

Director of Media

SUFFOLK CITY COUNCIL
MEETING OF OCTOBER 7, 2020



WORK SESSION

Begins at 5:00 P.M.

REGULAR SESSION

Begins at 6:00 P.M.

**SUFFOLK CITY COUNCIL
WORK SESSION
October 7, 2020
5:00 p.m.
City Council Chamber**

1.* Appointments

* Proposed Items for Closed Session

SUFFOLK CITY COUNCIL AGENDA

October 7, 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 appropriate a portion of the 2020 bond sale proceeds to the Fiscal Year 2020-2021 Information Technology Fund Budget for the purchase of mobile public safety radios and technology enhancements
8. **Consent Agenda** – An ordinance to accept and appropriate funds from the Virginia 9-1-1 Services Board's Public Safety Answering Point Grant Program for the Suffolk Police Department
9. **Consent Agenda** – An ordinance to accept and appropriate funds from the Virginia Department of Criminal Justice Services for the Suffolk Police Department
10. **Consent Agenda** – An ordinance to accept and appropriate funds from the Virginia Department of Emergency Management for the Suffolk Department of Fire and Rescue
11. **Consent Agenda** – A resolution authorizing the City Manager to execute a change order to an agreement with Motorola Solutions, Inc. for the replacement of public safety radios
12. **Public Hearings**
13. **Ordinance** – An ordinance authorizing payment of Emergency Communications Operator Recruitment Bonuses
14. **Ordinance** – An ordinance to rezone and amend the official zoning map of the City of Suffolk to amend the previously approved proffered conditions for property located at 6460 and 6472 Hampton Roads Parkway, Zoning Map 6, Parcels 27C*I *A and 27C*I *B, Account Numbers 306002412 and 306002410; RZN2020-004 (Conditional) *(This item was continued from the August 5, 2020, City Council meeting.)*

15. **Ordinance** – An ordinance consenting to the issuance and sale of bond by the Economic Development Authority of the City of Suffolk to refinance the Health and Human Services Building
16. **Resolutions**
17. **Staff Reports**
18. **Motion** – A motion to schedule a City Council Work Session, for Wednesday, October 21, 2020, at 4:00 p.m., unless cancelled
19. **Non-Agenda Speakers**
20. **New Business**
21. **Announcements and Comments**
22. **Adjournment**

Work Session of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, July 1, 2020, 4:00 p.m.

PRESENT

Council Members -

Linda T. Johnson, Mayor, presiding

Leroy Bennett, Vice Mayor

Michael D. Duman

Donald Z. Goldberg

Roger W. Fawcett

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

Mayor Johnson advised that there were no items on the agenda for today's Work Session, therefore, a motion was in order for a Closed Meeting at this time.

CLOSED MEETING

City Clerk Dawley presented the Closed Meeting motion for City Council's consideration:

1. Pursuant to Virginia Code Sections 2.2-3711(A)(8) and (A)(1), the consultation with legal counsel employed by a public body regarding specific legal matters requiring the legal advice of such counsel, and the discussion, consideration, or interviews of prospective candidates for appointment and the assignment, appointment, and performance of specific public officers or appointees of the City, specifically the appointments as shown on the attached list for vacancies or term expirations for Early Childhood Development Commission, Fine Arts Commission, Human Services Advisory Board, Local Board of Building Code Appeals, Paul D. Camp Community College Board, Southeastern Virginia Alcohol Action Safety Program, Tidewater Youth Services Commission and Wetlands Board; and
2. Pursuant to Virginia Code Section 2.2-3711(A)(8) and (29), consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; and the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, specifically regarding legal requirements and contract for services related to 2021 reapportionment of local election districts; and

3. Pursuant to Virginia Code Section 2.2-3711(A)(7), consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically regarding *C. Robert Johnson, et al. v. City of Suffolk et al.*

Vice Mayor Bennett, on a motion seconded by Council Member Fawcett, moved that City Council convene in a closed meeting for the above referenced purposes, by the following roll call vote:

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

City Council convened in Closed Meeting at 4:02 p.m. The Closed Meeting concluded at 5:24 p.m.

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

Approved: _____
Linda T. Johnson, Mayor

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, July 1, 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. Council Member Milteer offered the Invocation and led the Pledge of Allegiance.

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

FREEDOM OF INFORMATION ACT CERTIFICATION

City Clerk Dawley presented a resolution certifying the Closed Meeting of July 1, 2020, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

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 OF CERTIFICATION OF THE CLOSED MEETING OF JULY 1, 2020, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED

APPROVAL OF THE MINUTES

Vice Mayor Bennett, on a motion seconded by Council Member Fawcett, moved to approve the minutes from the March 31, 2020, Special 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.

Council Member Goldberg, on a motion seconded by Council Member Fawcett, 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 Virginia Department of Criminal Justice Services for the Suffolk Victim/Witness Assistance Program

Consent Agenda Item #8 - An ordinance to accept and appropriate funds from the Virginia Department of Criminal Justice Services for the Fifth Judicial District Community Corrections Program

Consent Agenda Item #9 - A resolution to direct the City Manager to extend the schedule for the suspension of utility delinquent account service disconnections

Referring to Consent Agenda Items #7 through #9, City Manager Roberts submitted a review of the background information as printed in the official agenda.

Council Member Fawcett, on a motion seconded by Vice Mayor Bennett, 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

There were no items under this portion of the agenda.

ORDINANCES

There were no items under this portion of the agenda.

RESOLUTIONS

Resolution – A resolution to endorse Suffolk Transit project applications under the Smart Scale Funding Program

Utilizing a PowerPoint presentation, Public Works Director Louis Hansen supplied a summation of the background information as printed in the official agenda.

Council Member Goldberg queried about the feasibility of using any of the funding for bus shelters. Public Works Director Hansen said that this funding is not eligible for that purpose. He added that there is other state and federal funding is available for those improvements.

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 TO ENDORSE SUFFOLK TRANSIT PROJECT APPLICATIONS UNDER THE SMART SCALE FUNDING PROGRAM

Resolution – A resolution to endorse project applications under the Smart Scale Funding Program

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

Council Member Duman sought information about the timeline for the funding. Public Works Director Hansen explained that at this point, the timeline is still being determined.

Council Member Duman inquired about the formula for the funding. Public Works Director Hansen advised that, as the application is being prepared, the formula is in flux. He added that one of the factors in determining the formula is each project’s amount of congestion mitigation.

Council Member Fawcett, on a motion seconded by Council Member Ward, 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 TO ENDORSE PROJECT APPLICATIONS UNDER THE SMART SCALE FUNDING PROGRAM

STAFF REPORTS

Staff Report – Central Library Project Design Update

Capital Programs and Buildings Director Gerry Jones introduced Chuck Wray, Principal in Charge, Quinn Evans, the City’s architectural firm for the Central Library. Utilizing a PowerPoint presentation, Mr. Wray provided a report of the background information as printed in the official agenda.

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.

Council Member Goldberg asked about any reports of COVID-19 cases with a mutated virus. Dr. Wagner advised that no such cases have been reported in this area.

Council Member Goldberg opined about future viruses from China. Dr. Wagner indicated that there are no specific threats at this point, however, staff is watching information as it relates to future issues.

Vice Mayor Bennett queried about contact tracing of COVID-19. Dr. Wagner explained that as a result of the community testing events, staff will start using contact tracing for COVID-19.

Vice Mayor Bennett reported that the Balm Church has requested a community testing event.

Referring to the presentation, Vice Mayor Bennett called for a copy of the data regarding case trends. Dr. Wagner replied in the affirmative.

Referring to the presentation, Mayor Johnson sought information about the State’s phase three plan for reopening, specifically as it relates to the operation of bars. Dr. Wagner stated that under the State’s phase three plan for reopening, bars are permitted to operate under the State’s safety requirements.

Utilizing a PowerPoint presentation, Finance Director Tealen Hansen submitted on the status of the City’s CARES Act Funding.

Council Member Fawcett inquired about the timeline to spend the funds. Finance Director Hansen said that all funds must be spent by December 30, 2020.

Council Member Duman opined about the use of funds for small business relief. Finance Director Hansen advised that the Economic Development Authority has earmarked \$200,000 for small business that have been adversely impacted as a result of COVID-19 and the Economic Development Authority is in the process of creating qualifying criteria.

Utilizing a PowerPoint presentation, City Manager Roberts offered supplementary information regarding the phases of City reopening activities.

MOTIONS

Motion – A motion to schedule all Land Use matters on the July 7, 2020, Planning Commission Meeting to the August 5, 2020, City Council Meeting agenda

Council Member Fawcett, on a motion seconded by Council Member Duman, moved to schedule all Land Use matters on the July 7, 2020, Planning Commission Meeting to the August 5, 2020, City Council Meeting agenda, 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, July 15, 2020, at 4:00 p.m., unless cancelled

Vice Mayor Bennett, on a motion seconded by Council Member Fawcett, moved to schedule a City Council Work Session for Wednesday, July 15, 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

Dexter Mitchell, 3605 Preakness Circle, representing self, spoke in opposition to road improvements on Pitchkettle Road.

Kelly Hengler, 9345 Eclipse Drive, representing the Crittenden-Eclipse-Hobson Heritage Civic League, opined about COVID-19 and road projects.

NEW BUSINESS

Mayor Johnson reported increased traffic congestion on Wilroy Road, Nansemond Parkway and Shoulders Hill Road as it relates to increase trains. City Manager Roberts stated that he addressed this matter with Interim Police Chief Alfred Chandler. He added that the Suffolk Police Department will be contacting the railroad companies about their activities as it relates to the increased traffic congestion and increase enforcement as much as possible.

ANNOUNCEMENTS AND COMMENTS

Utilizing a PowerPoint presentation, Media and Community Relations Director Timothy Kelley provided a report on the following: the appointment of new Human Resources Director Robin Wynn; the road closure for the removal of overhead utility lines on the eastbound right lane of Holland Road between Manning Road and the Suffolk Bypass; the road closure of Wilroy Road in both directions; the launch of the Suffolk Farmers' Market Walk-Through Market; the opening of Suffolk Parks and Recreation Department's Limited Summer Camps; the opening and seasonal schedule for Cypress Park Pool; the Virtual Stars and Stripes Spectacular; the Independence Day Scavenger Hunt and the City's observance of the Independence Day holiday.

Mayor Johnson acknowledged the new Human Resources Director Robin Wynn in the audience.

Council Member Johnson acknowledged City Administration for their efforts to improve Route 58.

Council Member Ward thanked City Attorney Holland for attending a recent meeting.

Council Member Ward opined about traffic conditions near Bernhowe Manor.

