

Director of Media

SUFFOLK CITY COUNCIL

MEETING OF SEPTEMBER 2, 2020



WORK SESSION

Begins at 4:30 P.M.

REGULAR SESSION

Begins at 6:00 P.M.

**SUFFOLK CITY COUNCIL
WORK SESSION
September 2, 2020
4:30 p.m.
City Council Chamber**

1. Compensation and Benefits Strategy Presentation
- 2.* Appointments

* Proposed Items for Closed Session

AGENDA: September 2, 2020, Work Session

ITEM: Compensation and Benefits Strategy Presentation

The Director of Human Resources will provide City Council with a presentation on Compensation and Benefit strategies for City of Suffolk employees.

SUFFOLK CITY COUNCIL AGENDA

September 2, 2020

6:00 p.m.

City Council Chamber

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentations**
5. **Removal of Items from the Consent Agenda and Adoption of the Agenda**
6. **Agenda Speakers**
7. **Consent Agenda** – An ordinance to accept and appropriate funds from the Virginia Department of Transportation Economic Development Access Road Program and to provide a local cash match
8. **Consent Agenda** - An ordinance to accept and appropriate program income resulting from the repayment of certain loans associated with the City of Suffolk Down Payment Assistance Program
9. **Consent Agenda** – A resolution in support of the Law Enforcement Mutual Aid Agreement
10. **Consent Agenda** – An ordinance to accept and appropriate CARES Act Elementary and Secondary School Emergency Relief Funds from the Commonwealth of Virginia
11. **Public Hearing** – A resolution concerning an application to place a “No Wake Zone on Bennetts Creek and adjacent to the communities of Parkside and the Retreat at Bennetts Creek
12. **Ordinance** – An ordinance to reappropriate unspent FY 2019-2020 funds to the FY 2020-2021 School Operating Fund
13. **Ordinance** – An ordinance to rezone and amend the official zoning map of the City of Suffolk in order to amend the previously approved proffered conditions of the Nansemond Reserve residential development for property located at 4316 Sleepy Hole Road, Zoning May 19, Parcel 4A: RZN2020-005 (Conditional)
14. **Resolutions**
15. **Staff Reports**

16. **Motion** – A motion to schedule a City Council Work Session, for Wednesday, September 16, 2020, at 4:00 p.m., unless cancelled
17. **Non-Agenda Speakers**
18. **New Business**
19. **Announcements and Comments**
20. **Adjournment**

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, June 3, 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, offered a statement about police brutality and led the Pledge of Allegiance.

City Clerk Dawley called the roll, and all members of City Council were in attendance.

APPROVAL OF THE MINUTES

Vice Mayor Bennett, on a motion seconded by Council Member Fawcett, moved to approve the minutes from the January 15, 2020, Work Session and Regular Meeting, as presented, by the following roll call vote:

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

Council Member Fawcett, on a motion seconded by Council Member Goldberg, moved to approve the minutes from the February 5, 2020, Work Session and Regular Meeting and February 19, 2020, Work Session and Regular Meeting, as presented, by the following roll call 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, as presented.

Vice Mayor Bennett, on a motion seconded by Council Member Duman, to adopt the agenda, as presented, by the following roll call 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 Commonwealth of Virginia Department of Aviation for the Suffolk Executive Airport

Consent Agenda Item #8 - An ordinance to accept and appropriate funds from the Virginia Department of Forestry for the Playground Shade Tree Project for the Department of Parks and Recreation

Consent Agenda Item #9 - An ordinance to accept and appropriate funds from the Library of Virginia for the Suffolk Public Library

Consent Agenda Item #10 - An ordinance to accept and appropriate funds from Walmart for the Suffolk Public Library

Consent Agenda Item #11 - An ordinance to accept and appropriate funds from the Virginia 9-1-1 Services Board Public Safety Answering Point Grant Program for the Suffolk Police Department

Consent Agenda Item #12 - A resolution requesting the Virginia Department of Transportation make certain additions and deletions to the Urban Highway System

Referring to Consent Agenda Items #7 through #12, City Manager Roberts submitted a review of the background information as printed in the official agenda.

Referring to the Consent Agenda Item #12, Council Member Fawcett asked for a summary of the purpose of the proposed resolution. City Manager Roberts stated that this item was an administrative action where lane miles are added and deleted in order to obtain funding from the Virginia Department of Transportation.

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

Referring to Consent Agenda Item #12, Vice Mayor Bennett asked if streets in new subdivision are required to be constructed to the State’s new standards. Public Works Director Hansen replied in the affirmative.

Referring to Consent Agenda Item #12, Mayor Johnson called for clarification about the schedule for the proposed resolution. Public Works Director Hansen said that the City submits this item annually to the Virginia Department of Transportation.

Council Member Fawcett, on a motion seconded by Council Member Goldberg, moved to approve the Consent Agenda, as presented, by the following roll call 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 - An ordinance authorizing the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the United States Route 460-Pruden Boulevard Water Transmission Main Project

Utilizing a PowerPoint presentation, Public Utilities Director Albert Moor provided a summary of the background information as printed in the official agenda.

Hearing no speakers, the public hearing was closed.

Council Member Duman, on a motion seconded by Council Member Ward, moved to approve the ordinance, as presented, by the following roll call 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 AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN FEE SIMPLE AND/OR PERMANENT AND TEMPORARY EASEMENTS, EITHER BY AGREEMENT OR CONDEMNATION, FOR THE UNITED STATES ROUTE 460-PRUDEN BOULEVARD WATER TRANSMISSION MAIN PROJECT

ORDINANCES

Ordinance – An ordinance to accept and appropriate CARES Act Coronavirus Relief Funds from the Commonwealth of Virginia

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

Referring to the presentation, Council Member Fawcett queried about the feasibility of using the funding for COVID-19 testing. Finance Director Hansen explained that the funding can be used for such testing, and the Western Tidewater Health Department is the lead agency on this matter. City Manager Roberts added that the City will pay for certain aspects of testing support, and the Western Tidewater Health Department will fund the testing itself.

Council Member Johnson inquired about the inclusion of any funding in the proposed ordinance for the reopening of public schools. Finance Director Hansen advised that the Suffolk Public Schools received its own separate funds under the act.

Referring to the presentation, Council Member Johnson sought information about the timeline to use the funds. Finance Director Hansen stated that the deadline to allocate the funding is December 30, 2020.

Council Member Johnson, on a motion seconded by Council Member Fawcett, moved to approve the ordinance, as presented, by the following roll call 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 ACCEPT AND APPROPRIATE CARES ACT CORONAVIRUS RELIEF FUNDS FROM THE COMMONWEALTH OF VIRGINIA

Ordinance – An ordinance authorizing the City Manager to execute a grant agreement with the Virginia Land Conservation Foundation

Utilizing a PowerPoint presentation, Parks and Recreation Director Mark Furlo presented a synopsis of background information as printed in the official agenda.

Referring to the presentation, Council Member Duman called for any contingency plans as it relates to the grant, should there be any issues with the surveys and the environmental studies. Parks and Recreation Director Furlo explained that the City is in the second phase of those studies, which have been submitted to the National Park Service. He added that in order to close on the property, the City would have to receive the clearance from the National Park Service.

Referring to the presentation, Council Member Duman opined the potential impact of the proposed Blackwater River Park on the improvements at Lone Star Lakes Park. Parks and Recreation Director Furlo advised that the proposed Blackwater River Park could begin development for approximately \$100,000 within the required three-year timeframe without any impact on Lone Star Lakes Park.

Referring to presentation, Council Member Duman sought clarification about the City’s ability to meet the grant requirements, should the City spend no more than \$100,000 for improvements. Parks and Recreation Director Furlo replied that the City would be in compliance with the grant requirements with that level of investment. He added that amount of funding could be used for playgrounds, trails and parking, which would be in compliance with the grant requirements.

Referring to the presentation, Council Member Fawcett opined about the potential impact of the proposed Blackwater River Park on the improvements at Lone Star Lakes Park. Parks and Recreation Director Furlo advised that the Blackwater River Park could begin development for approximately \$100,000 within the required three-year timeframe without any impact on Lone Star Lakes Park.

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

Council Member Ward queried about the feasibility of providing private transit services to the proposed Blackwater River Park. City Manager Roberts said that the City has a contract for transit services.

Council Member Ward opined about the feasibility of providing transit services to the proposed Blackwater River Park. City Manager Roberts indicated that once the proposed park is operational, staff can consider the achievability of providing transportation services similar to those for the Great Dismal Swamp tours.

Council Member Fawcett, on a motion seconded by Council Member Milteer, moved to approve the ordinance, as presented, by the following roll call 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 AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE VIRGINIA LAND CONSERVATION FOUNDATION

RESOLUTIONS

Resolution – A resolution supporting the Virginia Housing Development Authority’s (VHDA) financing of the PORT 58 @ Hillpoint Multi-Family Apartment Project

Utilizing a PowerPoint presentation, Deputy City Manager D. Scott Mills supplied a summation of the background information as printed in the official agenda.

Council Member Fawcett, on a motion seconded by Council Member Duman, moved to approve the resolution, as presented, by the following roll call 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 SUPPORTING THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY’S (VHDA) FINANCING OF THE PORT 58 @ HILLPOINT MULTI-FAMILY APARTMENT PROJECT

STAFF REPORTS

Staff Report – Transportation Project Updates

Utilizing a PowerPoint presentation, Public Works Director Leroy Hansen offered an overview of the background information as printed in the official agenda.

Referring to the presentation, Council Member Duman called for clarification about potential impact of the Pitchkettle Road Realignment Concept on properties in the area. Public Works Director Hansen said that at this point that has not yet been determined.

Referring to the presentation, Vice Mayor Bennett sought information about the Wilroy Road Bridge Replacement Project, as it relates to school bus traffic in the area. Public Works Director Hansen reported that staff has been in communication with Suffolk Public Schools, Suffolk Police Department, Suffolk Fire Department and the Army Corps of Engineers and are all parties are supportive of the project.

Referring to the presentation, Council Member Fawcett asked if the Wilroy Road Bridge Project is a project that has been previously completed. Public Works Director Hansen stated that this a new project but there was one similar on Progress Road.

Referring to the presentation, Council Member Fawcett inquired about the detours for the Wilroy Road Bridge Project. Public Works Director Hansen replied that there are two routes under consideration, dependent upon on the needs of commuters.

Referring to the presentation, Council Member Fawcett queried about the ability of residents to access their neighborhood, as it relates to the Wilroy Road Bridge Project. Public Works Director Hansen indicated that residents will be able to access their neighborhood, despite the project.

Referring to the presentation, Council Member Duman opined about the feasibility of utilizing Wilroy Road Industrial Park as a detour during the Wilroy Road Bridge Project. Public Works Director Hansen said that route might be feasible, depending on the destination of the commuter.

Coronavirus Update – The City Manager or designee will provide an update related to COVID-19

Utilizing a PowerPoint presentation, Dr. Todd Wagner, Director, Western Tidewater Health District, gave an update on the above referenced item.

Referring to the presentation, Council Member Fawcett asked about antibodies testing. Dr. Wagner explained that antibodies testing is available, but the value of those test results is undermined at this point.

Council Member Goldberg opined about the impact of COVID-19 on the youth. Dr. Wagner reported that it has been difficult to convince younger people about the value of social distancing.

Vice Mayor Bennett called for information about treatment for individuals who have been diagnosed with COVID-19 but do not require hospitalization. Dr. Wagner said that in those cases, strictly supportive care is the best course of action.

Referring to the presentation, Vice Mayor Bennett asked whether cases of COVID-19 were being tracked by race. Dr. Wagner replied in the affirmative.

Mayor Johnson inquired about any reports of children with Kawasaki Disease. Dr. Wagner stated that no cases of Kawasaki Disease have been reported in the district, and three cases have been reported in the Commonwealth.

Referring to the presentation, Mayor Johnson sought clarification about the process of identifying the location of outbreaks in local care term facilities. Dr. Wagner explained that legal counsel has advised the Office of the Governor and the State Medical Director that the Health Insurance Portability and Accountability Act prohibits reporting outbreaks in long term care facilities. He added that the information on those type of outbreaks will be available on the Center for Disease Control website.

Council Member Goldberg opined about the possibly of catching COVID-19 through the eyes. Dr. Wagner reported while it is possible to catch COVID-19 through the eyes, it is more likely to occur through the nose and mouth.

Council Member Johnson inquired about any testing requirements for employees at long term facilities. Dr. Wagner said there are no testing requirements for employees at long term facilities.

Referring to the presentation, Council Member Johnson queried the current trend in COVID-19 cases. Dr. Wagner replied that cases are trending down.

Council Member Ward called for information about the life of COVID-19 on surfaces and clothing. Dr. Wagner indicated that most studies say that it lives for 2 to 4 hours on most surfaces, but it depends on environmental conditions.

Mayor Johnson asked if COVID-19 lives longer on metals. Dr. Wagner stated that COVID-19 does not necessarily live longer on metals, but plastics and wood surfaces seem to hold it longer.

Utilizing a PowerPoint presentation, Economic Development Director Kevin Hughes submitted supplementary information on COVID-19 as it relates to the City’s outreach efforts to businesses.

MOTIONS

Motion – A motion to schedule a public hearing for the June 17, 2020, City Council meeting regarding authorizing the issuance and sale of Water and Sewer Revenue Bonds, Series 2020

Council Member Fawcett, on a motion seconded by Vice Mayor Bennett, moved to schedule a motion to schedule a public hearing for the June 17, 2020, City Council meeting regarding authorizing the issuance and sale of Water and Sewer Revenue Bonds, Series 2020, by the following roll call 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 on June 17, 2020, to consider the adoption of an ordinance authorizing the conveyance of certain real property known as Tax Map and Parcel 40A*76

Council Member Milteer, on a motion seconded by Council Member Duman, moved to schedule a motion to schedule a public hearing on June 17, 2020, to consider the adoption of an ordinance authorizing the conveyance of certain real property known as Tax Map and Parcel 40A*76, by the following roll call 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 City Council Work Session for Wednesday, June 17, 2020, at 4:00 p.m., unless cancelled

Council Member Fawcett, on a motion seconded by Council Member Goldberg, moved to schedule a City Council Work Session for Wednesday, June 17, 2020, at 4:00 p.m., unless cancelled, by the following roll call 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

Kelly Hengler, 9345 Eclipse Drive, representing the Crittenden-Eclipse-Hobson Heritage Civic League, opined about Colonial Road and Crittenden Road.

NEW BUSINESS

Council Member Duman, on a motion seconded by Council Member Ward, moved to direct City Manager Roberts to initiate the formal process to establish “No Thru Truck Traffic” zone on Crittenden Road.

Referring to the motion, Council Member Goldberg asked whether the motion is to begin a study or to limit truck traffic. Council Member Duman stated that the motion is to direct City Manager Roberts initiate the formal process for consideration of “No Thru Truck Traffic” zone on Crittenden Road. City Manager Roberts added that the Public Works Department would refer to the 2008 study on Crittenden Road, update the study to account for new conditions, analyze that information and then provide a recommendation to City Council.

Council Member Ward called for clarification about the use of the 2008 study on Crittenden Road. City Manager Roberts explained that the study would be updated based on current conditions.

Council Member Ward opined about the difference in the information from the 2008 study on Crittenden Road compared to the current conditions. City Manager Roberts said staff can adequately address any changes once the study has been revised.

Council Member Ward opined about the consideration of the impact of the construction of the Amazon facility on the conditions of Crittenden Road. City Manager Roberts reported that all matters will be considered in the updated study.

Council Member Ward queried about the number of trucks that currently use Crittenden Road. City Manager Roberts replied that information will be included in the study.

Council Member Johnson sought information about the potential impact of the prohibition of truck traffic on the existing businesses in the area. City Manager Roberts stated that the prohibition of truck traffic would not apply to the businesses in the area whose trucks currently utilize Crittenden Road.

Council Member Johnson called for clarification about the current use of Crittenden Road by trucks as it relates to the efficiency of the route. City Manager Roberts indicated that currently there are trucks from a couple of temporary projects of varying size using Crittenden Road.

Vice Mayor Bennett inquired about the timeline for the temporary projects on Crittenden Road. Public Works Director Hansen explained that the Amazon facility will conclude in approximately 90 days.

Referring to the motion, Council Member Goldberg solicited clarification of the motion. City Manager Roberts said that any decision would be done incrementally. He added that the Public Works Department would refer to the 2008 study on Crittenden Road, update the study to account for new conditions, analyze that information and then provide a recommendation to City Council.

Referring to the motion, Council Member Duman asked about the feasibility of rescinding a “No Thru Truck Traffic” zone on Crittenden Road, should City Council decide to establish the restriction. Traffic Engineer Robert Lewis advised that when considering the creation of this type of zone, the first step is a study that would include a recommendation based on the State regulations as established by the Virginia Department of Transportation. He added that creating this type of zone is more than a matter of installing “No Thru Trucks Traffic” signs in an area due to various legal ramifications and other unintended consequences.

Council Member Duman queried about alternative options to mitigate the impact of truck traffic in the area, should the establishment of a “No Thru Truck Traffic” zone on Crittenden Road be impractical. Traffic Engineer Lewis reported that staff examined this area after Kings Highway Bridge was taken out of service and the City assumed responsibility for the roads. He concluded there are no simple solutions, but some options might include a new Crittenden Road alignment, installing more speed limit signs and increased police enforcement in that area could offer some relief.

