

## No Public Notice for 2045 Comprehensive Plan Adoption

According to Virginia State Law, the City of Suffolk was required to give public notice when it planned to adopt the 2045 Comprehensive Plan back on December 18, 2024. The City failed to do so. When I spoke with the Clerk early that morning, she told me that public notice wasn't required, because there wasn't a public hearing. The public hearing had been held in November. I explained that that is NOT how the legal code reads.

I followed that conversation with an email.

City Failed to Meet Required Public Notice for Comprehensive Plan Adoption FOIA x  

 **CARE4Suffolk Organization** <care4suffolk@gmail.com> Wed, Dec 18, 2024, 9:44 AM    

to City, citymanager, deputycitymanager, Kevin, William, Erin, CityAttorney, jmoore, bcc: Ann

To the City Clerk,

Thank you for taking the time to speak with me earlier today. As I mentioned in our phone call earlier, there has been no notice given that City Council plans to adopt the 2045 Comprehensive Plan on Wednesday, December 18th. Without the required public notice, a vote would be in violation of [Virginia State law § 15.2-2204](#). It states the following:

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Subtitle II. Powers of Local Government  
Chapter 22. Planning, Subdivision of Land and Zoning  
Article 1. General Provisions

**§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments**

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall identify the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published twice in some newspaper published or having general circulation in the locality, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the date of the meeting referenced in the notice; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views. The local planning commission and governing body may hold a joint public hearing after public notice as set forth in this subsection. If a joint hearing is held, then public notice as set forth in this subsection need be given only by the governing body. In any instance in which a locality has submitted a correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

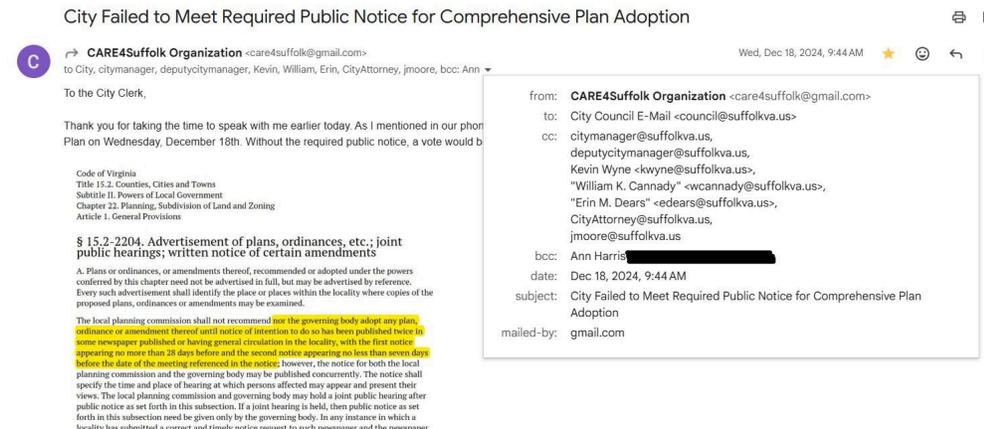
There was public notice for the rezonings and conditional use permit, but there was no notice that City Council was intending to adopt the 2045 Comprehensive Plan. Since the city failed to meet the public notice portion of this code, City Council can not legally vote on the Comprehensive Plan on December 18th. You will note that public notice is not tied to a public hearing. It simply states if the governing body intends to adopt a plan, which is the intention on Dec 18th.

Thank you for your time and attention to this matter.

Sincerely,  
Eryn Siegel

You can check the code for yourself [here](#). The people that received this email are the following:

- All City Council Members and Mayor Mike Duman
- City Clerk
- City Manager Al Moor and Deputy City Manager Kevin Hughes
- Planning Department Staff: Kevin Wyne, Keith Cannady, and Erin Dears
- City Attorney William Hutchings Jr.
- Head of the FOIA Office Jen Moore



Not a single one of those individuals acknowledged my email, except the Clerk and Council Member Tim Johnson, both of whom I spoke with before emailing. City Council went ahead and voted to adopt the 2045 Comprehensive Plan.

### Proof of lack of Public Notice is below:

The first shows that the City in fact did provide notice on November 3, 2024 when the 2045 Comprehensive Plan was on the November 20, 2024 agenda to hear an update and hold a public hearing.

