

Director of Media

**SUFFOLK CITY COUNCIL**  
**MEETING OF MARCH 18, 2020**



**WORK SESSION**

**Begins at 4:00 P.M.**

**REGULAR SESSION**

**Begins at 7:00 P.M.**

**SUFFOLK CITY COUNCIL  
WORK SESSION  
March 18, 2020  
4:00 p.m.  
City Council Chamber**

1. Wilroy Road Bridge Replacement Project
2. Smart Scale Transportation Grant Applications
3. Bond Refunding Opportunities
4. City Assessor Annual Report to City Council
- 5.\* Appointments
- 6.\* Legal Requirements and Contract for Services Related to 2021 Reapportionment of Local Election Districts
- 7.\* Acquisition and Disposition of Real Property, Tax Map Number 59\*4

\* Proposed Items for Closed Session

**AGENDA: March 18, 2020, Work Session**

**ITEM: Wilroy Road Bridge Replacement Project**

The Director of Public Works will provide City Council with an overview of a project to replace a bridge on Wilroy Road, located approximately ½ mile south of the Route 58 bypass.

**AGENDA: March 18, 2020, Work Session**

**ITEM: Smart Scale Transportation Grant Applications**

The Director of Public Works will provide City Council with a brief overview of the Smart Scale transportation grant application process and identify projects that staff are recommending for submittal in the current round of applications.

**AGENDA: March 18, 2020, Work Session**

**ITEM: Bond Refunding Opportunities**

David Rose with Davenport & Company, the City's financial advisor, will provide City Council with potential opportunities for bond refunding.

**AGENDA: March 18, 2020, Work Session**

**ITEM: City Assessor Annual Report to City Council**

The City Assessor will provide information on the Reassessment Process and 2020-2021 Reassessment

**AGENDA: March 18, 2020, Closed Session**

**ITEM: Legal Requirements and Contract for Services Related to 2021  
Reapportionment of Local Election Districts**

**AGENDA: March 18, 2020, Closed Session**

**ITEM: Acquisition and Disposition of Real Property, Tax Map Number 59\*4**

## SUFFOLK CITY COUNCIL AGENDA

March 18, 2020

7:00 p.m.

City Council Chamber

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentations**
5. **Removal of Items from the Consent Agenda and Adoption of the Agenda**
6. **Agenda Speakers**
7. **Consent Agenda** – An ordinance to accept and appropriate funds from the Virginia 9-1-1 Services Board Public Safety Answering Point Grant Program for the Suffolk Police Department
8. **Consent Agenda** – An ordinance to accept and appropriate funds from the Virginia Department of Forestry for the Playground Shade Tree Project for the Department of Parks and Recreation
9. **Consent Agenda** – An ordinance authorizing the City Manager to execute a Grant Agreement with the Virginia Land Conservation Foundation
10. **Consent Agenda** – A resolution requesting the Virginia Department of Transportation make certain additions and deletions to the Urban Highway System
11. **Consent Agenda** – A resolution to adopt the 2020 edition of the City of Suffolk's Emergency Operations Plan, as revised
12. **Public Hearing** – Consideration of an appeal of the decision of the Historic Landmarks Commission in regard to request for Certificate of Appropriateness HLC2019-0038, for property located at 130 Brewer Avenue, Zoning Map 34G17, Block 2, Parcel B\*18\*19\*20
13. **Public Hearing** – An ordinance authorizing the issuance and sale of revenue bonds by the City of Suffolk, Virginia, and establishing the terms, details, and provisions for the payment thereof
14. **Public Hearing** – An ordinance authorizing the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the U.S. Route 460-Pruden Boulevard Water Transmission Main Project

15. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Turlington Properties LLC quitclaiming all rights, title, and interest, if any, the City of Suffolk may possess in an unimproved private 50' right-of-way, known as Pit Road, and located on the north side of Turlington Road
16. **Public Hearing** – An ordinance vacating and abandoning portions of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street, otherwise generally identified as being those portions of streets located between Warwick Street and Madison Avenue, STV2019-001
17. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdsong Corporation for a portion of Mulberry Street pertaining to Street Vacation Request STV2019-001
18. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdco Energy for portions of Maple Street, Appleton Avenue, and Walnut Street, pertaining to Street Vacation Request STV2019-001
19. **Public Hearing** – An ordinance vacating and abandoning a portion of Mill Street, otherwise generally identified as being that portion of Mill Street located east of County Street and between Van Buren Avenue and Mill Street, STV2019-002
20. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdsong Corporation for a portion of Mill Street pertaining to Street Vacation Request STV2019-002
21. **Public Hearing** – An ordinance vacating and abandoning an unnamed alley, otherwise generally identified as being that portion of unnamed alley located north of Warwick Street and between Factory Street and Mulberry Street, STV2019-003
22. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdsong Corporation for a portion of unnamed alley pertaining to Street Vacation Request STV2019-003
23. **Ordinances**
24. **Resolutions**
25. **Staff Reports**
26. **Motion** – A motion to schedule a City Council Work Session for Wednesday, April 1, 2020, at 4:00 p.m., unless cancelled
27. **Motion** – A motion to schedule a public hearing on April 1, 2020, to consider the adoption of an ordinance authorizing the conveyance of certain real property known as Tax Map & Parcel 40A\*76
28. **Non-Agenda Speakers**

- 29. New Business**
- 30. Announcements and Comments**
- 31. Adjournment**

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, January 15, 2020, at 7:00 p.m.

**PRESENT**

Council Members -  
Leroy Bennett, Vice Mayor, presiding  
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**

Linda T. Johnson, Mayor (excused)

**CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE**

Vice Mayor Bennett called the meeting to order and led a moment of silence and the Pledge of Allegiance.

Vice Mayor Bennett announced that Mayor Johnson was excused from tonight’s proceedings.

**APPROVAL OF THE MINUTES**

Council Member Goldberg, on a motion seconded by Council Member Fawcett, moved to approve the minutes from the November 20, 2019, Regular Session, as presented, by the following vote:

AYES:	Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None (Mayor Johnson was excused.)	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**

Vice Mayor Bennett asked City Manager Roberts to present the following item for addition to tonight’s agenda. City Manager Roberts stated that a motion was in order to amend the agenda to add the following item: a resolution amending Resolution Number 19-R-046 entitled reaffirming the City of Suffolk’s commitment to the Constitutions of the United States and the Commonwealth of Virginia.

Council Member Fawcett, on a motion seconded by Council Member Duman, to amend the agenda to add the aforementioned resolution for consideration and adopt the remainder of the agenda, as presented, by the following vote:

AYES:	Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None (Mayor Johnson was excused.)	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 Emergency Management for the Suffolk Department of Fire and Rescue

**Consent Agenda Item #8** - An ordinance to accept and appropriate funds from the Obici Healthcare Foundation in support of the Economic Development Tourism Division

**Consent Agenda Item #9** - An ordinance to accept and appropriate additional funds from the Virginia Department of Criminal Justice Services for the Fifth Judicial District Community Corrections Program

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

**Consent Agenda Item #11** - An ordinance to accept and appropriate funds from Walmart for the Suffolk Public Library

**Consent Agenda #12** - A resolution confirming the appointment of Janey Culpepper as Deputy City Assessor

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

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

AYES:	Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None (Mayor Johnson was excused.)	0

Referring to the distributed handout, City Clerk Dawley presented the following item: a resolution amending Resolution Number 19-R-046 entitled reaffirming the City of Suffolk’s commitment to the Constitutions of the United States and the Commonwealth of Virginia.

Council Member Fawcett, on a motion seconded by Council Member Duman, moved to approve the resolution, as presented, by the following vote:

AYES:	Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None (Mayor Johnson was excused.)	0

**A RESOLUTION AMENDING RESOLUTION NUMBER 19-R-046 ENTITLED REAFFIRMING THE CITY OF SUFFOLK’S COMMITMENT TO THE CONSTITUTIONS OF THE UNITED STATES AND THE COMMONWEALTH OF VIRGINIA**

**PUBLIC HEARINGS**

**Public Hearing** – A public hearing regarding an ordinance authorizing the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the Nansemond Parkway Intersection Improvements Project

Utilizing a PowerPoint presentation, Public Works Director Louis Hansen provided a report on the background information as printed in the official agenda.

The following individuals spoke in opposition to the proposed ordinance:

Dwight Nixon, 3637 Nansemond Parkway, Pastor, Saint Mary’s Church of God in Christ.

Trevon Boone, 3621 Nansemond Parkway, Pastor, Tabernacle Baptist Church.

Annette Ridley Bremer, 3624 Nansemond Parkway, representing self.

Edwin Owens, 1532 Wilkins Drive, representing self, opined about recycling. Vice Mayor Bennett advised Mr. Owens that this public hearing was about the above referenced item and his comments were out of order.

The following individuals spoke in opposition to the proposed ordinance:

Sherrell Harris, 102 Ashford Drive, representing self.

Kelly Randolph, 507 Kemp Landing, representing self.

Carl Hale, 2047 Indian Point Trail, representing self.

Hearing no additional speakers, the public hearing was closed.

Referring to the presentation, Council Member Goldberg sought information about the proposed route between Bennett’s Pasture Road and Nansemond Parkway, as it relates to the impact on the churches in the area. Public Works Director Hansen reported that staff hopes to move the ingress and egress to the rear of the property to mitigate the impact on the churches in the area.

Referring to the presentation, Council Member Goldberg called for clarification about additional wetlands in the back of the area near Tabernacle Baptist Church that can be used for additional parking without adverse impact on wetlands. Public Works Director Hansen explained that it is difficult to predict the potential impacts on the properties under consideration, and the City is not able to ascertain the church's options for parking.

Referring to the presentation, Council Member Duman queried about alternative options to the proposed project and the impact of the left turn lane on to Nansemond Parkway, as it relates to Nansemond River High School. Public Works Director Hansen stated that the current staff recommendation is the safest option. He added that the recommendation to move the signal to Sleepy Hole Road is based on the fact that most people entering and leaving Nansemond River High School come from the north, and no other viable options are under consideration. City Manager Roberts added that the option that has been suggested by residents would more than likely disturb some graves on Bennett's Pasture Road, and the distance is insignificant.

Referring to the presentation, Council Member Fawcett opined about the feasibility of the City assisting the two churches that would be impacted by the proposed project with their future parking needs. Public Works Director Hansen said that the City will pay the two churches for any property that is acquired for the project, but the City has not done a parking study on private land for the proposed project.

Referring to the presentation, Council Member Fawcett inquired about the ability of the two churches to expand in the future, as it relates to the proposed project. Public Works Director Hansen stated that he is unable to speculate on the churches' abilities to expand in the future.

Referring to the presentation, Council Member Fawcett solicited a comparison of the current traffic load versus the potential traffic load, as it relates to the proposed project. Public Works Director Hansen replied that there are no traffic load generation numbers, as this proposed project is not a rezoning.

Referring to the presentation, Council Member Ward asked about the amount of property at Tabernacle Baptist Church impacted by the proposed project. Public Works Director Hansen indicated that five acres of property will still remain on the parcel at Tabernacle Baptist Church, should the proposed project move forward.

Referring to the presentation, Council Member Ward opined about the development value of the property that the City would need to purchase from Tabernacle Baptist Church in comparison to the development value of the remaining property, as it relates to the proposed project. City Manager Roberts explained that when the City designs a road project, staff does not perform topographical or wetlands surveys on property that the City does not plan to acquire.

Council Member Ward called for clarification about the questions raised at the community meeting about the proposed project. Public Works Director Hansen said that most of the questions posed at the community meeting were about the potential impact on current parking, not future parking expansion options. He added that there were also questions about the impact of drainage and the proximity of the new road.

Council Member Ward queried about the timeline regarding the start of the proposed project. Public Works Director Hansen reported that the inception of the proposed project started in 2016.

Council Member Fawcett moved to continue consideration of the proposed ordinance to the February 19, 2020, City Council Meeting. The motion failed for lack of a second.

Referring to the presentation, Council Member Johnson asked about the rationale behind the proposed project’s route. Public Works Director Hansen stated that the colocation of Sportsman Boulevard is the best engineering practice the insure safety, as it relates to the proposed project. He concluded there are no other viable options, as it relates to the location or the impact on the property owners.

Council Member Fawcett, on a motion seconded by Council Member Duman, moved to continue consideration of the proposed ordinance to the February 19, 2020, City Council meeting.

Referring to the motion, City Manager Roberts asked Public Works Director Hansen if staff could be prepared to address the issues raised tonight as it relates to the proposed ordinance at the February 5, 2020, City Council meeting. Public Works Director Hansen replied in the affirmative.

Council Member Ward called on staff to meet with the pastors from the churches that are in the area of the proposed project. City Manager Roberts said that staff would meet with the pastors prior to the February 5, 2020, City Council meeting.

Council Member Fawcett, on an amended motion seconded by Council Member Duman, moved to continue consideration of the proposed ordinance to the February 5, 2020, City Council meeting, by the following vote:

AYES:	Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None (Mayor Johnson was excused.)	0

City Council recessed at 8:28 p.m. and reconvened at 8:32 p.m.

**ORDINANCES**

There were no items under this portion of the agenda.

**RESOLUTIONS**

There were no items under this portion of the agenda.

**STAFF REPORTS**

There were no items under this portion of the agenda.

**MOTIONS**

**Motion** - A motion to schedule a City Council Work Session for Wednesday, February 5, 2020, at 4:00 p.m., unless cancelled

Council Member Fawcett, on a motion seconded by Council Member Ward, moved to schedule a City Council Work Session for Wednesday, February 5, 2020, at 4:00 p.m., unless cancelled,

AYES:	Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None (Mayor Johnson was excused.)	0

**NON-AGENDA SPEAKERS**

Council Member Johnson, on a motion seconded by Council Member Duman, moved to suspend the City Council’s Rules of Order and Procedure to grant all individuals registered to speak under the Non Agenda Speakers three minutes to address City Council, by the following vote:

AYES:	Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None (Mayor Johnson was excused.)	0

The following individuals opined about the Second Amendment:

- Brooke Corson, 300 Babbtown Road, representing self.
- Wyatt Corson, 300 Babbtown Road, representing self.
- Cindy Chafin, 2125 Piedmont Drive, was not present when called.
- Brianne Ihlenburg, 3420 Archers Mill Road, representing self.
- Kevin Ihlenburg, 3420 Archers Mills Road, representing self.
- Larry Horne, 111 Springfield Terrance, was not present when called.
- Gary Crossfield, 4540 Stracher Court, representing self.
- Brian Ashpole, 112 Chapel Hill Court, representing self.
- Karen Hurd, 1024 Centerbrooke Lane, F-180, representing self.
- Scott Chafin, 2125 Piedmont Drive, was not present when called.
- Rick Lampkin, 3015 Kempton Park Road, representing self.
- Troy Jean 6625 Crittenden Road, representing self.
- Todd Criner, 124 Beechwood Drive, was not present when called.

Miller Cary, 1002 Macarthur Drive, representing self.

Travis McKinney, 2804 Lake Cahoon Road, representing self.

Doug Long, 104 Springfield Terrace, was not present called.

Wesley Gross, 201 Benton Road, representing self.

Leslie Jacobs, 2123 Brians Lane, was not present when called.

William Turner, 1541 Lake Speight Drive, representing self.

Garrett Stoll, 7801 Quaker Drive, representing self.

Tom Palmer, 304 Linden Avenue, representing self.

Ron Tominich, 130 Holloway Drive, Smithfield, Virginia, was not present when called.

William Davis, 3505 Lingfield Cove, representing self.

Janet McKinney, 2804 Lake Cahoon Road, representing self.

Garrett Staats, 3816 Deer Path Road, was not present when called.

Mark Ashley, 2225 Shipyard Road, Chesapeake, Virginia, was not present when called.

Scott Coombe, 207 John Deere Street, representing self.

Sanny Cogliandro, 1882 White Marsh Road, was not present when called.

Norman Ashburn, 1309 Freeman Mill Road, was not present when called.

Rick Ashburn, 4100 Dock Landing Road, Chesapeake, Virginia, was not present when called.

Robert Grimes, 1403 Planters Drive, was not present when called.

Jason Woolridge, 4580 Desert Road, representing self.

Christopher Watkins, 6029 Vineyard Lane, representing self.

Mathias Adams, 500 Oak Grove Court, representing self.

Michael Garrison, 5972 Indian Trail, representing self.

Penny Harcum, 5774 Greenwood Road, was not present when called.

Teri Bauder, 8447 Pine View Road, representing self.

George Mears, 4304 Ainslie Court South, representing self.

Casey Ohmsen, 509 Oscar Babb Lane, representing self.

Gary Harvey, 1915 Jenkins Mill Road, was not present when called.

Kelly Hengler, 9345 Eclipse Drive, representing Crittenden-Eclipse-Hobson Heritage Civic League, opined about storm water needs.

The following individuals opined about the Second Amendment:

Shawn Howell, 117 Foxwood Road, was not present when called.

Cindy Albertson, 6212 Apple Street, was not present when called.

Jacob Murbach, 228 Great Fork Road, representing self.

Colette Cogliandro, 1882 White Marsh Road, was not present when called.

Rodney Patton, 405 Sycamore Circle, representing self.

Karl Pinto, 6990 Holy Neck Road, was not present when called.

**NEW BUSINESS**

City Manager Roberts presented the following item for City Council’s consideration: a motion to schedule a joint work session with the Suffolk School Board for Wednesday, February 5, 2020, at 4:00 p.m., unless cancelled.

Council Member Goldberg, a motion seconded by Council Member Fawcett, moved to schedule a joint Work Session with the Suffolk School Board for Wednesday, February 5, 2020, at 4:00 p.m., unless cancelled, by the following vote:

AYES:	Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None (Mayor Johnson was excused.)	0

**ANNOUNCEMENTS AND COMMENTS**

Utilizing a PowerPoint presentation, Media and Community Relations Assistant Director Timothy Kelley reported on the following: the Finance Department’s receipt of the Distinguished Budget Presentation Award from the Government Finance Officers Association; the Suffolk Public Library’s receipt of the Walmart Foundation Local Community Grant; the Hampton Roads Recruit Fire Academy Class Sixteen Graduation; and the City’s observance of Lee-Jackson Day and Martin Luther King, Jr. Day holidays.

Council Member Fawcett announced he attended the Suffolk Sheriff’s Department Promotional Ceremony.

Council Member Fawcett acknowledged the following: the Finance Department’s receipt of the Distinguished Budget Presentation Award from the Government Finance Officers Association and the Suffolk Public Library’s receipt of the Walmart Foundation Local Community Grant.

Council Member Milteer acknowledged the speakers who were in attendance.

Council Member Duman acknowledged the speakers who were in attendance.

Council Member Duman opined about the Suffolk Humane Society Fundraiser.

Council Member Ward acknowledged the speakers who were in attendance.

Council Member Johnson thanked City Manager Roberts for the extension of the City’s recycling program.

Council Member Johnson opined about the funds from the Obici Healthcare Foundation in support of the City’s Farmers Market.

Council Member Johnson acknowledged the Suffolk Police Department’s ranking in the Old Dominion University survey regarding satisfaction with public safety.

Council Member Johnson acknowledged the new Deputy City Assessor Janey Culpepper.

Council Member Johnson acknowledged the speakers who were in attendance.

Vice Mayor Bennett acknowledged the speakers who were in attendance.

Council Member Fawcett, on a motion seconded by Council Member Johnson, moved to adjourn, by the following vote:

AYES:	Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None (Mayor Johnson was excused.)	0

There being no further business to come before City Council, the regular meeting was adjourned at 9:57 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: March 18, 2020, Regular Session**

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

The City has received \$215,602.64 in funding from the Virginia 9-1-1 Services Board Public Safety Answering Point Grant Program in support of the Next Generation 9-1-1 project. This project will be used to purchase equipment to implement Next Generation capabilities at 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 2019-2020.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund budget by \$215,602.64 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 PUBLIC SAFETY ANSWERING POINT GRANT PROGRAM FOR THE SUFFOLK POLICE DEPARTMENT**

WHEREAS, the City has received funds in the amount of \$215,602.64 from the Virginia 9-1-1 Services Board Public Safety Answering Point Grant Program in support of the Suffolk Police Department's Next Generation 9-1-1 project; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2019-2020 to purchase equipment for the Next Generation 9-1-1 Project for the Emergency Communication Center.

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

1. The sum of \$215,602.64 shall be reflected as budget in the following accounts in the Fiscal Year 2019-2020 Consolidated Grants Fund budget:

<u>Revenue</u>		
211-31400-202082_433010	NG911-118;02/23	<u>\$215,602.64</u>
<u>Expenditure</u>	NG911-118;02/23	
211-31400-202082_58200	Capital Outlay	<u>\$215,602.64</u>

2. The fund amount totaling \$215,602.64 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033, 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**  
*Virginia 9-1-1 Services Board*

Jeffrey D. Starn  
Chairman  
VDEM

Hon Kevin W. Hall  
Sheriff  
Vice Chairman  
City of Covington

David A. Van Moll  
Treasurer  
Comptroller

Mary M. Blowe  
Chief Financial Officer  
City of Winchester

Gary Citzor  
Emergency Mgmt/ EMS Dir  
City of Waynesboro

Bruce Edwards  
City of Franklin

Terry Ellis  
Comcast

E. Scott Garber  
Fire Chief  
City of Staunton

Danny Garrison  
Richmond Ambulance  
Authority

Pete Hatcher  
AT&T

Jeffrey T. Morrison  
Verizon Communications

Lee W. Miller III  
Major  
Virginia State Police

Nelson P. Moe  
CIO - VITA

Seth Weise  
Sprint

Kalvin Wright  
Chief of Police  
City of Chesapeake

Jolena Young  
Twin County

Shawn Talmadge  
Office of the Governor  
Advisor

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

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

February 6, 2020

**Suffolk PSAP:**

This letter serves as confirmation of the Virginia 9-1-1 Services Board (the "Board") approval of the City of Suffolk PSAP's NG9-1-1 funding request for costs needed for NG9-1-1 implementation. The amount awarded is listed below and is based on estimated costs and related information contained in the version of your NG9-1-1 Migration Proposal (also listed below) referenced in your funding request:

<b>PSAP Name and Funding ID</b>	<b>Suffolk NG911-118</b>
<b>Date of Award by the 9-1-1 Services Board</b>	<b>February 6, 2020</b>
<b>End of funding period for your grant award {36 months from date of award unless granted an extension by the Board}</b>	<b>February 6, 2023</b>
<b>NG9-1-1 Deployment - Amount Awarded</b>	<b>\$215,602.64</b>
<b>PSAP preference for Board payment on behalf of PSAP for incurred eligible NG9-1-1 expenses:  Yes - Direct payment where possible No - Full reimbursement basis</b>	<b>Yes</b>

<b>Migration Proposal Date</b>	<b>November 1, 2018</b>
<b>Migration Proposal NG9-1-1 Service Provider</b>	<b>AT&amp;T</b>
<b>Contract Vehicle upon which the Migration Proposal is based</b>	<b>Fairfax County contract w/ AT&amp;T</b>
<b>Deadline for executing a contract vehicle with the NG9-1-1 Service Provider listed above {3 months after date of award}</b>	<b>May 6, 2020</b>
<b>Scheduled NG9-1-1 Deployment Window</b>	<b>Q4 2020</b>

Suffolk PSAP  
February 6, 2020  
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Funding awards are non-binding until a locality selects an NG9-1-1 solutions provider by executing a contract. The Board recognizes this is a local decision. If you wish to accept this funding request using the NG9-1-1 solutions provider listed above, the Board expects your locality to execute a contract vehicle with the identified NG9-1-1 solutions provider within three months of the date of your award, unless the Board grants an extension. However, if requested by the PSAP, ISP staff can prepare a migration proposal for a different NG9-1-1 solution provider and the locality can also submit a funding request using this new migration proposal.

The Board is committed to a statewide deployment of NG9-1-1 that is consistent with NENA's i3 standard and reserves the right to add subsequent conditions to your migration proposal and revise the funding award for this purpose. Funding for any additional non-recurring costs related to these conditions will be considered by the Board and you will receive a revised award letter, if approved.

Since NG9-1-1 deployments will be occurring by selective router regions over a multi-year period, portions of your funding may not be immediately available and may be distributed over different fiscal years. The spending plan below is based on your scheduled NG9-1-1 deployment window listed above and in your migration proposal. This plan lays out when approved funding for each category will be available. The goal is to complete all identified NG9-1-1 ready implementation items (CHE equipment and GIS data) at least three months in advance of your PSAP's scheduled deployment time period.

**NOTE: Before contracting for a service or committing any local funding, you should consult this spending plan and coordinate expenditures with your Regional Coordinator. This action will ensure that you will be reimbursed for any local funds spent for items identified in your migration proposal.**

Depending on the preference you selected in your Proposal Acceptance Letter, the Board may pay some of your NG9-1-1 deployment costs on your behalf. If applicable, the specific costs will be identified in your spending plan included in this letter. Payment for the remaining NG9-1-1 deployment costs will be made on a reimbursement basis.

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Fiscal Year	Category	Amount	Payer
FY20	NG9-1-1 NRC	\$ 4,000.00	Board
FY19	CHE i3 Services	\$ 30,000.00	Locality
FY24	CHE Replacement	\$ 0.00	Locality
FY19	Text to 9-1-1	\$ 0.00	Locality
FY19	Voice Logging	\$ 0.00	Locality
FY19	ECaTS NRC	\$ 1,000.00	Board
FY19	Rack	\$ 0.00	Locality
FY19	Diversity	\$ 38,078.28	Board
FY19	GIS Data	\$ 0.00	Locality
FY20	Legacy 9-1-1	\$ 13,677.00	Board
FY20	Monthly Delta	\$ 64,423.68	Locality
FY21	Monthly Delta	\$ 64,423.68	Locality

Finally, funding for approved equipment and services may not be immediately available to the PSAP. ISP staff will provide a spending plan, specific to the PSAP's deployment schedule, that details in which year of the deployment period funding will be available to the PSAP.

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

Sincerely,

*Lisa Nicholson*

Lisa Nicholson  
Public Safety Program Manager

**AGENDA: March 18, 2020, Regular Session**

**ITEM: Consent Agenda** - An ordinance to accept and appropriate funds from the Virginia Department of Forestry for the Playground Shade Tree Project for the Department of Parks and Recreation

The City has received a \$3,300 grant from the Virginia Department of Forestry in support of the Playground Shade Tree Project for the Department of Parks and Recreation. The funds will be used to purchase and plant shade trees at various playgrounds throughout the City.

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 2019-2020.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund by \$3,300 for the above noted purpose and requires a local cash match of \$400 and an in-kind match of \$2,905.80 which is provided for in the Parks & Recreation Fiscal Year 2019-2020 operating budget.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Award Letter

ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE VIRGINIA DEPARTMENT OF FORESTRY FOR THE PLAYGROUND SHADE TREE PROJECT FOR THE DEPARTMENT OF PARKS AND RECREATION**

WHEREAS, the City has received funds in the amount of \$3,300 from the Virginia Department of Forestry in support of the Playground Shade Tree Project for the Department of Parks and Recreation; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2019-2020 to assist with the purchase and planting of shade trees at various playgrounds throughout the City.

