenden Eclipse Hobson Civic League Civic League and Greater Oakland Civic League.

Council Member Butler Barlow opined about the upcoming Keep Suffolk Beautiful Appreciation event.

Council Member Johnson opined about today’s Work Session.

Vice Mayor Bennett extended his congratulations Harry Cromer on his appointment as Social Services Director.

Vice Mayor Bennett announced he attended the Great Dismal Swamp Refuge Media Event for the Jericho Lane Trailhead Project.

Vice Mayor Bennett extended his congratulations to Alfred Chandler on his appointment as Police Chief.

Vice Mayor Bennett opined about the speakers that addressed City Council during the Proposed Operating and Capital Budget for Fiscal Year 2022-2023 public hearing.

Vice Mayor Bennett reported he attended the Order of the Eastern Star 102 Gala.

Vice Mayor Bennett reported increased incidents of speeding and drainage issues on Hoiser Road.

Mayor Duman opined about tonight’s Special Presentations.

Mayor Duman acknowledged the Suffolk Fire and Rescue and Suffolk Police Departments.

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

AYES:	Mayor Duman, Vice Mayor Bennett, and Council Members Butler Barlow Goldberg, Johnson, Ward and Williams	7
NAYS:	None	0

(Council Member Fawcett was excused.)

There being no further business to come before City Council, the regular meeting was adjourned at 9:03 p.m.

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

Approved: _____
Michael D. Duman, Mayor

APPROVED: OCTOBER 19, 2022