Council Member Goldberg opined about the existing borrow pit in the area. Traffic Engineer Lewis replied that borrow pit has been in operation for some time.

Mayor Johnson called for a definition of a “No Thru Truck Traffic” zone. Police Chief Thomas Bennett explained that in order for the Suffolk Police Department to issue a citation in a “No Thru Trucks Traffic” zone, officers must witness a truck enter and exit the designated area.

Mayor Johnson queried about the impact on Blair Brothers, Incorporated when the City established the “No Thru Truck Traffic” zone on Nansemond Parkway. Police Chief Bennett stated that officers will permit trucks to use the road under these circumstances in order to enter and exit any existing businesses.

Mayor Johnson sought clarification of the enforceability of a “No Thru Truck Traffic” zone. Police Chief Bennett said that in order for the Suffolk Police Department to issue a citation in a “No Thru Truck Traffic” zone, officers must witness a truck enter and exit the designated area.

Council Member Fawcett opined about the need to identify the weight and size of trucks in the context of the study. City Attorney Holland advised those definitions are outlined in the State Code. Traffic Engineer Lewis added that the State defines any vehicle over 7,500 pounds as a truck.

Mayor Johnson opined the State’s point of view regarding the establishment of temporary no thru truck traffic zones. Traffic Engineer Lewis reported that the guidelines as established by the Virginia Department of Transportation would be considered during the study regarding the “No Thru Truck Traffic” zone.

Vice Mayor Bennett called for clarification about the proposed motion. Council Member Duman said that the motion is to direct City Manager Roberts initiate the formal process to establish “No Thru Truck Traffic” zone on Crittenden Road.

Council Member Goldberg asked for the inclusion of the word “study” in the motion. City Manager Roberts replied that it was his understanding that it was the intent of the motion to start the process that includes a study.

Vice Mayor Bennett opined about the need to vote on a study to establish a “No Thru Truck Traffic” zone on Crittenden Road and then vote on the matter of establishing the zone itself.

Council Member Fawcett queried about the concerns raised by Vice Mayor Bennett about the inclusion of the word “study” in the proposed motion. Vice Mayor Bennett said that he concurred with Council Member Goldberg about the inclusion of the word “study” in the proposed motion and only voting on that matter tonight.

Council Member Fawcett suggested that the proposed motion could be amended to direct the City Manager to bring back a study to City Council. City Manager Roberts recommended the following language in response to the issue raised by Council Member Fawcett: a motion to direct the City Manager to update the 2008 Crittenden Road “No Thru Truck Traffic” study to current conditions, provide City Council with an analysis and a recommendation regarding the establishment of a “No Thru Truck Traffic” zone.

Council Member Fawcett offered a substitution motion to direct City Manager Roberts to update the 2008 Crittenden Road “No Thru Truck Traffic” study to current conditions, provide City Council with an analysis and a recommendation regarding the establishment of a “No Thru Truck Traffic” zone.

Council Member Ward queried about the timeline for the completion of the study. City Manager Roberts said that Traffic Engineer Lewis estimated a study would take approximately 60 days.

Council Member Fawcett, on a substitute motion seconded by Vice Mayor Bennett, moved to direct City Manager Roberts to update the 2008 Crittenden Road “No Thru Truck Traffic” study to current conditions, provide City Council with an analysis and a recommendation regarding the establishment of a “No Thru Truck Traffic” zone.

Mayor Johnson called for clarification about the next steps, should the results of the study report that it is not feasible to establish a “No Thru Truck Traffic” zone on Crittenden Road. City Manager Roberts indicated that at that point, no action would be required of City Council.

Council Member Fawcett, on a substitute motion seconded by Vice Mayor Bennett, moved to direct City Manager Roberts to update the 2008 Crittenden Road “No Thru Truck Traffic” study to current conditions, provide City Council with an analysis and a recommendation regarding the establishment of a “No Thru Truck Traffic” zone.

Mayor Johnson asked Council Member Fawcett to restate the substitute motion. Council Member Fawcett called on City Manager Roberts to provide the verbiage. City Manager Roberts said that it is his understanding that it is City Council’s intent to consider a motion to direct the City Manager to update the 2008 Crittenden Road “No Thru Truck Traffic” study to current conditions, provide City Council with an analysis and a recommendation regarding the establishment of a “No Thru Truck Traffic” zone.

Council Member Fawcett, on a substitute motion seconded by Vice Mayor Bennett, moved to direct City Manager Roberts to update the 2008 Crittenden Road “No Thru Truck Traffic” study to current conditions, provide City Council with an analysis and a recommendation regarding the establishment of a “No Thru Truck Traffic” zone, 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

Council Member Duman, on a motion seconded by Council Member Ward, to direct City Manager Roberts to provide City Council with a report to address the feasibility of establishing passing zones on Crittenden Road, by the following roll call 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

Council Member Johnson about recent social justice demonstrations and the need to expand the availability of broadband service.

Council Member Ward commended City Administration for its efforts during the COVID-19 pandemic.

Council Member Ward called for information about the feasibility of using CARE Act Coronavirus Relief Funds for COVID-19 testing in African-American communities.

Council Member Ward opined about the need to expand the availability of broadband service.

Council Member Ward opined about the shooting of George Floyd and commended the Suffolk Police Department for its support of recent social justice demonstrations.

Council Member Duman commended City Administration, area businesses and Suffolk Public Schools for their efforts during the COVID-19 pandemic.

Council Member Duman opined about the shooting of George Floyd and recent social justice demonstrations.

Council Member Milteer opined about the shooting of George Floyd.

Council Member Milteer reported that there have been incidents of motorbikes racing in the South Suffolk area.

Council Member Fawcett opined about the COVID-19 pandemic and police brutality.

Council Member Goldberg opined about the following items: the need to expand availability of broadband service, the COVID-19 pandemic and police brutality.

Vice Mayor Bennett thanked Dr. Wagner for the update on the COVID-19 pandemic.

Vice Mayor Bennett opined about the shooting of George Floyd.

Mayor Johnson opined about the COVID-19 pandemic and the shooting of George Floyd.

Mayor Johnson commended the Suffolk Police Department for their support of recent social justice demonstrations.

Council Member Fawcett, 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 10:25 p.m.

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

Approved: _____
Linda T. Johnson, Mayor

Special Presentations

**Removal of Items from the Consent
Agenda and Adoption of the Agenda**

Agenda Speakers

AGENDA: September 2, 2020, Regular Session

ITEM: Consent Agenda - An ordinance to accept and appropriate funds from the Virginia Department of Transportation Economic Development Access Road Program and to provide a local cash match

The City of Suffolk has been approved for funding in the amount of \$650,000 from the Virginia Department of Transportation Economic Development Access Road Program for the construction of an access road to the Massimo Zanetti Coffee Roasting and Distribution Center at the Virginia Port Logistics Park. The grant requires a local cash match in the amount of \$150,000 which is available through a transfer from the General Fund Economic Development Investment Program account to the Capital Projects Fund.

Attached for Council's consideration is an ordinance to authorize the acceptance of the grant from the Virginia Department of Transportation and the transfer of funds from the General Fund Economic Development Investment Program account to the Capital Projects Fund.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Capital Projects Fund by \$800,000 for the above noted purpose and requires \$150,000 in local matching funds which is available through a transfer from the General Fund Economic Development Investment Program account.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
VDOT Award Agreement

ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION ECONOMIC DEVELOPMENT ACCESS ROAD PROGRAM AND TO PROVIDE A LOCAL CASH MATCH

WHEREAS, the City of Suffolk made application and was approved by the Virginia Department of Transportation to receive Economic Development Access Road Program funding in the amount of \$650,000 for construction of an access road from Holland Road to .284 miles north of Holland Road to the Massimo Zanetti Coffee Roasting and Distribution Center located in the Virginia Port Logistics Park (UPC 117498); and,

WHEREAS, the funds received need to be accepted and appropriated to the Capital Projects Fund budget for Fiscal Year 2020-2021 to assist with the construction of an access road to the Massimo Zanetti Coffee Roasting and Distribution Center; and,

WHEREAS, a local cash match in the amount of \$150,000 is required and shall be provided through a transfer of funds from the General Fund Economic Development Investment Program Account to the Capital Projects Fund.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

1. The sum of \$800,000 shall be reflected as budget in the following accounts in the Fiscal Year 2020-2021 Capital Projects Fund budget:

Revenue

310-41100-2224_424030.140	EDA Road CtrPointDrive (UPC117498)	\$650,000
310-41100-2224_441050.165	Transfer from General Fund	<u>150,000</u>
		<u>\$800,000</u>

Expense

310-41100-2224_53850.140	Construction Contracts VDOT	\$650,000
310-41100-2224_53850.165	Construction Contracts – Transfer from GF	<u>150,000</u>
		<u>\$800,000</u>

2. The fund amount totaling \$800,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 20-O-028, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

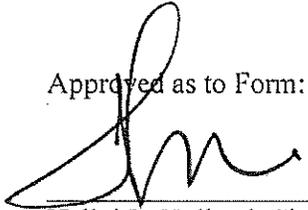
3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:

A handwritten signature in black ink, appearing to read 'H. Holland', written over a horizontal line.

Helivi L. Holland, City Attorney

STANDARD PROJECT ADMINISTRATION AGREEMENT
State-aid Projects
Economic Development Access Program Bonded Projects

Project Number	UPC	Local Government
ECON-061-457	117498	City of Suffolk

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20__, by and between the City of Suffolk, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance the Project(s) and the funding currently allocated or proposed for the project(s) does not include Federal-aid Highway funds; and

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state and local laws and regulations.

WHEREAS, the Commonwealth Transportation Board (Board) has, by resolution of May 20, 2020, which is attached hereto, approved a project and funding allocation under the Economic Development Access Program, and

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
 - b. Receive prior written authorization from the DEPARTMENT to proceed with the project.
 - c. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
 - d. Provide certification by a LOCALITY official of compliance with applicable laws and regulations on the State Certification Form for State Funded Projects or in another manner as prescribed by the DEPARTMENT.

- e. Maintain accurate and complete records of each Project's development of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for not less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and also include an up-to-date project summary and schedule tracking payment requests and adjustments.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if due to action or inaction solely by the LOCALITY the project becomes ineligible for state reimbursement, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of state law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of state-aid reimbursements
- j. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
- k. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
- l. For projects where documentation of qualifying capital investment is insufficient, provide acceptable surety pursuant to the Board's Economic Development Access Fund Policy dated December 7, 2016 (the BOARD's POLICY) or subsequent actions, which may provide exceptions to the BOARD's POLICY, taken by the Board.
- m. Pursuant to the BOARD's POLICY or subsequent policies adopted by the Board, the LOCALITY shall be responsible for reimbursing the DEPARTMENT any portion of the EDA allocation utilized in the PROJECT's construction but not justified by qualifying capital outlay established within the timeframe specified by the BOARD's POLICY.

2. The DEPARTMENT shall:
 - a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with applicable laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its cost exceeds the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity

for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.

8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination and unless otherwise agreed to, the DEPARTMENT shall retain ownership of plans, specifications, and right of way for which state funds have been provided, unless all state funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THE LOCALITY and the DEPARTMENT further agree that should Federal-aid Highway funds be added to the project, this agreement is no longer applicable and shall be terminated. The LOCALITY and the DEPARTMENT mutually agree that they shall then enter into a Standard Project Administration Agreement for Federal-aid Projects.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

The remainder of this page is BLANK

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

CITY OF SUFFOLK, VIRGINIA:



Patrick G. Roberts

Typed or printed name of signatory

City manager

Title

6/4/2020

Date

Deborah R. Minnick

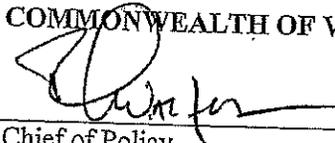
Signature of Witness

6/4/2020

Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:



Chief of Policy

Commonwealth of Virginia

Department of Transportation

7/8/20

Date

Cant Math

Signature of Witness

7/8/2020

Date

Attachment

Appendix A - UPC 117498

Appendix A

Project Number: ECON-061-457 UPC: 117498 CFDA # N/A Locality: City of Suffolk Date: 6/3/2020

Project Location ZIP+4: 23434-7693	Locality DUNS # 066024845	Locality Address (incl ZIP+4): 442 W. Washington Street Suffolk, VA 23434-5360
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Project Narrative	
Work Description:	Economic Access Road - Massimo Zanetti Beverage (MZB) - The proposed improvements will be the main access road to Massimo Zanetti Beverage (MZB). MZB is a coffee roasting and distribution center.
From:	Holland Road (US Hwy 58)
To:	0.284 mi north of Holland Road
Locality Project Manager Contact Info:	Kevin Hughes (757) 514-4043 khughes@suffolkva.us
Department Project Coordinator Contact Info:	Johndel Alcalde (757) 956-3098 john.alcalde@vdot.virginia.gov

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$0	\$0	\$905,622	\$905,622
Estimated VDOT Project Expenses	\$5,000	\$0	\$5,000	\$10,000
Estimated Total Project Costs	\$5,000	\$0	\$910,622	\$915,622

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$5,000	Economic Development Access (unmatched)	0%	\$0	\$5,000	
Total PE	\$5,000			\$0	\$0	
Right of Way & Utilities				\$0	\$5,000	\$0
Total RW						\$0
Construction	\$495,000	Economic Development Access (unmatched)	0%	\$0	\$495,000	
	\$300,000	Economic Development Access (matching)	50%	\$150,000	\$150,000	
	\$115,622	Local Funds	100%	\$115,622	\$0	
Total CN	\$910,622			\$0	\$0	
Total Estimated Cost	\$915,622			\$265,622	\$645,000	\$640,000

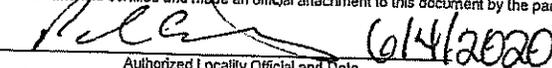
Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$650,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and share of VDOT Expenses)	\$640,000

Project Financing					
Economic Development Access (EDA)	State Match (EDA)	Local Match (EDA)	Local Funds		Aggregate Allocations
\$500,000	\$150,000	\$150,000	\$115,622		\$915,622

Program and Project Specific Funding Requirements

- This Project shall be administered in accordance with VDOT's Locally Administered Projects Manual and the Economic Development Access Program Guide
- Project work conducted or services contracted prior to May 20, 2020 will not be eligible for reimbursement from the Economic Development Access Program.
- All right-of-way, environmental assessments (other than SERP, if applicable) and remediation, and utility adjustments shall be provided at no cost to VDOT.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality shall complete project scoping on or before 6/11/21.
- All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.
- This is a limited funds project. Financing of any eligible costs in excess of \$650,000 and all ineligible costs as determined by the DEPARTMENT pursuant to the DEPARTMENT's current policy and procedure in administration of the Economic Development Access Program Guide will be borne 100% percent by the LOCALITY.
- The LOCALITY shall provide up to \$150,000 in matching funds, as necessary, to fulfill project funding obligations. The LOCALITY has opted to retain the required matching funds and expenditure of these matching funds shall be documented by the DEPARTMENT at such time as the maximum \$500,000 unmatched Economic Development Access Program funding has been exceeded or expended.
- Project costs, eligible for reimbursement under the DEPARTMENT's current policy and procedure in administration of the Economic Development Access Program shall be satisfactorily documented by the DEPARTMENT prior to processing reimbursement to the LOCALITY.
- The LOCALITY will provide sufficient documentation of capital outlay or acceptable surety to the DEPARTMENT; and the balance of the utilized allocation not justified by sufficient documentation of eligible capital outlay will be returned to VDOT and the Economic Development, Airport and Rail Access Fund.

This attachment is certified and made an official attachment to this document by the parties to this agreement.



 Authorized Locality Official and Date 6/4/2020
 Patrick G. Roberts
 Typed or printed name of person signing



 Authorized VDOT Official and Date 6/10/20
 Sonya Hallums-Porter
 Typed or printed name of person signing

AGENDA: September 2, 2020, Regular Session

ITEM: Consent Agenda - An ordinance to accept and appropriate program income resulting from the repayment of certain loans associated with the City of Suffolk Down Payment Assistance Program

Attached for City Council's consideration is an ordinance to accept and appropriate \$8,700 in Suffolk HOME Investment Partnerships Program (HOME) funds repaid to the City by the Suffolk Redevelopment and Housing Authority (SRHA). These monies represent the recapture of previously expended funds provided in support of the City of Suffolk's Down Payment Assistance Program.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Consolidated Grants Fund budget for FY 2020-2021.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund budget by \$8,700 for the above-noted purpose and does not require local fund support.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NUMBER _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE PROGRAM INCOME RESULTING FROM THE REPAYMENT OF CERTAIN LOANS ASSOCIATED WITH THE CITY OF SUFFOLK DOWN PAYMENT ASSISTANCE PROGRAM

WHEREAS, the City of Suffolk has established the Down Payment Assistance Program using HOME funds provided by the U. S. Department of Housing and Urban Development; and,

WHEREAS, the purpose of the Program is to provide funds to provide for qualifying low to moderate income households within the Western Tidewater HOME Consortium, to which the City of Suffolk is a member locality; and,

WHEREAS, the City Council of the City of Suffolk and the Board of Commissioners of the Suffolk Redevelopment and Housing Authority have entered into a Cooperation Agreement, whereby Suffolk Redevelopment and Housing Authority has agreed to provide assistance to the City to implement the Down Payment Assistance Program; and,

WHEREAS, Suffolk Redevelopment and Housing Authority has returned program income funds in the amount of \$8,700 previously utilized by a qualifying household under the Down Payment Assistance Program and recaptured as a consequence of the sale of the housing unit; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2020-2021 to continue to assist with the implementation of the Down Payment Assistance Program.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Suffolk, Virginia that:

1. The sum of \$8,700.00 shall be reflected as budget in the following accounts in the Fiscal Year 2020-2021 Consolidated Grants Fund budget:

Revenue:

211-81100-1702_433070	HOME – Program Income	<u>\$8,700</u>
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Expenditure:

211-81100-1702_55886.02	Reimbursement Suffolk HOME	<u>\$8,700</u>
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2. The fund amount totaling \$8,700 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 20-O-028 as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

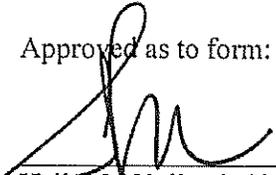
3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to form:



Heilvi L. Holland, City Attorney

AGENDA: September 2, 2020, Regular Session

ITEM: Consent Agenda – A resolution in support of the Law Enforcement Mutual Aid Agreement

Language in Paragraph 5 of the Mutual Aid Agreement between jurisdictions proposed to be effective January 1, 2020, was revised for clarity.

