

**BAYFRONT ADVISORY COMMISSION
APPROVED MINUTES
February 18, 2021
VIA WEBEX**

Chairman Phil Davenport, Vice-Chair Charlie Malbon, Wally Damon, Bill Hearst, Morgan Ayers, Bob Magoon, Stacy Shiflet, Martin Thomas, Charles Guthrie,

STAFF/PRESENT:

Mark Shea – Planning, Kay Wilson – City Attorney, Jenizza Badua -Planning, Bobby Tajan - Planning

OTHERS PRESENT:

Todd Solomon – Shore Drive Community Coalition, Empsy Munden – Cape Story by the Sea, Joe Bovee (BAC Design Committee), Martha Therault, Rick Browles – Thalia, Frank Rabina – Virginia Pilot’s Association, Dan Murphy – Ocean Park, Trish Rozanski, Doug Norris – Ship’s Watch

APPROVAL OF MINUTES:

Vice-Chair Malbon made a motion to approve the minutes. Mr. Hearst seconded the motion, and the motion was approved by unanimous vote.

CHAIRMAN REPORT:

Chairman Davenport asked for all of those on the virtual meeting to introduce themselves and any group affiliation.

STAFF REPORTS:

- 7-Eleven at Shore Drive and Pleasure House Drive (Presmont Construction Services,LLC) will go to Planning Commission on 3/10/21.
- 7-Eleven at Shore Drive and Greenwell Road was approved by City Council on 2/16/21
- There will be a virtual workshop with the Planning Commission on 2/23/21 regarding the short term rental overlay districts and ordinance. Chairman Davenport asked if the Cape Story district was still under consideration as an overlay. Ms. Wilson stated that it is still shown. Vice-Mayor Wood indicated that he planned to support removal from consideration when it gets to City Council.
- Marina Shores apartment expansion will go before City Council on 3/16.
- In early February, Mr. Tajan gave a presentation to City Council about putting the Comprehensive Plan on hold until such time as in person meetings can be held and things begin to normalize from COVID. A slide of this presentation spoke about a more immediate need to initiate a design study of the City’s commercial

centers to help provide guidance on appropriate ways to redevelop commercial centers in need of revitalization.

- The Shore Drive Corridor Plan/Design Guidelines update project was submitted for inclusion in the 2021-22 Capital Improvement Program. The City Manager proposed budget is expected in mid-March. We will update the Commission on the status after the proposed budget is released.
- Mr. Adams, with Public Works, will be available at the March 18 Webex meeting to answer questions related to sand replenishment.
- Public Works will have a better idea of project timelines in March.
- Mr. Shea listed a couple pool applications that will need Chesapeake Bay approval and a couple that will need Board of Zoning Appeal approval.
- Mr. Shea stated that after the July meeting, the terms of Mr. Malbon, Mr. Thomas, and Ms. Shiflet will expire and will not be eligible for renewal. However, the City Clerk's Office indicated that there is no set time that an individual must wait to reapply to the Commission.
- Mr. Shea asked if BAC wanted to have a special Community Outreach meeting this summer. Chairman Davenport stated that we should wait until in person meetings begin and then we can discuss this. However, all public comments are welcome at the end of the monthly virtual meetings.

COMMITTEE REPORTS:

Design: Mr. Magoon reported that there was nothing before the Design Committee, so there's no report from the committee. Chairman Davenport inquired about when the Marlin Bay development is going to Planning Commission. Mr. Shea responded that he does not know when they are going to Planning Commission. They are not in the April Agenda. Mr. Magoon met with the Marlin Bay developer approximately a month ago to discuss the project.

Transportation/Infrastructure: Mr. Malbon mentioned that City Council has required that the current franchise agreement for scooters go back out to bid. Also, all of the HRT summer WAVE routes will begin just before Memorial Day.

ELECTION OF CHAIR/VICE CHAIR:

Vice Chair Malbon nominated Mr. Davenport to remain as Chair. Mr. Damon seconded the motion and the motion was approved by unanimous vote.

Mr. Damon nominated Vice Chair Malbon to remain as Vice-Chair. Mr. Malbon respectively declined the nomination as his term is up as a Commissioner in June. Mr. Malbon asked Mr. Damon to withdraw the motion and proceeded to nominate Mr. Magoon as Vice-Chair. Mr. Thomas seconded the motion and the motion was approved by unanimous vote.

CONSIDERATION OF RULES AND PROCEDURES AMENDMENT

Mr. Shea and Ms. Wilson have been working together on the Rules and Procedures of the Commission. Mr. Shea provided an overview of the document and specifically discussed the amended sections regarding the process of staff support to the Commission from the City, as well as land use applications in the Bayfront. After a couple minor changes a motion to approve was made by Vice-Chair Malbon. The motion was seconded by Mr. Magoon and the item passed by unanimous vote.

OLD BUSINESS:

Vice-Mayor Wood commented that he voted against the Windsong Apartments and he did not know that the approval by City Council formed a precedent to always allow A-36 zoning as mentioned earlier in the meeting. He also indicated that the motor scooters would not be allowed along Shore Drive with any new franchise agreement. In addition, none of the scooter companies agreed to the insurance requirements that the City had established and will not waive.

Chairman Davenport asked staff to provide an update on the Love Art project. Mr. Shea mentioned that he has joined Ms. Goodale in pushing staff to make decisions regarding the approval of the project.

NEW BUSINESS:

There was no new business.

COMMUNITY REPORTS:

Mr. Solomon had the following comments:

- SDCC still has a concern that there is a short term rental overlay district on East Shore Drive.
- Expressed concern that the Planning Commission approved changing a proffer to increase density for the new building for the Marina Shores project.
- He asked Mr. Shea to provide BAC with more details about the upcoming signal warrant study for Great Neck Rd. and Lynnhaven Dr. He understood waiting for the Pearl Apartments to fill but did not understand approval of more units at Marina Shores until the study was finished.
- He expressed concern about how staff reports are being written regarding the community outreach section. He mentioned that on some occasions staff has

stated that the applicants have met with the Shore Drive Community Coalition (SDCC) or a respective Civic League because they attended the BAC meeting. He also mentioned that BAC endorsement of an item should not constitute endorsement of the SDCC, Civic League or community as a whole.

- Expressed concern over the sand not being ready until August 2022 and he is looking forward to the sand replenishment information at the next meeting.
- Expressed concern over the delay in Phase III of Shore Drive construction. Suggests that maybe at this point it would make sense to add Phase IV as a combined project.

Ms. Munden asked about the flagpole status. Some members believed that they have been taken down for good. Many expressed the desire for more interesting flags. Mr. Shea indicated that the special weights were effective last season in reducing noise complaints during high winds.

Mr. Shea received an email that Faith Christies has resigned from the Commission as she has been unable to attend meetings. Chairman Davenport followed up by asking the Commissioners to recruit new members.

Mr. Shea asked if BAC wanted to look into meeting in person again at Convention Center like City Council. BAC agreed that they all wanted to get vaccinations prior to meeting in person.

There being no further business, the meeting adjourned at 4:45.