Council Member Duman acknowledged City Manager Roberts for the Crittenden Road Passing Zone review.

Council Member Duman congratulated new Human Resources Director Robin Wynn on her appointment.

Council Member Milteer announced he attend the retirement celebration for former Deputy City Manager D. Scott Mills.

Council Member Milteer congratulated new Human Resources Director Robin Wynn on her appointment.

Council Member Milteer opined about the ongoing 2020 Census.

Council Member Fawcett congratulated new Human Resources Director Robin Wynn on her appointment.

Council Member Fawcett announced he attend the retirement celebration for former Deputy City Manager D. Scott Mills.

Council Member Fawcett thanked his staff for their assistance during the COVID-19 pandemic.

Council Member Goldberg opined about the increased traffic congestion as it relates to trains.

Vice Mayor Bennett opined about the increased traffic congestion as it relates to trains.

Vice Mayor Bennett congratulated new Human Resources Director Robin Wynn on her appointment.

Vice Mayor Bennett congratulated Mayor Johnson on her reappointment as the Chair to Hampton Roads Transportation Accountability Commission.

Vice Mayor Bennett thanked Dr. Wagner for his presentation regarding the COVID-19 pandemic.

Mayor Johnson congratulated new Human Resources Director Robin Wynn on her appointment.

Mayor Johnson congratulated former Deputy City Manager D. Scott Mills.

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 8:17 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: October 7, 2020, Regular Session

ITEM: Consent Agenda – An ordinance to appropriate a portion of the 2020 bond sale proceeds to the Fiscal Year 2020-2021 Information Technology Fund Budget for the purchase of mobile public safety radios and technology enhancements

Attached for City Council's consideration is an ordinance to appropriate a portion of the 2020 bond sale proceeds in the amount of \$3,057,142.65 to the Fiscal Year 2020-2021 Information Technology Fund Budget for the purchase of mobile public safety radios, fiber installation, and technology equipment and software enhancements. Debt service for this short-term bond funding was approved in the Fiscal Year 2020-2021 Information Technology Fund budget.

BUDGET IMPACT:

Adoption of the attached ordinance will increase the appropriated revenues and expenditures of the Information Technology Fund by \$3,057,142.65 for the purchase of mobile public safety radios, fiber installation, and technology equipment and software enhancements.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NUMBER _____

AN ORDINANCE TO APPROPRIATE A PORTION OF THE 2020 BOND SALE PROCEEDS TO THE FISCAL YEAR 2020-2021 INFORMATION TECHNOLOGY FUND BUDGET FOR THE PURCHASE OF MOBILE PUBLIC SAFETY RADIOS AND TECHNOLOGY ENHANCEMENTS

WHEREAS, the City has received proceeds from the sale of General Obligation Bonds, Series 2020A, in the amount of \$29,614,908; and,

WHEREAS, a portion of the proceeds needs to be appropriated to the Information Technology Fund in the amount of \$3,057,142.65 for the purchase of mobile public safety radios, fiber installation, and technology equipment and software enhancements in Fiscal Year 2020-2021; and,

WHEREAS, the debt service for the bond funding is included in the adopted Fiscal Year 2020-2021 Information Technology Fund Budget.

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

1. The sum of \$3,057,142.65 shall be reflected as budget in the following accounts in the Fiscal Year 2020-2021 Information Technology Fund budget.

<u>Revenue</u>		
603-441040.100	Proceeds from Indebtedness Bonds	<u>\$3,057,142.65</u>
 <u>Expense</u>		
603-12510-58200.100	Capital Outlay-Additions Bond Funds	\$2,997,826.00
603-95100-59140	Bond Issuance Costs	<u>59,316.65</u>
		<u>\$3,057,142.65</u>

2. The fund amount totaling \$3,057,142.65 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 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

AGENDA: October 7, 2020, Regular Session

ITEM: Consent Agenda - An ordinance to accept and appropriate funds from the Virginia 9-1-1 Services Board's Public Safety Answering Point Grant Program for the Suffolk Police Department

The City has received \$3,000 in funding from the Virginia 9-1-1 Services Board's FY21 Public Safety Answering Point (PSAP) Grant Program in support of the Suffolk Police Department's 9-1-1 public safety communication, education, and training for emergency communication operators in the Emergency Communication Center.

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 Fiscal Year 2020-2021.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund budget by \$3,000 for the above-noted purpose and does not require local fund support.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Award Letter

ORDINANCE NUMBER _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE VIRGINIA 9-1-1 SERVICES BOARD'S PUBLIC SAFETY ANSWERING POINT GRANT PROGRAM FOR THE SUFFOLK POLICE DEPARTMENT

WHEREAS, the City has received funds in the amount of \$3,000 from the Virginia 9-1-1 Services Board's Public Safety Answering Point Grant Program in support of the Suffolk Police Department; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2020-2021 to assist in the education and training of emergency communications operators of the Suffolk Police Department.

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

1. The sum of \$3,000 shall be reflected as budgeted in the following accounts in the Fiscal Year 2020-2021 Consolidated Grants Fund budget:

Revenue

211-31400-202138_424011 VAE911 PSAP21;6/21 \$3,000

Expenditure

211-31400-202138_55500 VAE911 PSAP21;6/21
Travel and Training \$3,000

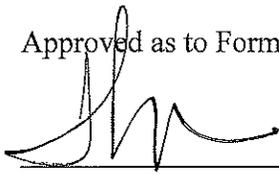
2. The fund amount totaling \$3,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 20-O-028, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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:



Helivi Holland, City Attorney



COMMONWEALTH of VIRGINIA

Virginia 9-1-1 Services Board

Jeffrey D. Stern
Chairman
VDEM

Hon Kevin W. Hall
Sheriff
Vice Chairman
City of Covington

David A. Von Moll
Treasurer
Comptroller

Mary M. Blowe
Chief Financial Officer
City of Winchester

Gary Critzer
Emergency Mgmt/ EMS Dir
City of Waynesboro

Bruce Edwards
City of Franklin

Terry Ellis
Comcast

R. Scott Garber
Fire Chief
City of Staunton

Danny Garrison
Richmond Ambulance
Authority

Pete Hatcher
AT&T

Jeffrey T. Merriman
Verizon Communications

Lee W. Miller III
Major
Virginia State Police

Nelson P. Moe
CIO - VITA

Seth Weise
Sprint

Kelvin Wright
Chief of Police
City of Chesapeake

Jolena Young
Twin County

Shawn Talmadge
Office of the Governor
Advisor

Dorothy Spears-Dean
PSC Coordinator
(804) 416-6201

Terry D. Mayo
Board Administrative
Assistant
(804) 416-6197

November 14, 2019

Dear Suffolk PSAP:

I am pleased to advise you that the Virginia 9-1-1 Services Board has approved your FY21 PSAP Education Program (Individual PEP) grant request. You have been awarded \$3,000 for 9-1-1 and GIS education and training opportunities, Grant ID PEP-099. Funding for this grant award will be available beginning July 1, 2020.

The Grant Payment Reimbursement Process is described in the PSAP Grant Guidelines. Payment will be made on a reimbursement basis only for allowable costs. All funding requests must be submitted on the PEP Grant Payment Request Form. In order for the form to be processed, invoice(s) that support the amount requested should be attached to the form when it is submitted. All invoices must be submitted within 30 calendar days of the end of the education/training event and dated after July 1, 2020. Finally, grant payment requests will be held until all required reports are received. This includes annual true-ups, or any other documents required by the Board.

If you have any questions, please do not hesitate to contact your Regional Coordinator or me via email.

Congratulations on your grant award!

Sincerely,

Lisa Nicholson
Public Safety Program Specialist

AGENDA: October 7, 2020, Regular Session

ITEM: Consent Agenda – An ordinance to accept and appropriate funds from the Virginia Department of Criminal Justice Services for the Suffolk Police Department

The City has received \$47,422 in funding from the Virginia Department of Criminal Justice Services in support of response to the coronavirus pandemic. The funding will be used for supplies to respond to and prevent the spread of COVID-19 for the Suffolk Police Department.

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 Fiscal Year 2020-2021.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund by \$47,422 for the above-noted purpose and does not require local fund support.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Award Letter

ORDINANCE NUMBER _____

**AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM
THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES
FOR THE SUFFOLK POLICE DEPARTMENT**

WHEREAS, the City has received funds in the amount of \$47,422 from the Virginia Department of Criminal Justice Services in support of response to the coronavirus pandemic; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund Budget for Fiscal Year 2020-2021 to assist with the purchase of supplies to respond to and prevent the spread of COVID-19 for the Suffolk Police Department.

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

1. The sum of \$47,422 shall be reflected as budgeted in the following accounts in the Fiscal Year 2020-2021 Consolidated Grants Fund budget:

<u>Revenue</u>			
211-31100-202166_433010	DCJS/COVID 20-A5115CE20;9/21		<u>\$47,422</u>
<u>Expense</u>	DCJS/COVID 20-A5115CE20;9/21		
211-31100-202166_56014	Other Operating Supplies		<u>\$47,422</u>

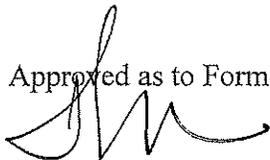
2. The fund amount totaling \$47,422 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 20-O-028, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Shannon Dion
Director

Megan Peterson
Chief Deputy Director

Washington Building
1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
www.dcs.virginia.gov

September 8, 2020

Mr. Patrick Roberts
City Manager
City of Suffolk
P. O. Box 1858
Suffolk, VA 23439-1858

RE: CESF Law Enforcement Agencies

Dear Mr. Roberts:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is 20-A5115CE20 and was approved for a total award of \$47,422, funded through Federal Grant 2020-VD-BX-0141. The project period is 01/20/2020 through 09/30/2021.

Included with this letter is a Statement of Grant Award/Acceptance (SOGA). Please note your General Special Conditions, Reporting Requirements and Projected Due Dates have been combined and are now referred to as **Conditions and Requirements**. All are posted online at <https://www.dcs.virginia.gov/grants/grant-requirements> for your review. In addition to the General Special Conditions, there may be Specific Special Conditions related to your Grant Award. You are required to view these conditions online via the Grants Management Information System (GMIS) at <https://grants.dcs.virginia.gov/> under menu item View Status -> Special Conditions. You must obtain a user name and password set up by your Finance Officer in order to use this system.

To indicate your acceptance of this award and conditions, please sign the included SOGA and complete both the Sub-Grantee Questionnaire and the Certifications Regarding Lobbying forms posted at <https://dcs.virginia.gov/grants/forms>. **Return all three documents within the next 60 days to grantsmgmt@dcs.virginia.gov and reference your DCJS grant number in the subject line of your email.**

We will be happy to assist you in any way we can to assure your project's success. If you have questions, contact Lacey Payne at (804) 786-8003 or via email at CESF@dcs.virginia.gov.