In consideration of the mutual benefits of the Agreement, the parties agree to the conditions as written.

RECOMMENDATION:

Adoption of a resolution supporting the Law Enforcement Mutual Aid Agreement

ATTACHMENTS:

Resolution

Law Enforcement Mutual Aid Agreement

RESOLUTION NUMBER: _____

A RESOLUTION IN SUPPORT OF THE LAW ENFORCEMENT MUTUAL AID AGREEMENT.

WHEREAS, a Mutual Aid Agreement is proposed to be effective January 1, 2020, among the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg, each a municipal corporation of the Commonwealth of Virginia; the County of James City, a political subdivision of the Commonwealth of Virginia; the Sheriff of the County of Accomack; the Sheriff of the County of Gloucester; the Sheriff of the County of Isle of Wight; the Sheriff of the County of Northampton; the Sheriff of the County of Surry; the Sheriff of the County of York; the Towns of Smithfield and Windsor; and,

WHEREAS, Virginia law authorizes local governments, and Sheriffs in counties where no police department has been established, to enter into reciprocal agreements for mutual aid and for cooperation in the furnishing of law enforcement services; and,

WHEREAS, the eleven local governments and the Sheriffs of Accomack, Gloucester, Isle of Wight, Northampton, Surry, York, and the towns of Smithfield and Windsor have determined that the provision of law enforcement aid across jurisdictional lines will increase their ability to preserve the safety and welfare of the entire area; and,

WHEREAS, it is deemed to be mutually beneficial to the parties hereto to enter into an agreement concerning mutual aid and cooperation with regard to law enforcement; and,

WHEREAS, in consideration of the mutual benefits to be derived from a Law Enforcement Mutual Aid Agreement, the parties hereto covenant and agree as provided herein.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Suffolk, Virginia, hereby approves the Law Enforcement Mutual Aid Agreement, which is attached as a part of this resolution.

BE IT FURTHER RESOLVED that the City Manager be, and is hereby, authorized and directed to do all things necessary to execute and implement the Law Enforcement Mutual Aid Agreement.

This resolution shall be effective upon adoption.

READ AND ADOPTED _____

A TRUE COPY

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:

Sean P. Dolan
for Helivi L. Holland, City Attorney *Assistant City Attorney*

Law Enforcement Mutual Aid Agreement

THIS AGREEMENT, made this 1st day of January, 2020, by and among the Cities of CHESAPEAKE, FRANKLIN, HAMPTON, NEWPORT NEWS, NORFOLK, POQUOSON, PORTSMOUTH, SUFFOLK, VIRGINIA BEACH and WILLIAMSBURG, each a municipal corporation of the Commonwealth of Virginia; the County of JAMES CITY, a political subdivision of the Commonwealth of Virginia; the Sheriff of the county of ACCOMACK; the Sheriff of the County of GLOUCESTER; the Sheriff of the County of ISLE OF WIGHT; the Sheriff of the County of NORTHAMPTON; the Sheriff of the County of SURRY; the Sheriff of the County of YORK; the Town of SMITHFIELD; and the Town of WINDSOR.

WHEREAS, Virginia law authorizes local governments and Sheriffs, in counties where no police department has been established, to enter into reciprocal agreements for mutual aid and for cooperation in the furnishing of law enforcement services; and

WHEREAS, the thirteen local governments and the Sheriffs of the counties of Accomack, Gloucester, Isle of Wight, Northampton, Surry and York have determined that the provision of law enforcement aid across jurisdictional lines will increase their ability to preserve the safety and welfare of the entire area; and

WHEREAS, it is deemed to be mutually beneficial to the parties hereto to enter into an agreement concerning mutual aid and cooperation with regard to law enforcement; and

WHEREAS, the parties hereto desire that the terms and conditions of this Law Enforcement Mutual Aid Agreement be established.

NOW THEREFORE, in consideration of the mutual benefits to be derived from a Law Enforcement Mutual Aid agreement, the parties hereto covenant and agree as follows:

1. Each party will endeavor to provide law enforcement support to the other parties to this Agreement within the capabilities available at the time the request for such support is made and within the terms of this Agreement.
2. Requests for assistance pursuant to the terms and conditions of this Agreement shall be made by the requesting jurisdiction's Chief of Police or Sheriff, whichever is applicable, or their respective designee.
3. The requesting party shall be responsible for designating a radio communications system for use by the requesting party.
4. The personnel of the requested party shall render such assistance under the direction of the Chief of Police or Sheriff of the requesting party, or their respective designee.
5. Law enforcement support provided pursuant to this Agreement shall include all such available resources ordinarily maintained by the requested party. All law enforcement officers and personnel shall be duly trained and currently certified for the position provided.
6. Subject to the terms of this Agreement, and without limiting in any way the other circumstances or conditions in which mutual aid may be requested and provided under this Agreement, the parties hereto agree to provide assistance to the requesting party in situations requiring the

mass processing of arrestees and transportation of arrestees. The parties to the Agreement further agree to assist the requesting party with security and operations of temporary detention facilities.

7. Nothing contained in this Agreement should in any manner be construed to compel any of the parties hereto to respond to a request for law enforcement support when the personnel of the party to whom the request is made, in the opinion of the requested party, needed or are being used within the boundaries of that party, nor shall any request compel the requested party to continue to provide law enforcement support to another party when its personnel or equipment, in the opinion of the requested party, are needed for other duties within the boundaries of its own jurisdiction.
8. In those situations not involving the provision of mutual aid upon request, law enforcement officers and personnel, and other employees of any city, county, town or Sheriff hereunder, may also enter any other jurisdiction in furtherance of law enforcement purposes, concerning any offense in which the entering law enforcement agency may have a valid interest; provided, that the entering personnel shall, as soon as practical, make such presence known to the Chief of Police or Sheriff of the entered jurisdiction, or his designated representative.
9. The responsibility for investigation and subsequent actions concerning any criminal offense shall remain with the law enforcement agency of the locality whose court has original jurisdiction over the offense. Entering law enforcement personnel shall promptly notify the law

- enforcement agency of the entered locality upon discovery of a crime over which the court of the entered locality has original jurisdiction.
10. Officers acting pursuant to this Agreement shall be granted authority to enforce the laws of the Commonwealth of Virginia and to perform the other duties of a law enforcement officer; such authority shall be in conformance with §§ 15.2-1724; 15.2-1726; 15.2-1730; 15.2-1730.1 and 15.2-1736 of the Code of Virginia, as amended. Law enforcement officers of any party who might be casually present in any other jurisdiction shall have power to apprehend and make arrests only in such instances wherein an apparent immediate threat to public safety precludes the option of deferring action to the local law enforcement agency.
 11. All law enforcement officers, agents and other employees of the parties to this Agreement who are acting pursuant to this Agreement shall have the same powers, rights, benefits, privileges and immunities in each other's jurisdiction, including the authority to make arrests in each other's jurisdiction.
 12. The services performed and expenditures made under this Agreement shall be deemed to be for public and governmental purposes and all immunities from liability enjoyed by the parties within their boundaries shall extend to their participation in rendering assistance outside their boundaries pursuant to this Agreement. It is understood that for the purposes of this Agreement, the responding party is rendering aid once it has entered the jurisdictional boundaries of the party requesting assistance.

13. All pension, relief, disability, worker's compensation, life and health insurance and other benefits enjoyed by said law enforcement officers or personnel as employees of their respective jurisdictions shall extend to the services they perform under this Agreement outside their respective jurisdictions. Each party agrees that the provisions of these benefits shall remain the responsibility of the employing party.
14. Each party agrees that, in activities involving the rendering of assistance to another party pursuant to this Agreement, each party shall waive any and all claims against all other parties hereto which may arise out of their activities outside their respective jurisdiction.
15. The parties shall not be liable to each other for reimbursement for injuries to law enforcement officers or personnel, or damage to equipment incurred when going to or returning from another jurisdiction, except to the extent that reimbursement for such expenses may be or is received from the Federal Emergency Management Agency (FEMA) or another governmental agency. Neither shall the parties be liable to each other any other costs associated with, or arising out of, the rendering of assistance pursuant to this Agreement, except to the extent that reimbursement for such expenses may be or is received from FEMA or another governmental agency.
16. This Agreement rescinds and supersedes all previous written agreements and oral understandings relating to the provision of mutual law enforcement services between the parties.
17. Any of the parties hereto may withdraw from this Agreement by giving thirty (30) days written notice to that effect to the other parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective city manager, county administrator, town manager, or sheriff; the official seal of each city, county and town affixed hereto and attested by their respective city, county, or town clerk, and indicating thereafter the ordinance or resolution authorizing the execution. Sheriffs may attest by Notary Public.

CITY OF SUFFOLK

BY: _____
City Manager

ATTEST:

City Clerk

Resolution/Ordinance #: _____

Adopted On: _____

AGENDA: September 2, 2020, Regular Session

ITEM: Consent Agenda - An ordinance to accept and appropriate CARES Act Elementary and Secondary School Emergency Relief Funds from the Commonwealth of Virginia

Attached for Council's consideration is an ordinance to accept and appropriate \$2,876,963.30 in CARES Act Elementary and Secondary School Emergency Relief funds from the Commonwealth of Virginia. The funding will be used to assist with eligible schools' expenditures due to the coronavirus public health emergency.

Adoption of the attached ordinance is necessary to accept and appropriate the funds to the Schools Operating Fund budget for Fiscal Year 2020-2021.

BUDGET IMPACT:

Adoption of the ordinance will increase the FY 2020-2021 Schools Operating Fund budget by \$2,876,963.30

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Award Notice
Memorandum from Superintendent of Schools

ORDINANCE NUMBER _____

**AN ORDINANCE TO ACCEPT AND APPROPRIATE CARES ACT
ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF
FUNDS FROM THE COMMONWEALTH OF VIRGINIA**

WHEREAS, the Commonwealth of Virginia has received Federal CARES Act funding to address the coronavirus pandemic; and,

WHEREAS, the Commonwealth of Virginia has allocated \$214,739,273 to assist school divisions throughout the State in responding to the coronavirus pandemic; and,

WHEREAS, the Commonwealth of Virginia has allocated \$2,876,963.30 to Suffolk Public Schools to assist with the school division's coronavirus response.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

1. The sum of \$2,876,963.30 shall be reflected as budget in the following accounts in the Fiscal Year 2020-2021 Schools Operating Fund budget:

<u>Revenue</u>		
205_418000.50	State/Federal/Other	<u>\$2,876,963.30</u>
<u>Expenditure</u>		
205-610000_51000	School Expenses	<u>\$2,876,963.30</u>

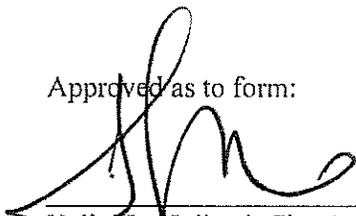
2. The fund amount totaling \$2,876,963.30 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 20-O-028, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to form:



Helvi L. Holland, City Attorney

**VIRGINIA DEPARTMENT OF EDUCATION
CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT
ELEMENTARY & SECONDARY SCHOOL EMERGENCY RELIEF (ESSER) FUND ALLOCATIONS
MAY 2020**

DIVISION NO	SCHOOL DIVISION/LEA	ALLOCATION
092	TAZEWELL COUNTY PUBLIC SCHOOLS	\$ 1,450,083.36
093	WARREN COUNTY PUBLIC SCHOOLS	\$ 786,820.28
094	WASHINGTON COUNTY PUBLIC SCHOOLS	\$ 1,493,417.35
095	WESTMORELAND COUNTY PUBLIC SCHOOLS	\$ 566,695.58
096	WISE COUNTY PUBLIC SCHOOLS	\$ 1,810,939.72
097	WYTHE COUNTY PUBLIC SCHOOLS	\$ 840,344.69
098	YORK COUNTY PUBLIC SCHOOLS	\$ 583,700.11
101	ALEXANDRIA CITY PUBLIC SCHOOLS	\$ 3,674,940.99
102	BRISTOL CITY PUBLIC SCHOOLS	\$ 1,125,838.80
103	BUENA VISTA CITY PUBLIC SCHOOLS	\$ 207,743.85
104	CHARLOTTESVILLE CITY PUBLIC SCHOOLS	\$ 1,187,446.32
106	COLONIAL HEIGHTS CITY PUBLIC SCHOOLS	\$ 497,137.19
107	COVINGTON CITY PUBLIC SCHOOLS	\$ 206,856.68
108	DANVILLE CITY PUBLIC SCHOOLS	\$ 3,174,505.57
109	FALLS CHURCH CITY PUBLIC SCHOOLS	\$ 37,599.15
110	FREDERICKSBURG CITY PUBLIC SCHOOLS	\$ 869,035.26
111	GALAX CITY PUBLIC SCHOOLS	\$ 487,022.67
112	HAMPTON CITY PUBLIC SCHOOLS	\$ 5,788,673.64
113	HARRISONBURG CITY PUBLIC SCHOOLS	\$ 1,243,334.40
114	HOPEWELL CITY PUBLIC SCHOOLS	\$ 1,463,699.75
115	LYNCHBURG CITY PUBLIC SCHOOLS	\$ 3,330,954.25
116	MARTINSVILLE CITY PUBLIC SCHOOLS	\$ 925,676.76
117	NEWPORT NEWS CITY PUBLIC SCHOOLS	\$ 9,531,816.23
118	NORFOLK CITY PUBLIC SCHOOLS	\$ 12,794,820.61
119	NORTON CITY PUBLIC SCHOOLS	\$ 217,210.71
120	PETERSBURG CITY PUBLIC SCHOOLS	\$ 2,581,628.48
121	PORTSMOUTH CITY PUBLIC SCHOOLS	\$ 5,351,724.28
122	RADFORD CITY PUBLIC SCHOOLS	\$ 276,542.21
123	RICHMOND CITY PUBLIC SCHOOLS	\$ 13,658,363.95
124	ROANOKE CITY PUBLIC SCHOOLS	\$ 5,840,467.74
126	STAUNTON CITY PUBLIC SCHOOLS	\$ 693,286.73
127	SUFFOLK CITY PUBLIC SCHOOLS	\$ 2,876,963.30
128	VIRGINIA BEACH CITY PUBLIC SCHOOLS	\$ 10,141,569.51
130	WAYNESBORO CITY PUBLIC SCHOOLS	\$ 862,914.90
131	WILLIAMSBURG CITY	\$ 263,704.53
132	WINCHESTER CITY PUBLIC SCHOOLS	\$ 945,561.93
134	FAIRFAX CITY PUBLIC SCHOOLS	\$ 237,878.93
135	FRANKLIN CITY PUBLIC SCHOOLS	\$ 617,638.93
136	CHESAPEAKE CITY PUBLIC SCHOOLS	\$ 6,321,598.89
137	LEXINGTON CITY PUBLIC SCHOOLS	\$ 51,294.44
138	EMPORIA CITY PUBLIC SCHOOLS	\$ 418,657.38
139	SALEM CITY PUBLIC SCHOOLS	\$ 447,920.96
142	POQUOSON CITY PUBLIC SCHOOLS	\$ 55,281.17
143	MANASSAS CITY PUBLIC SCHOOLS	\$ 1,050,950.18



MEMORANDUM

TO: Patrick Roberts, *Suffolk City Manager*

FROM: Dr. John B. Gordon III, *Division Superintendent*

DATE: August 20, 2020

RE: Increase Federal Grant Funding

The Federal government passed the Coronavirus Aid, Relief, and Economic Security Act (C.A.R.E.S. Act) on March 27, 2020. The Commonwealth of Virginia in June 2020 has appropriated **\$2.9 million** to Suffolk Public Schools. The focus of this money is for schools' divisions to plan for and coordinate long-term closures, technology for online learning including hardware, software, and connectivity for students, and supplies/equipment to sanitize and clean facilities.

July 16, 2020 combined applications for additional competitive/award grant funding under the Elementary and Secondary School Emergency Relief (E.S.S.E.R) set aside funding and the Governor's Emergency Education Relief (G.E.E.R. funds) were released by the state for school divisions to apply for additional funding. The E.S.S.E.R set aside funding focuses on professional development for virtual learning, content creation, protective equipment, and student mental health supports. The G.E.E.R funds focus on the expansion of access to early childhood education, support for school nutrition operations, and access to broadband through the VA telecom initiative.