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

1. The sum of \$3,300 shall be reflected as budget in the following accounts in the Fiscal Year 2019-2020 Consolidated Grants Fund Budget:

<u>Revenue</u>		
211-71350-202058-424070	VDOFPlaygroundShadeTree#20;12/20	<u>\$3,300</u>
<u>Expenditure</u>		
211-71350-2022058-56014	VDOFPlaygroundShadeTree#20;12/20 Other Operating Supplies	<u>\$3,300</u>

2. The fund amount totaling \$3,300 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033, 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

Rob Farrell  
State Forester



# COMMONWEALTH of VIRGINIA

## Department of Forestry

900 Natural Resources Drive, Suite 800 • Charlottesville, Virginia 22903  
(434) 977-6555 • Fax: (434) 296-2369 • [www.dof.virginia.gov](http://www.dof.virginia.gov)

January 29, 2020

Michael J. Kelly  
134 South 6th Street  
Suffolk, VA 23434

### Re: Playground Shade Tree Project– 20VTCW11

Dear Mr. Michael J. Kelly,

On behalf of the Virginia Department of Forestry, and the USFS Chesapeake Watershed Forestry Program and VA DCR Water Quality Improvement Funds it is my pleasure to notify you that a grant for **\$3,300.00** has been awarded to the **City of Suffolk Dept. of Parks and Recreation** for its *Playground Shade Tree Project*. This award represents a **full** award of your original request. Your project has been assigned number **20VTCW11** which should be used in any future correspondence.

Attached is paperwork that is required to **activate** the grant. Please fill out and return within 30 days of the date of this letter. If your paperwork is not received in this time period, funds will be awarded to another project (we will allow an extension if you notify us with valid reason for the delay.)

Also, attached is a Request for Reimbursement form that must be submitted for all approved project expenses. Please read the instructions provided for completing the form. Also please read the Memorandum of Agreement that describes your record keeping and expense documentation responsibilities. We cannot reimburse your organization for expenses without proper expense documentation! ***Please remember to include your grant award #20VTCW11 on all documentation.***

If you have any questions or need further assistance, please feel free to contact me at 434.220.9185 or by email at [lara.johnson@dof.virginia.gov](mailto:lara.johnson@dof.virginia.gov) or Molly O'Liddy at 434-220-9041 or by email at [molly.oliddy@dof.virginia.gov](mailto:molly.oliddy@dof.virginia.gov). Congratulations on your grant award and I wish you every success in the implementation of your project!

Sincerely,

*Lara Johnson*

Urban and Community Forestry Program Manager

c: 20VTCW11

## 2020 Virginia Trees for Clean Water BUDGET WORKSHEET

**Applicant:** City of Suffolk, Department of Parks and Recreation

**Project Name:** Playground Shade Tree Project

**Grant Number:**

ITEM	<i>Grant Share</i> Direct Expenses or Cash Purchases	<i>Applicant</i> Direct Expenses or Cash Purchases	<i>Applicant</i> In-Kind* Personal Services: Volunteer & Staff hrs.	<i>Applicant</i> In-Kind Donated: Services, Supplies or Equipment use	<b>Total</b>
<b>Plant Materials</b> <i>No Ash trees, invasive trees or invasive shrubs will be funded</i>					
33 Shade Trees (15 can)@\$100/Tree	\$ 3,300.00				\$ 3,300.00
Hardwood Mulch 10 CY @ \$40/CY		\$ 400.00			\$ 400.00
Planner Admin (4 Hrs.) \$50/Hr				\$ 200.00	\$ 200.00
Supervisor (8 Hrs.) \$35/Hr				\$ 280.00	\$ 280.00
Auger Holes (8 Hrs.) \$50/Hr				\$ 400.00	\$ 400.00
Pick up material (4 Hrs) \$25/Hr				\$ 100.00	\$ 100.00
30 Volunteers at 2 Hours each			\$ 1,525.80		\$ 1,525.80
Planner/Coordinator (8 Hrs) \$50/Hr			\$ 400.00		\$ 400.00
					\$ -
					\$ -
					\$ -
					\$ -
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					\$ -
					\$ -
					\$ -
<b>TOTAL</b>	\$ 3,300.00	\$ 400.00	\$ 1,925.80	\$ 980.00	\$ 6,605.80

NOTE: All grantees are required to maintain and submit written records that fully document all expenses.

\* For the 2020 grants, \$25.43 is the federally accepted base rate for volunteers. You may use a higher value for a professional who volunteers his/her professional services. Children should be at the minimum wage rate.

VIRGINIA DEPARTMENT OF FORESTRY  
**VIRGINIA TREES FOR CLEAN WATER GRANT PROGRAM  
APPLICATION**



Project Number (VDOF Use Only): \_\_\_\_\_

**SECTION 1 – Applicant Information**

Project Title: Playground Shade Tree Project

Location (City/Community): Suffolk, Virginia

Watershed: Nansemond River/ James River

Property Owner (if applicable): City of Suffolk

Applicant Name: City of Suffolk, Department of Parks and Recreation

Applicant Address: 134 South 6<sup>th</sup> Street

City: Suffolk State: Virginia Zip: 23434

Contact Person: Michael J. Kelly Daytime Phone No.: 757-514-7258

E-mail: mkelly@suffolkva.us Organization's Federal ID No.: 54-6001686

Does your city/community have an Urban Tree Canopy Assessment?  Yes  No

**SECTION 2 – Project Information**

Brief Description of Project: Planting shade trees around 7 new playgrounds . A total of 33 trees are proposed.  
Volunteers from the Nansemond River Preservation Alliance and the Clean Community Commission will be used.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(a) VTCW Funds Requested \$ 3300.00

(b) Local Dollar Match Provided \$ 400.00

(c) Value of In-Kind Match \$ 2905.80

Total Project Amount (a+b+c) \$ 6605.80

Timetable: Starting Date: 3/15/2020 Ending Date: Prior to December 31, 2020

Volunteer/Organization Involvement [Name of Group(s)]: Nansemond River Preservation Alliance  
Clean Community Commission

**SECTION 3 – Signature**

Mark W. Furlo, CPRE Director of Parks and Recreation  
 Authorized Representative Name (Print) Authorized Representative Title

\_\_\_\_\_  
 Authorized Representative Signature January 7, 2020  
 Date

*If application is approved for financial assistance, grantees will be assigned a grant number and a maximum grant amount.*

**AGENDA: March 18, 2020, Regular Session**

**ITEM: Consent Agenda** – An ordinance authorizing the City Manager to execute a grant agreement with the Virginia Land Conservation Foundation

Funding will be used to acquire land in the South Quay area of the City. The land acquired will be used for two different projects. A portion of the land will be transferred to Virginia Department of Conservation and Recreation to expand the South Quay Sandhills Natural Area Preserve and the remaining property would be developed by the City into a public park with access to the Blackwater River.

**BUDGET IMPACT:**

No budgetary impact is anticipated.

**RECOMMENDATION:**

Adopt the attached Ordinance

**ATTACHMENT:**

Ordinance  
Grant Agreement

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE VIRGINIA LAND CONSERVATION FOUNDATION**

WHEREAS, the City of Suffolk, Virginia (“City”) was awarded a \$400,000 grant from the Virginia Land Conservation Foundation (“VLCF”) to acquire property in the South Quay area of the City for the purpose of expanding the Virginia Department of Conservation and Recreation’s South Quay Sandhills Natural Area Preserve and developing a City park “Projects”); and,

WHEREAS, the City is to enter into a grant agreement with VLCF, the terms of which include the requirement that the acquired property be dedicated for open-space under the Virginia Open-Space Land Act; and,

WHEREAS, the Projects will be for the use and enjoyment of the citizens and visitors of the City of Suffolk.

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

Section 1. The City Manager is authorized to execute a grant agreement with VLCF, in substantially the same form as attached hereto.

Section 2. Any future dedications by the City required by the grant agreement and pursuant to the Open-Space Land Act will require the approval of the Suffolk City Council after a properly advertised public hearing.

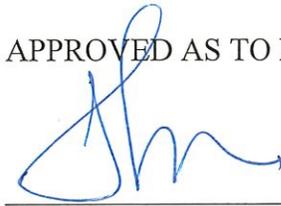
This ordinance shall be in effect upon its passage and shall not be published:

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_

Erika S. Dawley, City Clerk

APPROVED AS TO FORM:



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Helivi L. Holland, City Attorney

**THE VIRGINIA LAND CONSERVATION FOUNDATION  
CONTRACTUAL AGREEMENT FOR GRANT FUNDING  
(Fee Acquisition by State or Local Government)**

**Grant Recipient:** City of Suffolk, Department of Parks and Recreation  
**Project Number:** VLCF – 214 (20)  
**Project Title:** Blackwater River Park and South Quay Sandhill Natural Area Preserve  
**Project Period:** January 1, 2020 to January 1, 2022  
**Project Scope:** Acquisition of 338 acres located in the City of Suffolk  
**Total Project Cost:** \$800,000.00  
**Grant Amount:** \$400,000.00 VLCF funds

The Virginia Land Conservation Foundation (VLCF) and the Grant Recipient named herein, in exchange for the grant funds provided hereunder and the perpetual dedication to be given by the Grant Recipient, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged hereby, mutually agree to perform this contractual agreement (Agreement) in accordance with the Virginia Land Conservation Foundation Act, Virginia Code §§10.1-1017 through 10.1-1026, the provisions and conditions of the VLCF Grant Manual dated June 19, 2019, and with the terms, promises, conditions, specifications, and procedures listed below.

**The Grant Recipient hereby agrees to provide the following documents to VLCF prior to grant disbursement:**

- A final appraisal of the fair-market value of the fee property, performed by a Virginia licensed appraiser, that conforms with Uniform Standards of Professional Appraisal Practice (USPAP) standards and meets the requirements of Va. Code § 58.1-512.1, prepared within six (6) months of closing.
- Evidence of the purchase price of the property:
  - In the case of a request for the grant funds to be provided at closing, a real estate purchase contract evidencing the property is under contract to the Grant Recipient, or a real estate settlement statement for the transaction, or
  - In the case of a request for the grant funds as a reimbursement after closing, a copy of the recorded deed(s) for the transaction and the real estate settlement statement for the transaction.
- A survey plat prepared by a Virginia licensed surveyor or professional engineer meeting ALTA/NSPS standards, preferably in digital form, depicting the metes and bounds of the property.
- A Phase I Environmental Site Assessment (effective within six (6) months of the acquisition) satisfactory to VLCF and that reports no major or significant environmental problems occurring on the property. Should the report reveal trash, debris or hazards that appear to be in conflict with the purpose of the grant, VLCF may require remedial action or a written statement that the materials will be removed.
- A title commitment (binder) and pro forma title policy insuring the interest to be acquired, effective within ninety (90) days of the closing. The binder provided prior to acquisition must

confirm that the seller owns good and marketable fee-simple title to the property. If reimbursement is requested post-acquisition, the grant recipient's title policy must confirm that the Grant Recipient holds unencumbered fee-simple title in the acquired property.

- The final versions of the deed of transfer and any other necessary deeds before recordation. No grants shall be paid until the final deed(s) are approved by DCR, are fully executed, and are sent to a closing agent for recordation.
- Documented verification of eligible expenditures including, but not limited to: copies of invoices, bills of sale, payment vouchers, cancelled checks, etc.

**The following special project terms and conditions are agreed to by the parties hereto:**

1. VLCF grant funds shall not exceed fifty (50) percent of appraised value of the property plus fifty (50) percent of the eligible acquisition expenses, not to exceed the actual expenditures of the transaction, and *not to exceed the total grant amount of \$400,000.00*.
2. Until project closure, the Grant Recipient shall submit brief progress reports twice a year to VLCF on the status of grant implementation, due by the end of April and the end of October each year.
3. The form of the deed(s) associated with the acquisition must be provided to, and approved by the Department of Conservation and Recreation on behalf of VLCF *prior to recordation*.
  - The property must be dedicated in perpetuity as open-space land under the Open-Space Land Act (Virginia Code §§ 10.1-1700 to 10.1-1705), specifying one or more of the purposes described in the Virginia Land Conservation Fund Act, Virginia Code §10.1-1020 et seq.
  - VLCF requires a 35-foot permanent, vegetated riparian buffer that excludes livestock along perennial streams, rivers and shorelines as stipulated in the grant manual. This buffer requirement must be specified in the approved deed(s).
  - During scoring of VLCF applications, points are awarded for projects that provide various allowances or restrictions that may affect the property (public access, protection of wildlife habitat, riparian buffers that exceed the minimum width, etc.). Language is required in the approved deed(s) to adequately address these items that were included as part of the grant application submitted for this project.
4. The Executive Secretary of VLCF reserves the right to seek independent appraisal reviews, at Grant Recipient's expense, on all appraisals prior to reimbursement.
5. The parties understand that VLCF funding may be subject to rescission by the General Assembly. In such a case, VLCF reserves the authority to cancel this Agreement.
6. The Grant Recipient must contact DCR at least two months before the desired closing date to ensure that the Department will have sufficient funds available to meet the funding obligations created hereunder. Reimbursement will not proceed until DCR receives sufficient appropriations for the project.
7. Grant Recipient must provide contact information for the settlement agent who will be receiving the VLCF funds for final closing, and must also provide a W-9 for that company at least one month before the desired closing date.
8. The Grant Recipient must provide to DCR no later than one month after recordation a copy of the recorded deed of transfer and any other necessary recorded documents for which

VLCF monies have been awarded, showing the locality, deed book, page of recordation, and/or instrument number.

9. If the value of another parcel of real property is used as any part of the match for the grant, that parcel must meet the same requirements identified above. The submitted appraisal must show that the unencumbered value of any property used as match is equal to the value of funds required to complete the match.
10. The Grant Recipient agrees to hold the Commonwealth of Virginia harmless from all legal liability under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U. S. C. §§ 9601 et seq., together with any other federal, state or local law or ordinance related to hazardous substances or hazardous waste.
11. The Grant Recipient shall ensure that the property will be made and shall remain accessible to Commonwealth of Virginia staff for site inspection for compliance with the terms of the Virginia Land Conservation Fund Program and will provide judicially enforceable ingress and egress rights therefor. Requests from VLCF for periodic monitoring reports shall be granted.
12. The Grant Recipient agrees to give appropriate credit to VLCF in any and all press releases, publications, annual reports, signage, video credits, dedications, and other public communications regarding the VLCF-funded project.
13. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors. Nothing contained herein shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Commonwealth of Virginia and the Grant Recipient that any other person or entity receiving benefits under this Agreement shall be deemed an incidental beneficiary only.
14. Modification of this Agreement must be in writing and upon approval of both parties.
15. Nothing in this Agreement is intended to conflict with current laws or regulations of the Commonwealth of Virginia. If any term of this Agreement is found by any court or other legal authority, or is agreed by the parties to be in conflict with any law or regulation governing its subject, the conflicting term shall be considered null and void. The remaining terms and conditions of this Agreement shall remain in full force and effect.
16. This Agreement and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral and written statements or agreements.
17. Should the subject property be diverted or converted from the uses described in the recorded deed(s) or should the interest created by the deed(s) be extinguished at any time after the date(s) of recordation, Grant Recipient agrees to reimburse the VLCF. The amount of reimbursement shall be a percentage of any monetary consideration received by the Grant Recipient as a result of that future transaction. The following formula shall be used to determine the percentage of reimbursement to VLCF: 
$$\text{VLCF grant payment} / (\text{appraised value of the fee property at time of grant} + \text{acquisition costs at time of grant}) \times 100.$$
Reimbursement shall be made within six months of such transaction.
18. The individual executing this Agreement on behalf of the Grant Recipient possesses all necessary power and authority to bind the Grant Recipient and, upon execution, this Agreement shall constitute a legal and valid obligation of the Grant Recipient.

19. The terms of this Agreement, as modified with the consent of all parties, will remain in effect until January 1, 2022, or until terminated as set forth below. VLCF may, in its discretion, extend the term for up to one year upon request of the Grant Recipient based upon unavoidable circumstances. Either party may terminate this Agreement upon thirty (30) days' advance written notice to the other party.

In witness whereof, the parties hereto have executed this contractual agreement as of the dates entered below.

**The Virginia Land Conservation Foundation  
Commonwealth of Virginia**

By \_\_\_\_\_

Date \_\_\_\_\_

Clyde E. Cristman  
Executive Secretary

**Grant Recipient: City of Suffolk, Department of Parks and Recreation**

By \_\_\_\_\_

Date \_\_\_\_\_

[Signature]

Please print name here: \_\_\_\_\_

Title \_\_\_\_\_

**AGENDA: March 18, 2020 Regular Session**

**ITEM: Consent Agenda** – A resolution requesting the Virginia Department of Transportation make certain additions and deletions to the Urban Highway System

The streets that are listed on the attached U-1 Forms entitled, “Local Assistance Division VDOT Request for Street Additions and Deletions for Street Payments Section 33.2-319 Code of Virginia,” have been reviewed by the City and found to meet the requirements for additions into the State Urban Highway System in accordance with Section 33.2-319 of the 1950 Code of Virginia, as amended.

**RECOMMENDATION:**

Approve the resolution

**ATTACHMENTS:**

Resolution  
U-1 Forms (4 pages)  
Supporting Map Documents (38 pages)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION MAKE CERTAIN ADDITIONS AND DELETIONS TO THE URBAN HIGHWAY SYSTEM**

WHEREAS, it is a requirement of the City of Suffolk Resolution Number 07-R-009 that the City Manager shall make the request to the Virginia Department of Transportation for all additions to the Urban Highway System in said City; and,

WHEREAS, the streets listed on the attached Form U-1, entitled "Local Assistance Division VDOT Request for Street Additions and Deletions for Street Payments Section 33.2-319 Code of Virginia," have been reviewed by the City and found to meet the requirements for additions to the State Urban Highway System in accordance with Section 33.2-319 of the 1950 Code of Virginia, as amended.

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

1. The City Manager is authorized to request that 6.64 centerline miles, or 13.28 total lane miles of existing collector/local streets, be added into the State Urban Highway System as reflected on the above-mentioned U-1 Forms.

BE IT FURTHER RESOLVED that a copy of this request be forwarded to the Virginia Department of Transportation.

READ AND ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_

Erika S. Dawley, City Clerk

Approved as to Form:

  
Helivi L. Holland, City Attorney

REQUEST FOR STREET ADDITIONS AND DELETIONS  
FOR STREET PAYMENTS  
SECTION 33.2-319  
CODE OF VIRGINIA

MUNICIPALITY Suffolk

STREET NAME ROUTE NUMBER *	FROM	TERMINI TO	R/W WIDTH (FEET)	PAVEMENT WIDTH (FEET)	CENTER- LANE MILES	NUMBER OF LANES	LANE MILES	FUNC. CLASS. (T&MPD USE ONLY)
Farmall Dr	Godwin Blvd	Station Dr	50	26	.11	2	.22	
Station Dr	Massey Dr	End	50	32	.29	2	.58	
Massey Dr	Station Dr	Tassell Cres	50	24	.07	2	.14	
Tassell Cres	Massey Dr	Station Dr	50	24	.14	2	.28	
McCormick Dr	Station Dr	Benthal Dr	50	24	.14	2	.28	
Benthal Dr	McCormick Dr	Kensington Blvd	50	24	.04	2	.08	
Kensington Blvd	Jester Cir	Benthal Dr	50	26	.10	2	.20	
Dabney Ln	Golden Maple Dr	Cul-de-sac	50	26	.18	2	.36	
Blossom Ct	Dabney Ln	Cul-de-sac	50	26	.03	2	.06	
Golden Maple Dr	Dabney Ln	Cul-de-sac	50	26	.03	2	.06	
Brookside Ln	Terrywood Ln	Reservoir Ln	50	26	.22	2	.44	
Terrywood Dr	Foxfield Pkwy	Cul-de-sac	50	26	.35	2	.70	
Foxfield Pkwy	Pitchkettle Rd	Terrywood Ln	60	26	.21	2	.42	

\*Council Resolution and Map Attached

SIGNED \_\_\_\_\_ AUTHORIZED VDOT OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

SIGNED \_\_\_\_\_ MUNICIPAL OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_  
CLASSIFIED BY \_\_\_\_\_ T&MPD ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

Submit to: District Point of Contact in triplicate Appendix B

REQUEST FOR STREET ADDITIONS AND DELETIONS  
FOR STREET PAYMENTS  
SECTION 33.2-319  
CODE OF VIRGINIA

MUNICIPALITY Suffolk

STREET NAME ROUTE NUMBER *	FROM	TERMINI TO	R/W WIDTH (FEET)	PAVEMENT WIDTH (FEET)	CENTER- LANE MILES	NUMBER OF LANES	LANE MILES	FUNC. CLASS. (T&MPD USE ONLY)
Reservoir Ln	Brookside Ln	Terrywood Ln	50	26	.15	2	.30	
Bristlegrass Ct	Woodfern Ln	Cul-de-sac	50	26	.11	2	.22	
Woodfern Ln	Eclipse Dr	Cul-de-sac	50	26	.12	2	.24	
Spikerush Dr	Woodfern Ln	Bristlegrass Ct	50	26	.04	2	.08	
Raven Hill Rd	Ravine Gap Dr	Ravine Gap Dr	50	24	.14	2	.28	
Ravine Gap Dr	Redgate Dr	Ravine Gap Dr	50	24	.99	2	1.98	
Patriots Walke Dr	Nansemond Pkwy	Declaration Ln	50	32	.67	2	1.34	
Declaration Ln	Patriots Walke	Ravine Gap Dr	50	32	.33	2	.66	
Independence Ct	Declaration Ln	Cul-de-sac	50	24	.16	2	.32	
Musket Cir	Declaration Ln	Cul-de-sac	50	24	.12	2	.24	
Civil Ct	Declaration Ln	Cul-de-sac	50	24	.06	2	.12	
Freedom Ln	Patriots Walke	Declaration Ln	50	25	.14	2	.28	
Hillpoint Blvd	Hillpoint Rd	Sandcastle Cir	50	26	1.03	2	2.06	

\*Council Resolution and Map Attached

SIGNED \_\_\_\_\_ AUTHORIZED VDOT OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

SIGNED \_\_\_\_\_ MUNICIPAL OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_  
CLASSIFIED BY \_\_\_\_\_ T&MPD ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

Submit to: District Point of Contact in triplicate  
Appendix B

REQUEST FOR STREET ADDITIONS AND DELETIONS  
FOR STREET PAYMENTS  
SECTION 33.2-319  
CODE OF VIRGINIA

MUNICIPALITY Suffolk

STREET NAME ROUTE NUMBER *	FROM	TERMINI TO	R/W WIDTH (FEET)	PAVEMENT WIDTH (FEET)	CENTER- LANE MILES	NUMBER OF LANES	LANE MILES	FUNC. CLASS. (T&MPD USE ONLY)
Sandcastle Cir	Hillpoint Blvd	Cul-de-Sac	50	26	.25	2	.50	
Sandalwood Ln	Sandcastle Cir	Sandcastle Cir	50	26	.09	2	.18	
Farrand Dr	Jaclyn Dr	Cul-de-sac	50	26	.17	2	.34	
Bowman Dr	Karen Ln	Farrand Dr	50	26	.11	2	.22	
Norfleet Ln	Hillpoint Blvd	Dix St	50	24	.22	2	.44	
Dix St	Peck Ln	Norfleet Ln	50	24	.05	2	.10	
Peck Ln	Huger Dr	Dix St	50	24	.19	2	.38	
Huger Dr	Norfleet Ln	Hillpoint Blvd	50	24	.15	2	.30	
Blessing Cir	Kings Fork Rd	Kings Fork Rd	50	26	.23	2	.46	
Restful Ct	Blessing Cir	Cul-de-sac	50	26	.05	2	.10	

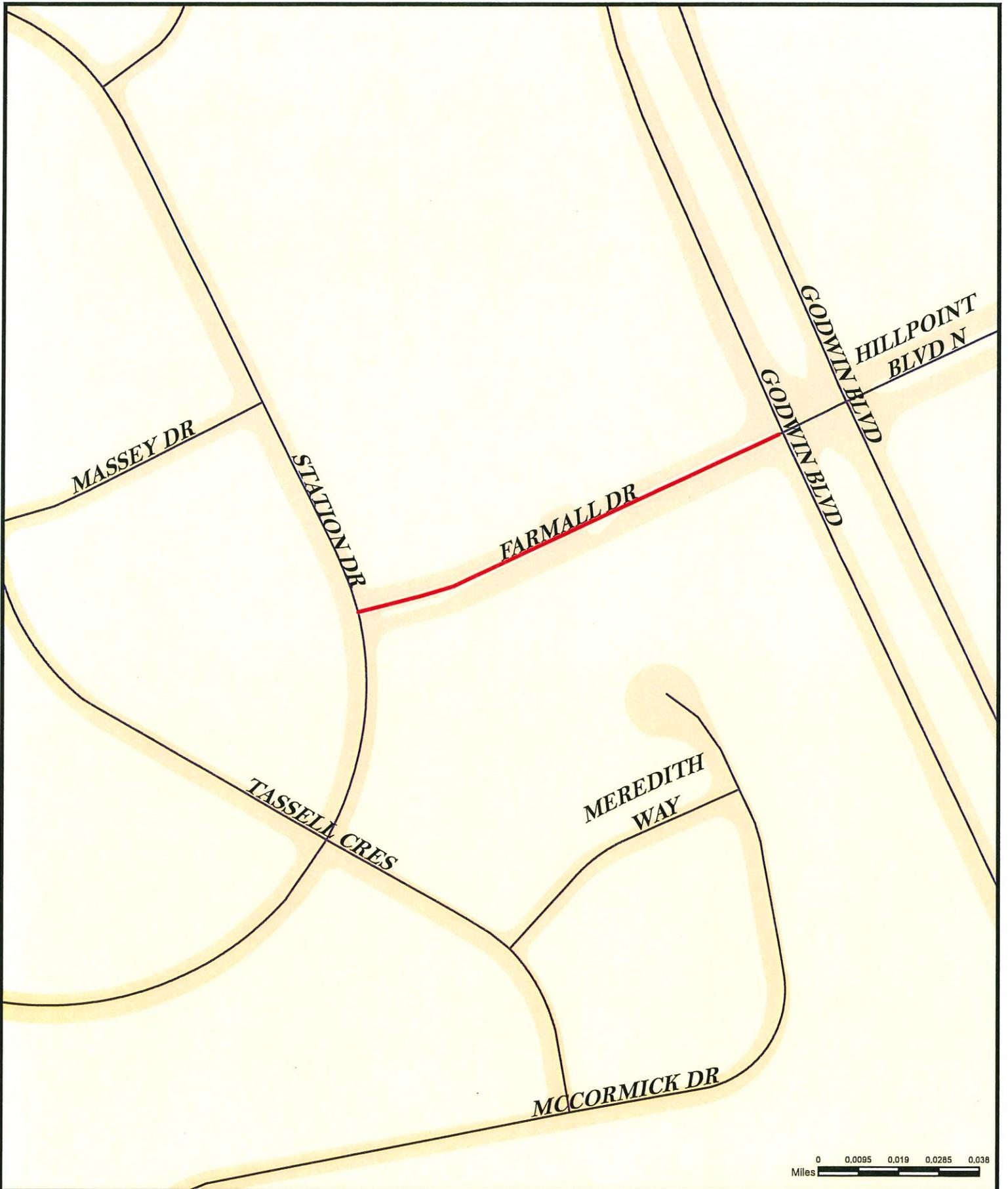
\*Council Resolution and Map Attached

SIGNED \_\_\_\_\_ AUTHORIZED VDOT OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

SIGNED \_\_\_\_\_ MUNICIPAL OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_  
CLASSIFIED BY \_\_\_\_\_ T&MPD ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