Sincerely,

Handwritten signature of Shannon Dion in black ink.
Shannon Dion

AGENDA: October 7, 2020, Regular Session

ITEM: Consent Agenda - An ordinance to accept and appropriate funds from the Virginia Department of Emergency Management for the Suffolk Department of Fire and Rescue

The City has received a \$21,781 grant from the Virginia Department of Emergency Management in support of the Suffolk Department of Fire and Rescue. The funding will be used for emergency management salary match.

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 Fiscal Year 2020–2021.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund by \$21,781 for the above-noted purpose and requires \$21,781 in local fund support which is provided for in the Department of Fire and Rescue Fiscal Year 2020–2021 operating budget.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Award Agreement

ORDINANCE NUMBER _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT FOR THE SUFFOLK DEPARTMENT OF FIRE AND RESCUE

WHEREAS, the City has received funds in the amount of \$21,781 from the Virginia Department of Emergency Management in support of the Suffolk Department of Fire and Rescue; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2020-2021 to assist with salary expenses.

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

1. The sum of \$21,781 shall be reflected as budgeted in the following accounts in the Fiscal Year 2020-2021 Consolidated Grants Fund budget:

<u>Revenue</u>		
211-35500-202173_424021	VDEM EMPG97.042; 06/21	<u>\$21,781</u>
<u>Expenditure</u>	VDEM EMPG97.042; 06/21	
211-35500-202173_51100.02	Salaries & Wages	\$17,000
211-35500-202173_52100	FICA	1,300
211-35500-202173_52210	VRS	1,830
211-35500-202173_52400	Group Life	223
211-35500-202173_54500	Risk Management	<u>1,428</u>
		<u>\$21,781</u>

2. The fund amount totaling \$21,781 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.

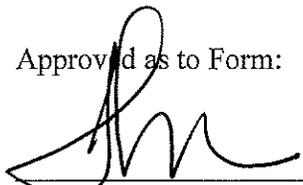
3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

 <p>Virginia Department of Emergency Management</p> <p>9711 Farrar Court, Suite 200 North Chesterfield, VA 23236</p>	<p>SUBAWARD AGREEMENT</p>	<p>Page 2 of 3</p>
<p>Subaward Name: 2020 Local Emergency Management Performance Grant (LEMPG)</p> <p>Subaward Date: September 02, 2020</p>		
<p style="text-align: center;">SPECIAL CONDITIONS</p>		
<p>1. The Subrecipient shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at <u>2 CFR Part 200</u>, and adopted by DHS at <u>2 CFR Part 3002</u> and the U.S. Department of Homeland Security Grant Program (HSGP) Notice of Funding Opportunity (<u>NOFO</u>).</p>		
<p>2. The Subrecipient agrees to permit the pass-through entity and auditors to have access to its records and financial statements as necessary for the pass-through entity to meet the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at <u>2 CFR Part 200</u>.</p>		
<p>3. The Subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA.</p>		
<p>4. The Subrecipient shall comply with the indirect costs provisions of <u>2 CFR § 200.414</u>. With the exception of subrecipients who have never received a negotiated indirect cost rate as described in 2 C.F.R. § 200.414(f), subrecipients must have an approved indirect cost rate agreement with their cognizant federal agency to charge indirect costs to this subaward.</p>		
<p>5. In the event VDEM determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, the Subrecipient will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Subrecipient acceptance of the changes to the award.</p>		
<p>6. Subrecipients proposing projects that have the potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the FEMA Environmental Planning and Historic Preservation (EHP) review process. Subrecipients must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the Subrecipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the Subrecipient will immediately cease construction in that area and notify FEMA and the State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.</p>		
<p>7. The Subrecipient agrees that federal funds under this award will be used to supplement, not supplant, state or local funds for emergency preparedness.</p>		



Virginia Department of Emergency Management

9711 Farrar Court, Suite 200
North Chesterfield, VA 23236

SUBAWARD AGREEMENT

Page 3 of 3

Subaward Name: 2020 Local Emergency Management Performance Grant (LEMPG)

Subaward Date: September 02, 2020

8. The Subrecipient agrees that all publications created with funding under this grant shall prominently contain the following statement: "This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security."

9. The Subrecipient agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."

10. The Subrecipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

11. The Subrecipient must submit a Quarterly Progress Report for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Reports are due within fifteen (15) days following the end of the quarter. A Final Progress Report is due thirty (30) days after the end date of the performance period. Failure to provide this information may result in VDEM withholding grant funds from further obligation and expenditure and prevent future awards to the Subrecipient.

12. National Incident Management System (NIMS) Implementation Compliance

In accordance with HSPD-5, the adoption of the NIMS is a requirement to receive federal preparedness assistance through grants, contracts, and other activities. No federal funds will be released to the primary grantee and any other entity participating and benefiting in this project if this requirement has not been met. In the event of a Corrective Action Plan submitted, VDEM/SAA will determine if the Subrecipient has made sufficient progress to disburse funds.

13. All conferences and workshops using federal preparedness funds must pertain to the project being funded. The Subrecipient agrees to submit a Trip Report when using federal funds to attend a conference or workshop. The Trip Report template can be found at www.vaemergency.gov under Reporting Forms. These reports must be remitted with your request for reimbursement. Failure to do so will result in a delay of payment until received.

14. The Subrecipient agrees that under program guidelines, travel expenses are allowable for approved training, planning, administrative, and exercise activities following local, state, and federal guidelines. Prior to traveling for these activities outside of contiguous United States (OCONUS) as well as to Canada and Mexico, preapproval is required by the state and FEMA through the SAA office.

Please reference 2 CFR 200.403, in regard to reasonableness when considering requests for travel of this type. Where applicable, you should also reference the following regarding travel: the Western Hemisphere Travel Initiative (http://www.dhs.gov/files/programs/gc_1200693579776.shtm).

AGENDA: October 7, 2020, Regular Session

ITEM: Consent Agenda – A resolution authorizing the City Manager to execute a change order to an agreement with Motorola Solutions, Inc. for the replacement of public safety radios

As part of the adopted FY 2020-2021 Operating and Capital Budget, City Council authorized the issuance of short-term bonds for the replacement of public safety mobile radios. The City currently has an agreement with Motorola Solutions, Inc. for mobile and portable radio communication devices. To ensure consistency and compatibility with the radio communication technology acquired in recent years, staff is recommending a change order to the City's existing contract agreement with Motorola Solutions, Inc. Since the proposed change order exceeds 25% of the original total contract amount, City Council authorization is needed to execute the change order in compliance with local policy and state procurement law.

Adoption of the attached resolution will authorize the City Manager to execute a change order to the City's existing contract with Motorola Solutions, Inc. for mobile radio communication devices.

RECOMMENDATION:

Adopt the attached resolution

ATTACHMENTS:

Resolution
Change Order Form

RESOLUTION NUMBER _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO AN AGREEMENT WITH MOTOROLA SOLUTIONS, INC. FOR THE REPLACEMENT OF PUBLIC SAFETY RADIOS

WHEREAS, the City has an existing agreement with Motorola Solutions, Inc. for portable and mobile radio communications devices; and,

WHEREAS, the City desires to purchase 370 mobile radios at a total cost of \$1,727,826 to replace existing public safety mobile radios that have outlived their service lives; and,

WHEREAS, the City of Suffolk Procurement Policy and the Code of Virginia require City Council approval of change orders which increase the amount of an existing contract by more than 25%.

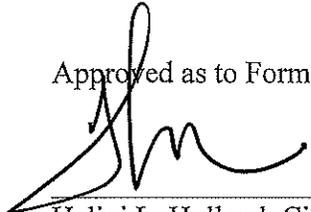
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Suffolk, Virginia, that the City Manager be, and is hereby authorized and directed to execute a change order to the agreement in substantially the same form as attached hereto, and to do all other things necessary in the execution of the same.

This resolution shall be effective upon its adoption and shall not be published.

READ AND ADOPTED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney



CITY OF SUFFOLK CHANGE ORDER FORM

Contract No: 2012-0100

Change Order No: 7

Existing PO: _____

Account # 103-12510-58200.18 Amount 1,727,826.00

DATE: 9/23/2020

PROJECT: 800 MHZ P25 Radio System

CONTRACTOR: Motorola_Solutions

The following changes are hereby made to the CONTRACT DOCUMENTS (Use Additional Sheets if Necessary):

Original Contract Date:	12/21/12
Original Contract Price:.....	<u>\$ 8,972,000.00</u>
Amount of Prior Change Orders:	<u>\$ 2,975,775.89</u>
This Change Order:	<u>\$ 1,727,826.00</u>
Cumulative Change Orders:	<u>\$ 4,703,601.89</u> (52.42 % of original contract amount)
Revised Contract Amount:.....	<u>\$ 13,675,601.89</u>

Reason for Change Order: See Attachment

Original contract completion date was: 12/15/15

The new completion date for all work is: 12/31/21

REQUIRED APPROVALS:

Submitted by: _____	Contractor: Motorola Solutions
Accepted by: _____	Department Head
Procurement Approval: _____	Purchasing Agent
Funds Available: _____	Finance
Approval if greater than 10% of original contract: _____	City Manager
Justified/Approved by Council If greater than 25% _____	City Manager

Public Hearings

AGENDA: October 7, 2020, Regular Session

ITEM: Ordinance – An ordinance authorizing payment of Emergency Communications Operator Recruitment Bonuses

City Council hereby authorizes the City Manager to approve payment of monetary Recruitment Bonuses (New Emergency Communications Operator Bonuses, Experienced Communications Operator Bonuses and Employee Referral Bonuses) to his employees, in accordance with Virginia State Code 15.2-1508.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Virginia State Code 15.2-1508

ORDINANCE NUMBER _____

AN ORDINANCE AUTHORIZING PAYMENT OF EMERGENCY COMMUNICATIONS OPERATOR RECRUITMENT BONUSES

WHEREAS, to attract and retain high quality applicants for the position of Emergency Communications Operators in the City of Suffolk; and,

WHEREAS, there is a regional shortage of applicants; and,

WHEREAS, the Suffolk Police Department is committed to providing excellence in law enforcement and public service through partnership with our community; and,

WHEREAS, the City of Suffolk has a strong interest in maintaining a well-ordered, well-disciplined, and well-trained Police Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SUFFOLK, VIRGINIA, AS FOLLOWS:

1. City Council hereby authorizes the City Manager to approve payment of monetary Recruitment Bonuses (New Emergency Communications Operator Recruitment Bonuses, Experienced Emergency Communications Operator Bonuses and Employee Referral Bonuses) to his employees, in accordance with Virginia State Code 15.2-1508.