Suffolk Public Schools is applying for an additional **\$1.4 million** in grant funding from these applications.

Therefore, we respectfully request that an additional **\$4.3 million** be appropriated in fiscal 2020-2021 to Suffolk Public School's Grant fund under federal funding for the school division to be able to execute the plans as outlined in the above paragraph and applications to be made with the Virginia Department of Education.

AGENDA: September 2, 2020, Regular Session

ITEM: Public Hearing – A resolution concerning an application to place a “No Wake” Zone on Bennetts Creek and adjacent to the communities of Parkside and the Retreat at Bennetts Creek

An application for assistance in establishing a No-Wake Zone for Bennetts Creek, south of Route 17 and adjacent to the communities of Parkside and the Retreat at Bennetts Creek. has been received. Following a Public Hearing, City Council may authorize, by Resolution, staff to make application to the Virginia Department of Wildlife Resources (DWR) to establish the No-Wake Zone in order to protect property and the shoreline along this section of the river.

If approved by City Council, the application will be prepared by City staff and forwarded to DWR for their approval or denial of establishment. If approved by DWR, the No-Wake Zone would be established and all costs associated with marking the boundaries will be borne by the applicant. If denied by DWR, no further action will be taken by the City.

RECOMMENDATION:

Recommend Denial

ATTACHMENTS:

No Wake Zone Application from Christopher Moore
Resolution
Exhibit A

Complete Application Package Checklist

- City of Suffolk application for *Establishment or Expansion of 'No Wake Zone' Signage*.

- Completed (Plus one copy) *Commonwealth of Virginia Department of Game and Inland Fisheries (DGIF), Application for Establishment of Regulatory Markers on Public Waters of Virginia*.
 - All documents required in Paragraph B and C on the *DGIF* application:
 - B - NECESSITY OF REASON FOR REQUESTED MARKERS
 - Letter plus two signed copies.

 - C - LOCATION OF MARKERS
 - Three copies of a map, chart section or drawing.
 - Attachment showing type of marker at each location.

Recommended

- Letter of support generated by a Civic League, Home Owners Association, or collection of residents along the affected stretch of water.

Submit To

No Wake Zone Application

Department of Public Works Engineering

Suite 2036

442 W. Washington St.

Suffolk, VA 23434



Department of Public Works
Suite 2036 442 W. Washington St. Suffolk, VA 23434
Phone (757) 514-7725 Fax (757) 514-7727

City of Suffolk

Application for Establishment or Expansion of 'No Wake Zone' Signage

Date of Application: 6/26/2020 Name of Water body: Bennetts Creek
Applicant's Name: Christopher Jason Moore
Organization: _____
Applicant's Address: 3436 Raintree Circle
Suffolk, VA 23435
Applicant's Telephone: 757-334-4153

This application is being submitted to the City of Suffolk, for recommendation of approval or denial to the Virginia Department of Game and Inland Fisheries (DGIF) to create or expand a 'No-Wake Zone' on a waterbody located within the City of Suffolk.

Following a recommendation by the Suffolk City Council, this application may be forwarded to the Virginia DGIF consistent with Suffolk Municipal Code 86-501 and Virginia State Code 29.1-744. The Virginia DGIF will ultimately make a determination as to the creation or expansion of a No-Wake Zone.

Application Instructions

- 1.) Please submit, with this form, a completed *Commonwealth of Virginia Department of Game and Inland Fisheries (DGIF), Application for Establishment of Regulatory Markers on Public Waters of Virginia*. A copy must be attached AND all of the documents required in Paragraphs B and C of that application.
- 2.) It is strongly recommended that you have a letter of support from the community, for this request. The letter may be generated by a Civic League, Home Owners Association, or collection of residents along the affected stretch of water. Please attach that letter to this application.

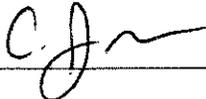
- 3.) Please submit this application, with all applicable attachments, to the Department of Public Works:

No Wake Zone Application
Department of Public Works
Suite 2036
442 W. Washington St.
Suffolk, VA 23434

- 4.) City staff may request additional or clarifying information in order to assist with their review. Incomplete applications may be returned.
- 5.) Upon receipt of the complete application package, staff will review the conditions of the waterway and the suitability for the request. Following that review, the Director of Public Works will request that the application be placed on the next available agenda for City Council and Public Hearing (where appropriate).

Before signing this application and submitting the required attachments listed above, please be aware that the City does not have a budget for the erection of no wake signs. If your application for establishment of a no wake zone is approved, you will be required to provide all costs for the marker installation and maintenance. These costs may include the costs associated with the services of a pile driver, the piling, and the sign itself.

I understand that by submitting this application, I have initiated a process that may include additional future costs to myself or organization.

 6/26/2020

Applicant's Signature

email: jmoore@smithfield.com

DGIF
+1

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF GAME AND INLAND FISHERY

Application for Establishment of Regulatory Markers on Public Waters of Virginia

Date of Application: 6/26/2020 Proposed Date of Installation: August 2020

A. APPLICANT

- 1. Name of Political Subdivision or Agency: Individual
Telephone Number: 757-334-4153
- 2. Name and address of individual to be responsible for installation and maintenance:
Christopher J. Moore 3436 Raintree Circle, Suffolk, VA 23435
Daytime Tel. No. 757-334-4153

B. NECESSITY OF REASON FOR REQUESTED MARKERS

- 1. Attach a letter, with two signed copies, addressed to the correct regional office:
Please follow this link www.dgif.virginia.gov/about/offices/ to find the appropriate region office to mail your application Attn: Region Captain
NOTE: In the City of Richmond, please mail to the Charles City Regional office.
- 2. Political subdivision – attach three copies of public notice and proposed regulation or ordinance, which has been issued prior to this application.

C. LOCATION OF MARKERS

Body of Water: Bennetts Creek County: Suffolk

- 1. Attach three copies of a map, chart section, or drawing to a scale which will readily depict the proposed zoned area to its surroundings showing the location of each marker to be placed in the water and its relation to nearby channels and water patterns. Have inset or attachment showing type of marker to be used at each location.

Latitude: 36.860247 Longitude: -76.480817

D. MARKERS

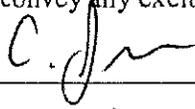
Type and Number of Markers: Change verbage on two existing, 1 new floatar

- 1. All markers must conform to specification as listed in Rules of Establishment of Uniform Regulatory Markers. State below names of manufacturer of commercial markers that will be used, or, if obtained otherwise, indicate source.

E. **CERTIFICATION**

The applicant hereby agrees and certifies that all markers authorized by the Department will be installed and maintained at no expense to the Department; that all such markers will conform to the specifications, standards and conditions set forth in "Rules for Establishment of State Uniform Regulatory Markers on Public Waters of Virginia" and may be inspected at any time, without prior notice, by authorized personnel. Should markers not be maintained in satisfactory condition, the Department may order them removed at no expense to the Department. The applicant agrees that the Department of Game and Inland Fisheries will not be held liable with respect to any and all claims that may result from the installation and maintenance of such markers and the marking of any waters does not convey any exclusive privileges.

Signature



Title

Individual Citizen

INSTRUCTIONS:

Please follow this link <http://www.dgif.virginia.gov/about/offices/> to find the appropriate regional office to mail your application Attn: Region Captain.

NOTE: In the City of Richmond, please mail to the Charles City Regional office.

Necessity of Reason for Requested Markers

Moore, Jason

From: Shawn Brinkley <sbrinkley@suffolkva.us>
Sent: Monday, May 4, 2020 1:35 PM
To: Moore, Jason
Subject: Re: [EXTERNAL] Bennett's Creek Park Boat Ramp

Up to 25 a day during the week and 40 to 50 on weekends. This past weekend was way over 100 for both days.

Sent from my iPhone

On May 4, 2020, at 11:39 AM, Moore, Jason <jmoore@smithfield.com> wrote:

Hey Shawn, by chance do you track number of boats that use the ramps there daily or weekly?

<mime-attachment.png>

Jason Moore
Vice President, Business Management
p: (757) 365-1962 c: (757) 334-4153
e: jmoore@smithfield.com
111 Commerce St.
Smithfield, VA 23430
smithfieldfoods.com

From: Helen A. Gabriel [mailto:HGABRIEL@suffolkva.us]
Sent: Monday, May 4, 2020 11:28 AM
To: Moore, Jason <jmoore@smithfield.com>
Cc: Emily Upton <eupton@suffolkva.us>; Michael Frickanisce <mfrickanisce@suffolkva.us>; Terry M. Baronner <tbaronner@suffolkva.us>
Subject: RE: [EXTERNAL] Bennett's Creek Park Boat Ramp

So Bennet's Creek Park Boat Ramp is probably our busiest ramp. it's open 24 /7. If you need any additional information about this ramp feel free to reach out to our Park Supervisor Shawn Brinkley at sbrinkley@suffolkva.us
He can be of great service to you - - thanks so much.
JIG

From: Moore, Jason <jmoore@smithfield.com>
Sent: Monday, May 04, 2020 11:12 AM
To: Helen A. Gabriel <HGABRIEL@suffolkva.us>
Cc: Emily Upton <eupton@suffolkva.us>; Michael Frickanisce <mfrickanisce@suffolkva.us>; Terry M. Baronner <tbaronner@suffolkva.us>
Subject: RE: [EXTERNAL] Bennett's Creek Park Boat Ramp

THE
RETREAT
AT BENNETT'S CREEK

May 28, 2020

Patrick Roberts
City Manager - Suffolk VA
441 Market Street
Suffolk, Virginia, 23434

RE: Application for No Wake Zone Action – The Retreat at Bennett's Creek

To Whom It May Concern:

The Board of Directors on behalf of the residents of The Retreat of Bennett's Creek would like to apply for an extension to the current No Wake Zone located just beyond 3333 Bridge Road. We are applying for the extension based on the concern for erosion and property damage and the safety of all homeowners in our neighborhood.

Our first concern over the current no wake zone is that the popular use of the Bennett's Creek waterway is leading to an increase in erosion as well as damage to private property. As motor crafts speed down the waterway, waves are created and crash into the shoreline, causing erosion to occur. As more developments such as ours come on line, the waterway traffic is seeing an increase, thus eroding the shorelines at a faster pace. In addition, these waves create undue stress on the pier and dock structures located within our neighborhood and other residents along the waterway. If motor crafts are not slowed down, the financial hardships homeowners will face will be significant as repairing the dock and pier as well as re-establishing land areas is quite expensive.

Safety is the other, more important, concern we have for the residents of our community. The Retreat at Bennett's Creek is an active adult community (most homeowners are aged over 55 years) and when completed will have 126 homes. Our community pier offers kayak launches as well as additional watersport amenities that are outside of the Wake Zone currently. Residents have voiced their concern to us after being swept away from entering or exiting their PWC after a motor craft sped by without concern for smaller crafts. Extension of the wake zone would allow residents to safely enter and exit their kayaks without the disruption of passing motor craft and their resulting wakes.

We are requesting that you please consider extending the No Wake Zone for the concerns we have outlined. We appreciate your consideration of this important request.

Sincerely,

Randy McReynolds
The Retreat at Bennett's Creek
Director of Operations



June 26th, 2020

Patrick Roberts
City Manager - Suffolk VA
441 Market Street
Suffolk, Virginia, 23434

Necessity of Reason
for Requested Markers
+2

RE: Application for No Wake Zone Action – Bennett’s Creek

To whom it may concern:

As presented by residents along Bennett’s Creek, City of Suffolk, the purpose of this application is to aid in addressing two important issues:

First issue is a public safety concern. Throughout the year, the creek is used by residents in small water craft (i.e. kayaks, canoes, paddle boards). Powerboats and PWC’s at high rates of speed in this stretch of creek creates excessive risk to those not under power and watercraft not designed for rough waters. In addition, the lack of channel markers with lights, creates a dangerous nighttime navigation situation as boats head back to the public boat ramp in this stretch at cruising speeds. Bennett’s Creek Park boat ramp is a 24-hour accessible ramp.

Second issue is to prevent the chance of personal injury and property damage caused by the increasing number of boats being launched at Bennett’s Creek Park. Information from the park supervisor stated that it averages around 25 boats per day during the week and 40-50 boats per day on the weekends. A large percentage of which head out to larger bodies of water like the James River and Nansemond River. Those of us who have floating docks and/or boats in the water experience the dangers of those wakes constantly. There is little regard for being “responsible for your own wake”.

The residents are asking that you please consider extending the No Wake zone to address the two issues called out above. There are currently other parts of the creek designated No Wake for the same reasons. The recent increase in development has accelerated the need for it to be addressed now. Supporting documents and Department of Game and Inland Fisheries application enclosed. Thank you for your consideration.

Sincerely,



Christopher “Jason” Moore

CC: Kittrell Eberwine, Albert L Dykes, Jr, The Retreat at Bennett’s Creek

Parkside HOA Request and Correspondence

May 18th, 2020

Parkside @ Bennett's Creek Owners' Association
Serena Harris – Association Manager
5849 Harbour View Blvd., Suite 200
Suffolk, Virginia, 23435

Parkside HOA
request and
correspondence. x3

RE: Application for No Wake Zone Action – Bennett's Creek

Dear Serena,

This is a formal request for a "Resolution of Approval" on behalf of the Parkside @ Bennett's Creek Owners' Association. We are seeking the board's approval to support an extension of a "No Wake Zone" behind our neighborhood. Detailed map and petition of support are also included. We need the board's approval before it goes in front of Suffolk City Council. If approved, will then be submitted to the Virginia Department of Game and Inland Fisheries.

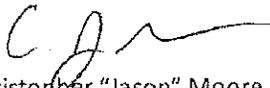
As presented by residents along Bennett's Creek, the purpose of this application is to aid in addressing two important issues:

First issue is a public safety concern. Throughout the year, the creek is heavily used by residents in small water craft (i.e. kayaks, canoes, paddle boards). Powerboats and PWC's at high rates of speed in this stretch of creek creates excessive risk to those not under power and watercraft not designed for rough waters.

Second issue is to prevent the chance of personal injury and property damage caused by the increasing number of boats being launched at Bennett's Creek Park. Information from the park supervisor (attached) stated that it averages around 25 boats per day during the week and 40-50 boats per day on the weekends. The weekend of 5/1/2020 and 5/2/2020, it was estimated a total of 100 boats were launched from the park. A large percentage of which head out to larger bodies of water like the James River and Nansemond River. Those of us who have floating docks and/or boats in the water experience the dangers of those wakes continuously. There is little regard for being "responsible for your own wake".

The residents listed on the attached petition are asking that you please support extending the No Wake zone to address the two issues called out above. There are currently other parts of the creek designated "No Wake" for these same reasons. The recent increase in development has accelerated the need to be addressed now. As an additional call out, we have already gained support from "The Retreat" Owners Association across the creek. Please reach out if you have any other questions. Thank you for your consideration.

Sincerely,



Christopher "Jason" Moore
757-334-4153

Moore, Jason

From: Moore, Jason
Sent: Wednesday, June 24, 2020 8:34 AM
To: Serena Harris
Cc: L.J. Hansen; Eric Sasser; Albert Dykes Jr
Subject: RE: No Wake Applications - 3rd request

Good morning Serena! Following up again for an update or timeline for this review. It's been 37 days since the original request, would this fall under the 35 day implied approval given no response?

Smithfield.

Good food. Responsibly.

Jason Moore
Vice President, Business Management
p: (757) 365-1962 c: (757) 334-4153
e: jmoore@smithfield.com
111 Commerce St.
Smithfield, VA 23430
smithfieldfoods.com

From: Moore, Jason
Sent: Friday, May 29, 2020 2:09 PM
To: Serena Harris <srharris@unitedpropertyassociates.com>
Cc: L.J. Hansen <lhansen@suffolkva.us>; Eric Sasser <esasser@sasserhomes.com>; Albert Dykes Jr <riverpilot13@gmail.com>
Subject: RE: No Wake Applications

Good afternoon Serena! Was checking in to see if there has been any decision on this matter or a timeline in which one will be made?

Smithfield.

Good food. Responsibly.

Jason Moore
Vice President, Business Management
p: (757) 365-1962 c: (757) 334-4153
e: jmoore@smithfield.com
111 Commerce St.
Smithfield, VA 23430
smithfieldfoods.com

From: Moore, Jason
Sent: Monday, May 18, 2020 8:41 AM
To: Serena Harris <srharris@unitedpropertyassociates.com>
Cc: L.J. Hansen <lhansen@suffolkva.us>; 'Eric Sasser' <esasser@sasserhomes.com>; Albert Dykes Jr

<riverpilot13@gmail.com>

Subject: FW: No Wake Applications

Serena, please see the attached request for board approval for a "No Wake Zone" application on Bennett's Creek behind our neighborhood. Specified maps are in the attachment. Once I have Owners' Association approval, will then forward to the city for approval. If approved there, will ultimately go to the Department of Game and Inland Fisheries. I have discussed with LJ Hansen as you can see below. Given his involvement with the city in this process, he has agreed to recuse himself from the board vote. Please let me know if you have any questions or need additional information. Thanks!

Smithfield.
Good food. Responsibility.