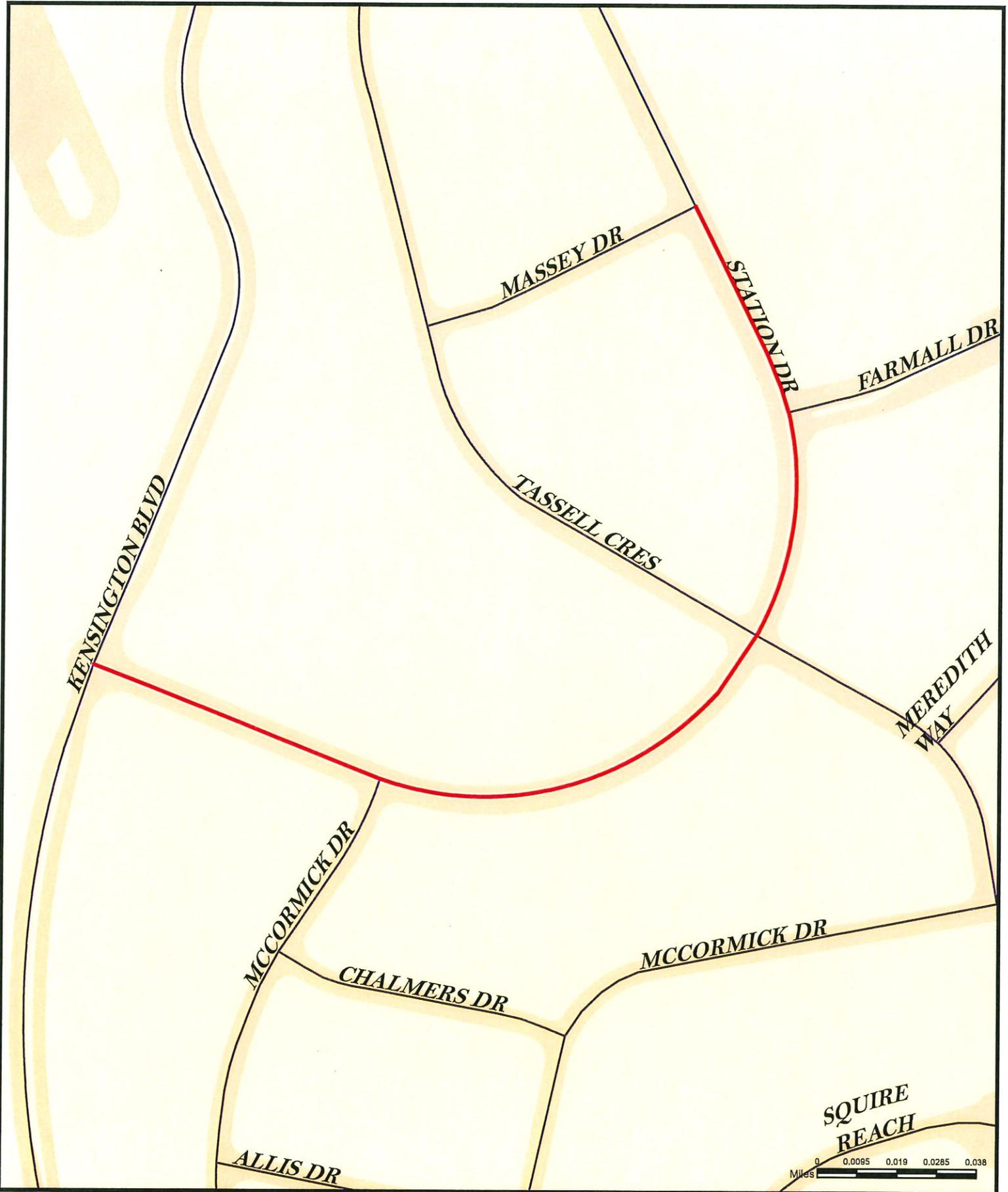
Submit to: District Point of Contact in triplicate  
Appendix B





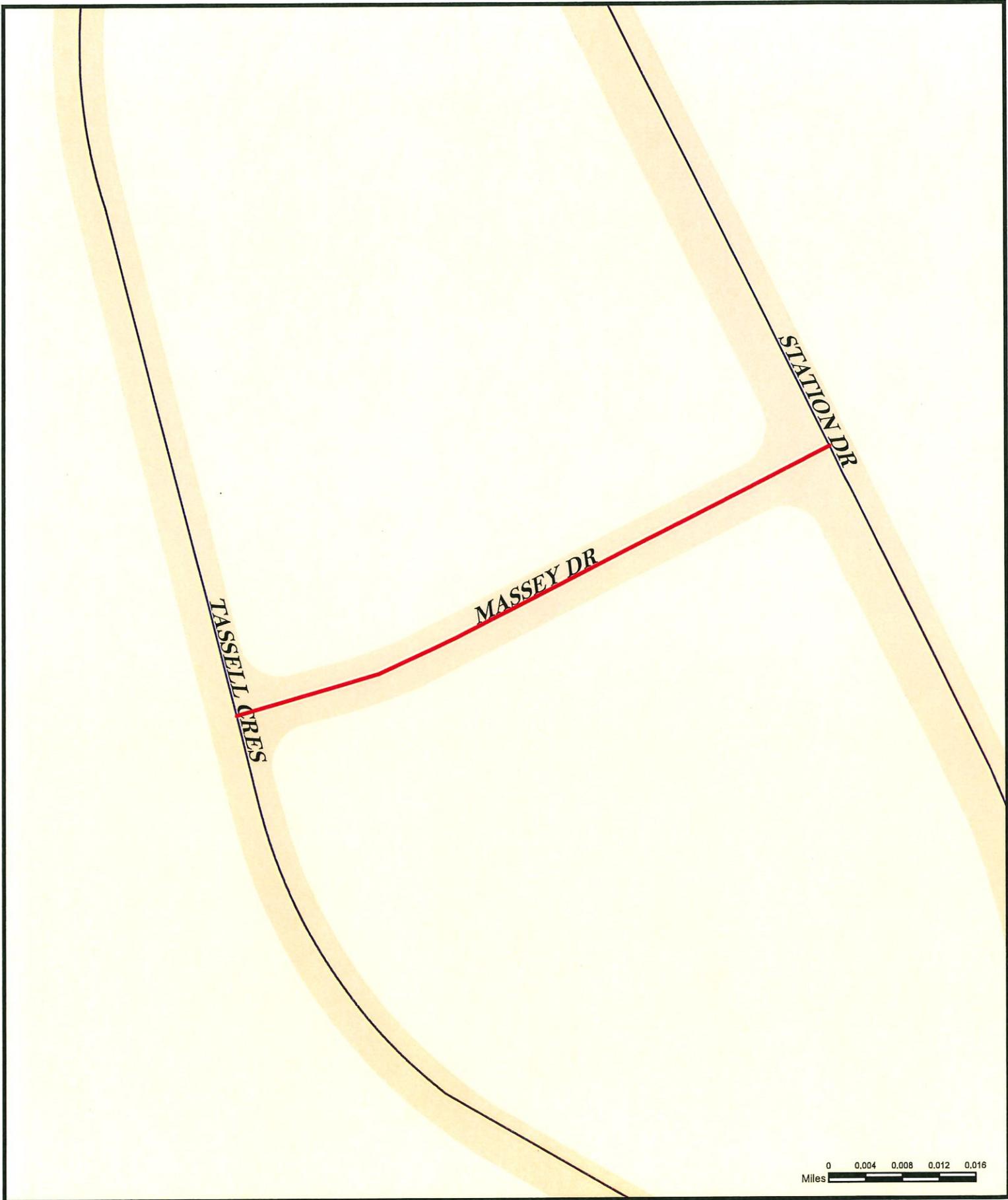
2020-2021 U1 Additions  
Farmall Drive





# 2020-2021 U1 Additions Station Drive



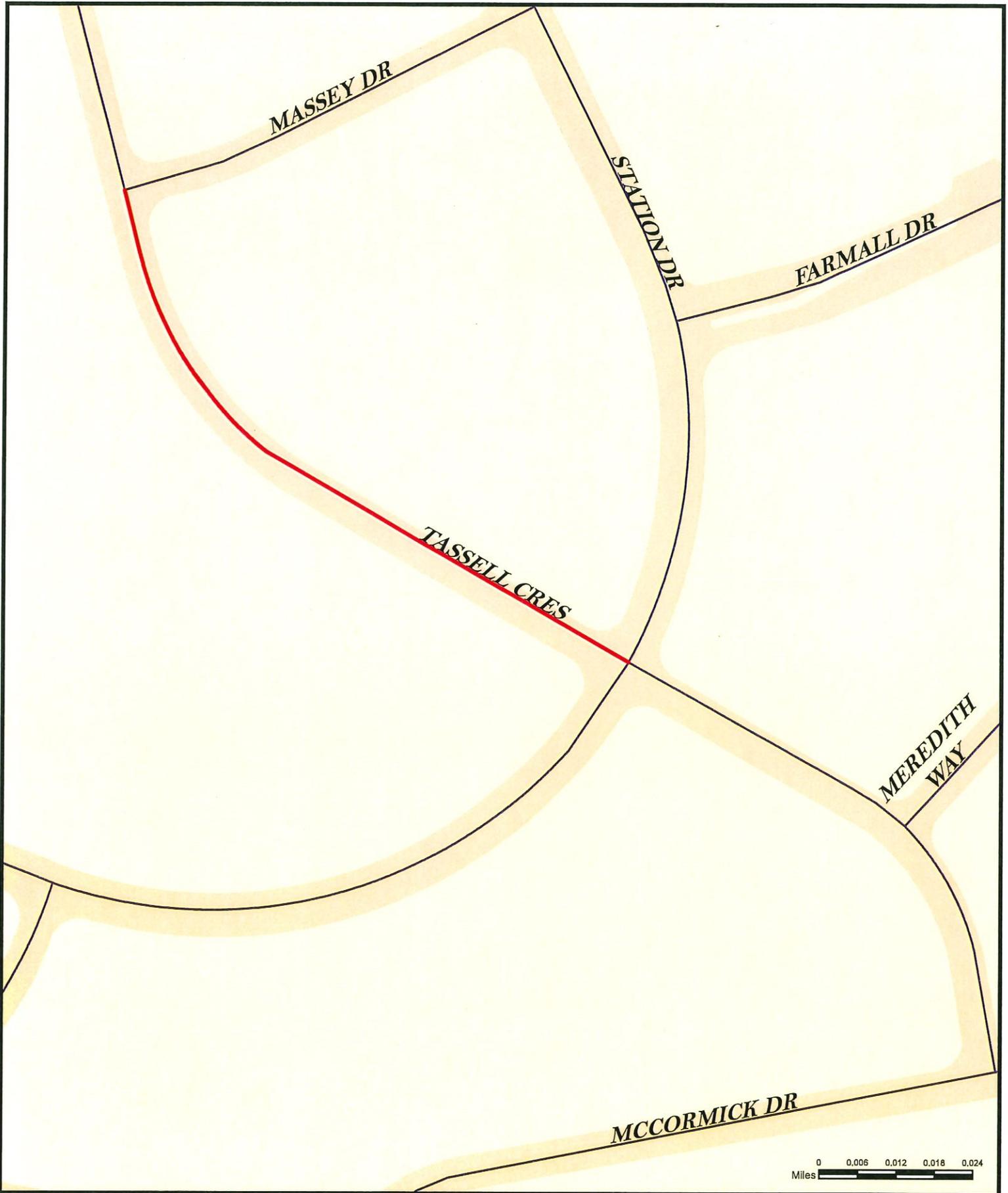


0 0.004 0.008 0.012 0.016  
Miles



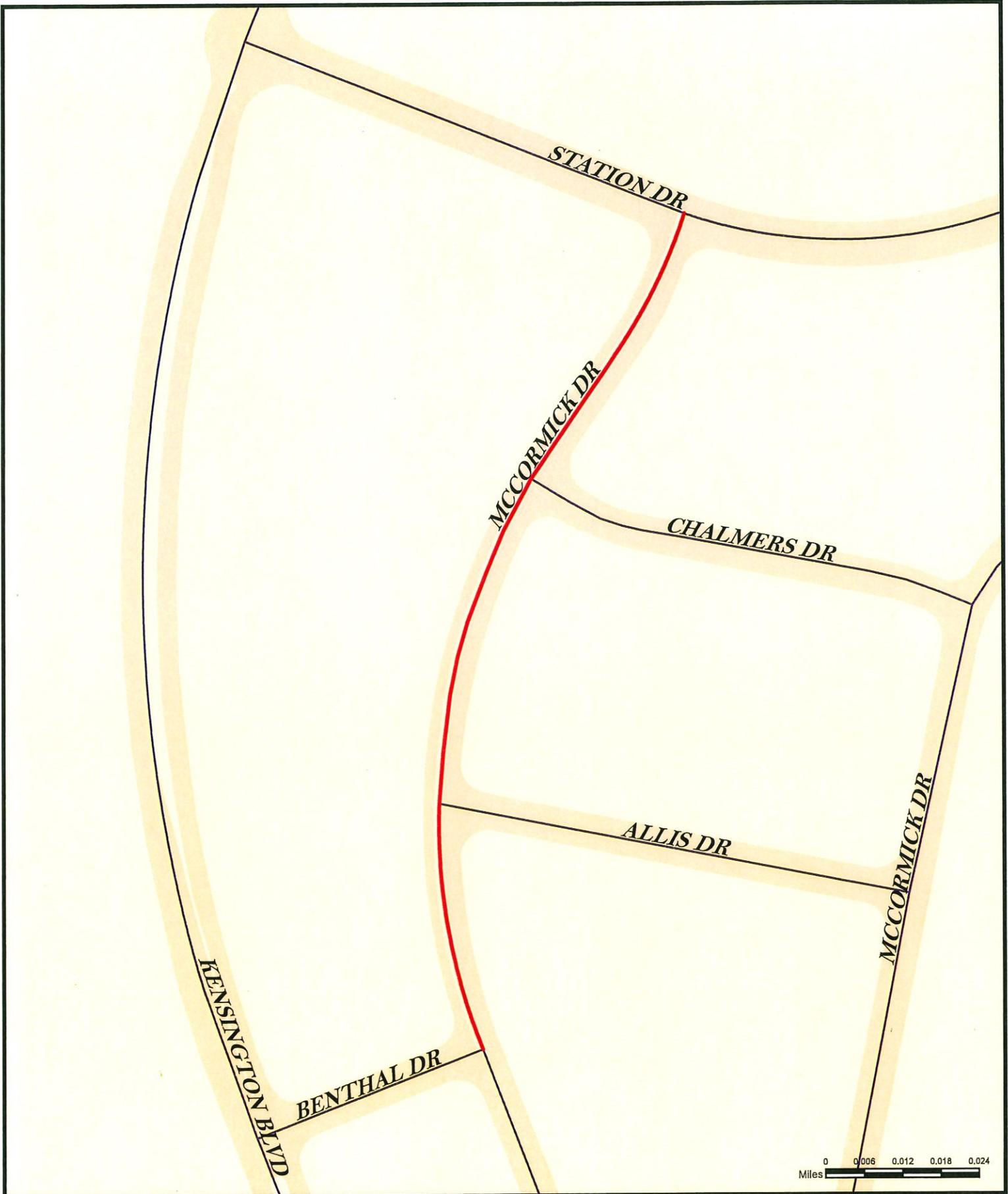
# 2020-2021 U1 Additions Massey Drive





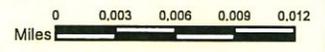
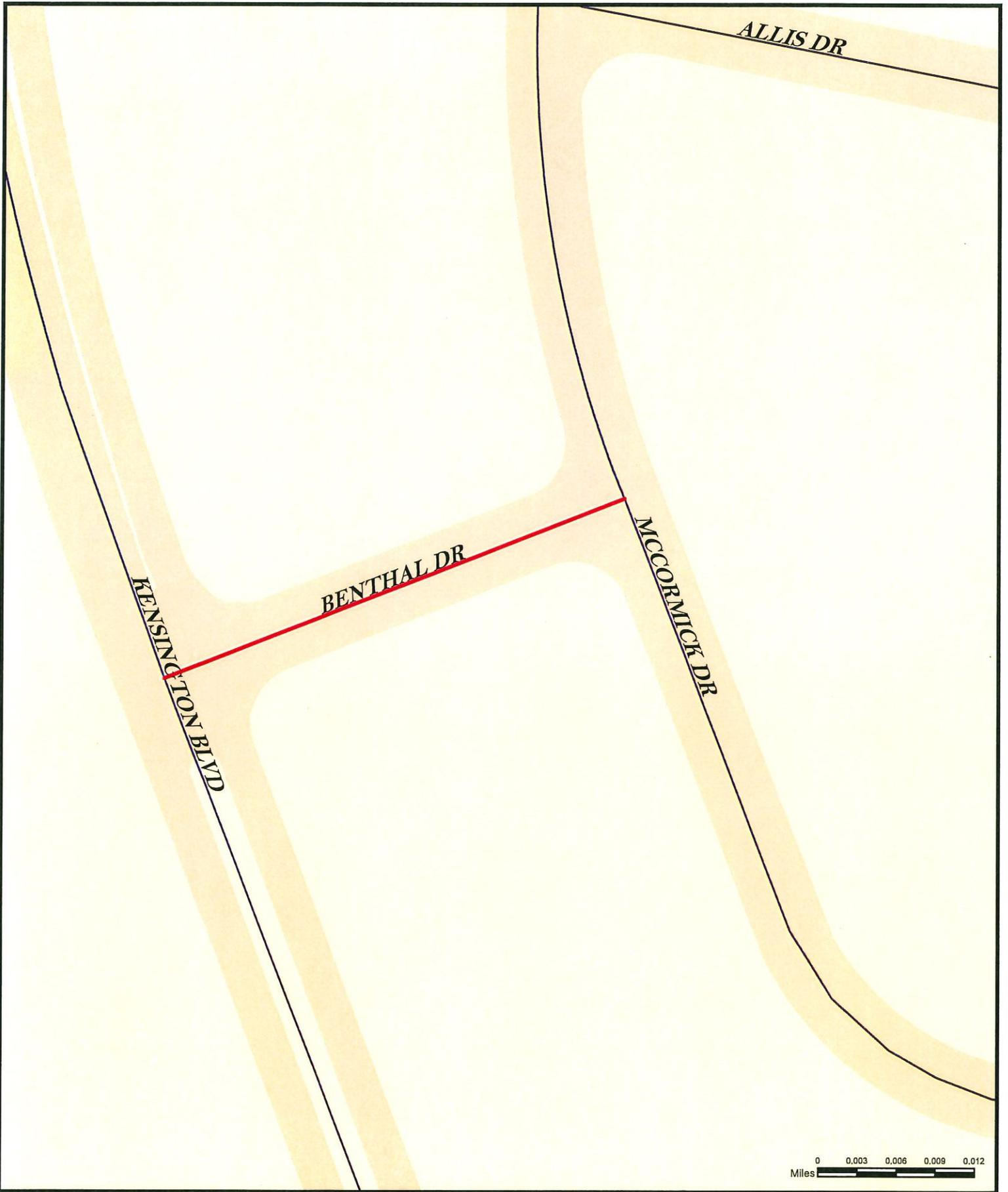
2020-2021 U1 Additions  
Tassell Drive





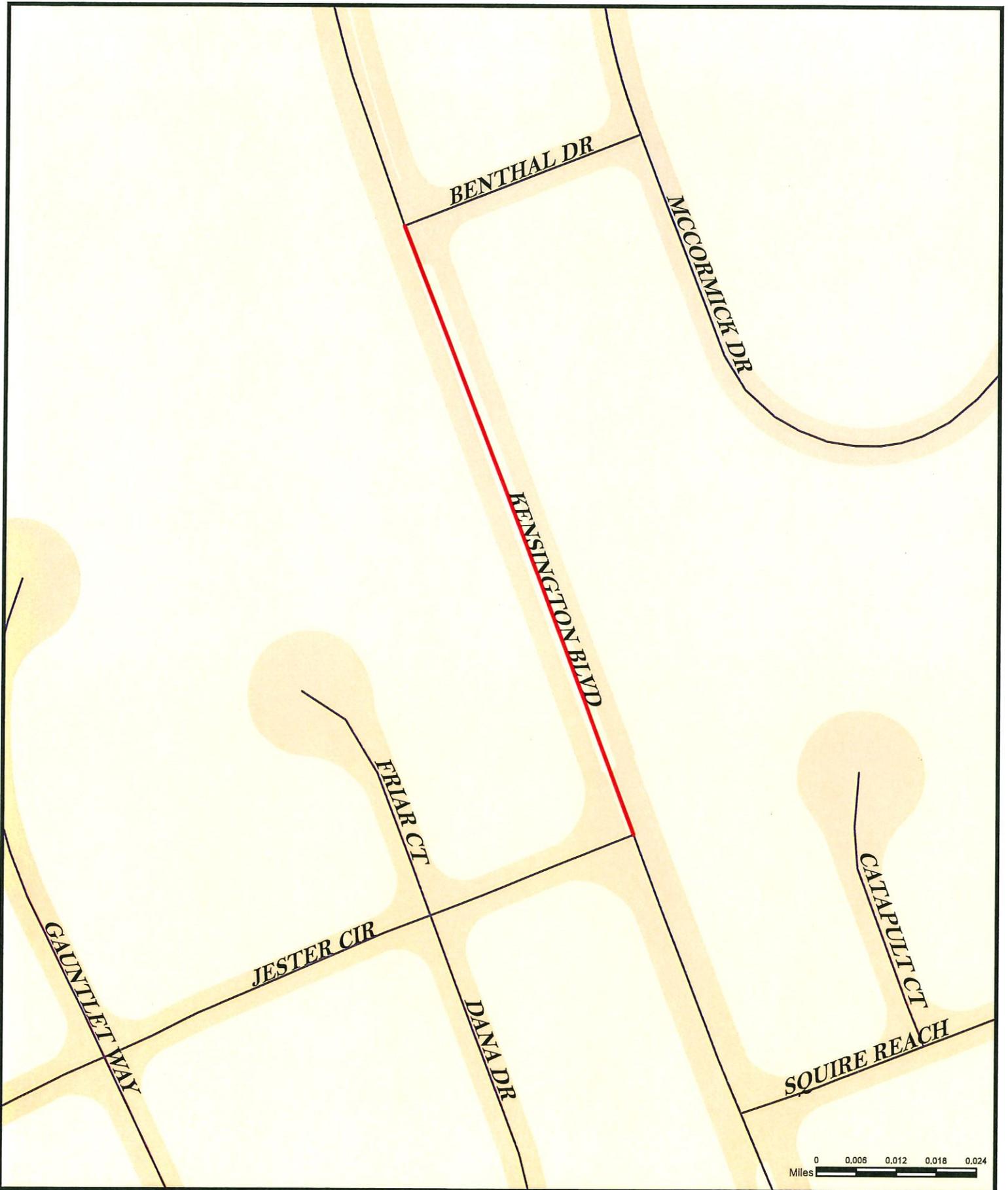
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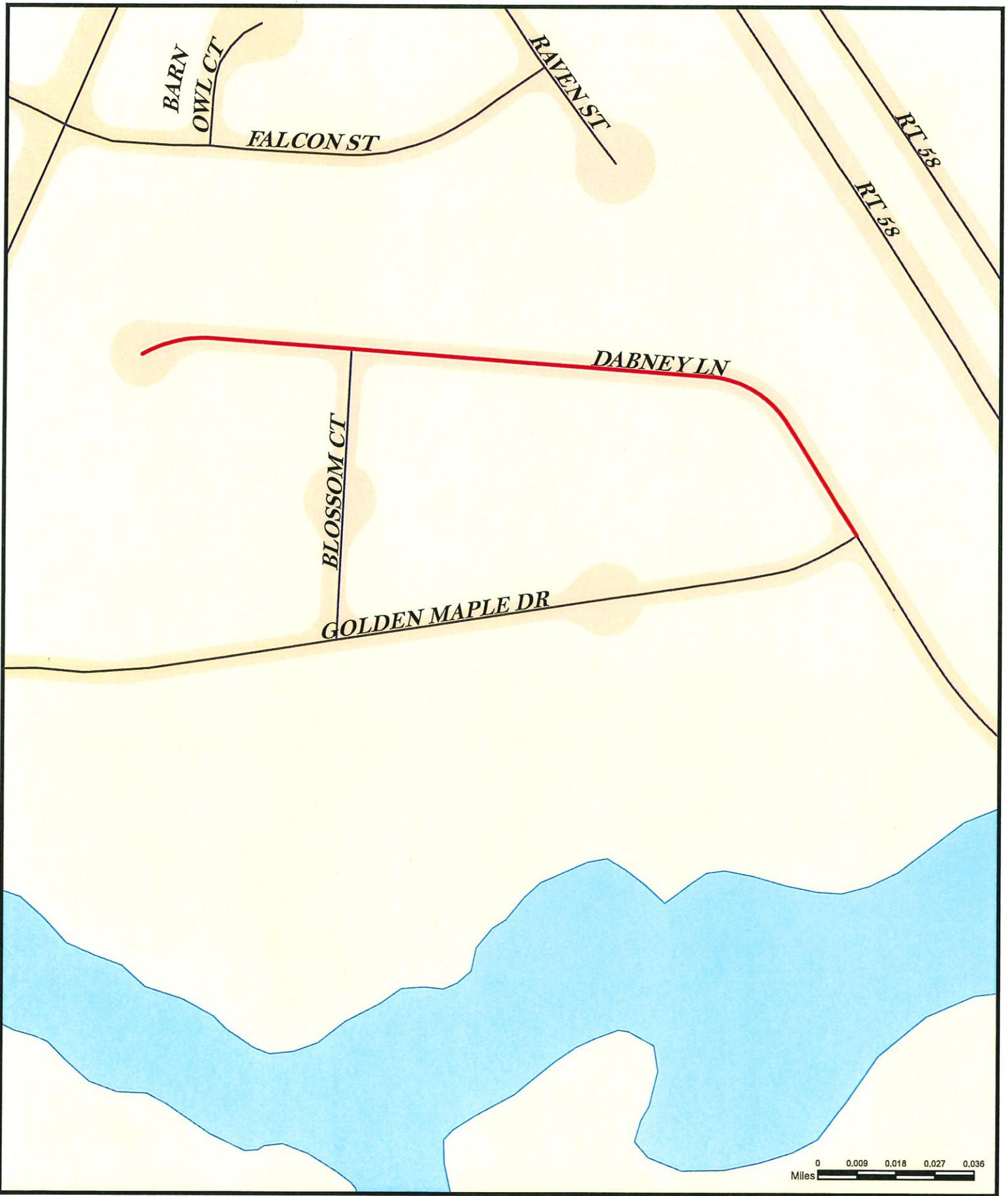
2020-2021 U1 Additions  
Benthal Drive