2. This Ordinance shall take effect immediately upon passage and shall not be published.

READ AND PASSED _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:

for Sean P. Doherty
Helivi L. Holland, City Attorney

Code of Virginia

Title 15.2. Counties, Cities and Towns

Chapter 15. Local Government Personnel, Qualification for Office, Bonds, Dual Office Holding and Certain Local Government Officers

§ 15.2-1508. Bonuses for employees of local governments

Notwithstanding any contrary provision of law, general or special, the governing body of any locality may provide for payment of monetary bonuses to its officers and employees. The payment of a bonus shall be authorized by ordinance.

1985, c. 142, § 15.1-7.4; 1997, c. 587; 2003, c. 204.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

AGENDA: October 7, 2020, Regular Session

ITEM: Ordinance – An ordinance to rezone and amend the official zoning map of the City of Suffolk to amend the previously approved proffered conditions for property located at 6460 and 6472 Hampton Roads Parkway, Zoning Map 6, Parcels 27C*1*A and 27C*1*B, Account Numbers 306002412 and 306002410; RZN2020-004 (Conditional)

Attached for your consideration is information pertaining to Rezoning Request, RZN2020-004, (Conditional), Sam’s Express Car Wash, 6460 and 6472 Hampton Roads Parkway: submitted by Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of Chris Morgan, SXCW Properties II, LLC, applicant, on behalf of HVS East, LLC, property owner, in accordance with Sections 31-304 and 31-405 of the Unified Development Ordinance, to rezone and amend the previously approved proffered conditions, for property located at 6460 and 6472 Hampton Roads Parkway, Zoning Map 6, Parcels 27C*1*A and 27C*1*B. The purpose of this request is to modify the prohibited uses stated in the Land Use Design Standards pertaining to the development of Harbour View East. The affected area is further identified as being located in the Nansemond Voting Borough, zoned B-2, General Commercial Zoning District and O-I, Office Institutional Zoning District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Mixed Use Core Use District.

The Planning Commission, at their meeting of July 7, 2020, voted 6 to 2 to approve a resolution recommending **approval** of this request with conditions.

The City Council, at their meeting of August 5, 2020, after closing the public hearing, voted 7 to 1 to **table** this application for sixty (60) days. In response to the discussion that took place during the August 5, 2020, City Council meeting, the applicant decided to submit a revised proffer statement and conceptual site plan exhibit in support of their application. The revised proffer statement includes four (4) additional voluntary proffers to state that the car wash would be an automated “tunnel” style car wash, there would be limited hours of operation, the posting of “no loud music” signage, and the construction of a raised concrete “Porkchop” or island to prohibit traffic exiting the site from making a left-hand turn onto Hampton Roads Parkway while still allowing left-hand entrances into the site.

ATTACHMENTS:

- Staff Report
- General Location Map
- Zoning/Land Use Map
- Narrative of Proposed Use
- Proposed Ordinance
- Exhibit A – Planning Commission Resolution
- Exhibit B –Voluntary Proffer Statement dated September 8, 2020 (inclusive of the Land Use Design Standards, Figure 1, and conceptual Site Plan)
- Exhibit C – Property Map
- Exhibit D – Rezoning Exhibit

STAFF REPORT

DESCRIPTION

REZONING REQUEST: Rezoning Request RZN2020-004, (Conditional), Sam's Express Car Wash, in accordance with Sections 31-304 and 31-305 of the Unified Development Ordinance, to rezone and amend the previously approved proffered conditions, for property located at 6460 and 6472 Hampton Roads Parkway, Zoning Map 6, Parcels 27C*1*A and 27C*1*B. The purpose of this request is to modify the prohibited uses stated in the Land Use Design Standards pertaining to the development of Harbour View East.

APPLICANT: Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of Chris Morgan, SXCW Properties II, LLC, applicant, on behalf of HVS East, LLC, property owner.

LOCATION: This rezoning request pertains to Zoning Map 6, Parcels 27C*1*A and 27C*1*B. Tax Map Parcel 6*27C*1*A is the larger of the two (2) properties measuring roughly 3.42 acres in size and fronts directly on Hampton Roads Parkway (formerly Townpoint Road) and is adjacent to the Arby's restaurant leading into the Harbour View East Shopping Center. The second parcel, T.M. 6*27C*1*B, is comprised of 1.6 acres and does not front Hampton Roads Parkway, rather it fronts on the access drive behind the Arby's restaurant. The combined land area subject to this application is approximately 5.02 acres.

PRESENT ZONING: The smaller parcel, T.M. 6*27C*1*B, is entirely zoned B-2, General Business zoning district, whereas the larger parcel, T.M. 6*27C*1*A, is mostly zoned B-2 and the south-western corner of the property is zoned O-I, Office-Institutional zoning district.

EXISTING LAND USE: Both parcels are currently undeveloped.

PROPOSED LAND USE: The applicant proposes to develop the larger parcel fronting on Hampton Roads Parkway as a car wash facility and gasoline service station. The smaller parcel would be developed only as an access road providing a secondary entrance to the car wash and gas station. No change is proposed to the existing zoning classifications.

SURROUNDING LAND USES:

- North – A variety of retail uses, including Kohl's, Dick's, and Walmart, zoned B-2.
- South – The Huntersville single-family residential neighborhood zoned RC, Residential Compact zoning district.
- East – Vacant parcels as well as the 7-11 gas station and McDonald's, zoned B-2 or O-I.
- West – A vacant parcel zoned O-I followed by interstate I-664.

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Mixed Use Core Use District.

CHESAPEAKE BAY PRESERVATION AREA DESIGNATION: The property is located within the City's Chesapeake Bay Preservation Area Overlay District (CBPA) and is designated as a Resource Management Area (RMA).

FLOOD PLAIN: The property falls within Flood Zone X (areas of minimal risk), as shown on

Panel 0043E of the Flood Insurance Rate Map for the City of Suffolk, Virginia, Community No. 510156, dated August 3, 2015.

PUBLIC NOTICE: This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. A notice, containing a copy of the staff report, was also provided to the applicant on July 2, 2020, July 31, 2020, and October 2, 2020.

HISTORY: The properties in question were previously zoned entirely O-I until January 2008 when they were conditionally rezoned to the B-2 district as part of RZ9-07. One (1) of the approved proffered conditions established design guidelines for the subject parcels, known as the “Harbour View East Outparcels at Townpoint Road”. Within the design guidelines, car washes were explicitly prohibited even though the B-2 zoning district allows car washes by-right. Please note that the design guidelines did not prohibit gasoline service stations.

Subsequent to the approved rezoning, a final plat was recorded in August 2008 to subdivide and adjust the property lines of the parent tracts from the rezoning, which resulted in the current split zoned portion of T.M. 6*27C*1*A.

STAFF ANALYSIS

ISSUE

The applicant proposes to amend the previously approved proffered conditions for Tax Map Parcels 6*27C*1*A and 6*27C*1*B by modifying the list of prohibited uses contained in the “Harbour View East Outparcels at Townpoint Road” design guidelines that were established by the previous conditional rezoning of the property (RZ9-07). In particular, the applicant requests to modify the language contained within the prohibited uses section to allow car washes on the subject parcels only with ultimate plans to develop a car wash and gasoline service station on the affected properties. As previously stated, the applicant does not propose a change to the existing B-2 and O-I zoning district classifications.

Being that the proposed amendment pertains to land uses and intensity of use, this request must be considered by both the Suffolk Planning Commission and City Council as outlined in Section 31-305 (b) (3) of the Unified Development Ordinance. Also included with this application, the applicant has voluntarily proffered the construction of a full width right turn lane on Hampton Roads Parkway (westbound) that would measure 150 feet in storage length and 150 feet in taper length.

CONSIDERATIONS AND CONCLUSIONS

Car washes and gasoline service stations are permitted by-right in the existing B-2 zoning district in accordance with Section 31-406 of the Unified Development Ordinance; however, since the property is subject to proffers, this requires an amendment to the approved proffers for the Harbour View East Outparcels. The proposed uses are not permitted within the O-I zoned portion of T.M. 6*27C*1*A. The applicant has confirmed that the facilities will remain outside of the O-I zoned portion of T.M. 6*27C*1*A and they have acknowledged that a Conditional Use Permit would be required if the proposed uses were located in this area. The placement of the uses relative to the zoning boundaries will be verified during site plan review.

Please be advised that the developer intends to fill some of the wetland areas on the property and has acknowledged to City staff that they understand the need to obtain proper permits from the Army of Corp of Engineers, DEQ, and/or Suffolk Wetlands Board depending on the extent of the impacts. Further analysis and approvals for the wetland impacts will be required at the time of site plan review.

1. Comprehensive Plan

According to the 2035 Comprehensive Plan, the subject property is located within the Northern Growth Area, Mixed Use Core Use District. This district is the most dense use district and is intended to provide for high intensity business, retail, residential, and civic uses at a floor area ratio of 2.0-5.0 for non-residential uses. The recommended place types include Downtown/Town Center and Urban Neighborhood.

The Comprehensive Plan sets specific themes and policies related to land use, transportation, open space, and the environment that should be considered when contemplating a rezoning application. It is staff's opinion that the requested modification to the previously approved design guidelines is consistent with the policies of the 2035 Comprehensive Plan. Relevant to this application are the following:

Policy 2-1: Keep development focused in designated Growth Areas in the City.

- *Action 2-1A: Ensure that the City's land use regulations support higher density/intensity development in focused Growth Areas.*

The character and intensity of the proposed car wash and gasoline service station align with the existing character and intensity of uses in the Harbour View East shopping center located within the Northern Growth Area, Mixed Use Core.

Policy 2-2: Assure that development occurs in a predictable and orderly manner.

As previously stated, car washes and gasoline service stations are permitted as by-right uses in the existing B-2, General Business zoning district. The surrounding zoning is B-2 or O-I to the north, east and west of the property. Therefore, the proposed modification to the existing design guidelines to allow these uses on Tax Map Parcels 6*27C*1*A and 6*27C*1*B are not expected to disrupt the predictable or orderly development of the surrounding area.

Policy 2-4: Promote compatibility in land use patterns.