Jason Moore
Vice President, Business Management
p: (757) 365-1962 c: (757) 334-4153
e: jmoore@smithfield.com
111 Commerce St.
Smithfield, VA 23430
smithfieldfoods.com

From: L.J. Hansen [<mailto:lhansen@suffolkva.us>]
Sent: Thursday, May 14, 2020 1:47 PM
To: Moore, Jason <jmoore@smithfield.com>
Subject: RE: [EXTERNAL] FW: No Wake Applications

Mr. Moore,

It was nice to speak with you. As promised, here is a copy of the application that was previously submitted for the Riverwood area of the Nansemond River.

The application itself (pgs. 2&3) is a DGIF form, available from the Department of Game and Inland Fisheries. The application was generated from the homeowners association so they did not require a separate letter of support. Maps were generated from the City's parcel viewer (located on the City's website) and using Google maps. There is no standard as to how the maps get created, as long as you can properly convey where you are asking to have the zone created. Please direct the completed application to my attention at:

Department of Public Works
City of Suffolk
442 W. Washington Street
Suffolk, VA 23434

If you have any questions or need any assistance with getting the application together, please don't hesitate to ask.

Sincerely,

L J Hansen, P.E.
Director of Public Works
City of Suffolk
lhansen@suffolkva.us

Office (757) 514-7687

From: City Council E-Mail
Sent: Wednesday, May 6, 2020 9:22 AM
To: Moore, Jason <jmoore@smithfield.com>
Cc: Debbie George <DGEORGE@suffolkva.us>; Erika S. Dawley <edawley@suffolkva.us>; Nicole Duncan <nduncan@suffolkva.us>
Subject: RE: [EXTERNAL] FW: No Wake Applications

Mr. Moore,

Thank you for your email. By copy of this email, we have sent your follow up request to Chief of Staff Debbie George.

Tracey Sanford
Deputy City Clerk
Ph 757-514-4018

From: Moore, Jason <jmoore@smithfield.com>
Sent: Monday, May 4, 2020 10:38 AM
To: City Council E-Mail <COUNCIL@suffolkva.us>
Cc: Erika S. Dawley <edawley@suffolkva.us>
Subject: RE: [EXTERNAL] FW: No Wake Applications

Good morning! Haven't received any follow up from the city manager's office. Left another voicemail today. Is there an email address I can follow up with as well?

Smithfield.
Good food. Responsibly.

Jason Moore
Vice President, Business Management
p: (757) 365-1962 c: (757) 334-4153
e: jmoore@smithfield.com
111 Commerce St.
Smithfield, VA 23430
smithfieldfoods.com

From: City Council E-Mail [mailto:COUNCIL@suffolkva.us]
Sent: Wednesday, April 1, 2020 8:49 AM
To: Moore, Jason <jmoore@smithfield.com>
Cc: Erika S. Dawley <edawley@suffolkva.us>
Subject: RE: [EXTERNAL] FW: No Wake Applications

Mr. Moore,

Thank you for your email. It has been shared with Council Member Fawcett. Additionally, we have forwarded your request to Chief of Staff Debbie George in the Office of the City Manager for staff response. If you wish to follow up, Ms. George's office can be reached at 514-4012. If Council Member Fawcett can be of future assistance, please feel free to contact him again.

Tracey Sanford
Deputy City Clerk
City of Suffolk
P.O. Box 1858
Suffolk, VA 23439
Ph 757-514-4018
Fax 757-514-4027

From: Moore, Jason <jmoore@smithfield.com>
Sent: Wednesday, April 1, 2020 8:20 AM
To: Sleepy Hole Borough <sleepyhole@suffolkva.us>
Subject: [EXTERNAL] FW: No Wake Applications

Caution: This email originated from a source outside of the City of Suffolk. Do not click on links or open attachments unless you recognize the sender and you know the content is safe.

Mr. Fawcett, trying to get some more information on no wake zone applications to the city? Can you help or point me in the right direction? Have been trying to contact Mr. Mills, who was cited in this article, but have not been unsuccessful. Thanks!

Smithfield.

Good food. Responsibility.

Jason Moore
Vice President, Business Management
p: (757) 365-1962 c: (757) 334-4153
e: jmoore@smithfield.com
111 Commerce St.
Smithfield, VA 23430
smithfieldfoods.com

From: Moore, Jason
Sent: Friday, December 6, 2019 10:23 AM
To: deputycitymanager@suffolkva.us
Subject: RE: No Wake Applications

Good morning! Was following up to see if there is any direction you could give me on the no wake application process?

Smithfield.

Good food. Responsibility.

Jason Moore
Vice President, Business Management
p: (757) 365-1962 c: (757) 334-4153
e: jmoore@smithfield.com
111 Commerce St.
Smithfield, VA 23430

From: Moore, Jason
Sent: Monday, December 2, 2019 11:19 AM
To: deputycitymanager@suffolkva.us
Subject: No Wake Applications

<https://www.suffolknewsherald.com/2019/07/24/city-looks-to-update-no-wake-ordinance/>

Mr. Mills, was inquiring to see if there has been an update in the formal process to request a No Wake Zone consideration for the City of Suffolk?



Jason Moore
Vice President, Business Management
p: (757) 365-1962 c: (757) 334-4153
e: jmoore@smithfield.com
111 Commerce St.
Smithfield, VA 23430
smithfieldfoods.com

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Type of Floating Marker

Sur-Mark™ 10"D X 49"L White Regulatory Marker Buoy (46104) by Taylor Made®. Length: 49", Diameter: 10", Buoyancy: 40 lbs. Sur-Mark™ and Sur-Mark™II regulatory buoys are molded from tough UV protected polyethylene. One-piece seamless construction, internal concrete ballast, recessed galvanized eye; both styles stand upright for storage. Color labels and Solar Lights (sold separately) fit both styles. Buoys include orange marking tape. Three-year flotation warranty on all hard-skin buoys.

*When buoys are used as regulatory markers they shall be white with horizontal bands of international orange, having a minimum width of 2", placed completely around the buoy circumference. One band shall be at the top of the buoy, with a second band placed just above the waterline so that both bands are clearly visible to approaching watercraft. The area of the buoy body visible between the two bands shall be white and not less than 12" in height. No buoy shall be less than 24" in overall height from the waterline.



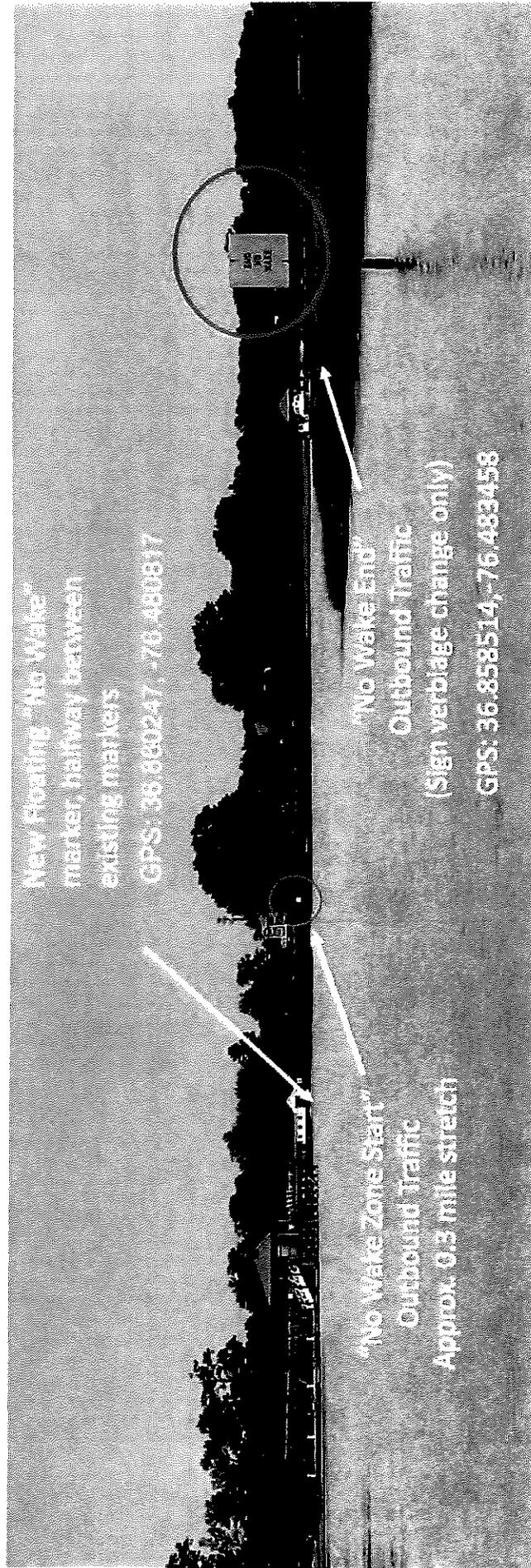
https://www.boatid.com/taylor-made/sur-mark-10-d-x-49-l-white-regulatory-marker-buoy-mpn-46104.html?view=176329&gclid=EA1aIQobChMly-6RgefA6gIVSMDICH1zqgYNEAQYAYABEgJY8PD_BwE

The Retreat Community Pier



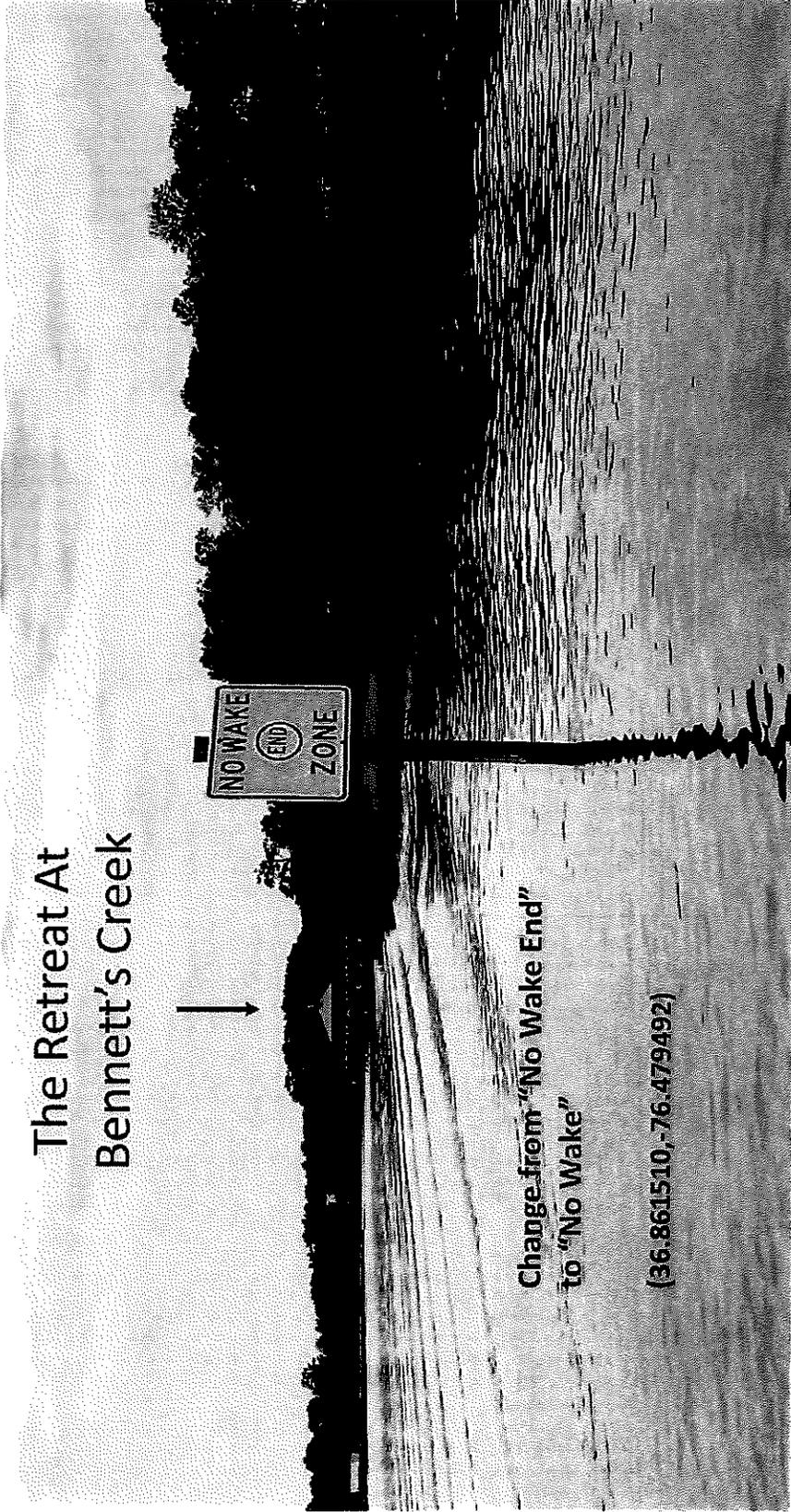
Location of Markers

2. Change existing "No Wake End" to a "No Wake" marker
3. Add additional "No Wake" floating marker



Location of Markers (cont.)