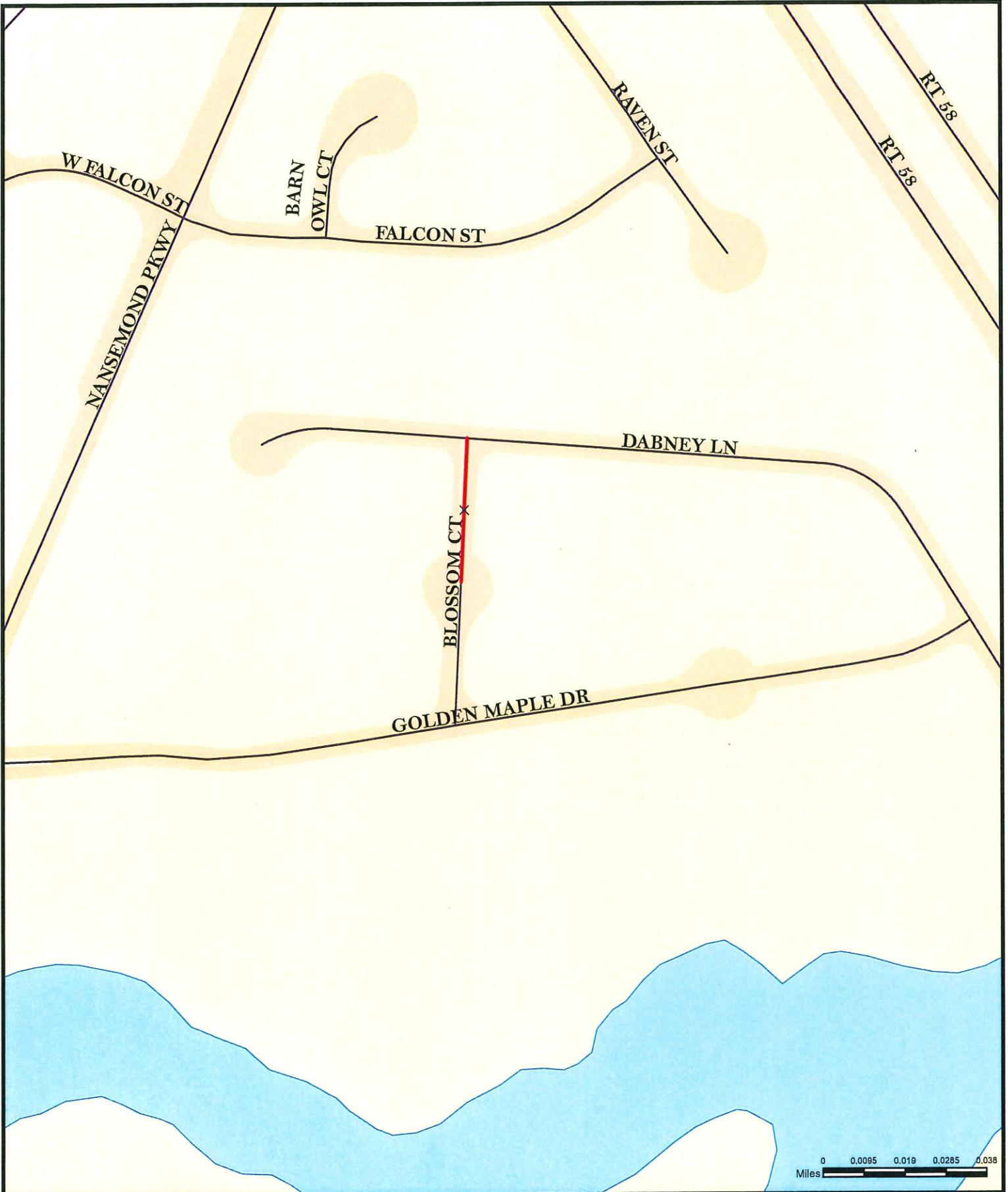
# 2020-2021 U1 Additions Kensington Boulevard





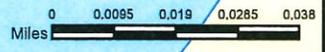
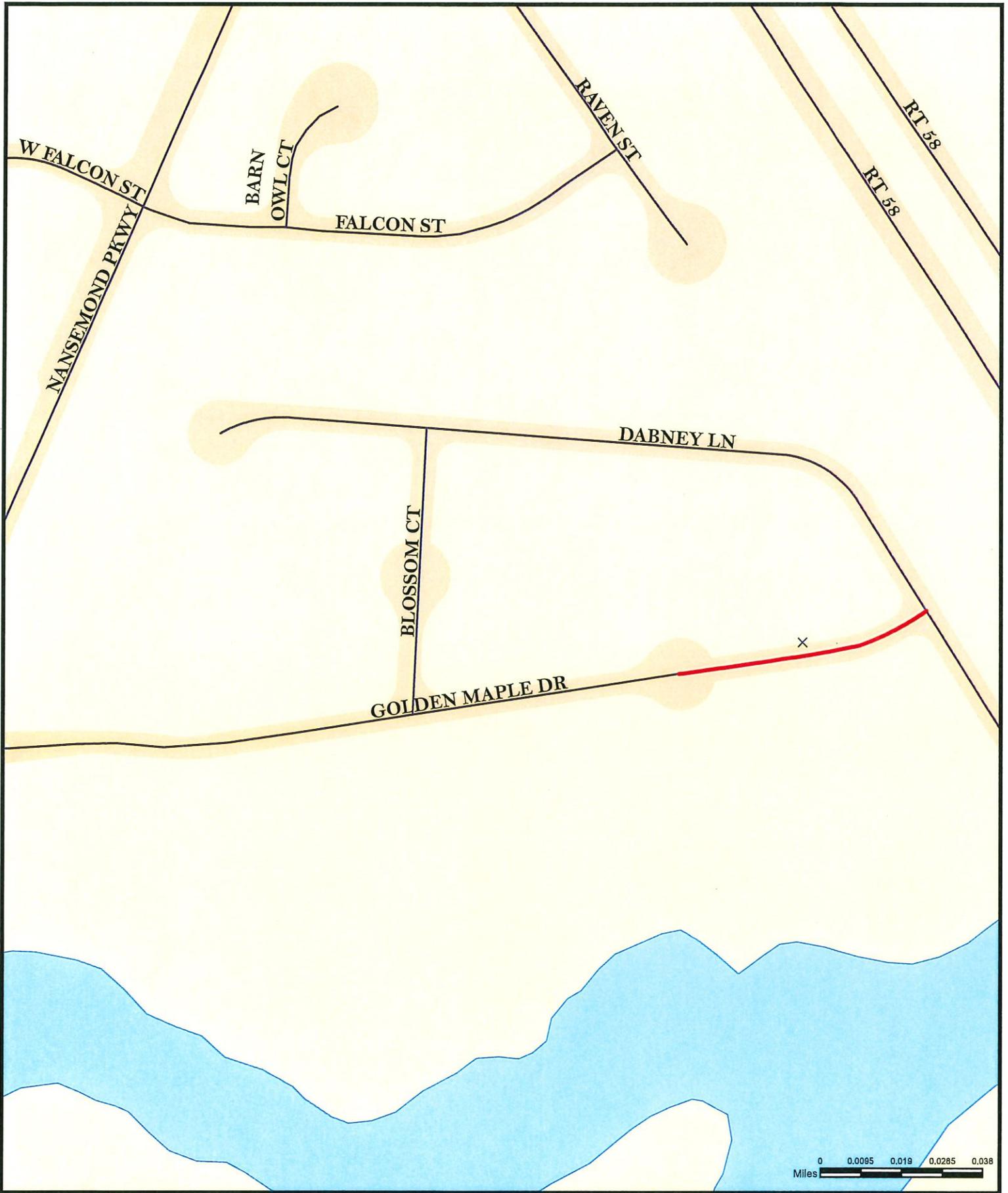
2020-2021 U1 Additions  
Dabney Lane





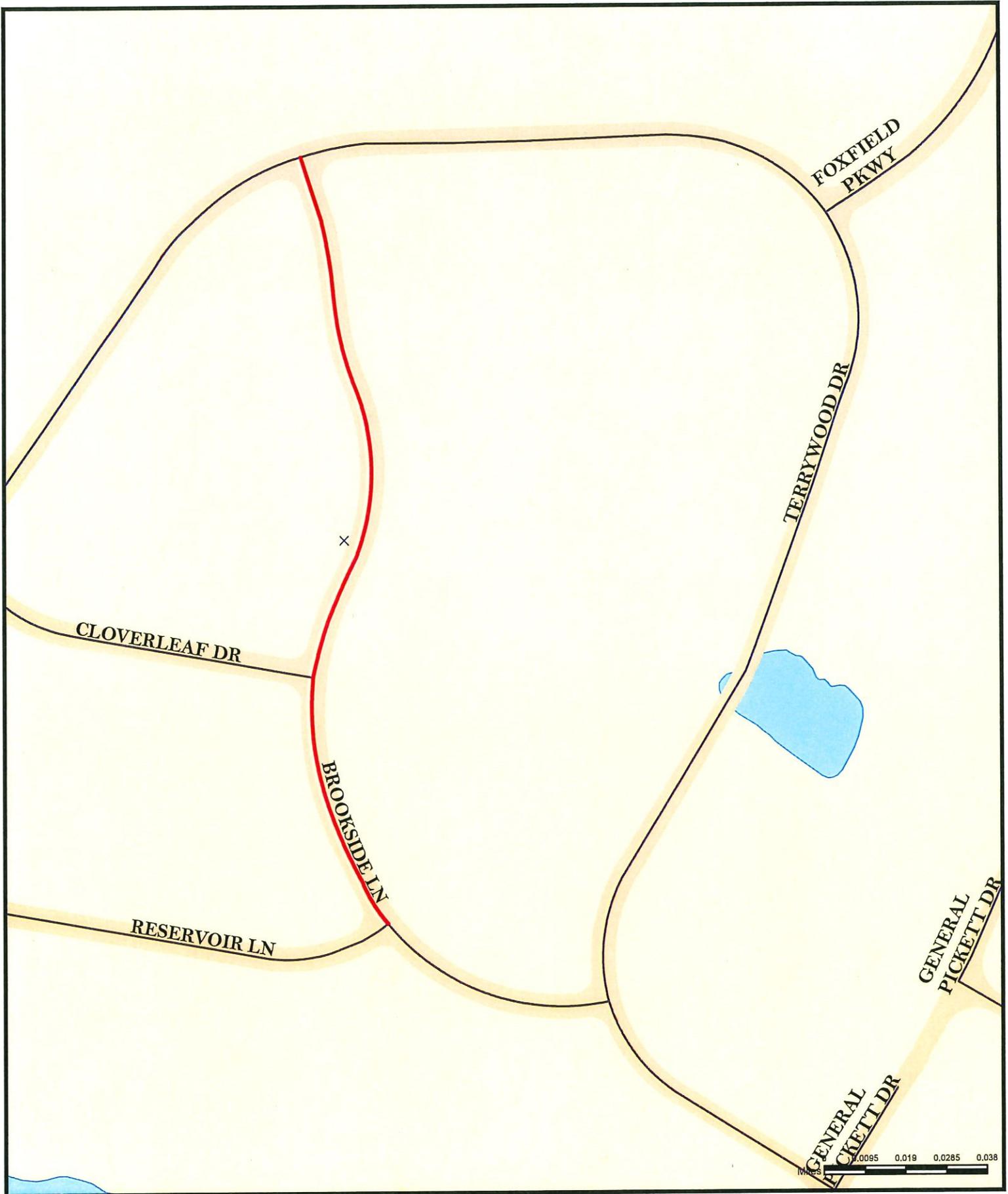
# 2020-2021 U1 Additions Blossom Court





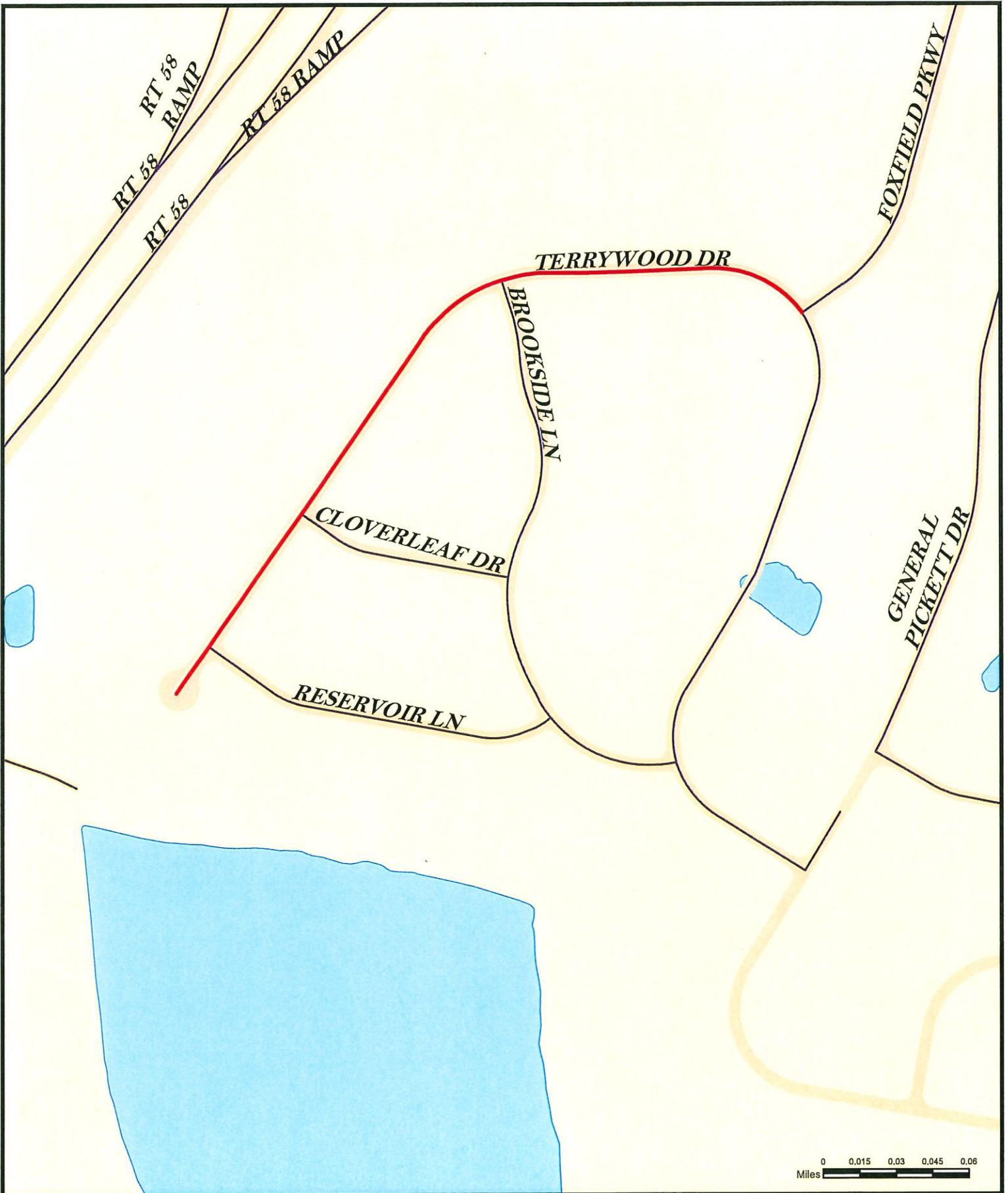
# 2020-2021 U1 Additions Golden Maple Drive





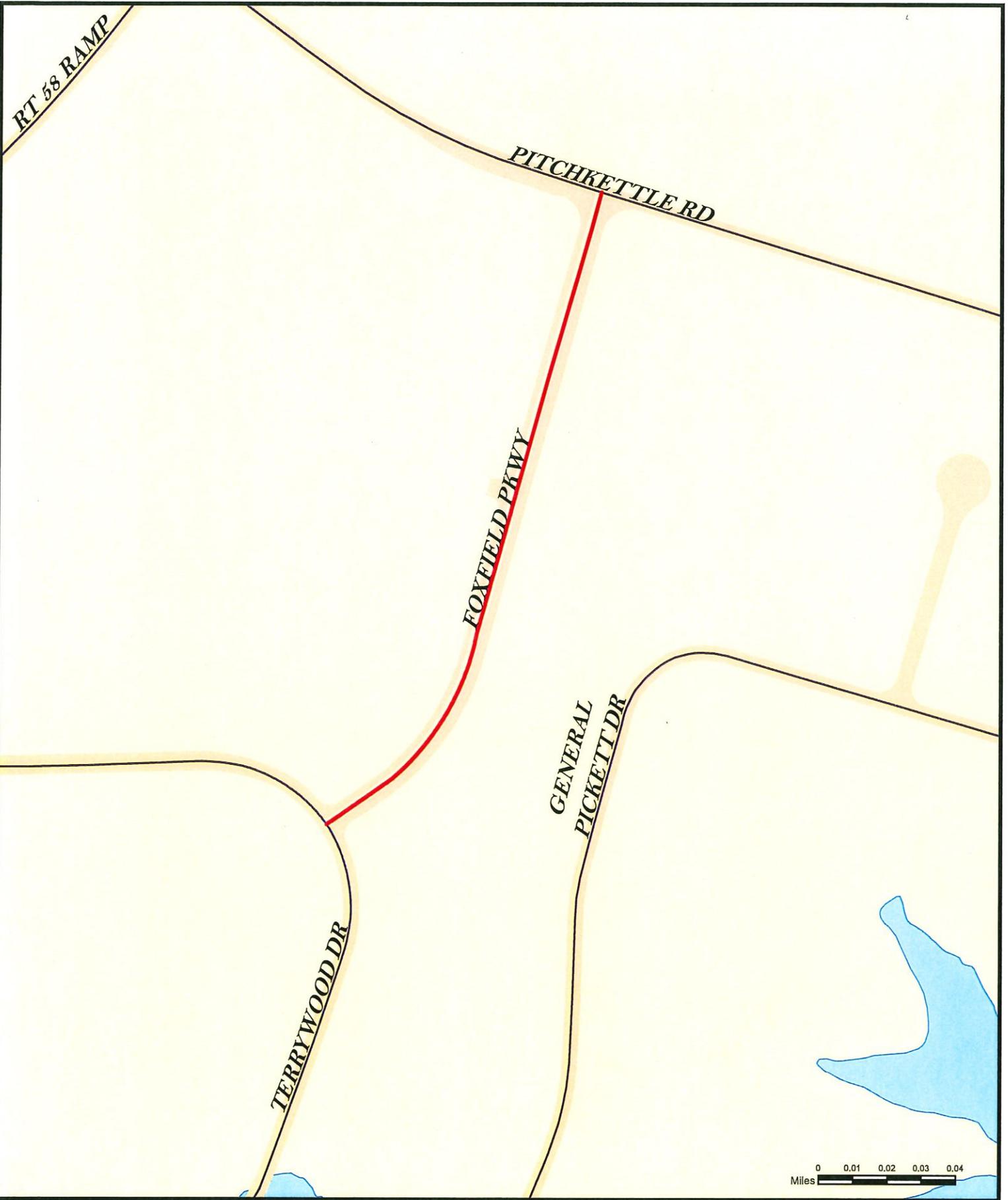
# 2020-2021 U1 Additions Brookside Lane





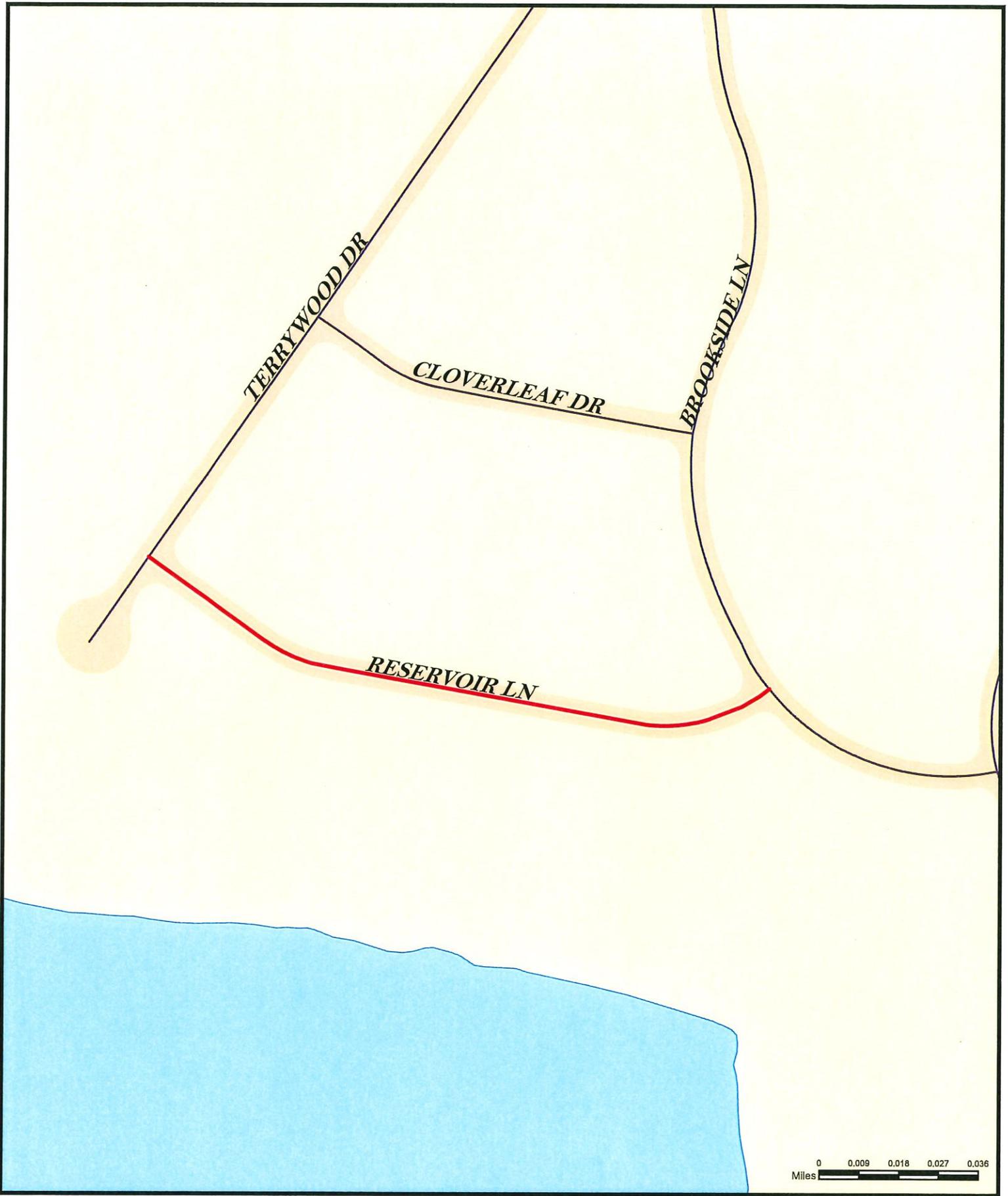
# 2020-2021 U1 Additions Terrywood Drive





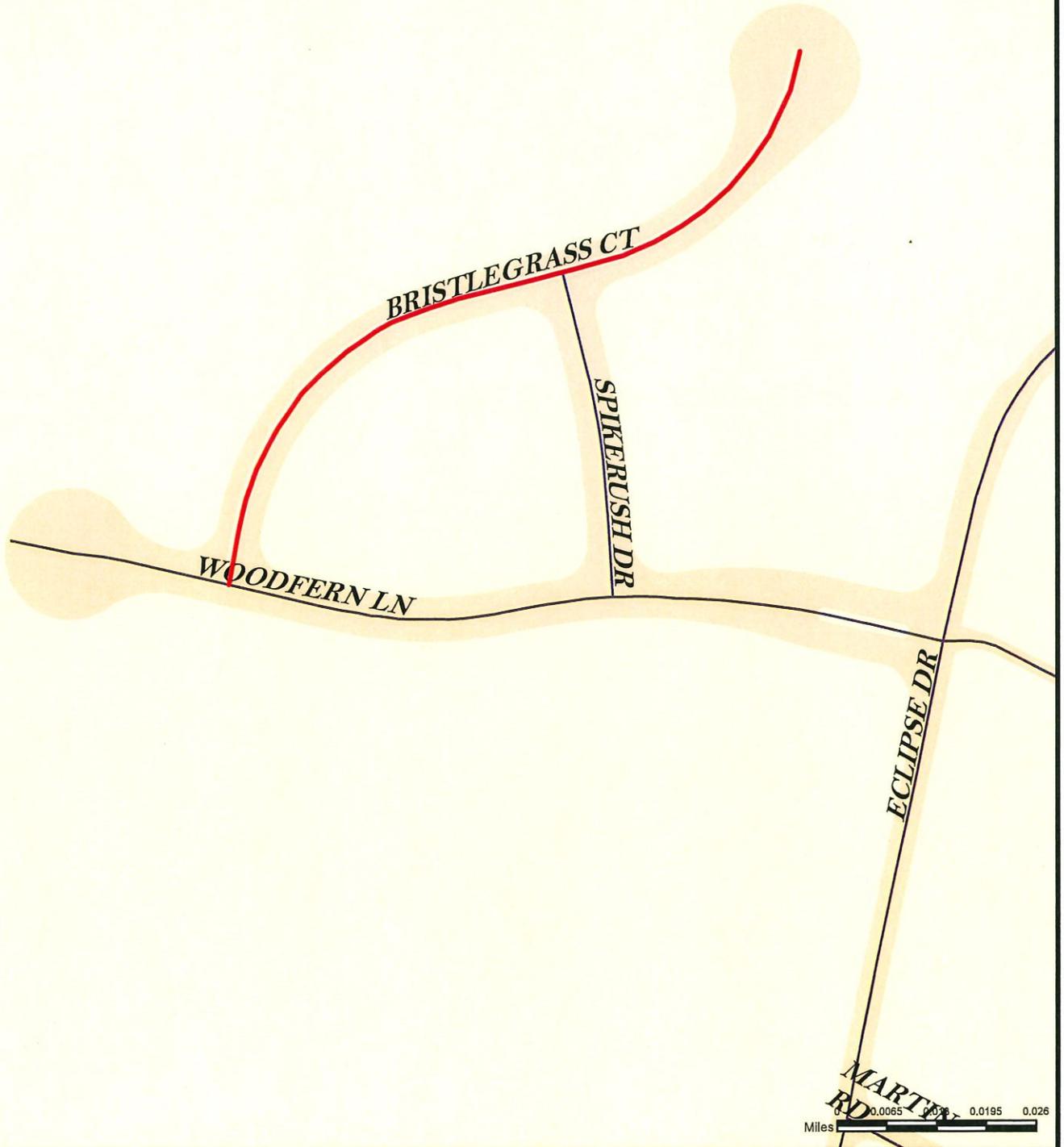
# 2020-2021 U1 Additions Foxfield Parkway