The proposed uses are compatible to the surrounding retail and restaurant uses to the north of the subject properties. An existing 7-11 gas station is also located roughly 900 feet east of the subject properties on the Hampton Roads Parkway. While residential zoning is present to the south, this district is separated from the subject properties by the four (4) lane divided road and the development standards in the Unified Development Ordinance mandate a thirty (30) foot building setback as well as a fifteen (15) foot deep vegetated buffer between the buildings and Hampton Roads Parkway. As a result, there will not be a clear view between the car wash bays and the residences

to the south. This landscape buffer, in addition to the on-site tree canopy requirements, will aid in reducing the effects of noise on the neighborhood to south. Furthermore, the anticipated noise and traffic are very similar to the existing noise and traffic along this corridor. The City also has Performance Standards in Section 31-608 of the UDO that all land uses must abide by with regards to noise, odors, particulates, etc.

Policy 4-5: Provide facilities and policies that ensure adequate multi-modal access throughout the growth areas of the City.

Hampton Roads Parkway provides an east-west connection between Huntersville, Hampton Roads Crossing, and the Burbage Lake areas on the eastern side of the Northern Growth Area to the Riverfront/Harbourview areas on the western side of the Northern Growth Area. Thus, a car wash and gasoline service station may be suitable along the east-west connector route. Additionally, they will offer service to the traffic that enters or exits off of I-664.

Policy 5-1: Relate the availability of municipal services and facilities to the location and pace of growth.

The applicant voluntarily proffered the construction of a right turn lane on Hampton Roads Parkway (westbound) that would measure 150 feet in storage length and 150 feet in taper length to facilitate safe and efficient entry into the site. A second entrance is proposed on T.M 6*27C*1*B, behind the Arby's restaurant, to allow access from the Harbour View East shopping center and this will provide a connection to the existing traffic light at Hampton Roads Parkway and Hunters Court. The departments of Public Works Engineering, Traffic Engineering, and Public Utilities do not have any concerns related to adequate public facilities for the proposed uses at this location.

2. Unified Development Ordinance

Section 31-403 of the Unified Development Ordinance provides a purpose statement for each zoning district to assist in evaluating the compatibility of any rezoning request. The purpose of the B-2, General Commercial zoning district, is to provide general commercial activities such as repair shops, wholesale businesses, warehousing and general commercial sales with some outdoor display of goods. This district promotes a broad range of commercial operations and services necessary for large regions of the City, providing community balance.

The B-2 district also has specific locational criteria as follows: B-2 zones shall be located along arterials and arterial/arterial or arterial/collector intersections. The subject property is located on a major collector road which is comprised of another gasoline service station and auto-oriented uses such that the existing B-2 zoning classification is appropriate. As mentioned, no change is proposed to the zoning of the property.

3. Adequate Public Facilities

The purpose and intent of the adequate public facilities ordinance is to ensure that public facilities are available to support new development and associated impacts and that each

public facility meets or exceeds the Level of Service standards established by the 2035 Comprehensive Plan and the Unified Development Ordinance. No rezoning request or proffer amendment should be approved which would cause a reduction in the levels of service standards for any public facility impacted. The public facilities impacted by the proposed development are discussed individually below.

Public Water and Sanitary Sewer

City water and sewer are available to this site from an existing 8” water main and 8” gravity sewer main located in a public utility easement adjacent to the Arby’s. A Public Facilities Report was included with the application to address domestic fire water demands and sewer demands. A recent water model shows there should be sufficient fire flows to the site. A pump station analysis will be performed at the time of site plan review and any upgrades will be at the developer’s expense.

Stormwater Management

This project is located within the Matthews Lake Master Plan. The proposed amount of impervious cover can be accommodated by the existing master planned stormwater system. The applicant has been made aware that oil-water separators will be required for the facilities.

Transportation

Traffic Engineering had no objections the original proffer statement submitted as part of this application and considered by the Suffolk Planning Commission and City Council. Following the City Council meeting on August 5, 2020, the applicant submitted a revised proffer statement dated September 8, 2020, and conceptual site plan exhibit for consideration, which are attached to this report, to include a voluntary proffer to construct a “porkchop” or raised concrete island at the site entrance/exit on Hampton Roads Parkway in order to prohibit traffic that is exiting the site from making a left turn onto Hampton Roads Parkway in the easterly direction. The “porkchop” or raised concrete island would still allow traffic traveling on Hampton Roads Parkway to make a left-hand turn to enter the site using the existing left turn lane and median break on Hampton Roads Parkway, which aligns with the entrance to the Huntersville community.

Traffic Engineering supports the revised proffers and conceptual site plan exhibit to restrict ingress and egress to the site from Hampton Roads Parkway to right in/left in/right out only. Left turning exits onto Hampton Roads Parkway will be physically prohibited through installation of a raised concrete island. Lastly, the levels of service for the surrounding intersections are expected to be maintained.

4. Fiscal Impact Study

A Fiscal Impact Study was waived for this application as the property is already zoned B-2 and would allow a variety of similar commercial uses by-right. No negative financial impacts are anticipated for the City.

5. Proffered Conditions

As part of the initial application that was presented to City Council on August 5, 2020, the applicant voluntarily proffered the following conditions #1 and #2 in support of this request:

1. The applicant shall construct a full width right turn lane on Hampton Roads Parkway westbound at proposed site Entrance 1, as shown on Figure 1 of the “Sam’s Car Wash, Harbour View East-Traffic Impact Analysis”, with a storage length of 150 feet and a taper length of 150 feet, a copy of Figure 1 being attached hereto.
2. The original design guidelines that were proffered by conditional rezoning request RZ9-07, titled the “Harbour View East Outparcels at Townpoint Road,” will be revised as shown on the attached sheet in order to allow car washes on parcels 6*27C*1*A and 6*27C*1*B only (revision). Approval of the design guidelines revision will be obtained by the Applicant.

In response to the discussion that took place during the August 5, 2020, City Council meeting, the applicant decided to submit a revised proffer statement and conceptual site plan exhibit in support of their application. Proffers #3 - #6 below were added to accompany the previous proffers #1 and #2 listed above. The revised proffer statement is attached as Exhibit B to this Staff Report.

3. The Applicant shall construct an automated “tunnel” car wash with a manual presoak station.
4. The car wash and vacuum stations shall operate no earlier than 7:30 a.m. and no later than 9:00 p.m. The fuel sales stations shall operate no earlier than 6:00 a.m. and no later than 10:00 p.m.
5. The Applicant shall post “no loud music” signage at the vacuum stations in clearly visible and obvious locations.
6. The Applicant shall construct a raised concrete “Porkchop,” which will prevent traffic exiting the site onto Hampton Roads Parkway from executing a left hand turn but will allow traffic to turn right on Hampton Roads Parkway.

RECOMMENDATION

In summary, the proposed modification to the “Harbour View East Outparcels at Townpoint Road” design guidelines for the purpose of allowing a car wash and gasoline service station on Tax Map Parcels 6*27C*1*A and 6*27C*1*B is found to be appropriate for the existing B-2, General Commercial zoning district. Development standards, such as landscape buffers, will assist in mitigating any impacts to the residential neighborhood to the south. Furthermore, this use is consistent in character and intensity of other commercial uses surrounding the subject properties and it is consistent with the 2035 Comprehensive Plan. For these reasons, staff recommends

approval of Rezoning Request RZN2020-004 (Conditional) and the revised proffers.

The Planning Commission, at their meeting of July 7, 2020, voted 6 to 2 to approve a resolution recommending approval of this request with conditions.

The City Council, at their meeting of August 5, 2020, after closing the public hearing, voted 7 to 1 to table this application for sixty (60) days.

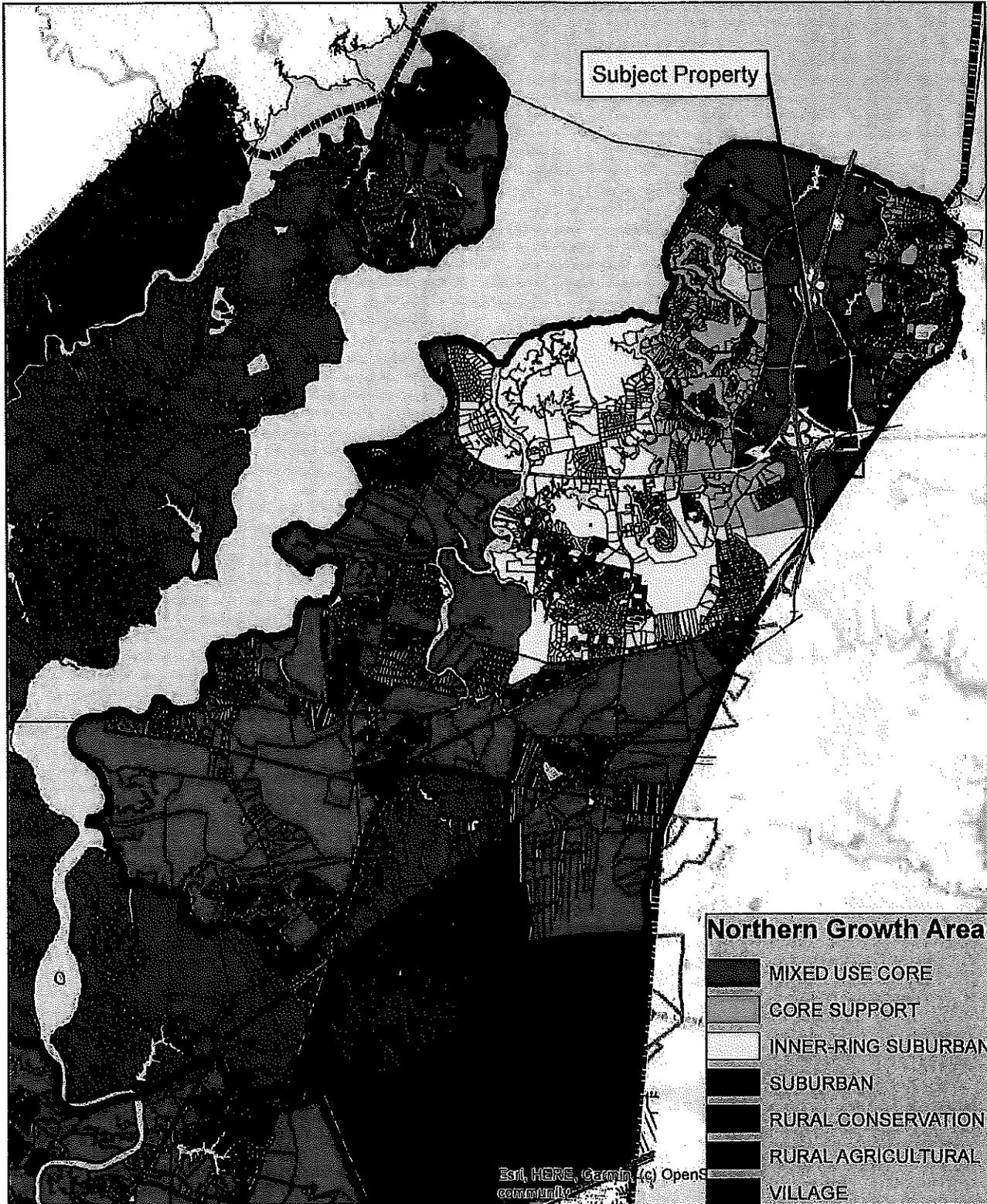
Attachments

- General Location Map
- Zoning/Land Use Map
- Narrative of Proposed Use
- Proposed Ordinance
- Exhibit A – Planning Commission Resolution
- Exhibit B –Voluntary Proffer Statement dated September 8, 2020 (inclusive of the Land Use Design Standards, Figure 1, and conceptual Site Plan)
- Exhibit C – Property Map
- Exhibit D – Rezoning Exhibit