The Retreat At
Bennett's Creek

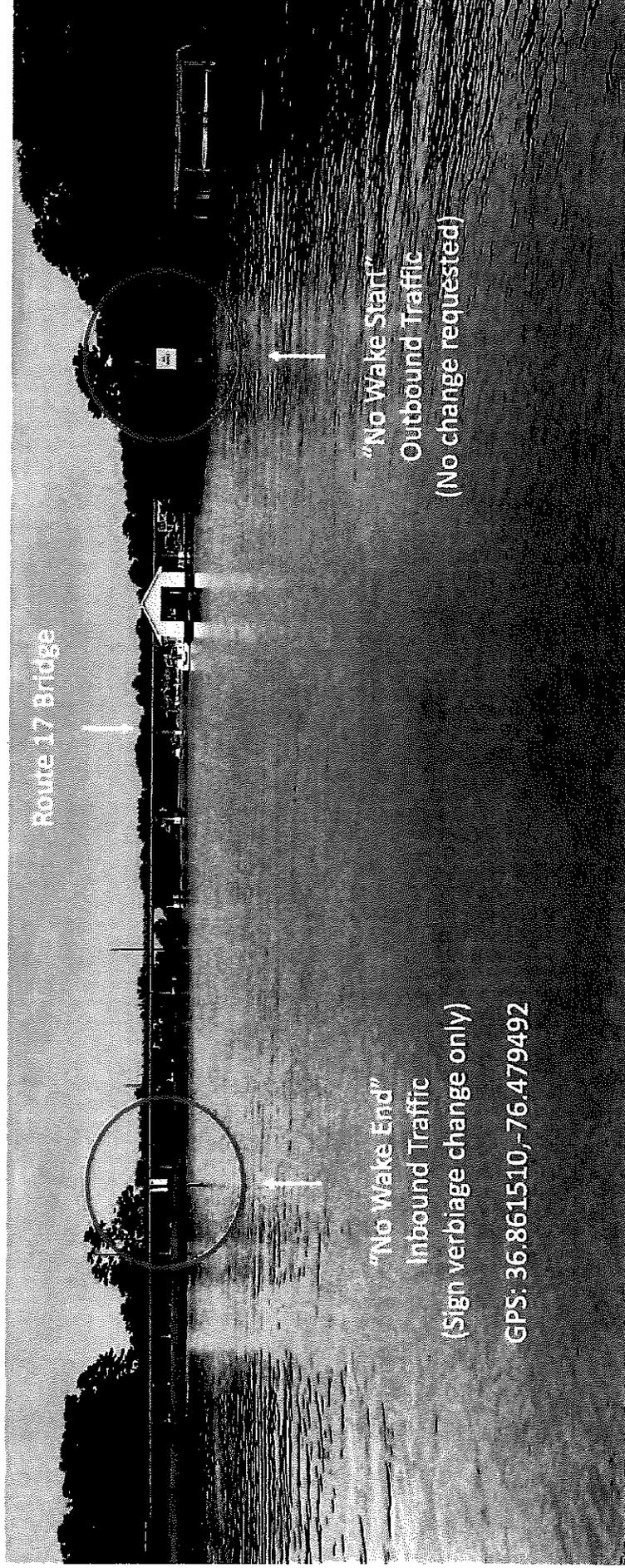


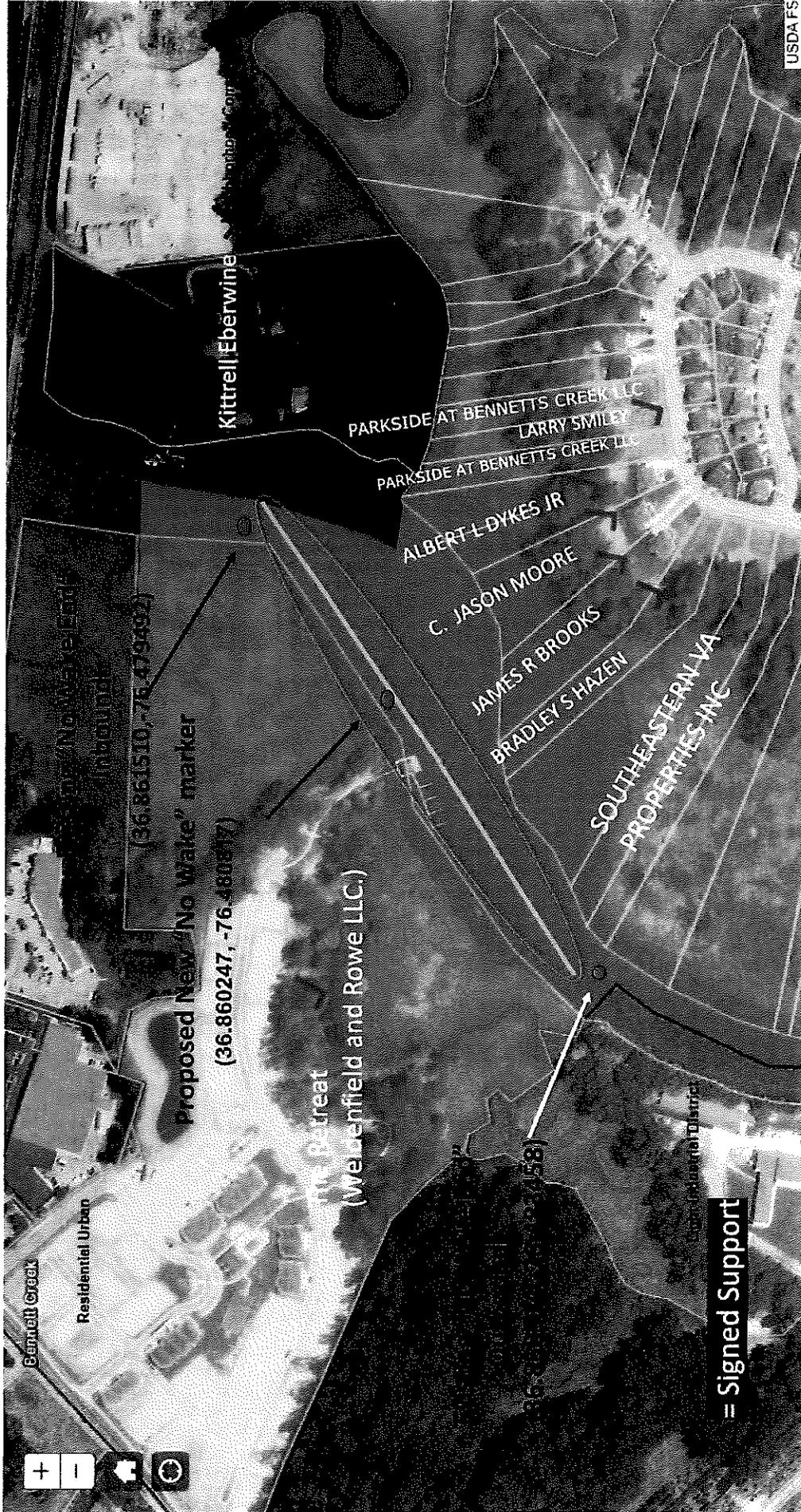
Change from "No Wake End"
to "No Wake"

(36.861510,-76.479492)

Location of Markers

1. Change existing "No Wake End" to a "No Wake" marker





Kittrell Eberwine

PARKSIDE AT BENNETTS CREEK LLC
LARRY SMILEY

PARKSIDE AT BENNETTS CREEK LLC

ALBERT L DYKES JR

C. JASON MOORE

JAMES R BROOKS

BRADLEY S HAZEN

SOUTHEASTERN VA
PROPERTIES INC

Proposed New "No Wake" marker
(36.860247, -76.480617)

Proposed New "No Wake" marker
(36.860247, -76.480617)

Proposed New "No Wake" marker
(36.860247, -76.480617)

Residential Urban

= Signed Support



Maps x 3

Bennett's Creek "No Wake" Extension Proposal

6/26/2020

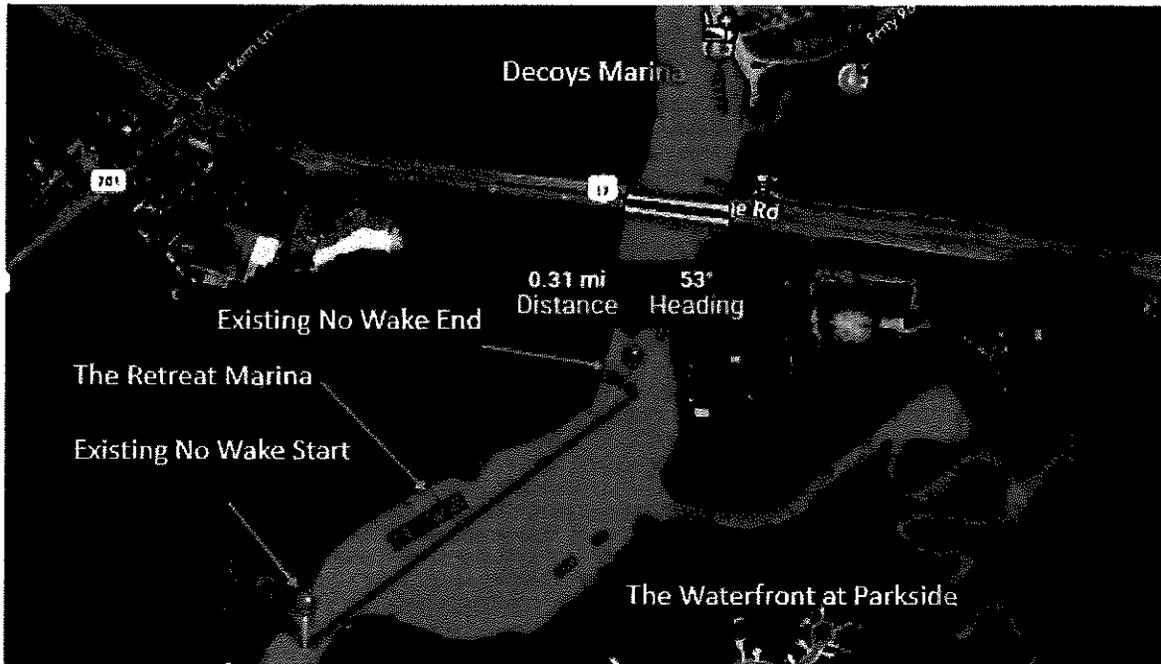
Submitted By:

Christopher Jason Moore

3436 Raintree Circle

Suffolk, VA 23435

Support the establishment of a "No Wake Zone" extension on Bennett's Creek



127 have signed. Let's get to 200!

Jason Moore started this petition to City of Suffolk and Virginia Game and Inland Fisheries

This petition is to request a No Wake Zone extension from the current end, just beyond the Eberwine Pier (3333 Bridge Road), to the start of the next No Wake Zone, just beyond The Retreat neighborhood (5700 Lee Farm Road). This extension would address two issues:

First issue is a public safety concern. Throughout the year, the creek is used by residents in small water craft (i.e. kayaks, canoes, paddle boards). Powerboats and PWC's at high rates of speed in this stretch of creek creates excessive risk to those not under power and watercraft not designed for rough waters.

Second issue is to prevent the chance of personal injury and property damage caused by the increasing number of boats being launched at Bennett's Creek Park. Information from the park supervisor stated that it averages around 25 boats per day during the week and 40-50 boats per day on the weekends. The weekend of 5/1 and 5/2, it was estimated a total of 100 boats were launched from the park. A large percentage of which head out to larger bodies of water like the James River and Nansemond River. Property owners with floating docks and/or boats in the water experience the dangers of those wakes constantly. There is little regard for being "responsible for your own wake" in this stretch.

<http://chnng.it/DGMRGp9VCp>

Petition *2

change.org

Recipient: City of Suffolk and Virginia Game and Inland Fisheries

Letter: Greetings,

Support the establishment of a "No Wake Zone" extension on Bennett's Creek

— Parkside Residents

Signatures

Name	Location	Date
Christopher Moore	US	2020-05-05
James Brooks	Suffolk, VA	2020-05-05
Albert Dykes	Suffolk, VA	2020-05-05
Morgan Moore	Suffolk, VA	2020-05-05
Jeffrey Henson	Suffolk, VA	2020-05-05
Morgan Henson	Suffolk, VA	2020-05-05
Leslie Martin	Suffolk, VA	2020-05-05
Will Beale	Suffolk, VA	2020-05-05
Randy McReynolds	Suffolk, VA	2020-05-05
Bobbie Pace	Suffolk, VA	2020-05-05
CHERYL Little	Stamford, US	2020-05-05
John Busa	Souderton, US	2020-05-05
TAMERA LARSEN	Silver Spring, MD	2020-05-05
Bradley Hazen	Silver Spring, MD	2020-05-05
Dawn Dykes	Suffolk, VA	2020-05-05
Sal Simonetti Jr	Suffolk, VA	2020-05-05
Adam Kaluba	Burleson, TX	2020-05-05
George Eberwine	Henrico, VA	2020-05-05
William Moore	Richmond, VA	2020-05-05
Christian Gonzalez	Oshkosh, US	2020-05-06

Name	Location	Date
Rebex Bex	Eagle Mountain, US	2020-05-06
Olivia Coleman	Sacramento, US	2020-05-06
Charles Richards	Crozet, VA	2020-05-06
Andrew Perez	Sylmar, US	2020-05-06
Donna Dykes-Taylor	Chesapeake, VA	2020-05-06
Karen Blair	Suffolk, VA	2020-05-06
Gary Lewin	Portsmouth, VA	2020-05-06
Jacqueline Columbia	Suffolk, VA	2020-05-06
William hopkins Hopkins	Henrico, VA	2020-05-06
Jennifer Watts	Suffolk, VA	2020-05-06
Keller Watts	Suffolk, VA	2020-05-06
Gregg Redd	Richmond, VA	2020-05-06
William Magann	Suffolk, VA	2020-05-06
Richard Laxa	Virginia Beach, VA	2020-05-06
John Salzman	Portsmouth, VA	2020-05-06
Carrie Gleason	Littleton, CO	2020-05-06
Justin Hardwick	Suffolk, VA	2020-05-06
Laura Hardwick	Suffolk, VA	2020-05-06
Elizabeth Cummings	Suffolk, VA	2020-05-06
Katherine Koch	Portsmouth, VA	2020-05-06
Tyde Sims	Suffolk, VA	2020-05-06
john sims	Suffolk, VA	2020-05-06

Name	Location	Date
Kamila Guzman	Paterson, US	2020-05-06
Adam Feinstein	Avon, US	2020-05-06
Li Mo	Albuquerque, US	2020-05-06
Aiden Hancock	Bend, US	2020-05-06
Kenneth B. Downes	Springfield, US	2020-05-06
Sharon Kirgan	Suffolk, VA	2020-05-07
Joe Laws	Suffolk, VA	2020-05-07
George Knierbein	Suffolk, VA	2020-05-07
Brandon Simmons	Suffolk, VA	2020-05-07
Russell Dokken	Crete, NE	2020-05-07
George Kirgan	Granite City, IL	2020-05-07
Scott Saunders	Smithfield, VA	2020-05-07
Eric Hernandez	Warrenton, VA	2020-05-07
Adrienne Taylor	Suffolk, VA	2020-05-07
Brett Pendell	Suffolk, VA	2020-05-07
Kristie Riley	Tar Heel, NC	2020-05-07
Meghan Cyplik	Suffolk, VA	2020-05-07
Richard Moisant	Chesapeake, VA	2020-05-08
Bonnie Sims	Suffolk, VA	2020-05-09
john john	Milwaukee, US	2020-05-09
Jevin Zimmerman	Lancaster, US	2020-05-09
Alex Newell	Mechanicsville, VA	2020-05-09

Name	Location	Date
Danielle Rascoe	Bakersfield, US	2020-05-09
LaShawn Lee	Fulton, US	2020-05-09
Jada Reis	Ohio, US	2020-05-09
Antonette Kelly	Bronx, US	2020-05-10
athena wolski	Sault Sainte Marie, US	2020-05-10
Ellie Heavens	US	2020-05-10
Justin Kaufman	Fort Wayne, US	2020-05-10
Eric Martinez	Brooklyn, US	2020-05-10
Gabriel Medina	Hatboro, US	2020-05-10
Jazman Coleman	Washington, US	2020-05-10
karlie kaiser	Washington, US	2020-05-11
Rosa Freni	Saugus, US	2020-05-11
Isabel Hernandez	Stockton, US	2020-05-11
Abdallah Benaziz	Florence, US	2020-05-11
Emma Cox	Parsons, US	2020-05-11
Cindy Arreguin	Chicago, US	2020-05-11
Latasha Sharif	Kentwood, US	2020-05-11
Owen Thomasson	Suffolk, VA	2020-05-11
Robert Edling	Suffolk, VA	2020-05-11
Lynn Ailsworth	Suffolk, VA	2020-05-11
Shawn Scragg	Orlando, US	2020-05-11
Rosario Camacho	Falls Church, US	2020-05-11

Name	Location	Date
Mason Pfeiffer	FOND DU LAC, US	2020-05-11
Melissa Heithaus	Mckinney, US	2020-05-11
Khayla Kahawaii	Portland, US	2020-05-11
Kaitlin Schwemmer	Baltimore, US	2020-05-11
Jade Greenberg	Kalispell, US	2020-05-11
Susan Cecconi	Suffolk, VA	2020-05-12
Amelia Matthews	Bronx, US	2020-05-12
Jingming Zhu	蒙特雷帕克, US	2020-05-12
Alexis Crissman	Newport News, US	2020-05-12
Neil Weiner	Boca Raton, US	2020-05-12
Christina Havlin	Suffolk, VA	2020-05-12
Svetlana Costantini	Miami Beach, US	2020-05-12
Charles Wilson	Apple Creek, US	2020-05-12
Regina Aldredge-Brown	Bishop, US	2020-05-12
Sireesha Koripella	Houston, US	2020-05-12
Jen Baranski	Corning, NY	2020-05-12
Anesto Anguiano	Los Angeles, US	2020-05-12
Sarina Syeda	Bay shore, US	2020-05-12
Christian Torrellas	Sanjuan, US	2020-05-12
Alexander Bernier	Charlotte, US	2020-05-12
Wilfredo Bonilla	Carrollton, US	2020-05-12
Seira Miller	Osceola, US	2020-05-12

Name	Location	Date
Gilberto Robles	San Juan, US	2020-05-12
Dennis Najera	Lanham, US	2020-05-12
Abigail Kentish	Austin, US	2020-05-12
torrie dang	Palm Desert, US	2020-05-12
Neil Wilson	US	2020-06-15
Ananda Wilson	Suffolk, VA	2020-06-15
Brooks McLean	Virginia Beach, VA	2020-06-15
Curtis Wilson	Falls Church, VA	2020-06-15
Carol Wilson	Suffolk, VA	2020-06-15
Michael McPherson	Portsmouth, VA	2020-06-15
Ann Chartier	Chesapeake, VA	2020-06-15
Boyd Wilson	Chesapeake, VA	2020-06-15
Holly Anne Matel	Norfolk, VA	2020-06-15
June Giles	Zuni, VA	2020-06-19
LARRY SMILEY	Portsmouth, VA	2020-07-06
LARISSA Corso	Marina Del Rey, US	2020-07-06
Alleigh Is ok	Islip Terrace, US	2020-07-06
Tyrin Brown	Williamsport, US	2020-07-06
Katelyn Lopez	Bell Gardens, US	2020-07-06

RESOLUTION NO. _____

A RESOLUTION CONCERNING AN APPLICATION TO PLACE A “NO WAKE” ZONE ON BENNETTS CREEK AND ADJACENT TO THE COMMUNITIES OF PARKSIDE AND THE RETREAT AT BENNETTS CREEK

WHEREAS, an applicant, has applied for the creation of a “No Wake” zone on Bennetts Creek, for a stretch of the creek that is adjacent to the Parkside and Retreat at Bennetts Creek communities, in accordance with Virginia Code Section 29.1-744; and,

WHEREAS, the Department of Public Works and the Suffolk Police Department have evaluated the application and conditions along the identified stretch of the creek and both agencies have recommended denial of the request.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Suffolk, Virginia that:

Section 1. Findings.

The City Council for the City of Suffolk, Virginia finds that:

- a) Creek conditions along the section identified in the application are characterized by a widening in the creek width, leaving ample navigational area to give way to the existing docks and shoreline.
- b) The presence of private docks and the shoreline exist in limited quantities and density.
- c) Vessels traveling at speeds capable of producing a wake, need not negatively impact the docks and shoreline adjacent to this communities.

Section 2. Decision.

The City Council for the City of Suffolk, Virginia, with regard to this application, makes the following determination:

- ___ a) Approved, as submitted.
- ___ b) Denied, and that the Virginia Department of Game and Inland Fisheries deny the placement of the markers.
- ___ c) Approved with the following modifications set forth below, and that the Virginia Department of Game and Inland Fisheries include these modifications in coordination with the establishment of the markers.
 - If a can-type buoy is utilized to designate the boundaries of the established no-wake zone, then the anchor weight and tethering device must be

sufficient to withstand conditions of the brackish, tidally influenced riverine setting where it is being employed.

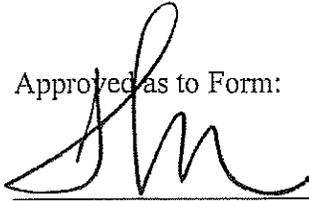
This resolution shall become effective upon adoption.