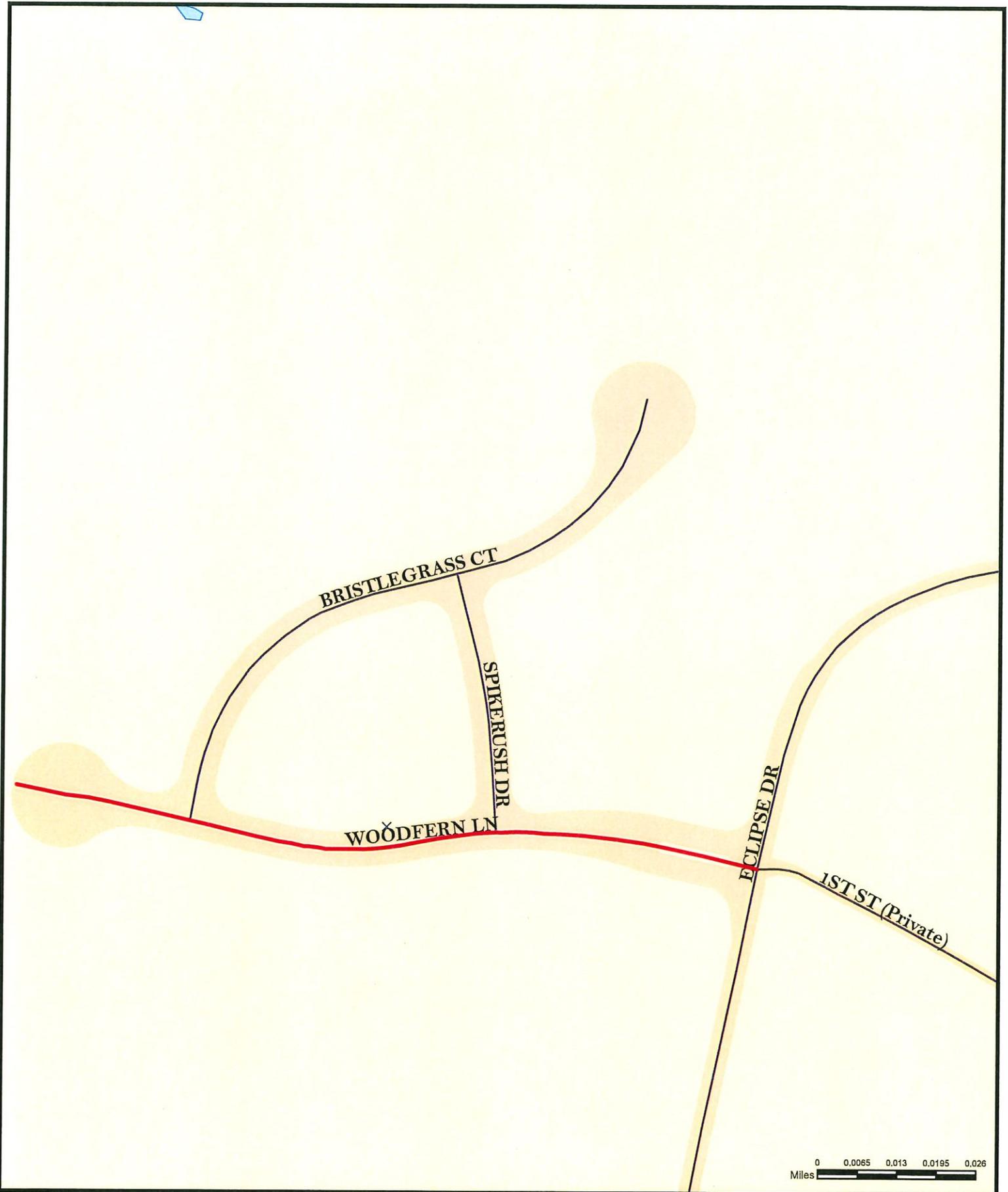
2020-2021 U1 Additions  
Reservoir Lane





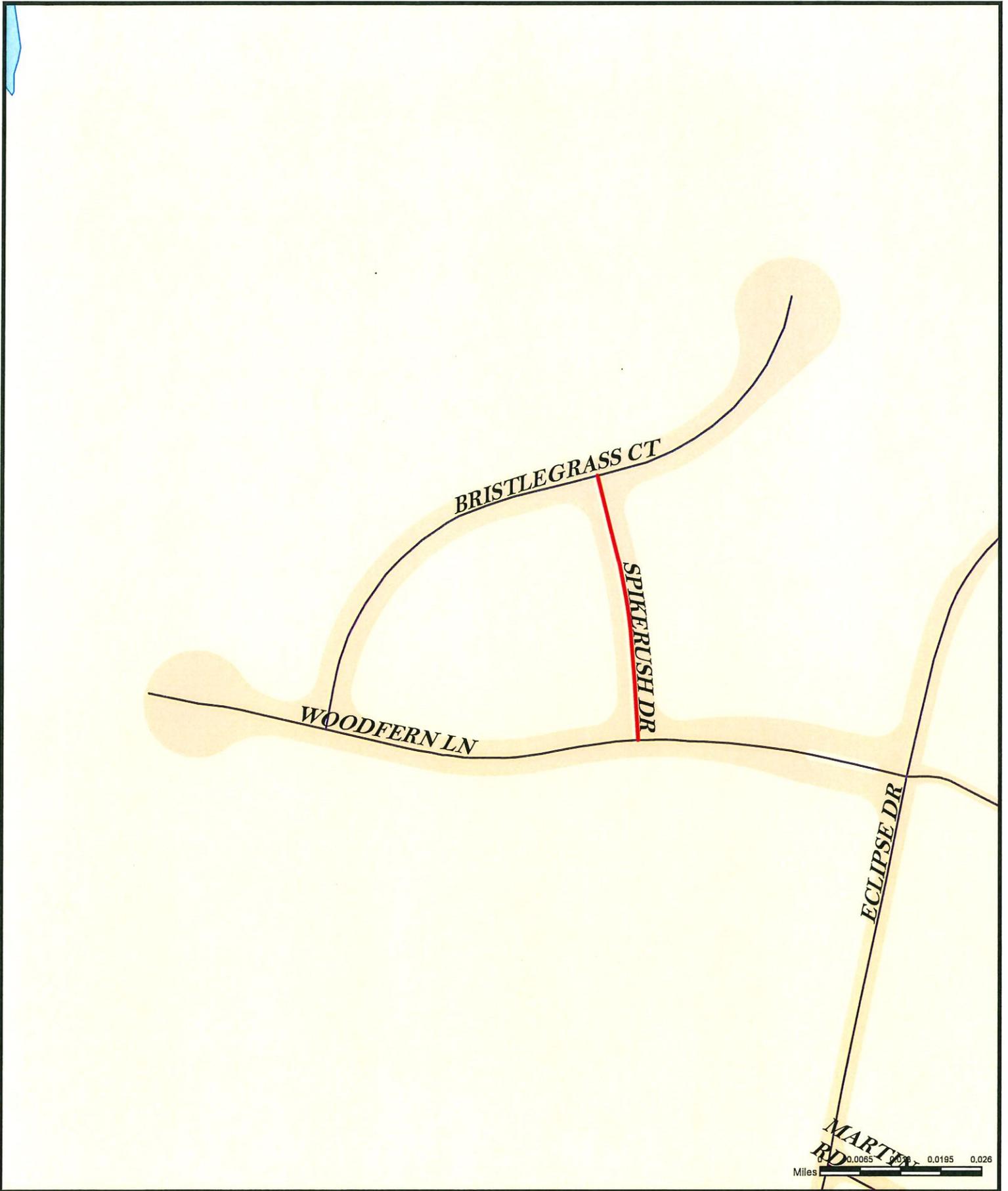
# 2020-2021 U1 Additions Bristlegrass Court





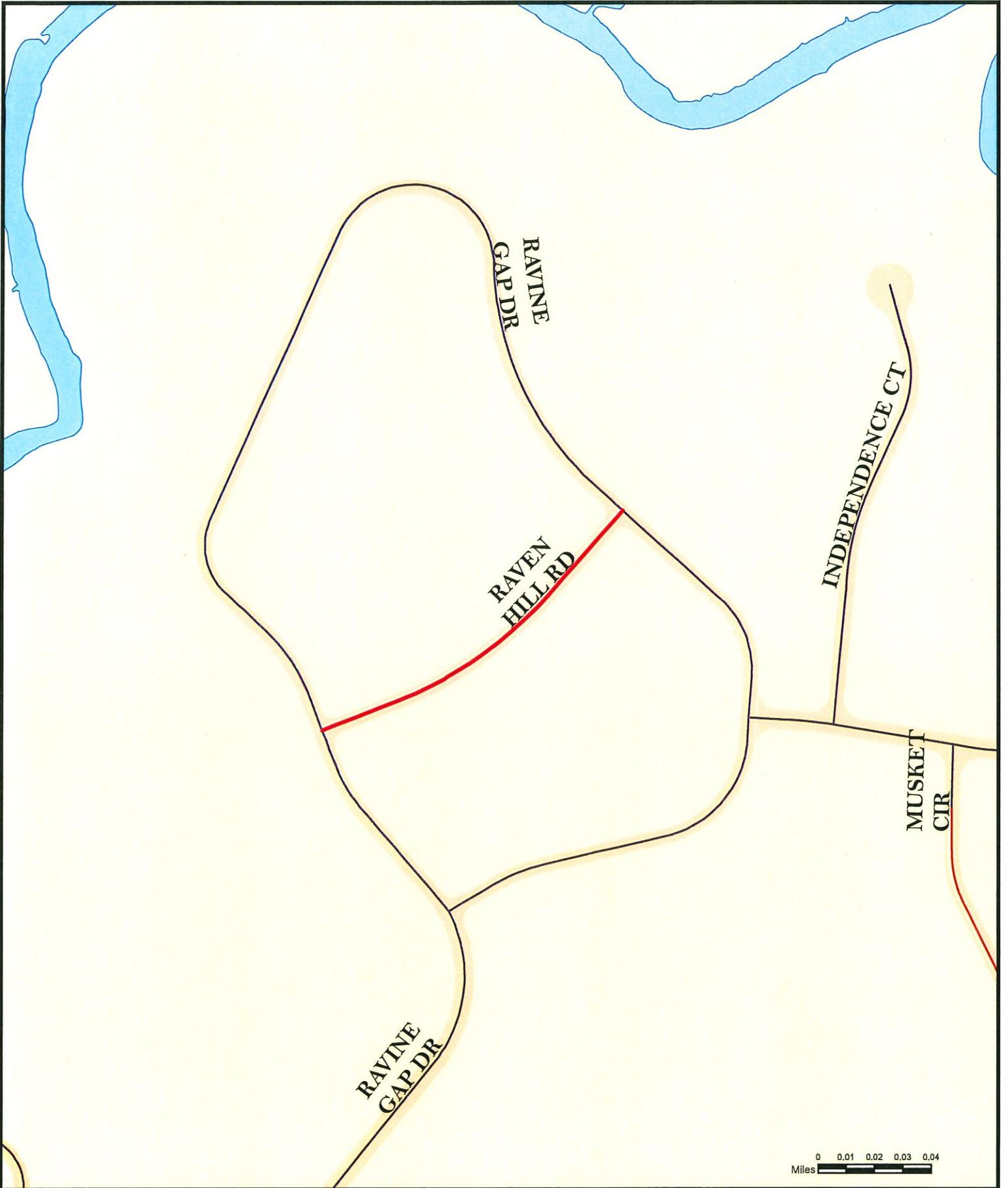
# 2020-2021 U1 Additions Woodfern Lane





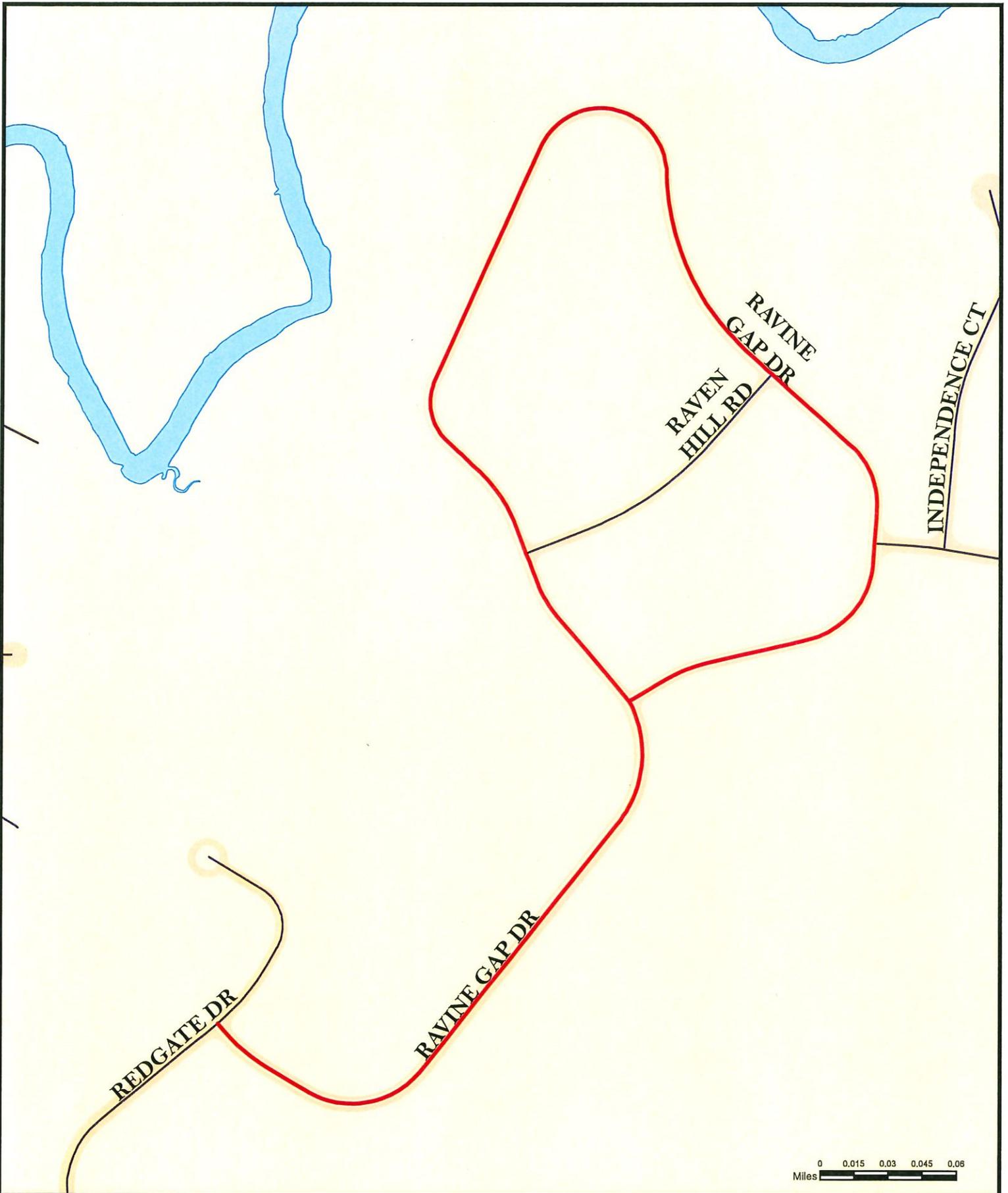
# 2020-2021 U1 Additions Spikebush Drive





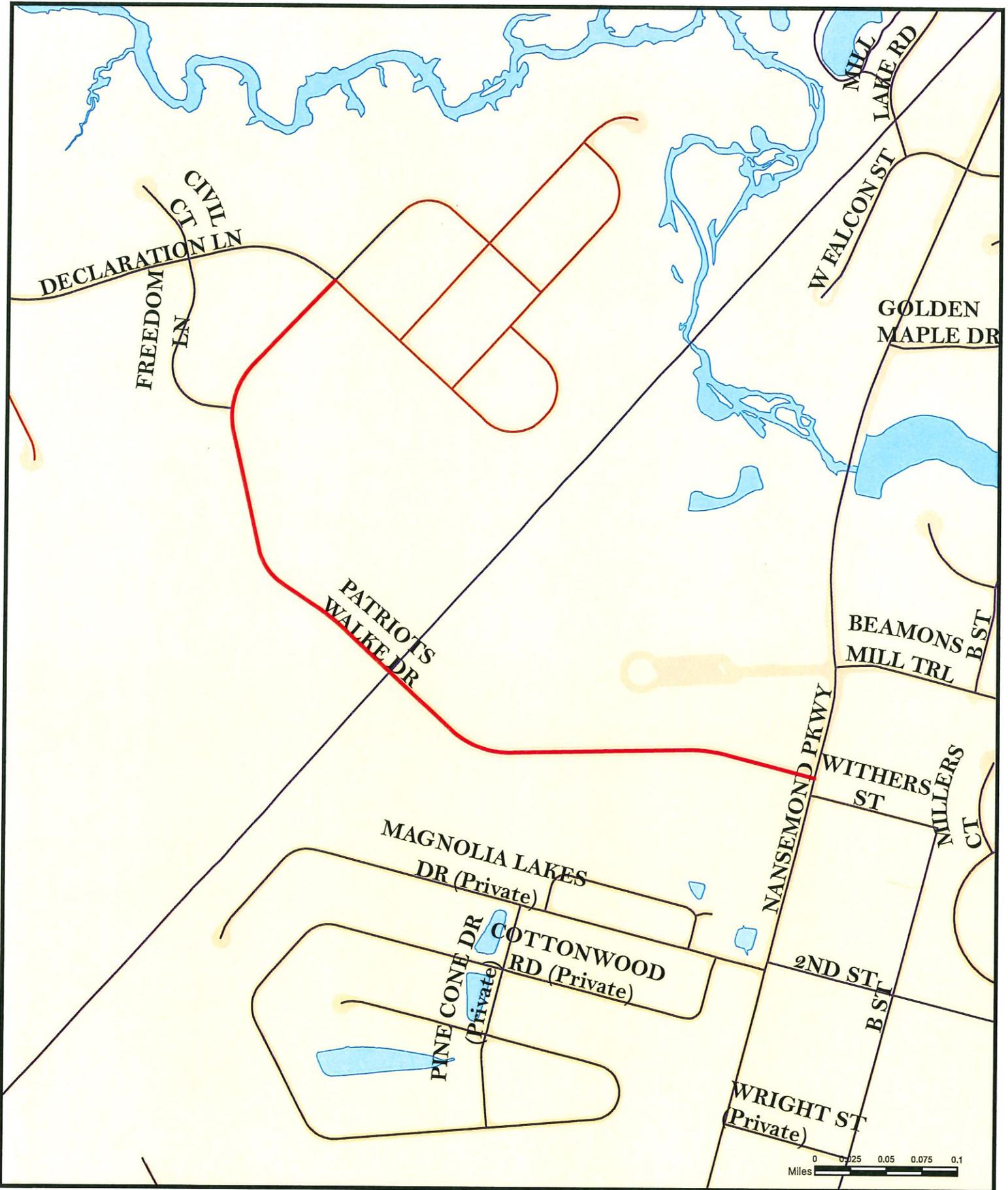
2020-2021 U1 Additions  
Raven Hill Road





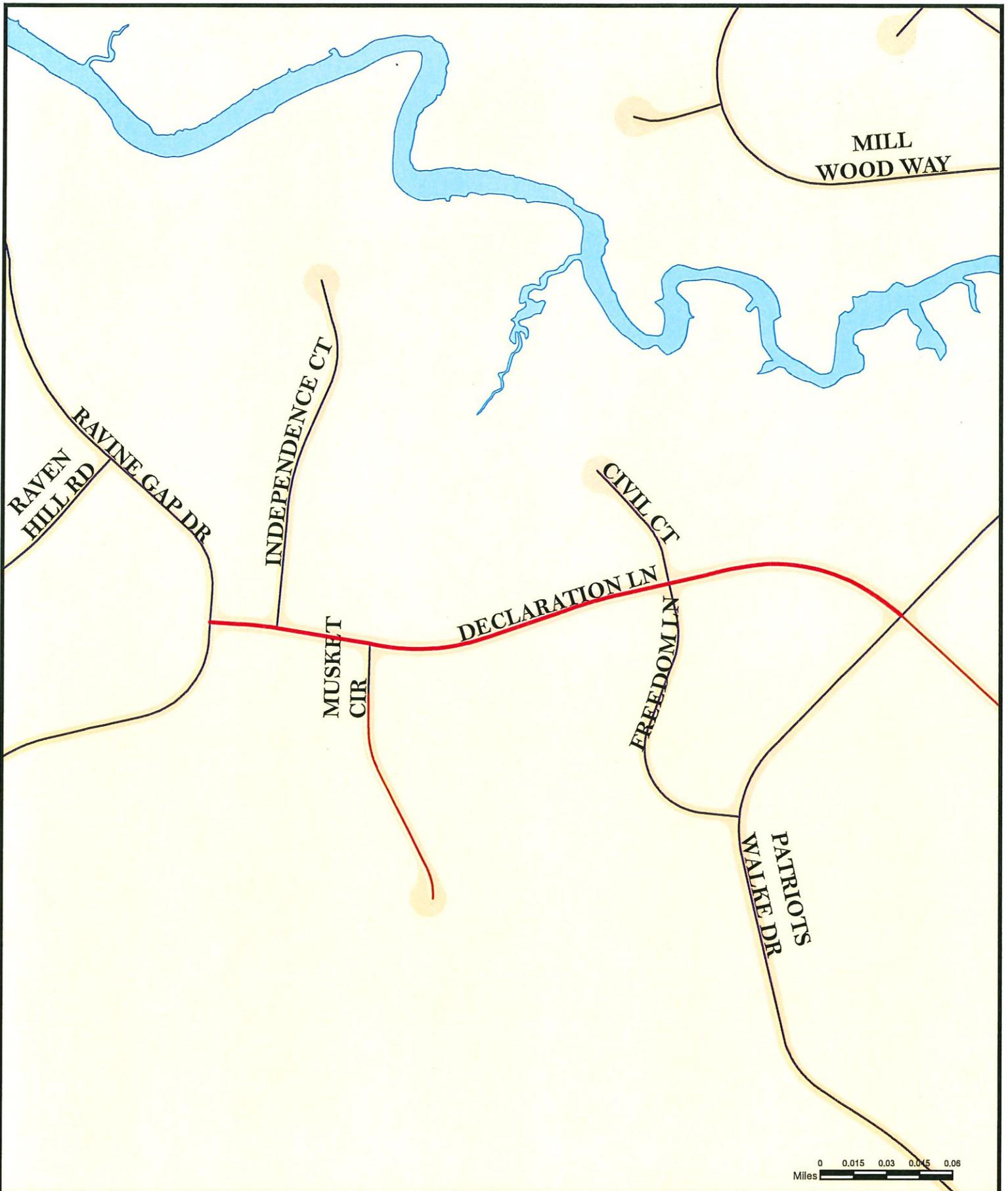
2020-2021 U1 Additions  
Ravine Gap Drive





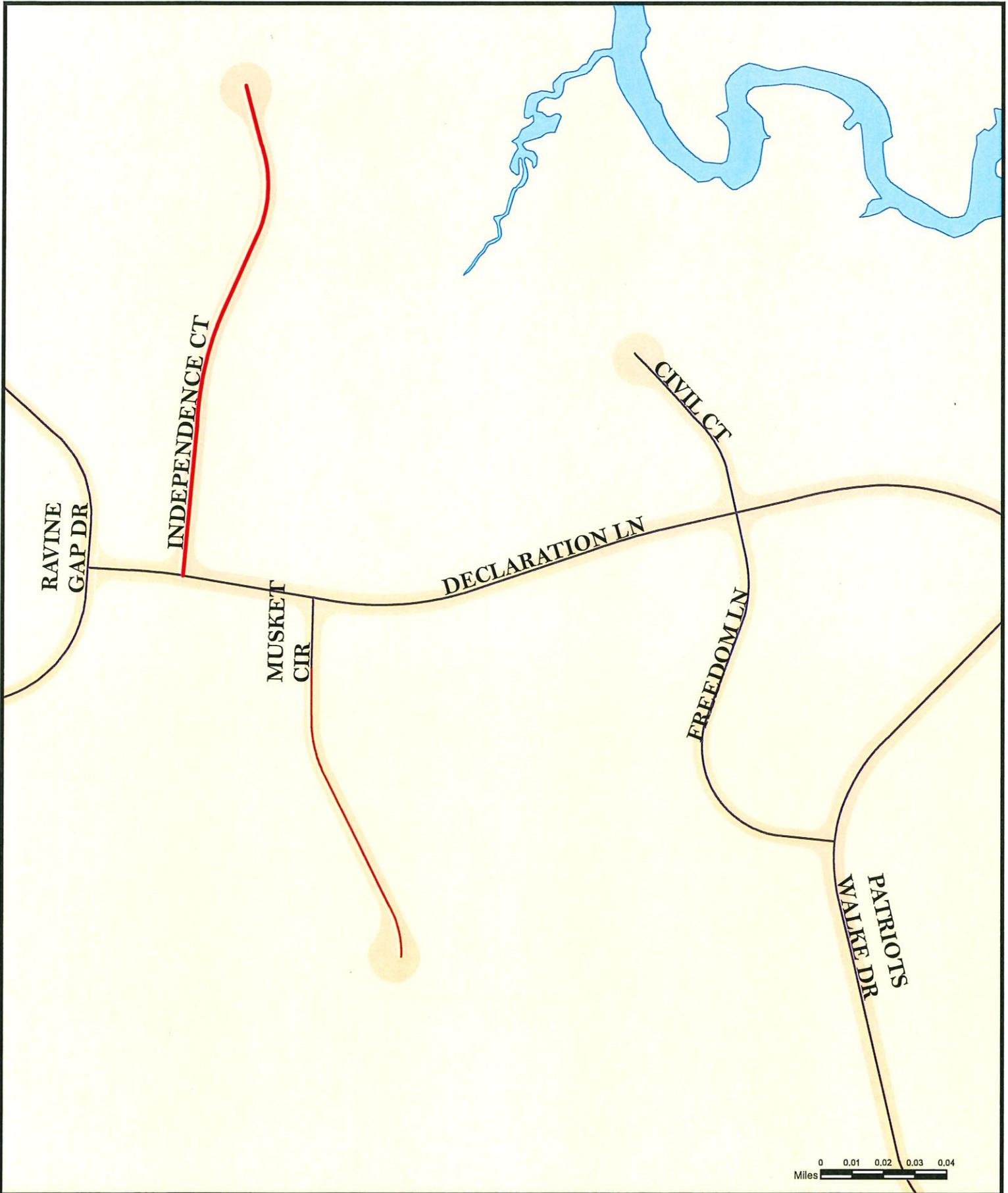
# 2020-2021 U1 Additions Patriots Walke Drive





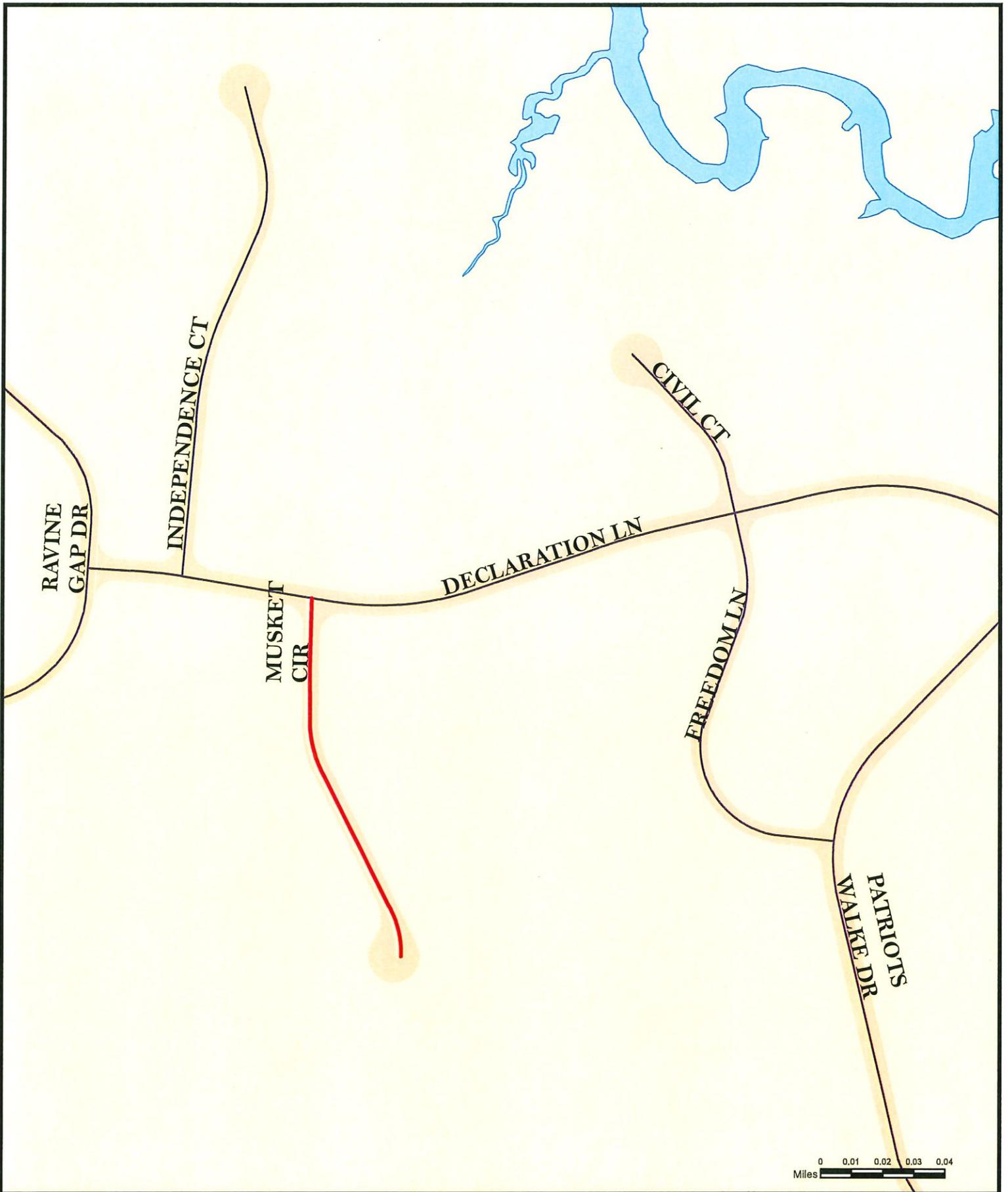
2020-2021 U1 Additions  
Declaration Lane