GENERAL LOCATION MAP

RZN2020-004

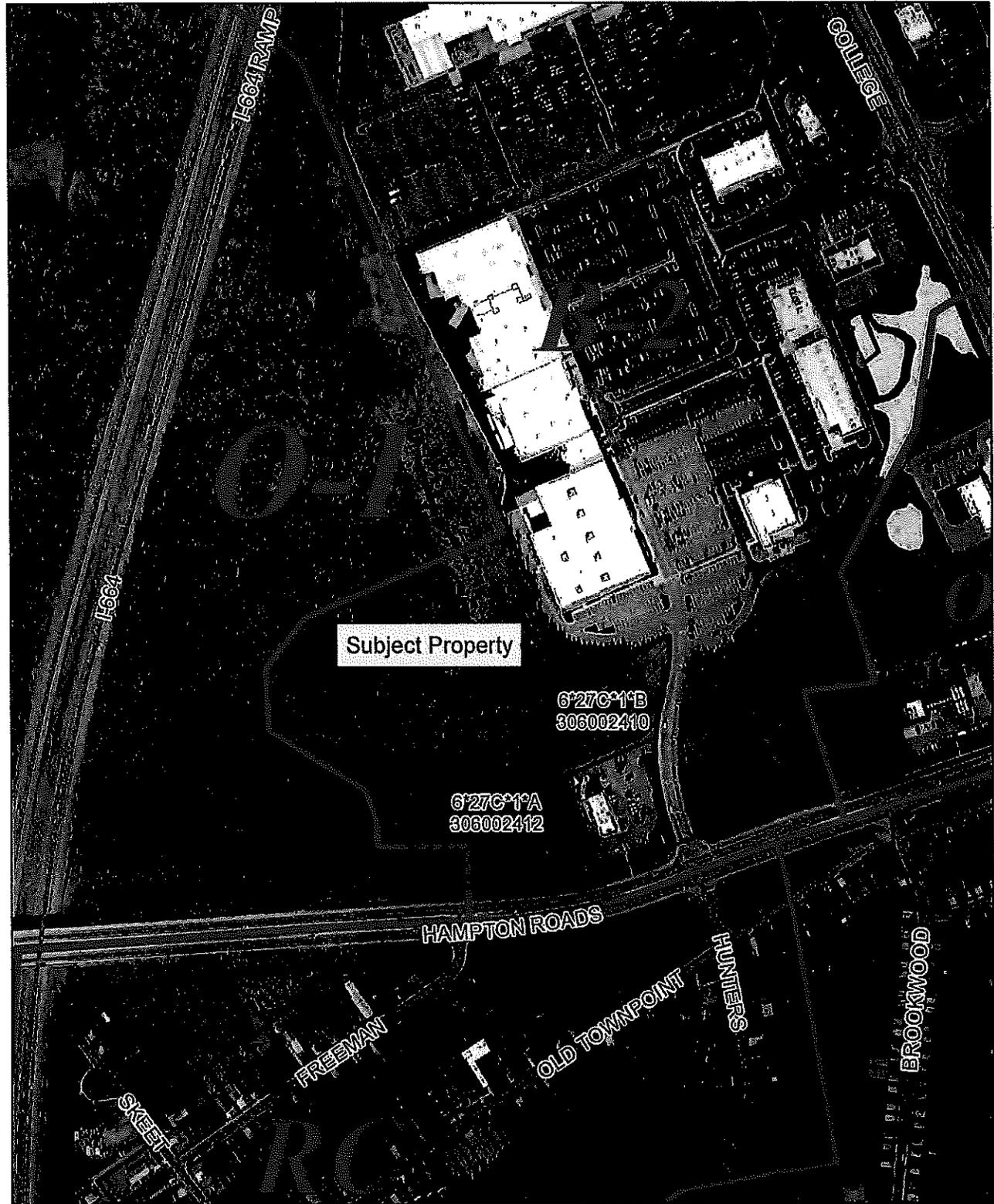


User Name: BSmith
Date: 4/2/2020



ZONING / LAND USE MAP

RZN2020-004



User Name: BSmith
Date: 4/2/2020

Narrative of Proposed Use

The applicant, Chris Morgan, representative of Sam's Xpress Car Wash, requests approval of an Amendment of Exhibit B of Ordinance number 08-0-004, passed by Suffolk City Council on January 16, 2008, to allow for a motor vehicle washing facility with adjacent fueling stations. The proposed facility would be located on the northside of Hampton Roads Parkway and would have additional road frontage on the entrance road to Harbor View East Shopping Center. The parcel on the north side of Hampton Roads Parkway bears City of Suffolk map and parcel number 6*27C*1*A and the parcel fronting on the west side of the entrance road to Harbor View East Shopping Center bears City of Suffolk map and parcel number 6*27C*1*B. The surrounding parcels on the west, north and east sides of the subject parcels are all zoned B-2 and all surrounding uses are retail or restaurant facilities. The parcel fronting on Hampton Roads Parkway is separated from a residential area zoned, R-C, by Hampton Roads Parkway.

It is anticipated that the car wash, vacuum spaces and fuel pumps will be located on that parcel with frontage on Hampton Roads Parkway and that the parcel with frontage on the entrance road to Harbor View East Shopping Center will be used solely as a drive isle for ingress and egress to the new business. The car wash will consist of a 105 ft. car wash tunnel with double loaded stacking and an automated pay station. The fueling station will include six pump islands and a total of twenty vacuum spaces, nine of which will be under an all-weather canopy. The pump islands will also be located under an all-weather canopy. Water from the car wash will be reclaimed/recirculated with over 90% of the water used in each wash cycle recaptured and run through an eight-chamber oil/grit separating process. Oil remaining after the eight-step process will be removed from the eighth chamber and transported to a certified reclamation site on an as needed basis.

The car wash and fueling station will employ a total of twenty individuals and it is expected that no more than three to six employees will be on site at any one time. The car wash will operate from 7:30 a.m. until 9:00 p.m. and the fuel dispensing site will operate from 6:00 a.m. until 10:00 p.m.

The parcels for which this Amendment is requested are within the Northern Suburban-Urban Growth Area and the Mixed-Use Core Use District. Hampton Roads Parkway functions as a Corridor place type, transporting people from the Harborview mixed use neighborhood to the east side of I- 664. Both sides of I- 664 are comprised of mixed commercial and residential uses. The subject properties are surrounded by B-2 zoning and B-2 uses which are consistent with the proposed use.

ORDINANCE NO.

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK TO AMEND THE PREVIOUSLY APPROVED PROFFERED CONDITIONS FOR PROPERTY LOCATED AT 6460 AND 6472 HAMPTON ROADS PARKWAY, ZONING MAP 6, PARCELS 27C*1*A AND 27C*1*B, ACCOUNT NUMBERS 306002412 AND 306002410; RZN2020-004 (CONDITIONAL)

WHEREAS, Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of Chris Morgan, SXCW Properties II, LLC, applicant, on behalf of HVS East, LLC, property owner, has requested to rezone and amend the previously approved proffered conditions, for property located at 6460 and 6472 Hampton Roads Parkway, Zoning Map 6, Parcels 27C*1*A and 27C*1*B, 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 5th day of August, 2020, 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", Exhibit "B", "Voluntary Proffer Statement dated September 8, 2020 (inclusive of the Land Use Design Standards, Figure 1, and conceptual Site Plan)", 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 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 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 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 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 to include the revised proffers.
3. The foregoing rezoning and amendment to the official zoning map are expressly made subject to the performance of the conditions hereby proffered and accepted and these conditions shall remain in effect until a subsequent amendment changes the zoning of the property; however, such

conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

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: _____

TESTE: _____
Erika Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

EXHIBIT "A"

RESOLUTION NO. 20-07-04

CITY OF SUFFOLK PLANNING COMMISSION

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO REZONING REQUEST
RZN2020-004 (CONDITIONAL)
TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE
CITY OF SUFFOLK TO AMEND THE PREVIOUSLY APPROVED
PROFFERED CONDITIONS FOR PROPERTY LOCATED AT 6460 AND
6472 HAMPTON ROADS PARKWAY, ZONING MAP 6, PARCELS
27C*1*A AND 27C*1*B; RZN2020-004 (CONDITIONAL)**

WHEREAS, Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of Chris Morgan, SXCW Properties II, LLC, applicant, on behalf of HVS East, LLC, property owner, has requested to rezone and amend the previously approved proffered conditions, for property located at 6460 and 6472 Hampton Roads Parkway, Zoning Map 6, Parcels 27C*1*A and 27C*1*B, 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 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 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 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, RZN2020-004 (Conditional), be:

- a) Granted as submitted, and that 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:

July 7/20

TESTE:

[Signature]

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.

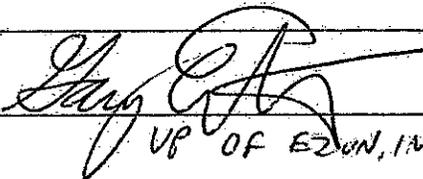
The following conditions (add additional sheets if necessary) are voluntarily proffered for the reclassification of property identified as Tax Map Number(s) 6*27C*1A and 6*27C*1*B

Block Number _____, Parcel Number(s) _____.