READ AND ADOPTED: _____

TESTE: _____

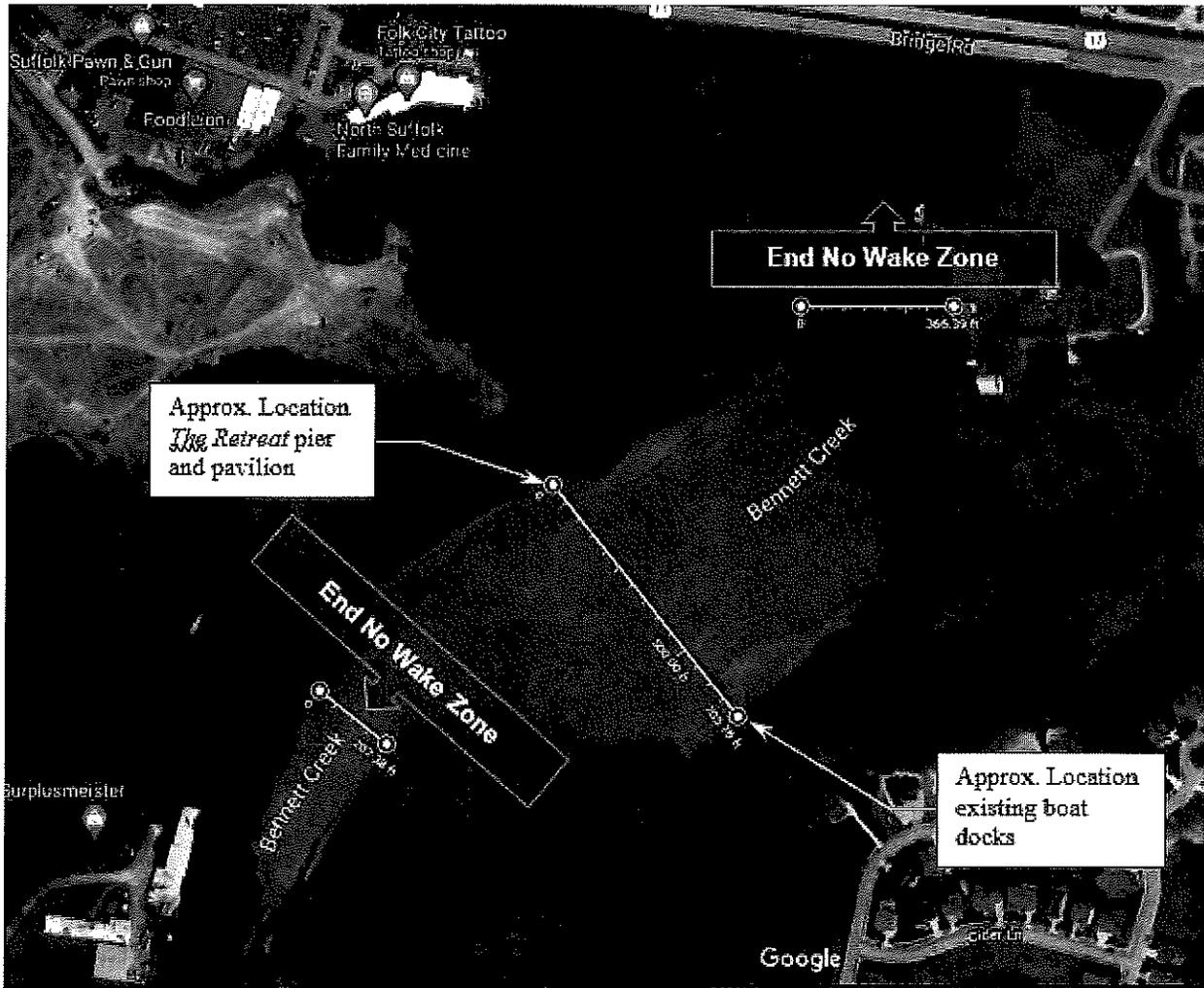
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Exhibit A – Area under consideration



AGENDA: September 2, 2020, Regular Session

ITEM: Ordinance - An ordinance to reappropriate unspent FY 2019-2020 funds to the FY 2020-2021 School Operating Fund

Suffolk Public Schools ended FY 2019-2020 with local funds remaining in the amount of \$3,260,241.24. Any unspent local funds that are not lawfully obligated or encumbered lapse at the end of the fiscal year and revert back to the City. Suffolk Public Schools has requested that the City reappropriate the remaining FY 2019-20 local funds for use by Suffolk Public Schools in FY 2020-2021 to backfill reductions in state sales tax and supplemental per pupil lottery funding. The funding will be used for school operating expenses.

Attached for City Council's consideration is an ordinance to reappropriate the unspent funding to the School Operating Fund.

BUDGET IMPACT:

Adoption of the ordinance will increase the School Operating Fund by \$3,260,241.24 in FY 2020-2021.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Memorandum from Superintendent of Schools

ORDINANCE NUMBER _____

**AN ORDINANCE TO REAPPROPRIATE UNSPENT FY 2019-2020 FUNDS
TO THE FY 2020-2021 SCHOOL OPERATING FUND**

WHEREAS, Suffolk Public Schools ended FY 2019-2020 with unspent local funds in the amount of \$3,260,241.24; and,

WHEREAS, in accordance with Section 22.1-100 of the Code of Virginia and Section 5.10 of the Suffolk City Charter, unspent funds that have not been lawfully obligated or encumbered lapse at the end of each fiscal year; and,

WHEREAS, Suffolk Public Schools has requested that the unspent funds be reappropriated to address schools operating needs; and,

WHEREAS, the City Council of the City of Suffolk, Virginia desires to reappropriate \$3,260,241.24 of the unspent FY 2019-2020 funds to the FY 2020-2021 School Operating Fund.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

1. The sum of \$3,260,000 shall be reflected as budget in the following account in the Fiscal Year 2020-2021 School Operating Fund Budget:

Revenue

205_441050.165 Interfund Transfer from General Fund \$3,260,241.24

Expense

205-610000_51000 School Operating Fund \$3,260,241.24

2. The fund amount totaling \$3,260,241.24 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 20-O-028, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney



MEMORANDUM

TO: Patrick Roberts, *Suffolk City Manager*

FROM: Dr. John B. Gordon III, *Superintendent*

DATE: August 25, 2020

RE: Use of Re-Appropriated 2019-2020 Funds

Suffolk Public Schools respectfully requested that **\$3.26 million** in 2019-2020 remaining unspent funding be re-appropriated to Suffolk Public Schools for the 2020-2021 fiscal year in our previous memorandum.

The School division will specifically use these funds to meet the many one-time needs from the pandemic that are not addressed in the federal funding being provided: Additional disinfecting machines and supplies, social distancing and other pandemic signage for 26 locations, multiple plexiglass barriers for 26 locations, 2,500 staff masks, 44,000 student masks, special needs instructional items so that children can use them at home, teaching and learning items that are normally shared but now cannot be shared, contract assistance for the 14,800 devices that are being distributed to students that will need repairs and/or maintenance.

In addition, the division did not purchase replacement school buses last year nor did we do other one-time building maintenance items last year due to the uncertainty in state funding. This would be an opportunity for the school division to get back on track with our maintenance and replacement cycles that have been put in place.

tlg

AGENDA: September 2, 2020, Regular Session

ITEM: Ordinance – An ordinance to rezone and amend the official zoning map of the City of Suffolk in order to amend the previously approved proffered conditions of the Nansemond Reserve residential development for property located at 4316 Sleepy Hole Road, Zoning Map 19, Parcel 4A; RZN2020-005 (Conditional)

Attached for your consideration is an ordinance amending the approved proffered conditions for the Nansemond Reserve residential development. In particular, the applicant is requesting to amend the language in proffer 3 pertaining to the sequencing of the construction of a traffic signal at the intersection of Sleepy Hole Road and Bennetts Pasture Road. Specifically, this amended proffer allows for the issuance of up to 39 certificates of occupancy prior to the completion of the subject traffic control system if there are documented delays in the delivery of any material needed to complete the installation of said traffic control system. In the case of such delay, the applicant has also proffered to provide to the City a performance surety in the amount equal to 100 percent of the cost to complete the traffic control system.

The applicant has provided a narrative and additional supporting justification for this request and those documents are attached. Specifically, the applicant states that the need to amend this proffer stems from the deficiency in the availability of steel in the current economic environment.

The Department of Public Works, Traffic Engineering Division has reviewed the proposal and has no objections as presented.

In accordance with the Code of Virginia and Section 31-305(b) (3) of the Unified Development Ordinance, where an amendment to proffered conditions is requested by the profferer, and where such amendment does not affect conditions of use or density, such requests shall be forwarded directly to City Council initially for consideration without a public hearing. Once so amended, the proffered conditions shall continue to be an amendment to the zoning ordinance provisions of the Unified Development Ordinance and may be enforced by the Zoning Administrator pursuant to the applicable provisions of the Code of Virginia (Section 15.2-2200, et. seq.)

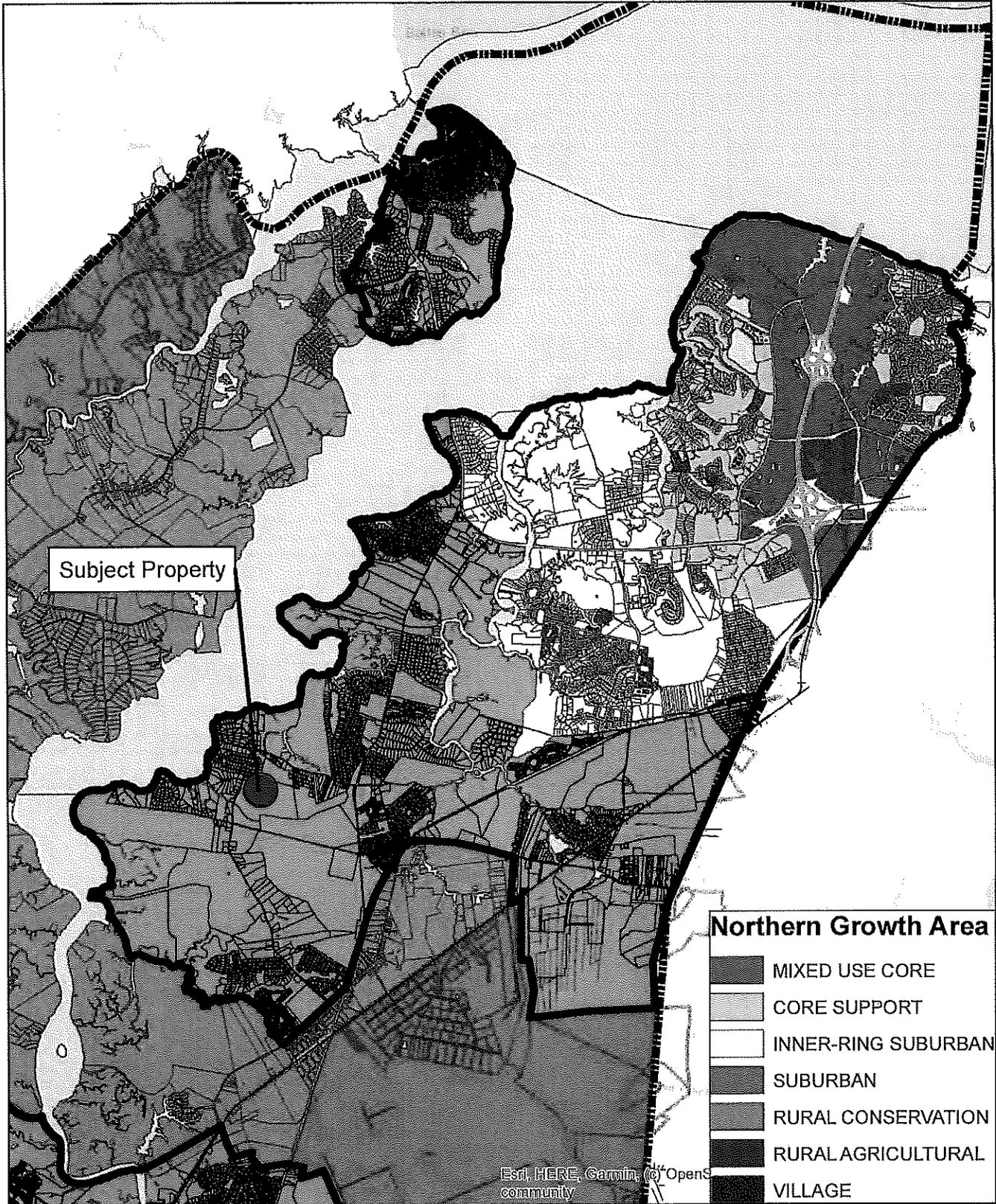
ATTACHMENTS:

- General Location Map
- Zoning/Land Use Map
- Applicant's Narrative
- Letter from Highway Electric, Inc.
- Existing Ordinance Number 18-O-033
- Proposed Ordinance
- Exhibit A- Property Map
- Exhibit B – Voluntary Proffer Statement



GENERAL LOCATION MAP

RZN2020-005



NANSEMOND RESERVE INVESTORS, LP

1604 Hilltop West Executive Center #305
Virginia Beach, Virginia 23451
Telephone 757-615-0463

RECEIVED

JUL 09 REC'D

July 8, 2020

PLANNING

Mr. David Hainley, Director
Planning & Community Development
442 W. Washington Street
Suffolk, Virginia 23434

Re: Nansemond Reserve Subdivision

Dear Mr. Hainley,

Please accept this letter as our application to amend proffer #3, pursuant to our rezoning application #RZC2017-005 (conditional), said application and the resulting ordinance being approved by the City Counsel of the 18th day of April, 2019.

This amendment has become necessary because of a problem getting the materials with which to construct and complete traffic signal to be located at the intersection of Bennett's Pasture Road and Sleepy Hole Road. We are attaching a letter from Highway Electric, Inc., our contractor, which outlines his situation insofar as the delay in getting materials as a result of Covid19 pandemic. Further, we spoke with Tulsa Sturges, the president of Highway Electric recently, and he is diligently searching to find alternate materials, but at this point his search has not been fruitful. His company has performed test borings and other engineering that would lead up to making the application with the City for the approval to construct said light, and he is continuing with this process. This application should be coming fairly soon but we still have the problem in getting those materials which are manufactured in China.

The other problem with our proffer is that we have entered into contracts to sell blocks of lots to various builders, and in talking with them, their fear is that with the current language with that proffer, they may find themselves in a situation that they cannot get certificates of occupancy for the single family homes that they have constructed. If we cannot close on these lots that are under contract, it would place our company in a dire financial situation. While it comes with the territory, we believe that we could anticipate certain delays, this delay because of the Covid19 pandemic was totally unforeseen.

As you can see from the attachment, we are adding a bonding element to this traffic light which would ensure its completion. In addition, we are asking we be allotted up to sixty (60) certificates of occupancy prior to the completion of construction on the light.

It is our hope that your staff will be able to recommend approval of this proffer modification and that you will advance this matter to City Counsel as quickly as possible, so that we can keep this project moving forward.

Thanking you for your consideration, we remain

Sincerely,

William J. Davenport, III

WJD, III

RECEIVED

JUL 09 REC'D

PLANNING

*Highway Electric, Inc.
P.O. Box 6902
Chesapeake, Virginia 23323
Phone: 757-482-0972
State Registration 2705 039420A*

April 29, 2020

RE: Delay of Materials For The Signalization of Bennett's Pasture and Sleepy Hole Road

To Whom It May Concern,

This letter is to confirm that Highway Electric, Inc. is working with Nansemond Reserve Investors L.P. on the Signalization on Bennett's Pasture Road and Sleepy Hole Road. We were recently informed by our steel supplier that as a result of the COVID 19 Pandemic our materials would be delayed in arriving by about 20 weeks. The new date we have been given for the arrival of our steel is in the January / February time frame. At that point all other work on the signalization (power, backup gas supply, controls, concrete work) will be complete and the installation should go very quickly from there. We are under contract, materials on order and plans submitted and approved.

Highway Electric, Inc. specializes in installing traffic signalizations in Hampton Roads and is recognized as one of the premier installers in the state. We have inquired with other suppliers and are checking with them weekly to see if anything becomes available sooner and will continue to do that.

We look forward to completing the signal at Bennett's Pasture and Sleepy Hole Road project for Nansemond Reserve Investors L.P. as quickly as possible.

Sincerely,



*Tulsa Sturges
President and Owner
Highway Electric, Inc.*

ORDINANCE NUMBER 18-O-033**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO CHANGE THE ZONING FROM RR, RURAL RESIDENTIAL ZONING DISTRICT, TO RLM, RESIDENTIAL LOW MEDIUM DENSITY ZONING DISTRICT, FOR PROPERTY LOCATED AT 4316 SLEEPY HOLE ROAD, ZONING MAP 19, PARCEL 4A; RZC2017-005 (CONDITIONAL)**

WHEREAS, William Davenport, agent for Davenport Land II, LLC, applicant, on behalf of Bank of America N.A., property owner, has requested a change in zoning from RR, Rural Residential zoning district, to RLM, Residential Low Medium Density zoning district, for property located at 4316 Sleepy Hole Road, Zoning Map 19, Parcel 4A, which land is depicted on Exhibit "C"; and

WHEREAS, the proposed rezoning and amendment to the official zoning map have been advertised and reviewed by the Planning Commission in compliance with the requirements of state law; and

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A"; and

WHEREAS, a public hearing before City Council was duly advertised as required by law and held on the 18th day of April, 2018, at which public hearing the public was presented with the opportunity to comment on the proposed rezoning.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

Section 1. Exhibit "A", "Planning Commission Recommendation" and Exhibit "B", "Rezoning Proffers", Exhibit "C", "Property Map", and Exhibit "D" "Rezoning Exhibit", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

A. Council finds that the proposed rezoning is reasonable, and warranted due to a mistake or change in circumstances affecting the property; and has considered the following factors and finds that the proposed rezoning does not conflict with:

1. the existing use and character of property within the City;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;

5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
8. the conservation of natural resources;
9. the preservation of flood plains;
10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values;
12. the encouragement of the most appropriate use of land throughout the City; and,
13. the expressed purpose of the City's Unified Development Ordinance (UDO) as set out in Section 31-102 of the UDO, as amended, and Section 15.2-2283 of the Code of Virginia, (1950), as amended.