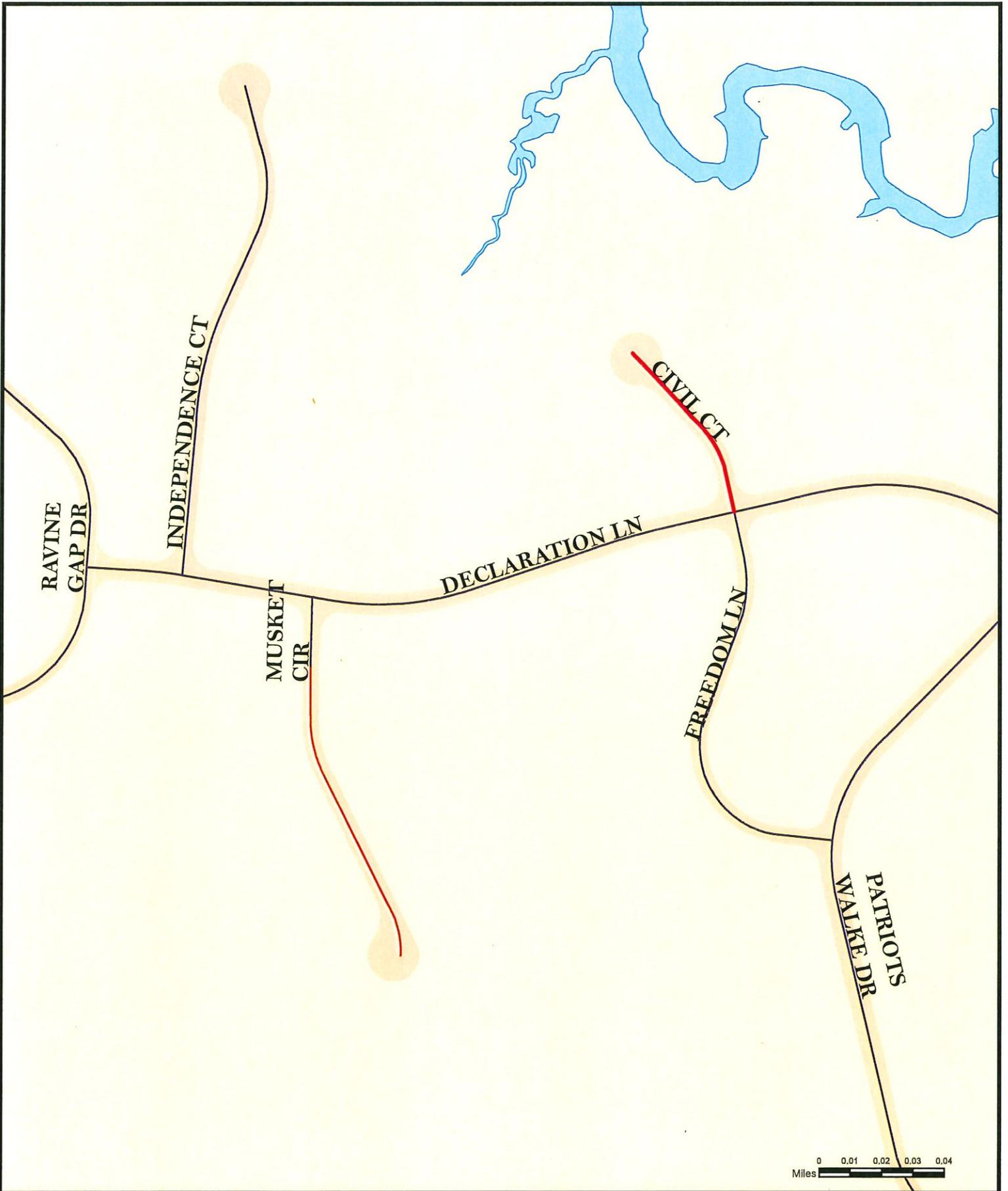
2020-2021 U1 Additions  
Independence Court





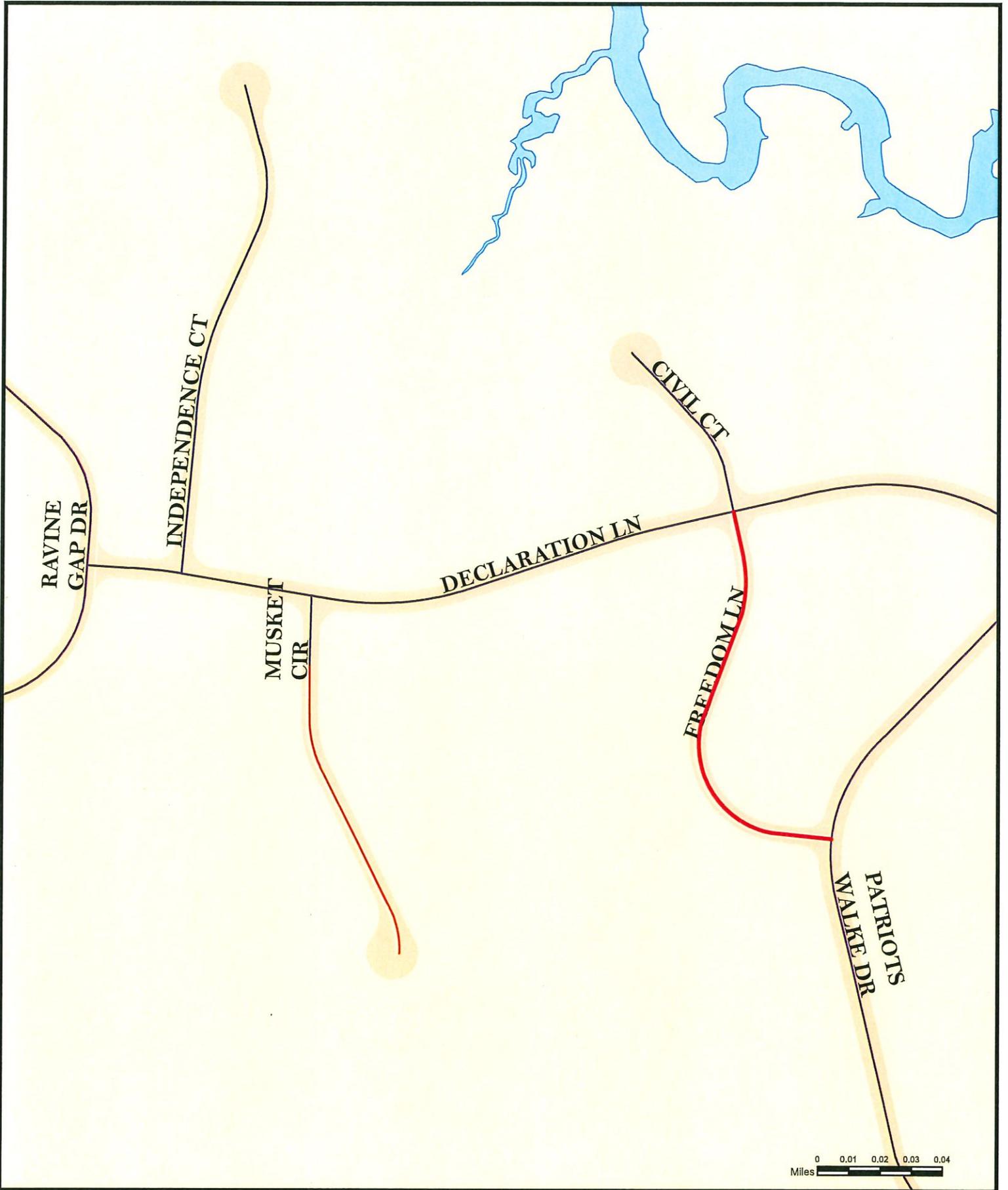
2020-2021 U1 Additions  
Musket Circle





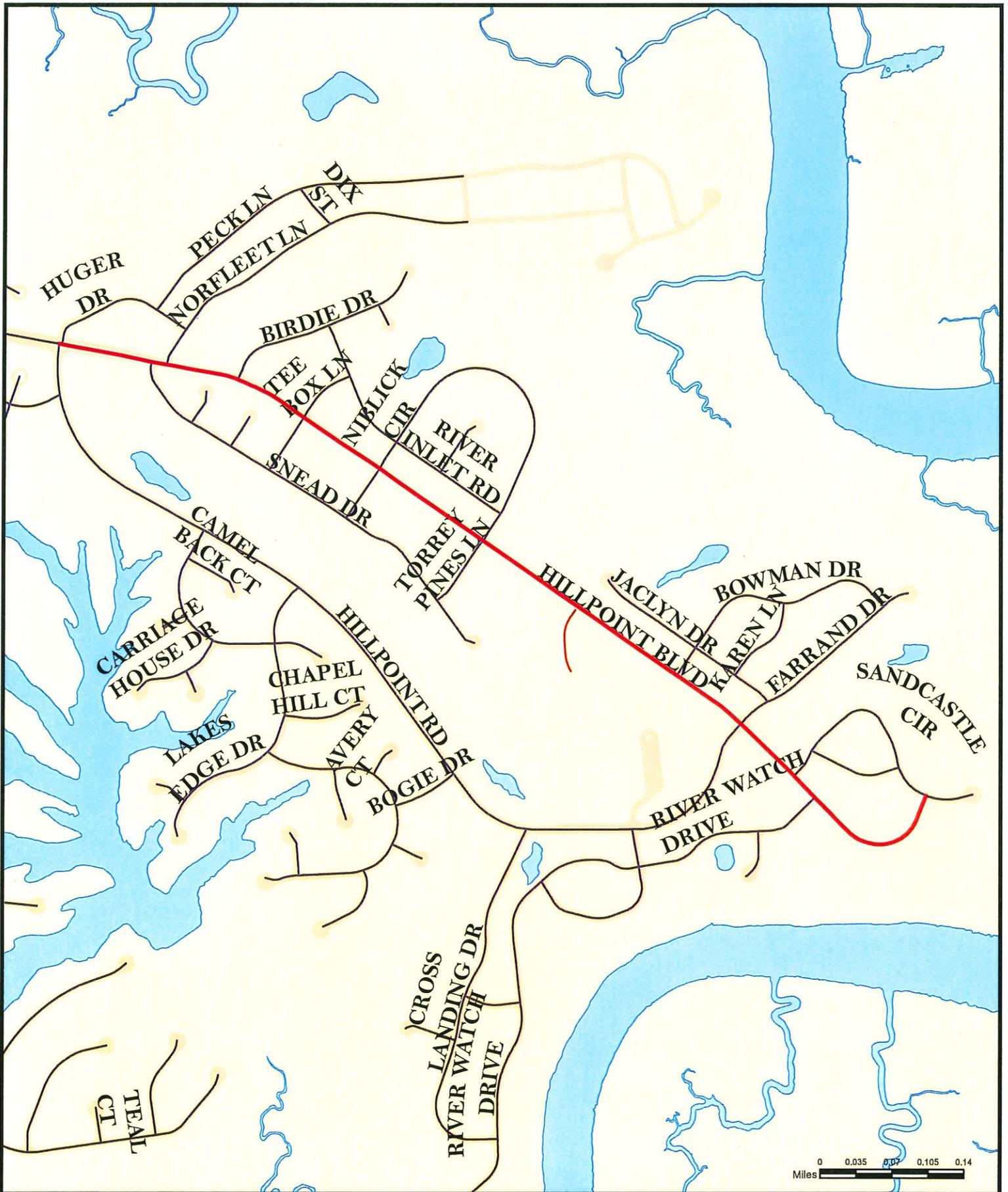
# 2020-2021 U1 Additions Civil Court





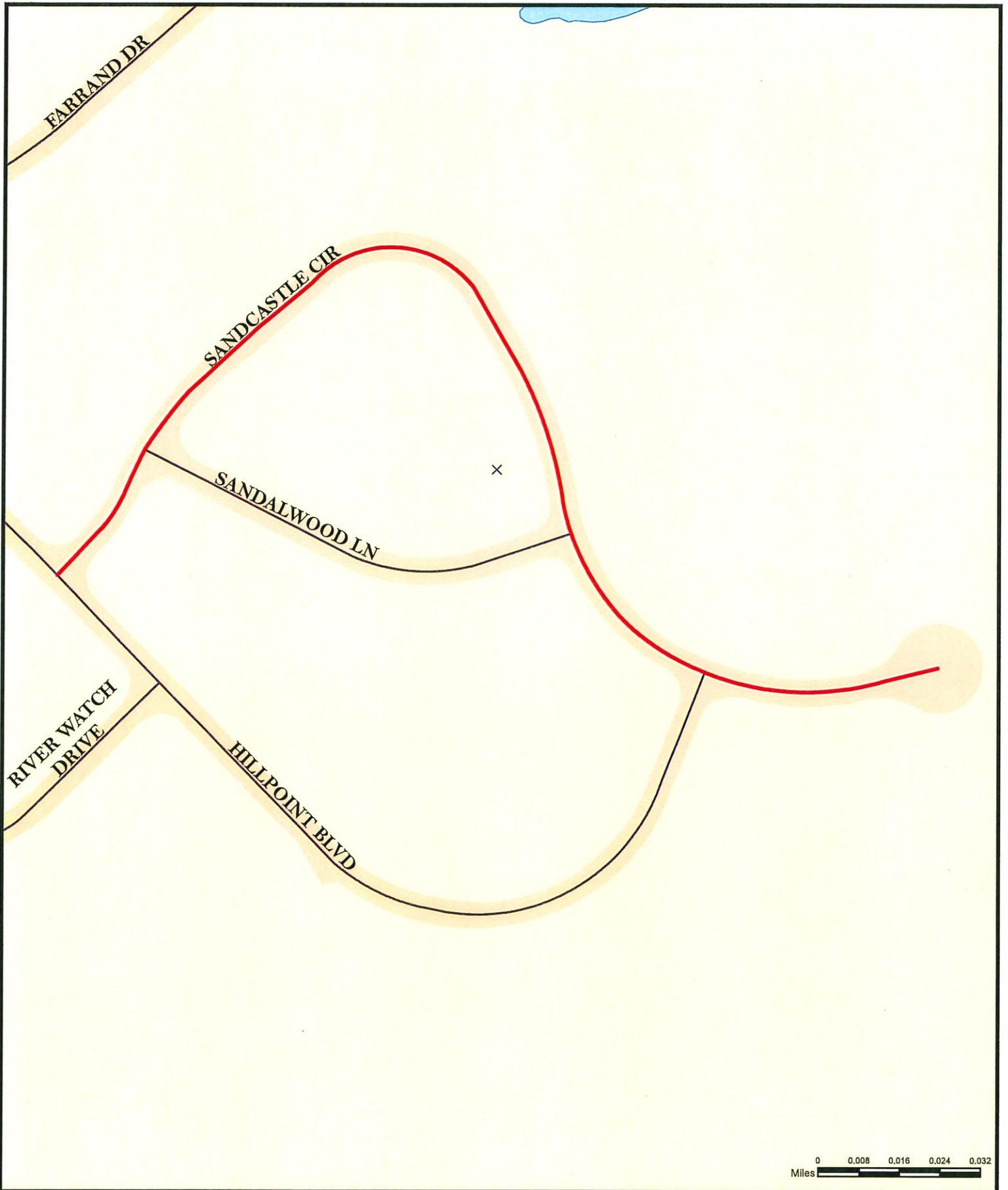
2020-2021 U1 Additions  
Freedom Lane





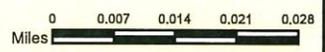
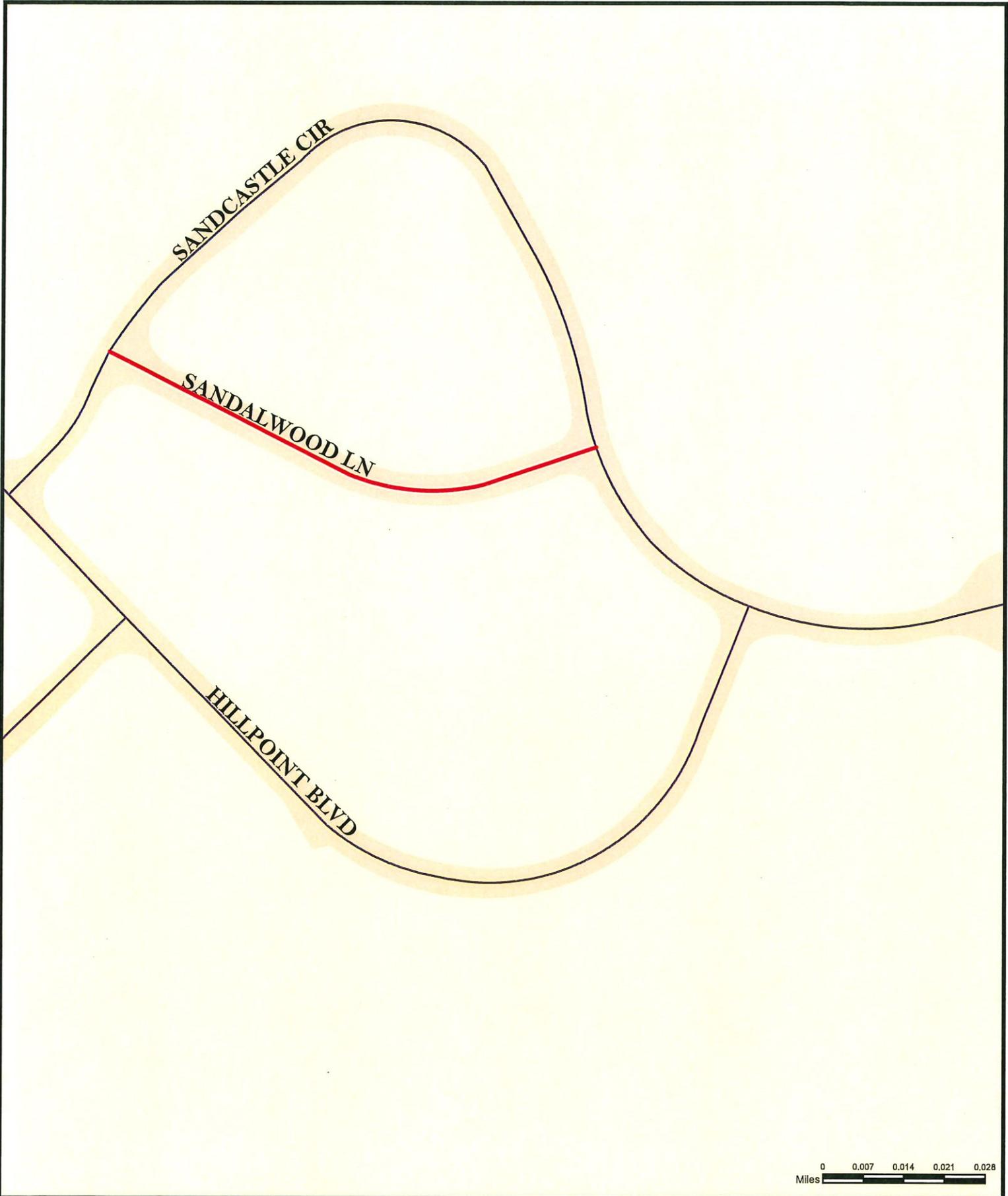
2020-2021 U1 Additions  
Hillpoint Boulevard





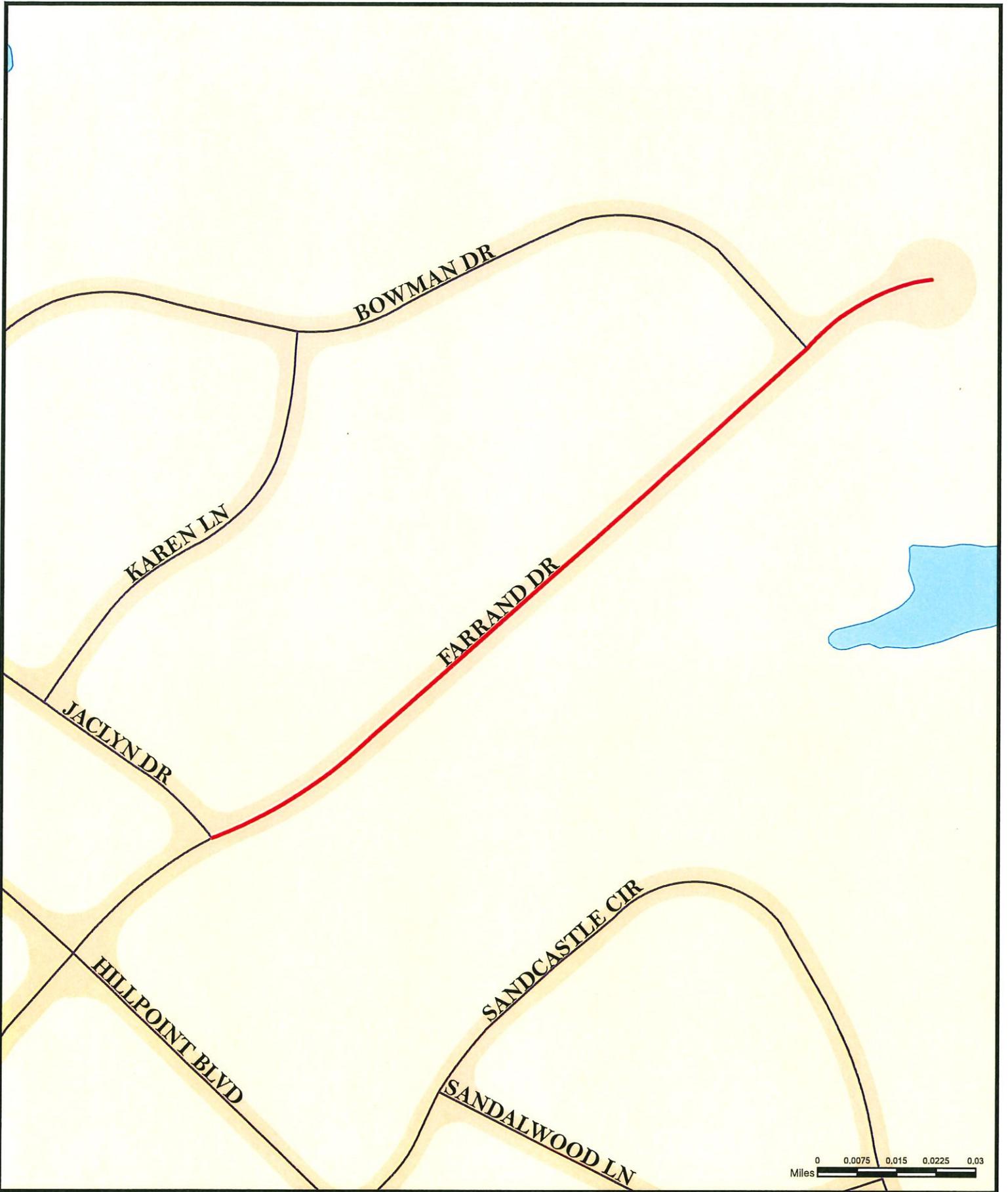
# 2020-2021 U1 Additions Sandcastle Circle





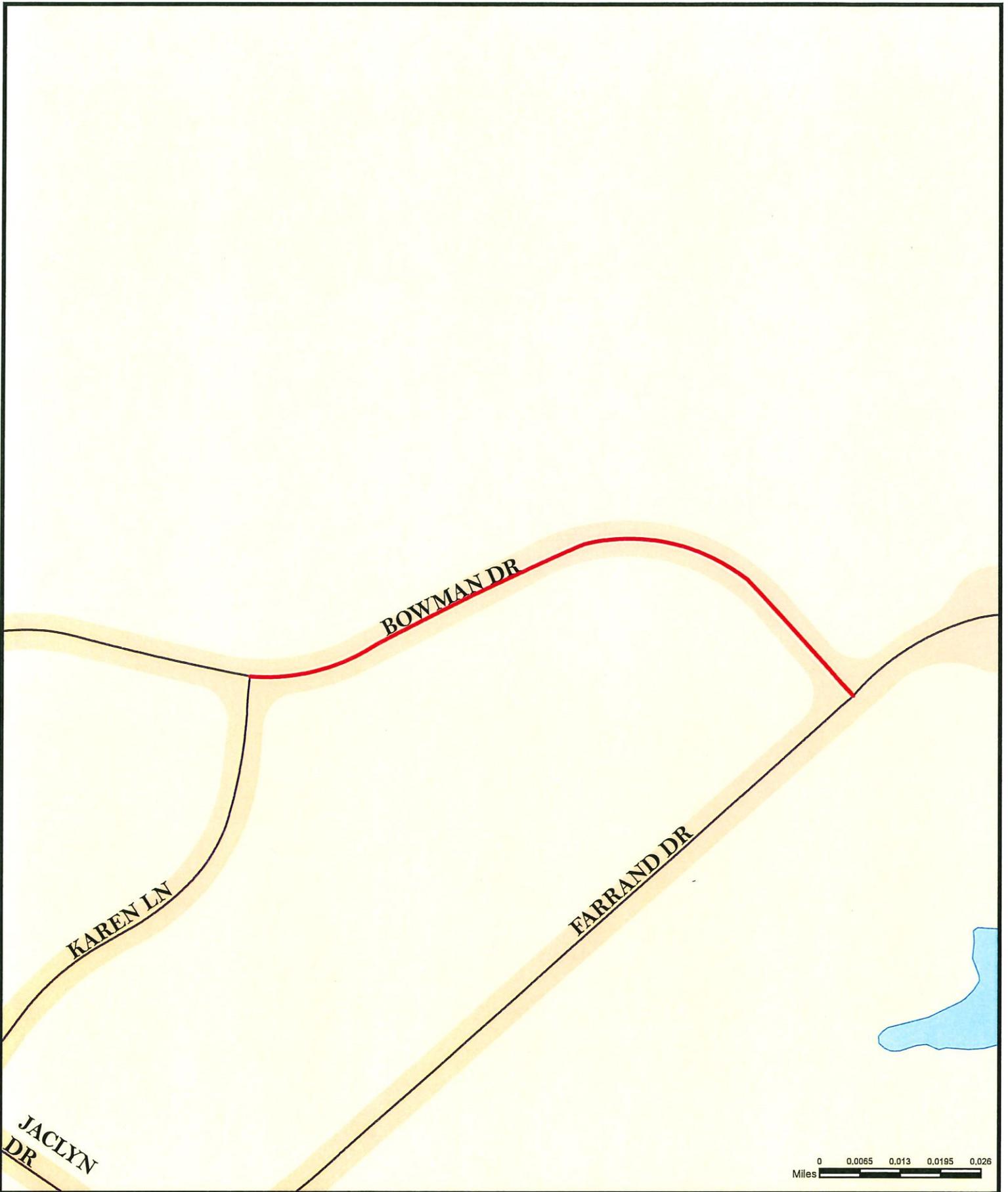
# 2020-2021 U1 Additions Sandalwood Lane