1. The Applicant shall construct a full width right turn lane on Hampton Roads Parkway westbound at proposed site Entrance 1, as shown on Figure 1 of the "Sam's Xpress Car Wash, Harbour View East-Traffic Impact Analysis", with a storage length of 150 feet and a taper length of 150 feet, a copy of Figure 1 being attached hereto.
2. The original design guidelines that were proffered by conditional rezoning request RZ9-07, titled the "Harbour View East Outparcels at Townpoint Road, "will be revised as shown on the attached sheet in order to allow car washes on parcels 6*27C*1*A and 6*27C*1*B only (revision). Approval of the design guidelines revision will be obtained by the Applicant.
3. The Applicant shall construct an automated "tunnel" car wash with a manual presoak station.
4. The car wash and vacuum stations shall operate no earlier than 7:30 a.m. and no later than 9:00 p.m. The fuel sales stations shall operate no earlier than 6:00 a.m. and no later than 10:00 p.m.
5. The Applicant shall post "no loud music" signage at the vacuum stations in clearly visible and obvious locations.
6. The Applicant shall construct a raised concrete "Porkchop", which will prevent traffic exiting the site onto Hampton Roads Parkway from executing a left hand turn but will allow traffic to turn right onto Hampton Roads Parkway.

Applicant Signature: _____

Date: _____

Property Owner Signature:  _____

Date: 9/8/2020

Property Owner Signature: _____

Date: _____

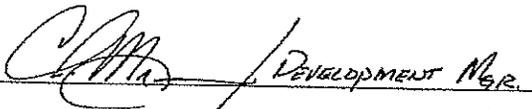
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6. The Applicant shall construct a raised concrete "Porkchop", which will prevent traffic exiting the site onto Hampton Roads Parkway from executing a left hand turn but will allow traffic to turn right onto Hampton Roads Parkway.

Applicant Signature:  Date: 9-8-20

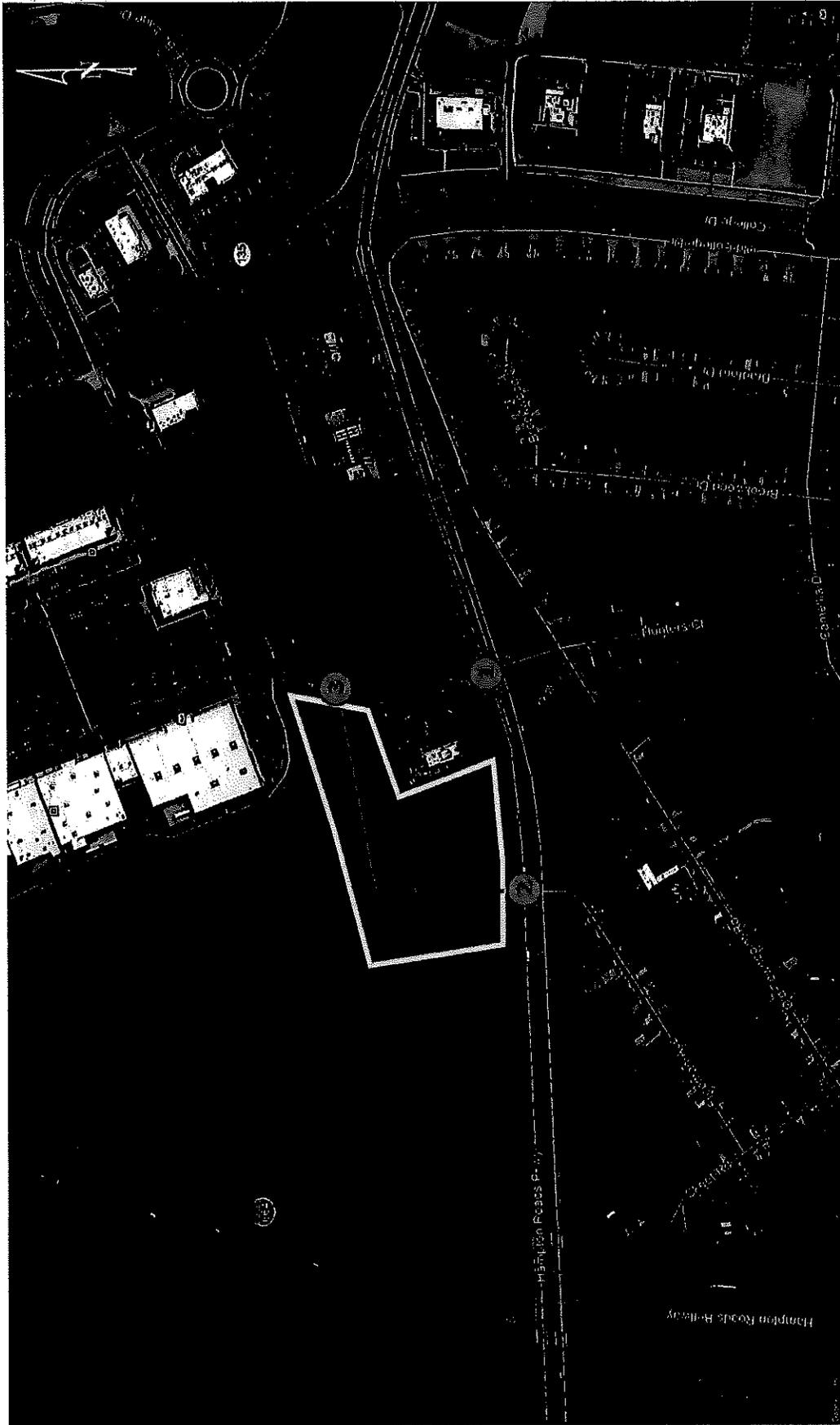
Property Owner Signature: _____ Date: _____

Property Owner Signature: _____ Date: _____

LAND USE DESIGN STANDARDS

I. USES PROHIBITED

- Central laundry, dry cleaning plant or Laundromat; provided, however, this prohibition shall not be applicable to on-site service oriented to pickup and delivery by the ultimate consumer, including nominal supporting facilities, as the same may be found in retail shopping districts in the metropolitan area where the Shopping Center is located.
- Big box retail
- Automobile, truck, trailer or recreational vehicles or boat sales, leasing, display or repair (other than the installation of cellular telephones, stereo systems and alarms).
- Car wash is prohibited with the exception of parcels 6*27C*1*
- Living quarters, sleeping apartments or lodging rooms and 6*27C*1*B
- Mortuary or funeral home
- Flea market or pawn shop
- Training or educational facility, including, but not limited to, beauty schools, barber colleges, libraries, reading rooms, churches, schools, places of instruction or other operations catering primarily to students or trainees rather than to customers; provided, however, this prohibition shall not be applicable to on-site employee training by an Occupant incidental to the conduct of its business at the Shopping Center
- Entertainment or recreational facility, includes but is not limited to, a bowling alley, skating rink, electronic or mechanical games arcade (except as an incidental use to a retail or commercial business, in which such use shall be restricted to less than five percent (5%) of the Floor Area occupied by such business), theater, billiard room or pool hall, health spa or studio or fitness center (in excess of 5,000 square feet) discotheque, dance hall, dance studios, banquet hall, night club, bar, a store specializing in the sale of drug paraphernalia or a "head shop", racquetball court or gymnasium, or other place of public amusement
- Any use which creates a nuisance or materially increases noise of the emission of dust, odor, smoke, gases, or materially increases fire, explosion or radioactive hazards in the Shopping Center
- Veterinary hospital or kennel or animal raising facilities (except that this prohibition shall not prohibit pet shops)
- Gambling facility or operation, including, but not limited to: off-track or sports betting parlor; table games such as blackjack or poker; slot machines, video poker/blackjack/keno machines or similar devices; or bingo hall.
- Adult book store, adult cinema, "peep show", entertainment of an obscene or pornographic nature, any store selling or exhibiting pornographic material including, without limitation, any store displaying for sale or exhibition books, magazines or other publications containing any combination of photographs, drawings or sketches of a sexual nature, which are not primarily scientific or education; a store offering, for exhibition sale or rental, pornographic videos or other pornographic film, the contents of which has been rated "NC-17" or unrated by the Motion Picture Rating Association or any successor thereto, or which is advertised or otherwise designated as being "X" rated or having "X" rated content.



Site Location and Study Intersections
Traffic Impact Analysis
Sam's Express Car Wash - Harbour View East