B. The Suffolk City Council makes the following specific findings to the conditions of the rezoning:

1. the proposed rezoning itself gives rise to the need for the proffered conditions;
2. the proffered conditions have a reasonable relationship to the rezoning; and
3. the proffered conditions are in conformity with the 2035 Comprehensive Plan as adopted by City Council on April 1, 2015.

Section 3. Rezoning.

1. The conditions proffered in the attached Exhibit "B" be, and they are hereby, accepted.
2. The property as shown on the attached Exhibit "C" is hereby, conditionally rezoned and the official zoning map be, and it is hereby, amended from RR, Rural Residential Zoning District, to RLM, Residential Low Medium Density Zoning District.

Section 4. Recordation.

A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of the Circuit Court of the City of Suffolk, Virginia.

This ordinance shall be effective upon passage and shall not be published or codified.

READ AND PASSED: APRIL 18, 2018

TESTE: *Erika S. Dawley*
Erika S. Dawley, MMC, City Clerk

A TRUE COPY

Jacey Sanford
Deputy City Clerk

RESOLUTION NO. 18-03-3

CITY OF SUFFOLK PLANNING COMMISSION

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO REZONING REQUEST
RZC2017-005 (CONDITIONAL)
TO CHANGE THE ZONING FROM RR, RURAL RESIDENTIAL ZONING DISTRICT,
TO RLM, RESIDENTIAL LOW MEDIUM DENSITY ZONING DISTRICT, FOR
PROPERTY LOCATED AT 4316 SLEEPY HOLE ROAD, AND FURTHER
IDENTIFIED AS ZONING MAP 19, PARCEL 4A**

WHEREAS, William Davenport, agent for Davenport Land II, LLC, applicant, on behalf of Bank of America N.A., property owner, has requested a change in zoning from RR, Rural Residential Zoning District, to RLM, Residential Low Medium Density Zoning District (Conditional); and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

- A. The Suffolk Planning Commission finds that the proposed rezoning is reasonable, and warranted due to a change in circumstances affecting the property, and has considered the following factors and finds that the proposed rezoning does not conflict with:
2. the existing use and character of property within the City;
 3. the Comprehensive Plan;
 4. the suitability of the property for various uses;
 5. the trends of growth or change;
 6. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
 7. the transportation requirements of the community;
 8. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
 9. the conservation of natural resources;
 10. the preservation of flood plains;

11. the preservation of agricultural and forestal land;
12. the conservation of properties and their values;
13. the encouragement of the most appropriate use of land throughout the City;
14. the expressed purpose of the City's Unified Development Ordinances as set out in Section 31-102 of the Code of the City of Suffolk (1998), as amended, and Section 15.2-2283 of the Code of Virginia, (1950), as amended ("Va. Code").

B. The Suffolk Planning Commission makes the following specific findings to the conditions of the rezoning:

1. the proposed rezoning itself gives rise to the need for the proffered conditions;
2. the proffered conditions have a reasonable relationship to the rezoning; and
3. the proffered conditions are in conformity with the 2035 Comprehensive Plan as adopted by City Council on April 1, 2015.

Section 2. Recommendation to Council

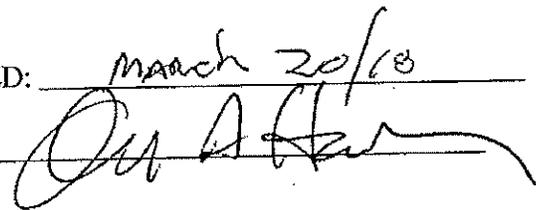
The Planning Commission recommends to City Council that the request, RZC2017-005 (Conditional), be:

- a. Granted as submitted, and the City Council adopt the proposed Ordinance without modification.
- b. Denied, and that Council not adopt the proposed Ordinance.
- c. Granted with the modifications set forth on the attached listing of specific recommendations, and that Council adopt the proposed Ordinance with such modifications.

READ AND PASSED:

March 20/18

TESTE:



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JAN 31 2018
PLANNING

EXHIBIT B

I hereby voluntarily proffer that the development of the property owned by me proposed for reclassification under this application shall be in strict accordance with the conditions set forth below.

The following conditions (add additional sheets if necessary) are voluntarily proffered for the reclassification of property identified as Tax Map 19, Block _____, Parcel Number 4A:

See attached Proffers

Signed:

[Signature]
(Applicant)

M Ben Davenport
(Printed Name)

1-30-18
(Date)

Hook Ln Center Co, Trustee of
7/2/1986, as amended
by U H Hook President
(Property Owner)

ll Mary J. Zov Dev Trust dated

Andrew N Hook
(Printed Name)

1/31/2018
(Date)

Bank of America, N.A. Trustee
for the 2-in-1 Regular Joint
By: [Signature]
(Property Owner)
James D. [Signature]

R. JOHN BARTLEY
(Printed Name)

1/31/2018
(Date)

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PROFFERS FOR REZONING REQUEST
TAX ASSESSORS MAP AND PARCEL
NO. 19*4A by DAVENPORT LAND, II, LLC

1. The subdivided property shall be used for residential purposes only and will be governed by Covenants and Restrictions and a mandatory Home Owners Association. The Home Owners Association shall enforce the rules and regulations and all facets of construction including, but not limited to, assessment and enforcement of residential design standards that are attached to this Proffer. The Home Owners Association shall manage, control and maintain all of the common areas as shown on the subdivision plat.
2. Homes shall be constructed in a manner consistent with the Residential Architectural Design Standards of the Unified Development Ordinance.
3. Applicant shall install the improvements recommended within the submitted and approved Traffic Impact Study for Nansemond Reserve prepared by EPR, P.C. Improvements will include the traffic control system at the intersection of Sleepy Hole Road and Bennetts Pasture Road consisting of lights, beams and other associated structures to be installed prior to the issuance of any Certificate of Occupancy for any improvement on Parcel 19*A4.
4. Nansemond Reserve shall consist of a maximum of 104 Single Family Residential Lots.
5. High School: The developer will make a cash contribution to the City of Suffolk to advance the capacity for additional students at Nansemond River High School. This contribution shall be based on the 12 students generated by the additional number of

units at the high school level multiplied by \$28,679.65 for each student. This contribution will be allocated on a Per Lot Basis (\$3,309.19 / Lot) and shall be made upon issuance of the Occupancy Permit for each dwelling unit.

Nansemond Reserve Residential Design Standards

1. 2,000 SQUARE FOOT TOTAL FLOOR AREA MINIMUM (FINISHED AND HEATED SPACE) FOR TWO STORY HOMES.
2. 1,800 SQUARE FOOT TOTAL FLOOR AREA MINIMUM (FINISHED AND HEATED SPACE) FOR SINGLE STORY HOMES.
3. ROOF MATERIALS SHALL BE OF A MINIMUM 30-YEAR ARCHITECTURAL SHINGLE OR EQUIVALENT.
4. HOMES MUST BE BUILT ON AT LEAST 16" RAISED SLAB ABOVE GRADE OR CRAWL SPACE.
5. EXTERIOR FINISHES SHALL BE OF BRICK, STONE, WOOD, CLAPBOARD, CEDAR SHAKE, HARDBOARD, FIBRE CEMENT OR SIMILAR MATERIAL. HIGH GRADE NYLON MAY BE USED AS ACCENT OR TRIM MATERIAL.
6. SKIRTING SHALL BE BRICK, STONE OR STONE-FACED FAÇADE.
7. NO CANTILEVERED CHIMNEYS.
8. CORNER LOTS SHALL HAVE SIDE LOADING GARAGES.
9. OUTSIDE STORAGE MUST BE SCREENED FROM VIEW FROM STREET AND ADJACENT PROPERTY.
10. CEMENT OR BRICK WALKWAYS AND DRIVEWAYS.
11. NO TWO SIMILARLY APPEARING HOMES (COLOR SCHEME AND OUTWARD APPEARANCE) SHALL BE LOCATED ON THE SAME STREET AND WITHIN 3 BUILDING LOTS OF EACH OTHER. FAÇADE REVERSAL WOULD CONSTITUTE DISSIMILAR APPEARANCE.

EXHIBIT B

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EXISTING ORDINANCE 18-O-033

EXHIBIT C

PROPERTY MAP

RZC2017-005



ORDINANCE NUMBER _____

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK IN ORDER TO AMEND THE PREVIOUSLY APPROVED PROFFERED CONDITIONS OF THE NANSEMOND RESERVE RESIDENTIAL DEVELOPMENT FOR PROPERTY LOCATED AT 4316 SLEEPY HOLE ROAD, ZONING MAP 19, PARCEL 4A; RZN2020-005 (CONDITIONAL)

WHEREAS, William J. Davenport, III on behalf of Nansemond Reserve Investors, LP, applicant and property owner, has requested the amendment of the proffered conditions specified in Ordinance Number 18-O-033 and pertaining to rezoning request RZC2017-005 (Conditional) of a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 19, Parcel 4A, which land is depicted on Exhibit "A"; and,

WHEREAS, the proposed amendments to the proffered conditions is made pursuant to Section 15.2-2302 of the Code of Virginia and Section 31-305(b)(3) of the Unified Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

Section 1. Exhibits.

Exhibit "A", "Property Map" and Exhibit "B" "Voluntary Proffer Statement", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

A. Council finds that the proposed rezoning amendment is reasonable and warranted due to a change in circumstances affecting the property, and has considered the following factors and finds that the proposed rezoning amendment does not conflict with:

1. the existing use and character of property within the City;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;
5. the current or future requirements of the community as to land for various purposes as determined by the population and economic studies

and other studies;

6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
8. the conservation of natural resources;
9. the preservation of flood plains;
10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values;
12. the encouragement of the most appropriate use of land throughout the City; and,
13. the expressed purpose of the City's Unified Development Ordinance as set out in Section 31-102 of the Unified Development Ordinance, 1998, as amended, and Section 15.2-2283 of the Code of Virginia, (1950), as amended.

B. The Suffolk City Council makes the following specific findings to the conditions of the rezoning:

1. the proposed rezoning amendment itself gives rise to the need for the proffered conditions;
2. the proffered conditions have a reasonable relationship to the rezoning amendment; and
3. the proffered conditions are in conformity with the 2035 Comprehensive Plan as adopted by City Council on April 1, 2015.

Section 3. Rezoning.

A. The conditions proffered in the attached Exhibit "B", as amended be, and they are hereby, accepted.

Section 4. Recordation.

A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of Circuit Court of the City of Suffolk, Virginia.

This ordinance shall be effective upon passage and shall not be published or codified.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:

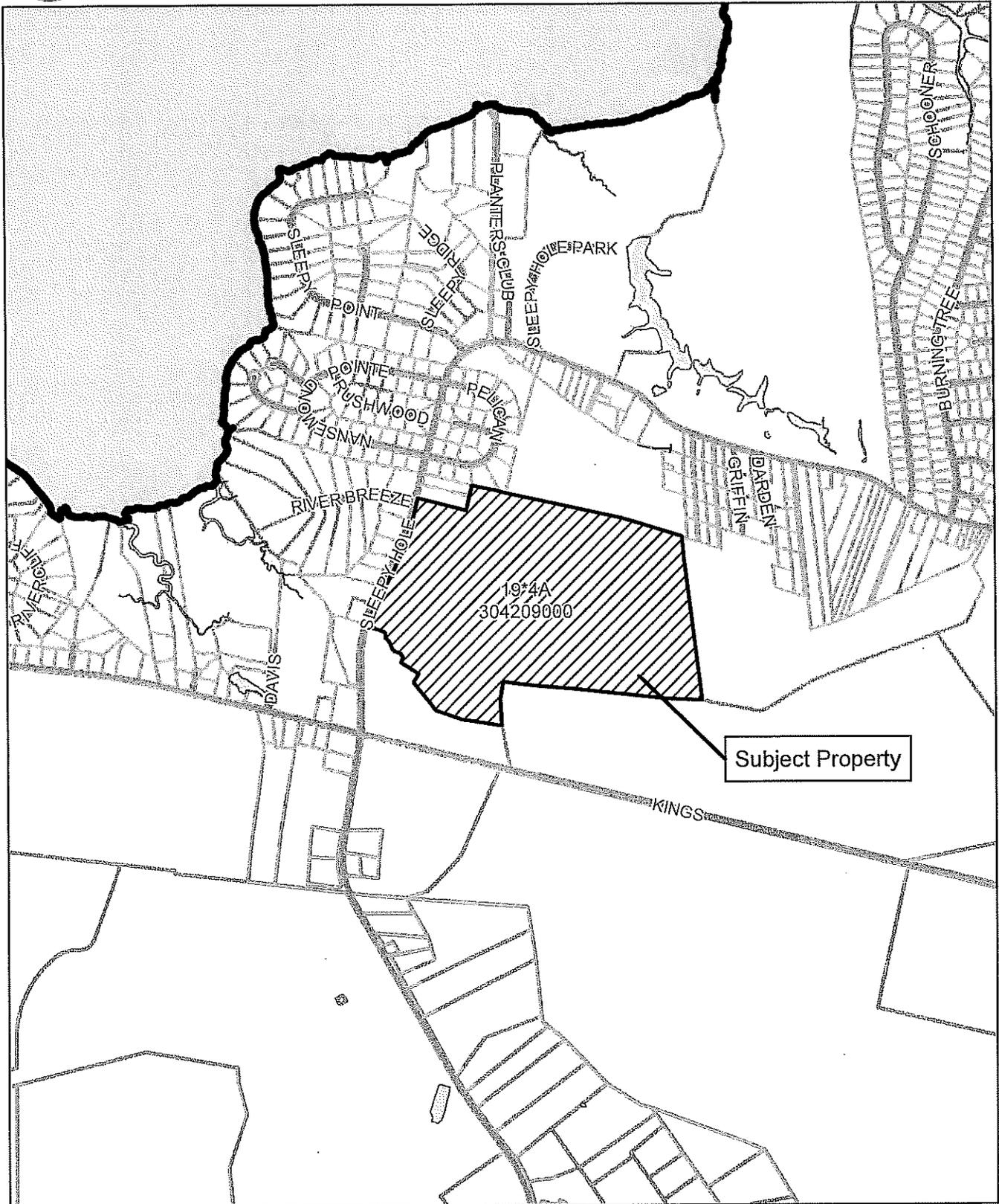

Helivi L. Holland, City Attorney


Deputy City Attorney



PROPERTY MAP RZN2020-005

EXHIBIT A



VOLUNTARY PROFFER STATEMENT

I hereby voluntarily proffer that the development of the property owned by me proposed for reclassification under this application shall be in strict accordance with the conditions set forth below.

The following conditions (add additional sheets if necessary) are voluntarily proffered for the reclassification of property identified as Tax Map Number(s) 19#414,
Block Number _____, Parcel Number(s) _____.

*See attached proposed
Amendment to Proffer
Number 3*

X Applicant Signature: [Signature] Date: 7/9/2020
X Property Owner Signature: Nansemond Reserve Investors, LP Date: 7/9/2020
Property Owner Signature: [Signature] Date: _____
Manager of
Keepside Sweetens LLC - General Partner

EXHIBIT B

Nansemond Reserve

Proffer #3 (Amended)

Applicant shall install the improvements recommended within the submitted and approved Traffic Impact Study for Nansemond Reserve prepared by EPR, P.C. Improvements will include the traffic control system at the intersection of Sleepy Hole Road and Bennetts Pasture Road consisting of lights, beams, and other associated structures to be installed prior to the issuance of any Certificate of Occupancy for any improvement on Parcel 19*A4.

In the event of documented delays in the delivery of any of the materials for the Sleepy Hole Road and Bennetts Pasture Road traffic control system, the developer shall proceed with the installation of all remaining available equipment which is not dependent on the materials experiencing the delay in delivery. In addition, Certificates of Occupancy for up to 39 single family structures may be issued prior to completion of the traffic control system. A bond shall be issued to the City in the amount of 100% of the traffic control system construction costs. The Bond may be by cash bond, bond with security or letter of credit, and shall be reduced based upon an agreed upon value with credit given for installation of all available equipment which is not dependent on any materials experiencing delay in delivery. The traffic control system must be completed and operational within 12 months of the date of the approval of this proffer modification, or the bond hereinabove required (or the portion thereof remaining) upon demand will be used by the City to finish the traffic control system installation required under this amended proffer. No additional Certificates of Occupancy beyond the initial 39 single family structures will be issued until the traffic control system at the intersection of Sleepy Hole Road and Bennetts Pasture Road is complete and operational.

Resolutions

Staff Reports

**A motion to schedule a City Council
Work Session for Wednesday,
September 16, 2020, at 4:00 p.m.,
unless cancelled**

Non-Agenda Speakers

New Business

Announcements and Comments