# 2020-2021 U1 Additions Farrand Drive

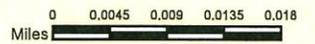
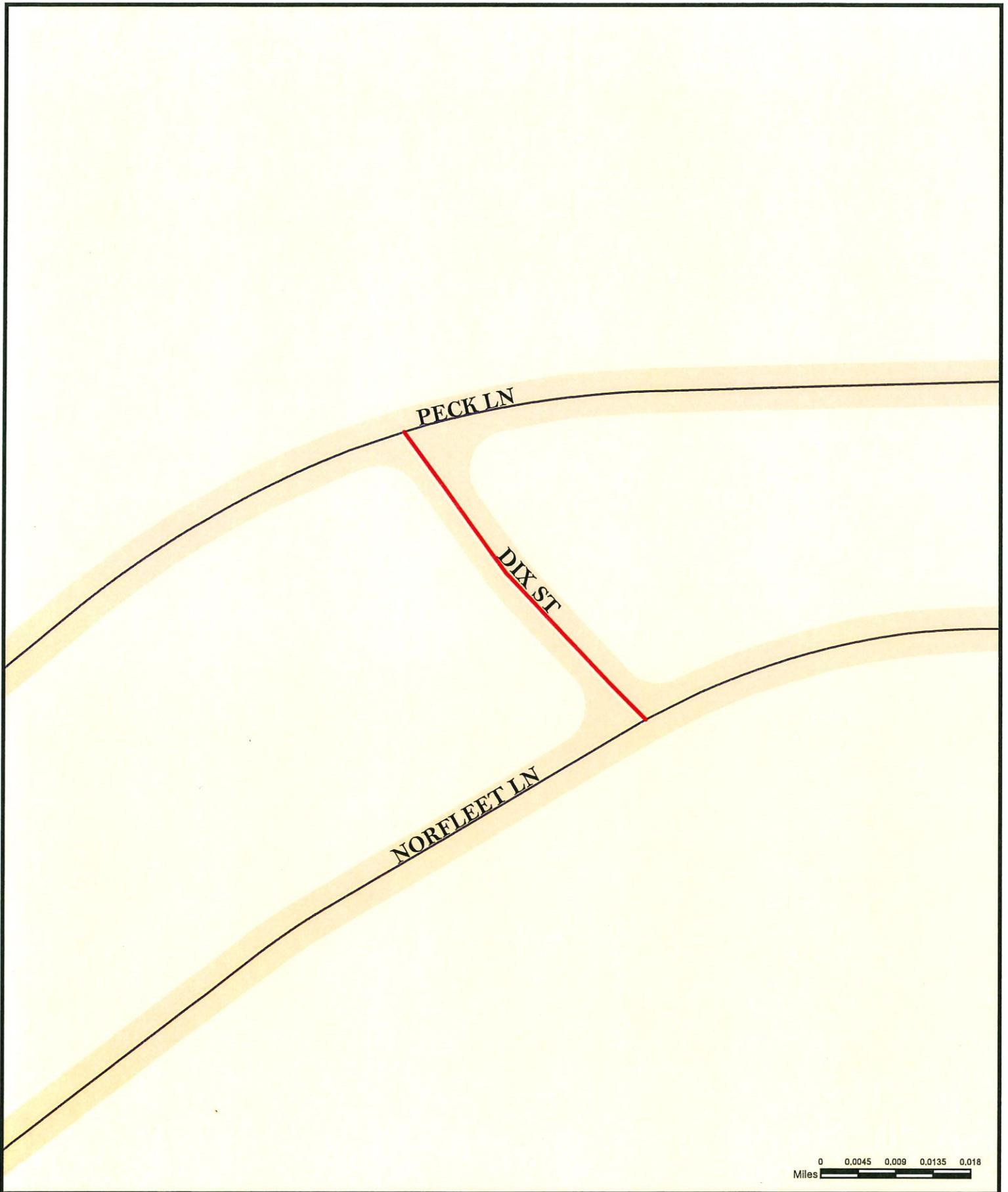




2020-2021 U1 Additions  
Bowman Drive

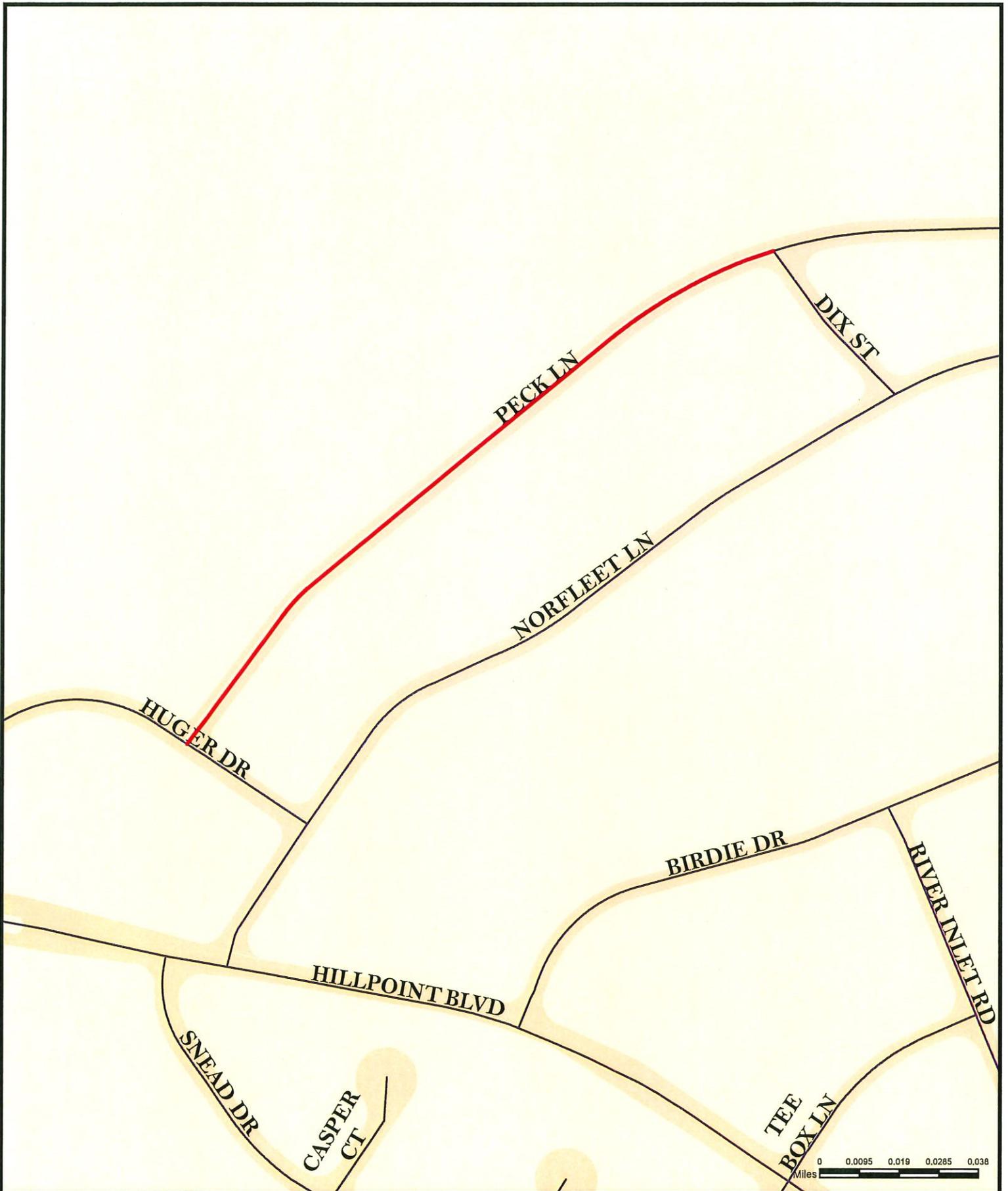






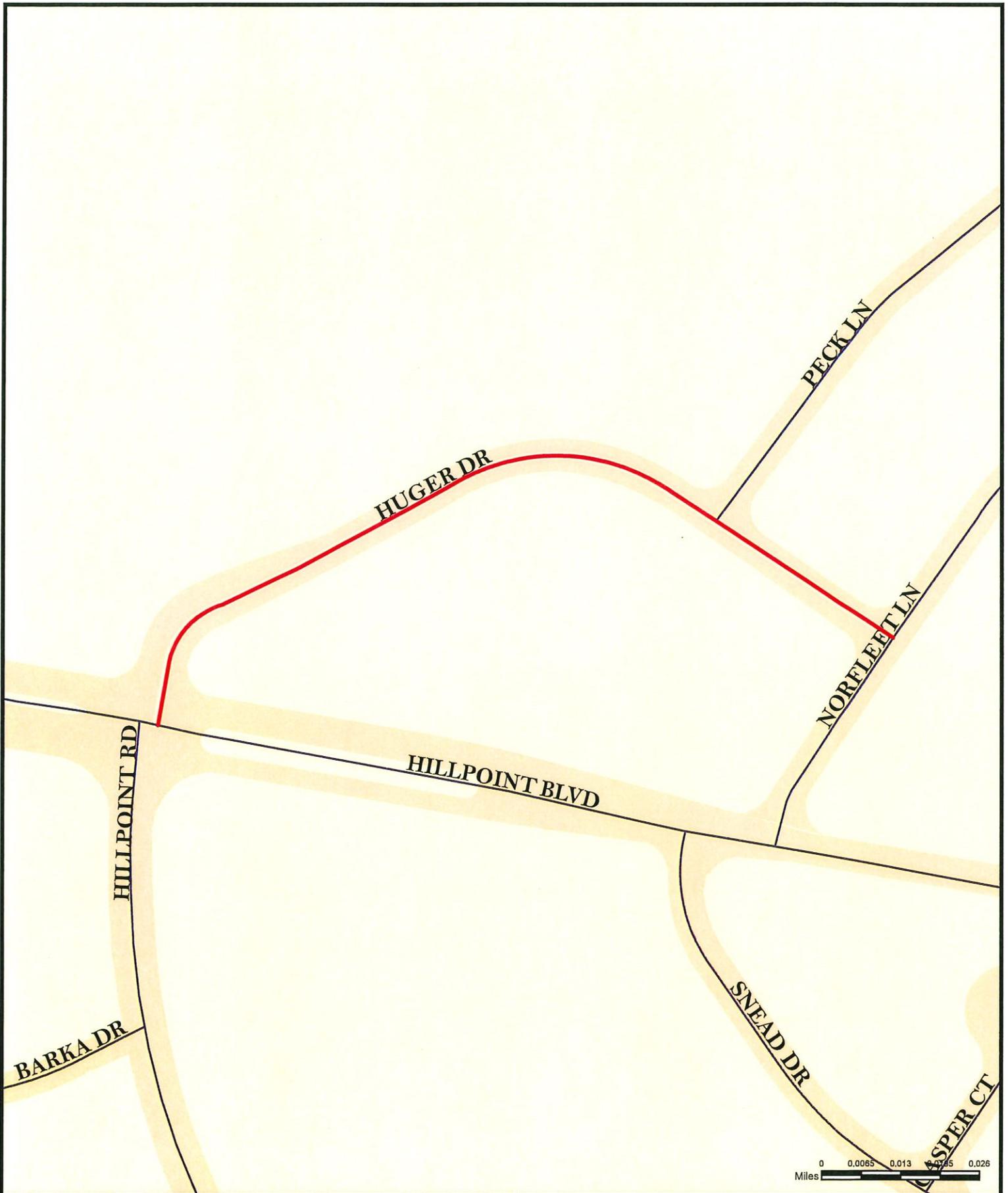
# 2020-2021 U1 Additions Dix Street





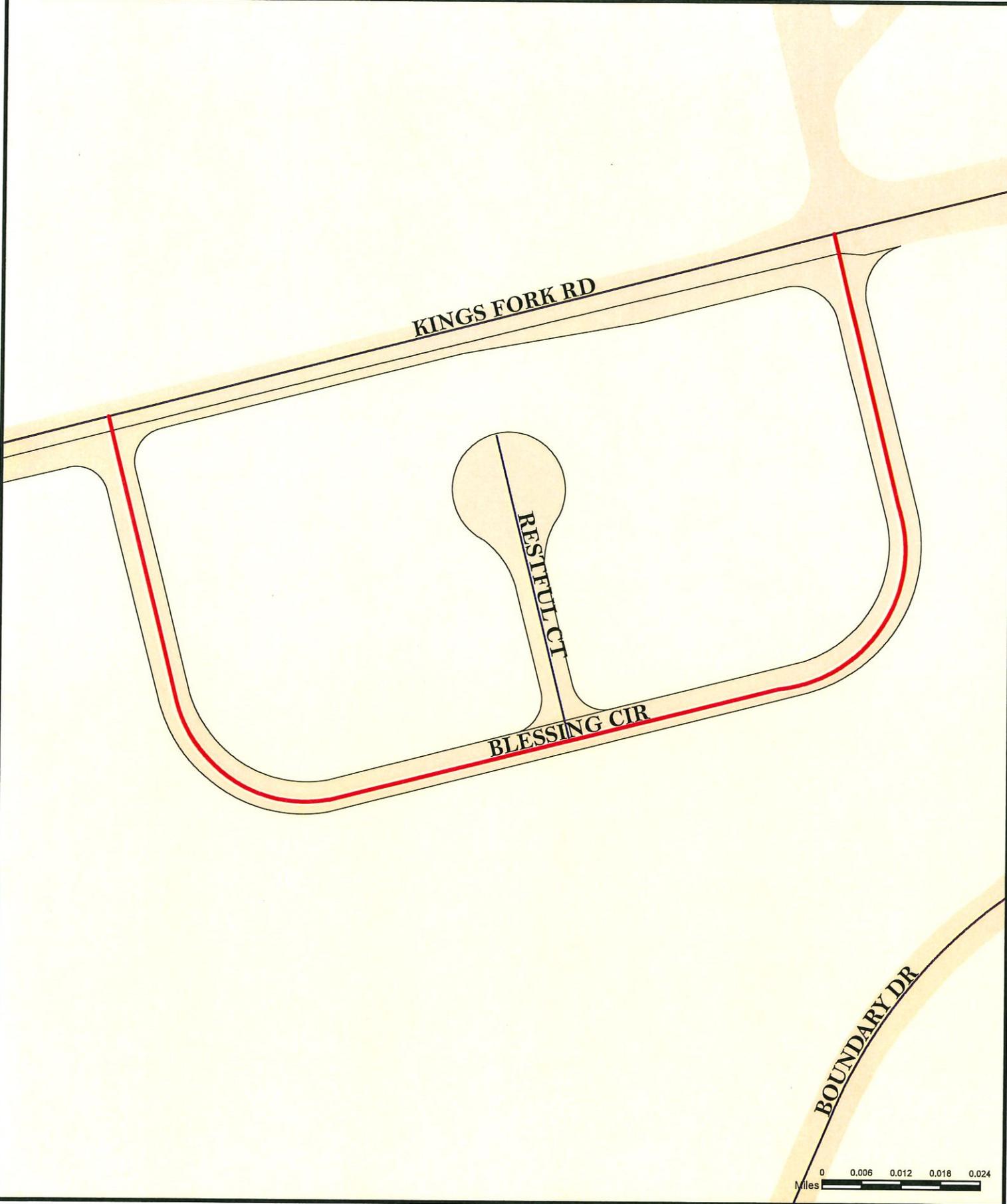
2020-2021 U1 Additions  
Peck Lane





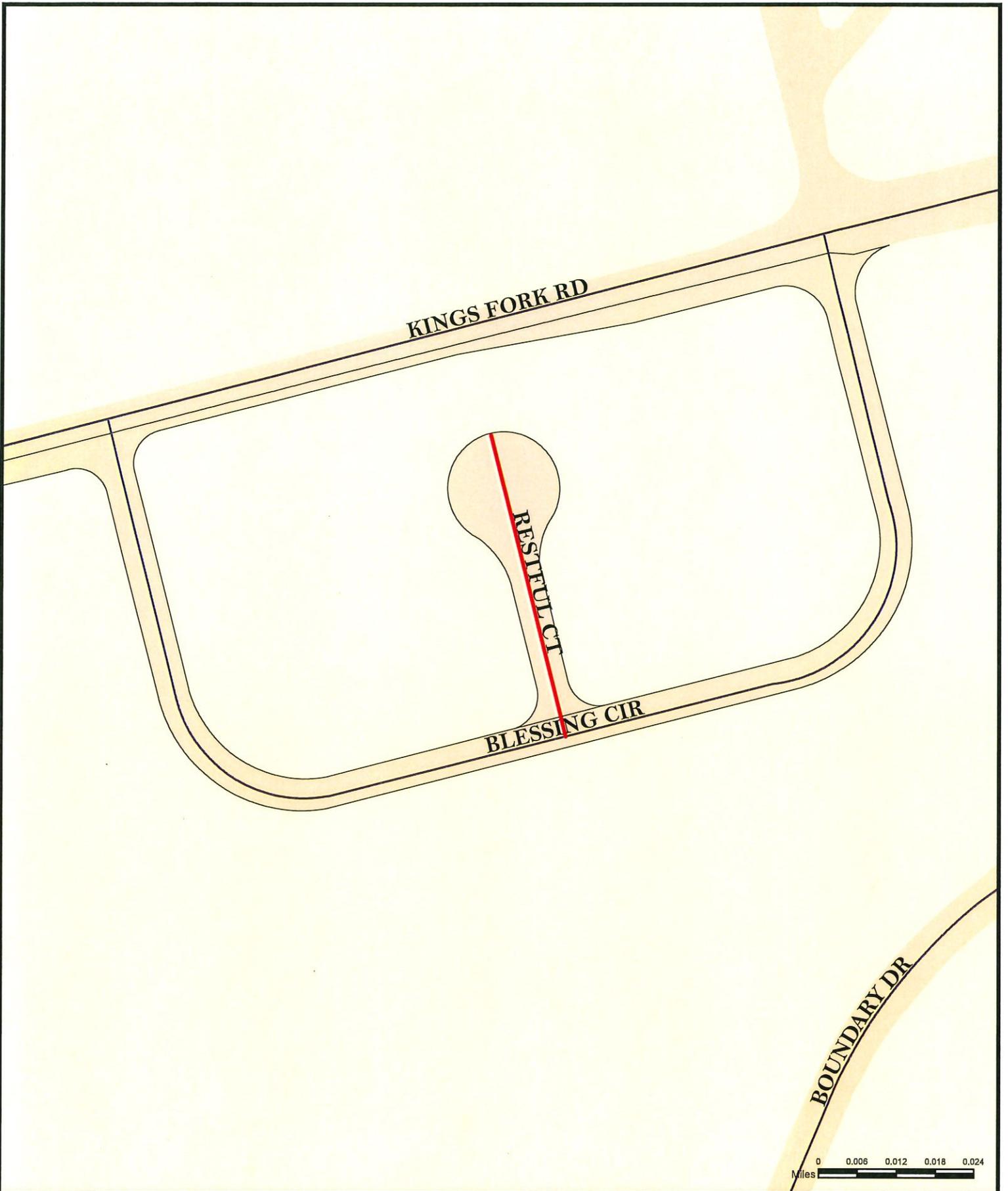
# 2020-2021 U1 Additions Huger Drive





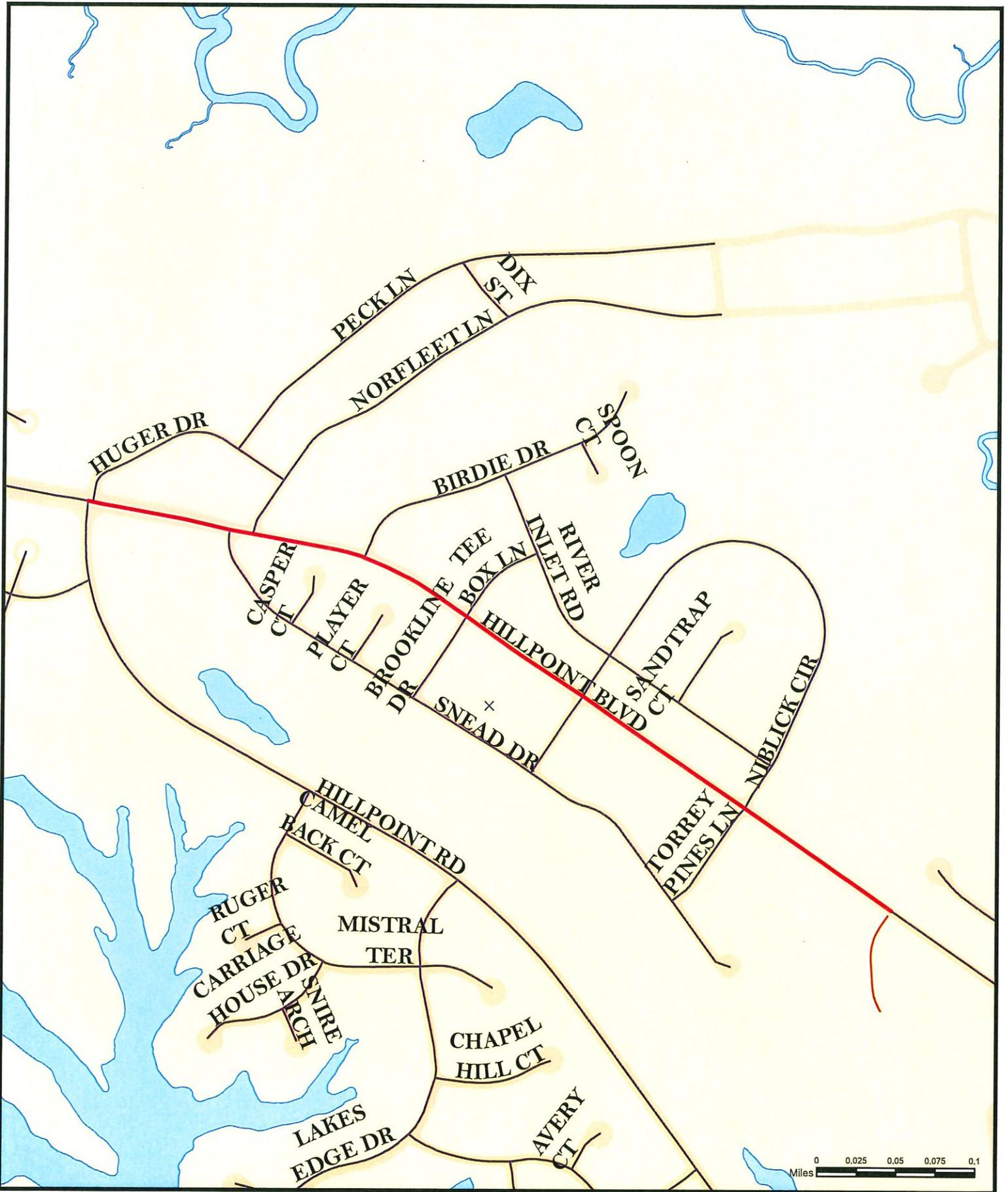
# 2020-2021 U1 Additions Blessing Circle





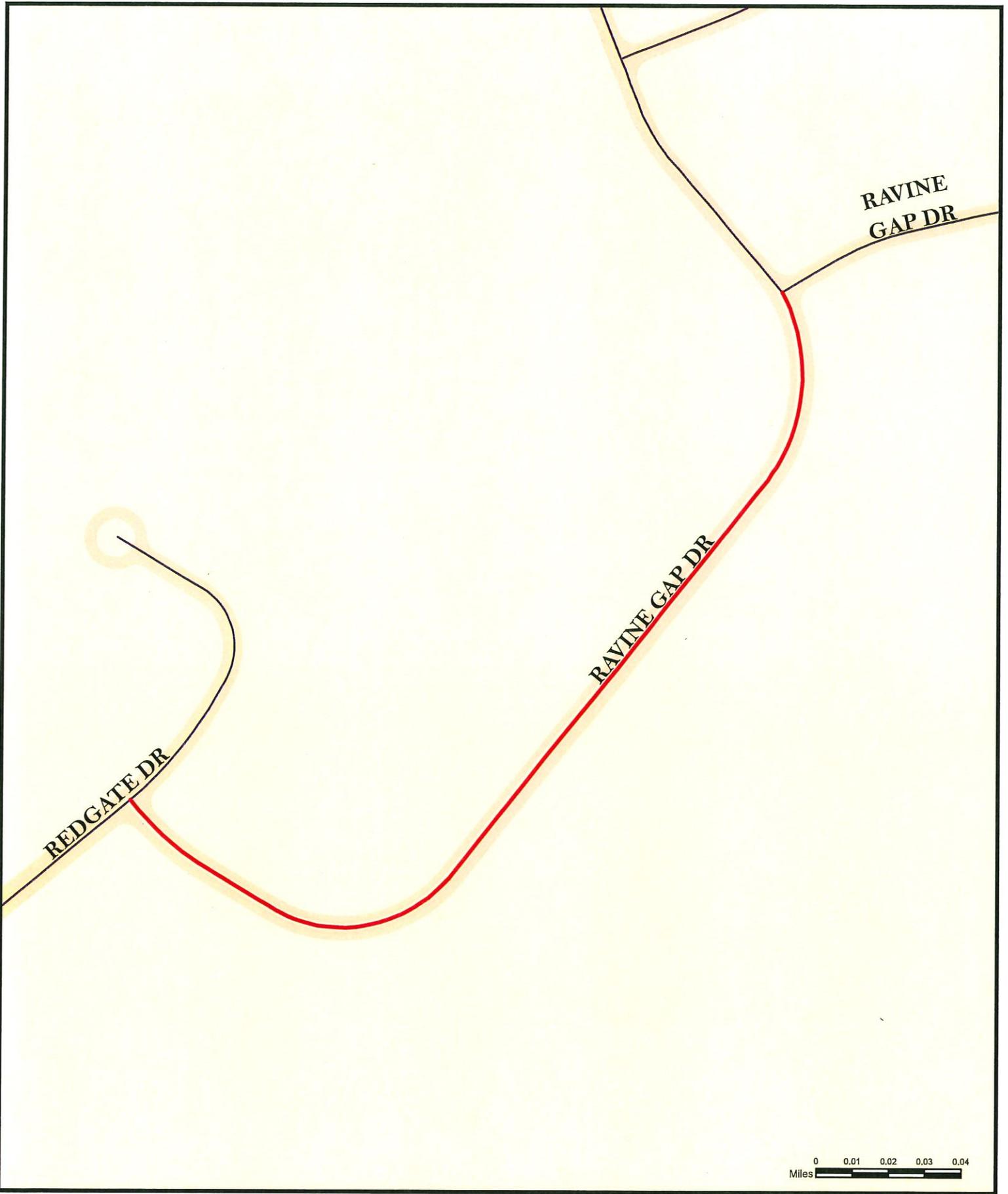
2020-2021 U1 Additions  
Restful Court





# 2020-2021 U1 Deletions Hillpoint Boulevard





# 2020-2021 U1 Deletions Ravine Gap Drive



**AGENDA: March 18, 2020, Regular Session**

**ITEM: Consent Agenda** – A resolution to adopt the 2020 edition of the City of Suffolk’s Emergency Operations Plan, as revised.