Figure
1

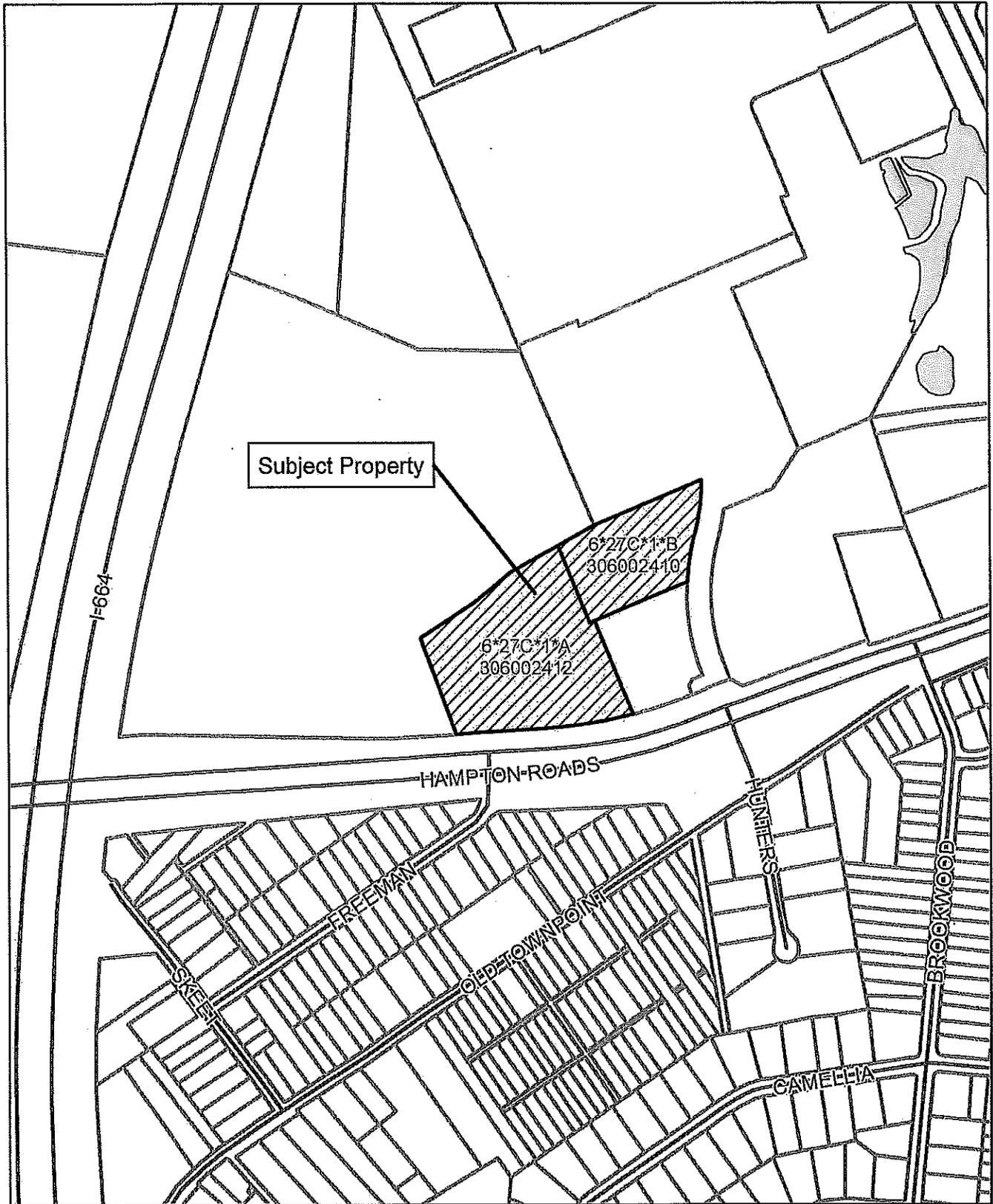


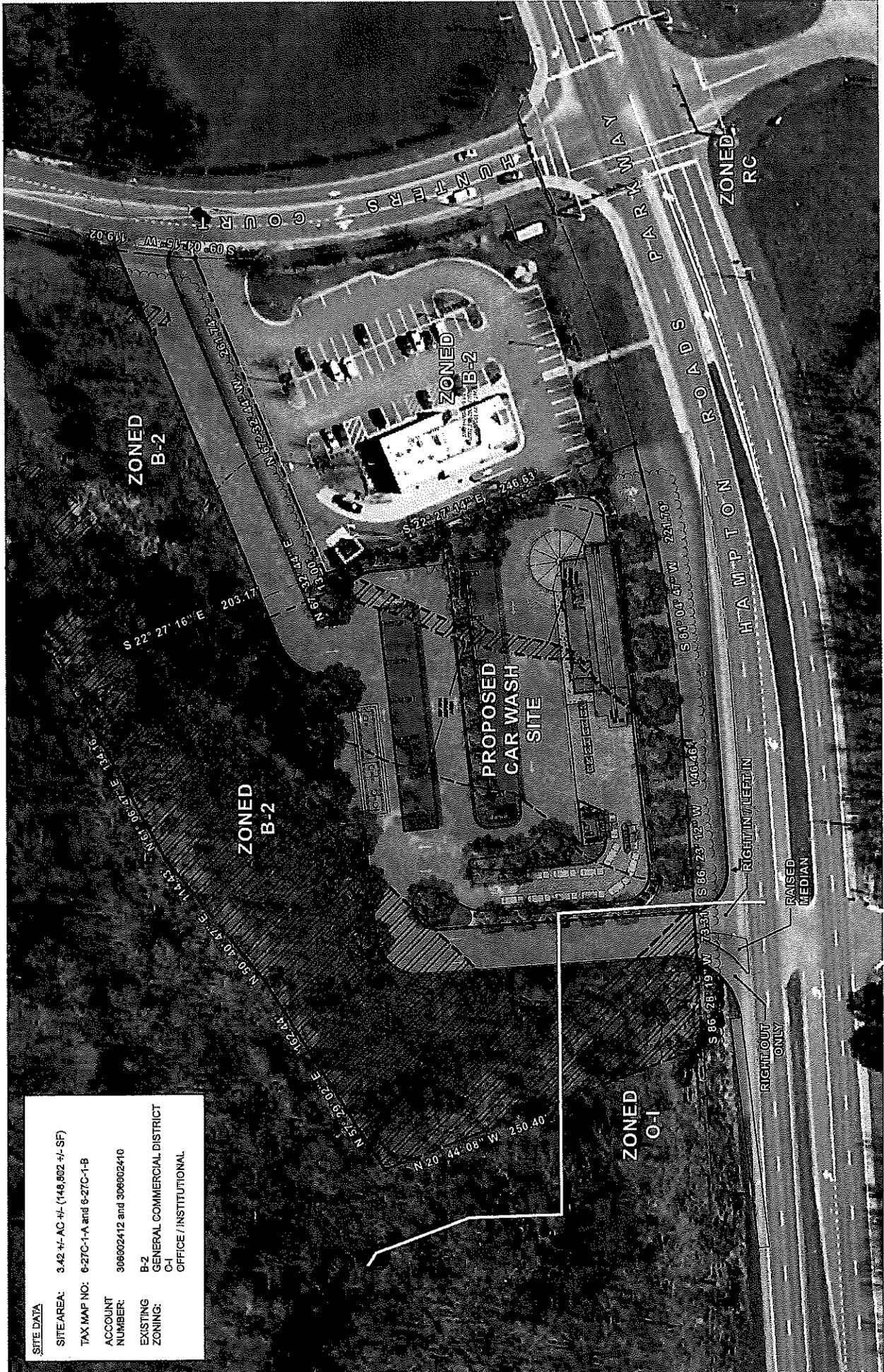


PROPERTY MAP

RZN2020-004

EXHIBIT C





SITE DATA
 SITE AREA: 3.42 +/- AC +/- (148,802 +/- SF)
 TAX MAP NO: 6-27C-1-A and 6-27C-1-B
 ACCOUNT NUMBER: 306902412 and 306902410
 EXISTING ZONING: B-2
 GENERAL COMMERCIAL DISTRICT
 CH OFFICE / INSTITUTIONAL

SAM'S EXPRESS CAR WASH - Suffolk, VA

REZONING EXHIBIT FOR RZN2020-004 - REQUEST TO AMEND PROFFERS ONLY (NO CHANGE TO ZONING) - May 20, 2020



TIMMONS GROUP
 YOUR VISION ACHIEVED THROUGH Ours.

AGENDA: October 7, 2020, Regular Session

ITEM: Ordinance – An ordinance consenting to the issuance and sale of bond by the Economic Development Authority of the City of Suffolk to refinance the Health and Human Services Building

Attached for City Council's consideration is an ordinance authorizing the refunding of lease revenue bonds related to the Health and Human Services Building. The City's financial advisor will present opportunities to refund the outstanding bonds including potential cost savings.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NUMBER _____

AN ORDINANCE CONSENTING TO THE ISSUANCE AND SALE OF BOND BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF SUFFOLK TO REFINANCE THE HEALTH AND HUMAN SERVICES BUILDING

WHEREAS, on December 18, 2014, the Economic Development Authority of the City of Suffolk (the "Authority") issued its \$11,860,000 Lease Revenue Refunding Bond (Health and Human Services Project), Series 2014 (the "2014 Bond") and used the proceeds thereof to refinance the Authority's \$15,750,000 Lease Revenue Bond (Health and Human Services Project), Series 2008, which was issued on May 1, 2008, and which financed the costs of the planning, design, construction and equipping of a Health and Human Services Building, located at 135 Hall Avenue, and related costs of issuance (the "Project");

WHEREAS, pursuant to a Deed of Lease dated as of September 1, 2008 (as previously amended, the "Lease"), between the Authority, as landlord, and the City of Suffolk, Virginia (the "City"), as tenant, the City leases a portion of the Project;

WHEREAS, the City's rental payments under the Lease are used, in part, by the Authority to pay a portion of the principal and interest payable under the 2014 Bond;

WHEREAS, the Authority has received bids to refinance the costs of the Project by refunding the 2014 Bond and issuing a Lease Revenue Refunding Bond (Health and Human Services Project), Series 2020 (the "2020 Bond");

WHEREAS, any savings generated by the refinancing of the Project and the issuance of the 2020 Bond would be provided to the City in the form of lower rental payments under the Lease and evidenced by an amendment to the Lease (the "2020 Amendment"); and

WHEREAS, the City Council of the City (the "Council") desires to consent to the Authority's issuance of the 2020 Bond as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUFFOLK, VIRGINIA, AS FOLLOWS:

1. Authority Lease Revenue Refunding Bond. The City hereby consents to the issuance of the 2020 Bond by the Authority; provided (a) the maximum aggregate principal amount of the 2020 Bond shall not exceed \$6,450,000, (b) the refunding of the 2014 Bond shall result in an aggregate net present value debt service savings of not less than 2.75% of the par amount of the 2014 Bond to be refunded, and (c) the 2020 Bond shall not have a final maturity later than June 30, 2026. Such 2020 Bond may be issued in one or more series on a taxable or tax-exempt basis as applicable law and circumstances dictate.

2. Annual Appropriations and Payments. The City hereby agrees to pay to the Authority, subject to appropriation by the Council and the other limitations set forth in this Section and Sections 3.4 and 3.7 of the Amended and Restated Cooperation Agreement dated as of May 1, 2008 (the "Amended and Restated Cooperation Agreement"), between the Authority and the

City, sufficient funds for the Authority to make timely payment of the principal of (whether due at maturity or by virtue of optional redemption with the consent of the City or mandatory redemption), premium, if any, and interest on the 2020 Bond, to replenish any debt service reserve funds and to pay promptly all other amounts required to be paid by the Authority under the documents evidencing and securing the 2020 Bond. The City's pledge and all payments to be made pursuant thereto shall be subject to and are expressly conditioned upon funds being appropriated for such purpose by the Council and shall not at any time constitute a legal obligation of the City with respect to the 2020 Bond or for the payment of money.

The Council hereby undertakes a non-binding obligation to appropriate to the Authority or as designated by the Authority such amounts as may be requested from time to time pursuant to this Section and elsewhere in the Amended and Restated Cooperation Agreement to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Council, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Councils do likewise.

Nothing in this Ordinance is or shall be deemed to be a lending or pledge of the credit of the City to the Authority or to any holder of any 2020 Bond or to any other person, and nothing in this Ordinance is or shall be deemed to be a pledge of the faith and credit or the taxing power of the City.

3. Further Actions; Authorization of City Representative. The City Manager (the "City Representative") and such officers and agents of the City as he may designate, are hereby authorized and directed to take such further action as they deem necessary or appropriate regarding the issuance and sale of the 2020 Bond, including executing the 2020 Amendment. All actions previously taken by the City Representative and such officers and agents in connection with the issuance and sale of the 2020 Bond are hereby ratified and confirmed. The authorizations granted in this Ordinance to the City Manager may be carried out by any Acting, Interim or Deputy City Manager, in the absence of the City Manager.

4. Effective Date. This Ordinance shall take effect immediately upon passage.

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:


Deputy City Attorney
Helivi L. Holland, City Attorney

Resolutions

Staff Reports

**A motion to schedule a City Council
Work Session for Wednesday, October
21, 2020, at 4:00 p.m., unless cancelled**

Non-Agenda Speakers

New Business

Announcements and Comments