The screenshot shows a notice from The Virginian-Pilot newspaper. On the left, there is a sidebar with publication details: "The Virginian-Pilot", "PilotOnline.com", "Publication Name: Virginian-Pilot, The", "Publication URL: www.pilotonline.com", "Publication City and State: Norfolk, VA", "Publication Country: Norfolk City", "Notice Popular Keyword Category:", "Notice Keywords: comprehensive plan", "Notice Authentication Number: 202412152011399985741 3429840359", and "Notice URL:". On the right, the main content area is titled "Notice Content" and contains a "LEGAL NOTICE" dated "Sunday, November 03, 2024". The notice text states: "LEGAL NOTICE Notice is hereby given that a public hearing, as provided by Section 15.2-2204 of the Code of Virginia, will be held by the Suffolk City Council on Wednesday, November 20, 2024 at 6:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, 442 West Washington Street, Suffolk, Virginia, for the purpose of considering the following items: SUFFOLK CITY COUNCIL PUBLIC HEARINGS NOVEMBER 20, 2024 CONDITIONAL USE PERMIT, CUP2024-006, Scarp Solar: to grant a Conditional Use Permit to establish a Solar energy facility, on property located on White Marsh Road, Zoning Map 35, Parcels 172, 172A and 172B, and Zoning Map 45, Parcel 49D. CITY OF SUFFOLK COMPREHENSIVE PLAN UPDATE, submitted by the City of Suffolk Department of Planning and Community Development on behalf of the City of Suffolk Planning Commission. Consideration shall be given to the recommendation for and adoption of the City of Suffolk Comprehensive Plan Update, Suffolk 2045, as submitted by the Department of Planning and Community Development. Copies of the aforementioned are available for inspection during regular municipal hours, in the Department of Planning, 442 W. Washington Street, Suffolk, Virginia. Any interested persons may appear in person or by representative to express their views on the above-stated request(s). Any interested party whose participation in this meeting would require reasonable accommodation of a handicap should contact Catina Myrick at (757) 514-4060 at least six days in advance. KEVIN WYNE, AICP DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT 11/3 & 11/10/24 7720374". There are "Back" buttons in the top right and bottom right corners of the notice area.

This second is the Public Notice on December 1, 2024 for the upcoming public hearings for the December 18, 2024 City Council agenda. It includes many agenda items for that meeting. However, it did NOT mention the upcoming adoption of the Comprehensive Plan as required by Virginia State law.



PilotOnline.com

Publication Name:  
**Virginian-Pilot, The**

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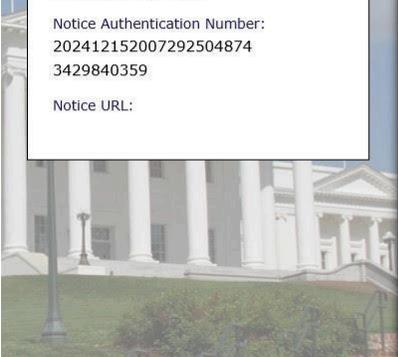
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Notice Popular Keyword Category:

Notice Keywords:  
comprehensive plan

Notice Authentication Number:  
202412152007292504874  
3429840359

Notice URL:



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Notice Publish Date:  
Sunday, December 01, 2024

### Notice Content

LEGAL NOTICE Notice is hereby given that a public hearing, as provided by Section 15.2-2204 of the Code of Virginia, will be held by the Suffolk City Council on Wednesday, December 18, 2024 at 6:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, 442 West Washington Street, Suffolk, Virginia, for the purpose of considering the following items: SUFFOLK CITY COUNCIL PUBLIC HEARINGS DECEMBER 18, 2024 REZONING REQUEST, RZN2024-00007, (Conditional), WOODLAND TOWNES: to rezone and amend the official zoning map of the City of Suffolk in order to change the zoning from RC, Residential Compact zoning district and RM, Residential Medium Density zoning district to RU, Residential Urban (Conditional) for property located north of Valor Court and west of Hunter Street, Zoning Map 35H(1)B, Parcels D, 4f, & 4J and Zoning Map 351, Parcel 54B to RU, Residential Urban (Conditional) zoning district. REZONING REQUEST, RZN2024-00009, (Conditional), NANSEMOND PRECAST: to rezone and amend the official zoning map of the City of Suffolk in order to change the zoning from RLM, Residential Low-Medium Density zoning district to M-2, Heavy Industrial (Conditional) zoning district for the properties located at 3865 and 3829 Nansemond Parkway, Zoning Map 19C, Parcels R48, R49, R50 and R51. CONDITIONAL USE PERMIT REQUEST, CUP2024-00025, NANSEMOND PRECAST: to establish outdoor operations and storage, manufacturing/processing use, on properties located at 3737, 3829, and 3865 Nansemond Parkway, Zoning Map 19C, Parcels R48, R49, R50, R51, R53, R\*53A & R62\*56\*54. Copies of the aforementioned are available for inspection during regular municipal hours, in the Department of Planning, 442 W. Washington Street, Suffolk, Virginia. Any interested persons may appear in person or by representative to express their views on the above-stated request(s). Any interested party whose participation in this meeting would require reasonable accommodation of a handicap should contact Catina Myrick at (757) 514-4060 at least six days in advance. KEVIN WYNE, AICP DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT 12/1/2024, 12/8/2024 7732211

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