This resolution is to adopt the 2020 City of Suffolk Emergency Operations Plan. This plan is an update of the 2015 Emergency Operations Plan that was originally adopted August 19, 2015. The Code of Virginia § 44-146.19(E) requires that each jurisdiction perform a comprehensive review and revision of its Emergency Operations Plan. The revised plan shall be formally adopted by the locality’s governing body.

**RECOMMENDATION:**

Adopt the attached resolution

**ATTACHMENT:**

Resolution

**RESOLUTION NUMBER \_\_\_\_\_**

**A RESOLUTION TO ADOPT THE 2020 EDITION OF THE CITY OF SUFFOLK'S EMERGENCY OPERATIONS PLAN, AS REVISED**

WHEREAS, the City Council of Suffolk, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and,

WHEREAS, the City of Suffolk has a responsibility to provide for the safety and well-being of its citizens and visitors; and,

WHEREAS, Section 44-146.19(E) of the Code of Virginia requires localities to prepare and keep current an emergency operations plan; and,

WHEREAS, the City of Suffolk's Office of Emergency Management has prepared an updated Emergency Operations Plan with input from city departments and agencies in accordance with Section 30-102 of the Code of the City of Suffolk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Suffolk, Virginia, that they approve and adopt City of Suffolk Emergency Operations Plan, in substantially the same form as the document on file in the City Clerk's Office.

IT IS FURTHER RESOLVED AND ORDERED that the Coordinator of Emergency Management or his/her designee is tasked and authorized to maintain and revise as necessary this document during the next four (4) year period or until such time it be ordered to come before this City Council.

READ AND ADOPTED: MARCH 18, 2020

TESTE: \_\_\_\_\_  
Erika S. Dawley, MMC, City Clerk

Approved as to Form:

  
Helivi L. Holland, City Attorney

*Deputy City Attorney*

**AGENDA: March 18, 2020, Regular Session**

**ITEM: Public Hearing** – Consideration of an appeal of the decision of the Historic Landmarks Commission in regard to request for Certificate of Appropriateness HLC2019-0038, for property located at 130 Brewer Avenue, Zoning Map 34G17, Block 2, Parcel B\*18\*19\*20

Attached for your consideration is information regarding an appeal of the decision of the Historic Landmarks Commission to conditionally approve a request for a Certificate of Appropriateness, HLC2019-00038, for property located at 130 Brewer Avenue in the Suffolk Historic Conservation Overlay District. The subject appeal was submitted by Ben Clay, property owner.

The applicant submitted an application for a Certificate of Appropriateness on September 10, 2019 for the replacement of existing wood siding with Hardie-Plank siding. The application, which initially went before the Historic Landmarks Commission (HLC) on October 10, 2019, was tabled at that time as it was discovered that the entire scope of work was not included in the application. During the meeting, it was revealed that the applicant also proposed replacement of all wood trim work and wished to eventually replace many of the windows as well. The applicant revised the request and it went before the HLC for consideration at their January 9, 2020 meeting. The amended proposal requested the replacement of all existing exterior wood siding with Hardie-Plank siding of similar color, the replacement of existing wood molding, dental block, and window trim with Hardie material, and the replacement of 48 original wood windows with vinyl replacement windows.

This appeal has been made in accordance with Section 31-413(j), which provides for an appeal of the Historic Landmarks Commission's decision to City Council when such appeal is filed within 30 days of the Commission's decision.

In exercising its powers, the City Council may, in conformity with the provisions of the Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the HLC. The City Council shall consult with the HLC in relation to any appeal and may require documentation of any HLC decision prior to hearing the appeal.

Facts of this case:

- A COA application was submitted on September 10, 2019, requesting approval of Hardie-Plank siding to replace existing wood siding.
- On October 10, 2019, the Historic Landmarks Commission considered a request to replace all of the exterior wood siding on this property. At that time, it was revealed that the applicant was proposing changes that were not made a part of the application. Additionally, the Commission discussed the need for additional information in regard to the request, specifically a mock-up of the proposed siding

to compare to the existing siding. As such, the HLC tabled this request by a vote to 9-0.

- On January 9, 2020, the HLC conditionally approved the applicant's request, to include the request to replace all existing wood elements, to include siding, with a Hardie-Plank product. The HLC conditionally approved the replacement of the original wood windows with vinyl clad windows. Specifically, the conditional approval stipulated that the applicant repair the existing windows that can be repaired, that the front elevation windows that cannot be repaired be replaced with wood windows that match the existing in material, size, configuration, detail, and exposure, and the windows on the north, south, and rear elevations that cannot be repaired be replaced with vinyl clad windows that match the existing in size, configuration, detail, and exposure.
- On February 9, 2020, the applicant filed an appeal of the HLC's decision as it specifically relates to the conditions placed on window replacement. The applicant is requesting permission to replace 48 windows with vinyl replacement windows.

Recommendation:

The decision rendered in this case is in conformity with the requirements of Article 4, Zoning, Section 31-413, Historic Conservation Overlay District, of the Unified Development Ordinance and all associated standards codified in the Historic Overlay District Guidelines and adopted by City Council. It was not made in error. It is recommended that this decision be affirmed by City Council.

Attachments:

Executive Summary

Staff Report, HLC2019-00038

Letter to the Applicant regarding the HLC decision

Appellant Correspondence

Window Energy Savings and Paybacks (Source: The Iowa Department of Economic Development/Main Street Iowa)

**Certificate of Appropriateness HLC2019-00038**  
**Applicant Appeal of Decision**  
**Executive Summary**

**Application:**

On September 10, 2019, Ben Clay, property owner, submitted a request for a Certificate of Appropriateness (COA) for exterior material repair and replacement on a contributing structure located at 130 Brewer Avenue. The property is further identified as Zoning Map 34G17, Block 2, Parcel B\*18\*19\*20, Suffolk Voting Borough, zoned RM, Residential Medium Density zoning district, and HC, Historic Conservation Overlay District. Contributing structures, as detailed in the Suffolk Historic District Design Guidelines, include structures that contribute to the overall historic character of the historic district through the compatibility of their design, character, scale, material and detailing. The application, which initially went before the Historic Landmarks Commission (HLC) on October 10, 2019, was tabled at that time as it was discovered that the entire scope of work was not included in the application. Specifically, the applicant was requesting the replacement of all existing wood siding with Hardie-Plank siding. During the meeting, it was revealed that the applicant also proposed the replacement of all wood trim work and many of the existing windows. The applicant revised the request at it went before the HLC for consideration at their January 9, 2020 meeting. The amended proposal requested the replacement of all existing exterior wood siding with Hardie-Plank siding of similar color, the replacement of existing wood molding, dental block, and window trim with Hardie material, and the replacement of 48 original wood windows with vinyl replacement windows.

**Conditional Approval of HLC2019-00038:**

The Historic Landmarks Commission (HLC) was established to review and administer the City's Historic Conservation Overlay District pursuant to Article 2, Section 31-205 of the city's Unified Development Ordinance. In considering the request as submitted by the applicant, the HLC made findings regarding the appropriateness and compatibility of the proposed vinyl windows with respect to the standards of the Historic Conservation Overlay District as codified in Section 31-413 of the Unified Development Ordinance and the Historic District Design Guidelines. Following an advertised public hearing held on January 9, 2020, the HLC approved the application with conditions. Specifically, those conditions included the following:

1. Replacement of the existing siding, dental boards, molding, cornice, modillions, pilasters, and window trim with Hardie-Plank material that matches the existing in size, detail, and exposure.
2. The repair of the existing windows that can be repaired.
3. Replacement of front elevation windows that cannot be repaired with wood windows that match the existing in material, size, configuration, detail, and exposure.
4. Replacement of the windows on the north, south, and rear elevations that cannot be repaired with vinyl clad windows that match the existing in size, configuration, detail, and exposure.
5. No additional exterior improvements shall be permitted without the issuance of a separate Certificate of Appropriateness.
6. All required permits shall be obtained from the City of Suffolk prior to commencement of work.

**Appeal:**

The City received electronic correspondence on February 9, 2020, from Mr. Clay, to appeal a portion of the HLC's decision in regard to HLC2019-00038. This appeal has been made in accordance with Section 31-413(j) of the Unified Development Ordinance (UDO) which provides for an appeal of the Commission's decision to City Council when such appeal is filed within 30 days of its decision. The specific items appealed include the following:

- The repair of the existing windows that can be repaired.
- Replacement of front elevation windows that cannot be repaired with wood windows that match the existing in material, size, configuration, detail, and exposure.
- Replacement of the windows on the north, south, and rear elevations that cannot be repaired with vinyl clad windows that match the existing in size, configuration, detail, and exposure.

The applicant is appealing the approved actions above so that vinyl replacement windows may be used instead of retaining the existing material or replacing specified windows with vinyl clad windows. No other element of the approved COA is under consideration as part of this appeal.

**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 March 13, 2020.

**Issue:**

In consideration of this request, the Commission found that both the replacement of original materials that could be repaired and the use of vinyl windows as replacement materials are inconsistent with the standards of the Historic Conservation Overlay District. The Historic District Design Guidelines identify windows as a major character and style-determining feature of a historic building and offers clear direction on the preservation of windows and the criteria for evaluating the installation of replacement windows. The Historic District Design Guidelines further state the removal of historic materials shall be avoided, therefore the rehabilitation or repair of the existing window section(s) should be the primary objective.

When replacement of the original window is requested, the Historic District Design Guidelines call for a signed statement from a licensed general contractor stating the condition of the existing windows. Supporting documentation for any application for a Certificate of Appropriateness seeking authorization for the replacement of windows should include exhibits and information on the ability of the windows to be repaired, need for replacement, proposed corrective measures, and options for replacement. The contractor's statement noted that the windows proposed for replacement exhibit wood rot and/or no longer effectively function. Pictures were provided of all of the existing windows proposed for replacement revealing many windows with peeling paint and

some with sill damage. These pictures did not demonstrate that all of these windows required replacement and repair options were not addressed.

In accordance with Chapter 4, C.3 of the Historic District Design Guidelines, new windows may consist of painted wood, metal clad, or vinyl clad. Vinyl replacement windows do not replicate the profile of wood windows, nor do they offer the material quality and craftsmanship that other products can. As such, vinyl replacement windows are not appropriate for contributing historic structures in the district. It is important to note that the replacement of windows requested for this property in 2005 required wood to be used.

The Secretary of the Interior Standards do not recommend altering windows or window features which are important in defining the historic character of the building so that, as a result, the character is diminished. Additionally, changing the appearance of windows that contribute to the historic character of the building by replacing materials, finishes, or colors, which noticeably change the sash, depth of reveal, and muntin configuration; the reflectivity and color of the glazing; or the appearance of the frame is not recommended.

**Considerations:**

The purpose of the Historic Conservation Overlay District is to provide for protection against destruction or encroachment upon historic areas, buildings, monuments or other features or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic or architectural heritage of the City of Suffolk. The District is designed to protect designated landmarks and other historic or architectural features and their surroundings within a reasonable distance from destruction, damages, defacement and obviously incongruous development or uses of land. It is also designed to ensure that buildings, structures or signs shall be erected, reconstructed, altered or restored so as to be architecturally compatible with the historic landmark buildings or structures within the District.

The District is governed by the Unified Development Ordinance (UDO) and by the standards of the Historic District Design Guidelines, which are codified by reference in Article 4, Zoning, Section 31-413, Historic Conservation Overlay District (HC). Primary consideration of this request is based on the following:

Chapter 4, Section C.3, Guidelines for Window Preservation:

*Preserve Original Windows:* Insure that all hardware is in good operating condition, that caulk and glazing putty are intact and in good condition, and that water drains off the sills.

*Maintain Original Windows:* Maintain original windows by patching, splicing, consolidating or otherwise reinforcing the wooden members. Wood that appears to be in bad condition because of peeling paint or separated joints often can be repaired. Uncover and repair covered-

up windows and reinstall windows where they have been blocked in. If the window is no longer needed, the glass should be retained and the back side frosted, screened, covered with dark painted plywood on the inside, or shuttered so that it appears from the outside to be in use.

If repair of an original window is necessary, repair only the deteriorated element to match the original in size, composition, material, dimension, and detail by patching, splicing, consolidating, or otherwise reinforcing the deteriorated section. The removal of historic materials shall be avoided.

*Avoid Replacing Original Windows:* Replace windows only when they are missing or beyond repair. Reconstruction should be based on physical evidence or old photographs, when available. Replacement windows should be designated to match the original in appearance, detail, material, profile, and overall size as closely as possible. Do not use inappropriate materials or finishes that radically change the sash, depth of reveal, muntin configuration, the reflective quality or color of the glazing, or the appearance of the frame.

*Maintain the Original Window Patterns:* Do not change the number, location, size, or glazing pattern of windows by cutting new openings, blocking in windows, or installing replacement sash that do not fit the window opening.

*Improve Thermal Qualities:* Improve thermal efficiency with weather stripping, storm windows (preferably interior), caulking, interior shades, and if appropriate for the building, shutters (blinds) and awnings. Install interior storm windows with airtight gaskets, ventilating holes, and/or removable clips to insure proper maintenance and to avoid condensation damage to windows. Install exterior storm windows that do not damage or obscure the windows and frames. The storm windows divisions should match those of the original window. Avoid unpainted aluminum storm sashes. This type of window can be painted an appropriate color if it is first primed with a zinc chromate primer. Avoid replacing a multi-paned sash with new thermal sash utilizing false snap-in muntins. Do not replace windows or transoms with fixed thermal glazing. Do not use tinted glass on major facades of the building.

*New Window Materials:* New windows may be constructed of painted wood, metal clad or vinyl clad. Unfinished or anodized aluminum is not permitted. When evaluating the acceptability of replacement windows, the following criteria shall be used:

- o Kind and texture of materials;
- o Architectural and historical compatibility;
- o Comparison to original window profile;
- o Level of significance of original windows to the architectural style of the building;  
and
- o Material performance and durability.

Secretary of the Interior's Standards for Rehabilitation:

- The historic character of a property shall be retained and preserved.
- Removal of historic materials that characterize a property shall be avoided.
- Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize an historic property shall be preserved.
- Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.

First, the Historic Landmarks Commission determined that vinyl replacement windows do not comply with the standards of the Historic District Design Guidelines stated above. The Guidelines specifically require that replacement windows match original materials as closely as possible. Wood windows are still widely available as are other appropriate materials, such as vinyl clad and metal clad windows, which profile similarly to a wood product and offer comparable depth that is observed on wooden windows.

Secondly, the Commission recognized, through the Historic District Design Guidelines as well as the Secretary of the Interior Standards, the clear preference that existing wood features, including windows, be repaired and restored whenever feasible. It was determined that based upon the information submitted by the applicant that many of the existing windows were in a condition where repair was a feasible resolution.

Thirdly, the Commission determined that the front façade of the structure was visually prominent enough to require that any replacement windows on this façade consist of wood windows of a profile and composition that match the existing windows. Brewer Avenue maintains a strong cohesive historical impression, the allowance of vinyl windows on this façade would be a detriment to the resource itself as well as to the district overall.

Additionally, the Commission acknowledged that in some cases vinyl clad or an alternative to a wood window may be appropriate. In their action, they allowed for the use of vinyl clad replacement windows for existing windows not located on the primary façade where it can be demonstrated that the windows are in fact damaged beyond repair.

Lastly, the Commission has been consistent in previous decisions regarding requests to install vinyl replacement windows in the Historic District. Specifically, within the past five (5) years the HLC has considered six (6) cases where requests for vinyl replacement windows were proposed for existing wooden windows on contributing structures. In each of these cases, the HLC has either denied requests to utilize vinyl windows or conditionally approved applications requiring wooden, vinyl clad, or metal clad windows be used as opposed to vinyl.

**Conclusion:**

In conclusion, these findings were not made in error; the Historic Landmarks Commission found the materials, appearance, character, and quality of the proposed vinyl windows to be incompatible with the requirements of the Historic Conservation Overlay District and all associated standards codified in the Historic Overlay District Guidelines. They further found the request to be inconsistent with past decisions made by the HLC regarding similar proposals and in relation to appropriate materials for replacement windows throughout the Suffolk Historic Conservation Overlay District.

**Recommendation:**

The decision rendered in this case is in conformity with the requirements of Article 4, Zoning, Section 31-413, Historic Conservation Overlay District, of the Unified Development Ordinance and all associated standards codified in the Historic Overlay District Guidelines and adopted by City Council. It was not made in error. It is recommended that this decision be affirmed by City Council.



# CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858  
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DEPARTMENT OF  
PLANNING & COMMUNITY DEVELOPMENT

*Division of Planning*

To: Historic Landmarks Commission

From: Kevin M. Wyne, AICP, Current Planning Manager

Date: January 9, 2020

Subject: **REQUEST FOR CERTIFICATE OF APPROPRIATENESS HLC2019-00038**, submitted by Ben Clay, applicant and property owner, for exterior material alterations and window replacement on property located at 130 Brewer Avenue. The affected area is further identified as Zoning Map 34G17, Block 2 B, Parcels 18, 19, and 20, Suffolk Voting Borough, zoned RM, Residential Medium Density zoning district, and HC, Historic Conservation Overlay District.

## STAFF REPORT

### Overview of the Subject Property and Surrounding Area

The subject property is located within the 2004 West End Historic District of the Suffolk Historic Conservation Overlay District. The majority of the buildings in this neighborhood date from the last decade of the 19th century through the first four decades of the 20th century, and display the fashionable architectural styles of the period in which they were constructed. The dominant forms and styles, albeit vernacular, include Italianate, Queen Anne, Colonial Revival, Classical Revival, Tudor Revival, Bungalow/Craftsman, and American foursquare. Single-family dwellings dominated the area initially with a few multiple-family dwellings beginning to appear in the second quarter of the 20th century. The West End neighborhood is also home to several churches and some early and late 20th-century commercial development. Brewer Avenue itself maintains a strong cohesive historical impression that remains largely intact from its period of significance and is lined with contributing residential structures. In particular, Brewer Avenue is home to several impressive Colonial Revival and Craftsman Style Bungalow homes.

The subject property consists of a contributing single family home in the Colonial Revival style built circa 1910 – 1925. The house is 5 bays wide with a central entrance and projecting center bay. The entrance contains a one lite denticulated transom, one lite paneled sidelights, and fluted pilasters. The wide molded wood cornice features dentils and modillions. The center bay on the second story is arched and contains a tripartite window. The window lintels and sills consist of wood and the front porch columns are scored and rest on concrete piers.

**Surrounding Characteristics**

The subject property is located in an area of contributing residential buildings. A list of adjacent and nearby properties is provided below.

<b>Address</b>	<b>Building Type</b>	<b>Year Built</b>	<b>Style</b>	<b># Stories</b>	<b>Contributing /Non-contributing</b>
125 Brewer Ave.	Residential	ca. 1915	Bungalow / Craftsman	1.5	Contributing
127 Brewer Ave.	Residential	ca. 1910	Bungalow / Craftsman	2.5	Contributing
128 Brewer Ave.	Residential	ca.1915	Colonial Revival	2.5	Contributing
129 Brewer Ave.	Residential	ca.1900	Queen Anne	2.5	Contributing
131 Brewer Ave.	Multi-Family Residential	ca.1950-1965	Colonial Revival	2	Non-contributing
133 – 133 ½ Brewer Ave.	Multi-Family Residential	ca.1950-1965	Colonial Revival	2	Non-contributing
134 Brewer Ave.	Residential	ca.1910	Bungalow / Craftsman	1.5	Contributing
135 Brewer Ave.	Residential	ca. 1900	Queen Anne	2.5	Contributing
136 Brewer Ave.	Residential	ca. 1950-1965	Other	2.0	Non-contributing
137 Brewer Ave.	Residential	ca. 1935	Colonial Revival	2.0	Contributing
138 Brewer Ave.	Residential	ca. 1930	Colonial Revival	2.5	Contributing

**Case History**

On October 10, 2019, the Historic Landmarks Commission considered a request to replace all of the exterior wood siding on this property. At that time, it was revealed that the applicant was proposing changes that were not made a part of the application. Additionally, the Commission discussed the need for additional information in regard to the request, specifically a mock-up of the proposed siding to compare to the existing siding. As such, the HLC tabled this request by a vote to 9-0.

In 2014, the property was subject to Certificate of Appropriateness HC-2014-00037, which authorized the construction of a garage (50' x 20') fronting on Pender Street with access provided by a concrete driveway.

In 2012, Certificate of Appropriateness HC-2012-48 was approved which authorized the construction of a garage (50' x 20') fronting on Pender Street with access provided by a concrete driveway. The Certificate of Appropriateness (COA) for the proposed garage was approved for a six (6) month time period. Construction did not commence on the proposed garage and the COA subsequently expired, resulting in an identical proposal in 2014, which did result in the construction of the approved improvements.

In 2005, Certificate of Appropriateness HC-2005-90AD was received resulting in the reinstallation of the existing wood siding in order to install insulation on the first floor, the replacement of windows with new in-kind wood windows, repair/replace wood railing and columns, and painting of the structure (walls, shutters, and dentils). Of note, the installation of new in-kind wood windows did not come to fruition.

### **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 January 3, 2020.

### **Proposed Action**

The applicant is requesting a Certificate of Appropriateness to replace all existing exterior wood siding with Hardie-Plank siding of similar color, the replacement of existing wood molding, dental block, and window trim with Hardie material, and the replacement of 48 original wood windows with vinyl replacement windows.

### **Condition Statement**

The applicant has provided a contractor's statement, completed by Matt Stuffel of Total Home Improvements, Inc., which operates as a Class A Contractor. The statement notes that the overall condition of the existing siding is poor. It notes that moisture damage is present in areas on all elevations and that cupping and gapping observed would result in poor results if caulking is performed. Furthermore, the statement notes that overall, the existing wood siding is brittle with cracking noted throughout the structure. In total, the statement notes that 40 percent of the front façade, 73 percent of the south elevation, 76 percent of the rear elevation, and 75 percent of the north elevation require replacement.

In regard to the dental block, molding, and window trim, the contractor's statement notes that 90 percent of these elements on the front elevation, 70 percent of the rear elevation, 75 percent of the north elevation and 78 percent of the south elevation require replacement due to observed rotting or the fact they are missing. Additionally, the statement notes that in order to properly install a water vapor barrier between the wood frame and the replacement siding, replacement of these elements is recommended. No pictures were provided that support the condition statement in regard to the trim elements.

The contractor's statement also provides an analysis of the 48 existing wood windows proposed for replacement. The statement recommends that all of these windows be replaced, primarily due to wood rot. Windows proposed for replacement include two of the curved, second story windows on the front façade, and all 12 of the sunroom windows on the rear elevation. While pictures of the curved windows proposed for replacement were provided, the photos are not detailed enough to justify their replacement. Windows 1-6, as labeled on the contractor's statement are not slated for replacement, thus photographs have not been provided for these windows.

### **Applicable Regulations and Analysis**

#### **A. Unified Development Ordinance (UDO)**

1. Section 31-413(g)(7), Approval of Major Action by the HLC  
(v) Any alteration to exterior building materials or color of materials.

#### **B. Suffolk Historic District Design Guidelines**

1. Chapter 1, Section F, Goals within the Historic Conservation Overlay District, Appropriate Design of Additions and Alterations for Buildings: Changes to historic buildings should be appropriately designed to be compatible with the architecture and overall character of the district. Additions and alterations to buildings require careful design in order to preserve and strengthen the character of the district. To this end, repair and maintenance activity involving exterior materials, finishes, windows, doors, awnings, signage, fencing and landscaping should be carefully planned to avoid negatively affecting the district's overall character.
2. Chapter 4, Section C.3, Guidelines for Window Preservation:
  - *Preserve Original Windows:* Insure that all hardware is in good operating condition, that caulk and glazing putty are intact and in good condition, and that water drains off the sills.
  - *Maintain Original Windows:* Maintain original windows by patching, splicing, consolidating or otherwise reinforcing the wooden members. Wood that appears to be in bad condition because of peeling paint or separated joints often can be repaired. Uncover and repair covered-up windows and reinstall windows where they have been blocked in. If the window is no longer needed, the glass should be retained and the back side frosted, screened, covered with dark painted plywood on the inside, or shuttered so that it appears from the outside to be in use.
  - If repair of an original window is necessary, repair only the deteriorated element to match the original in size, composition, material, dimension, and detail by patching, splicing, consolidating, or otherwise reinforcing the deteriorated section. The removal of historic materials shall be avoided.
  - *Avoid Replacing Original Windows:* Replace windows only when they are missing or beyond repair. Reconstruction should be based on physical evidence or old photographs, when available. Replacement windows should be

designated to match the original in appearance, detail, material, profile, and overall size as closely as possible. Do not use inappropriate materials or finishes that radically change the sash, depth of reveal, muntin configuration, the reflective quality or color of the glazing, or the appearance of the frame.

- *Maintain the Original Window Patterns:* Do not change the number, location, size, or glazing pattern of windows by cutting new openings, blocking in windows, or installing replacement sash that do not fit the window opening.
- *New Window Materials:* New windows may be constructed of painted wood, metal clad or vinyl clad. Unfinished or anodized aluminum is not permitted. When evaluating the acceptability of replacement windows, the following criteria shall be used:
  - o Kind and texture of materials;
  - o Architectural and historical compatibility;
  - o Comparison to original window profile;
  - o Level of significance of original windows to the architectural style of the building; and
  - o Material performance and durability.

3. Chapter 4, Section F.2.b. Guidelines for Wood Materials:

- Repair rotten or missing sections rather than replace the entire element. Use epoxies to patch, piece, or consolidate parts. Match existing materials and details.
- Replace wood elements only when they are rotten beyond repair. Match the original in material and design or use substitute materials that convey the same visual appearance.
- Base the design of reconstructed elements on pictorial or physical evidence from the actual building rather than from similar buildings in the area.
- In areas where wood is the predominant siding material, wood siding should be considered for use.
- Wood is recommended for use on additions on elements such as windows, cornices, porch trim, and all other decorative features.
- Materials other than historic materials which may replicate the qualities of the original may be acceptable as substitutes if the Historic Landmarks Commission determines that the substitute or synthetic material will produce the overall character, appearance, and performance.
- *Conditions Statement:* A signed statement, with exhibits, from a licensed carpenter or general contractor stating the condition of the existing wood, ability to be repaired, need for replacement, proposed corrective measures, and options to replacement is required as supporting documentation for any application for a Certificate of Appropriateness.

4. Chapter 4, Section H.2. Guidelines for Synthetic Siding

- General: Synthetic siding can be acceptable as a substitute for the original materials where the original siding materials have been removed, where the original siding materials have deteriorated beyond repair as determined by the

Historic Landmarks Commission, or to additions to the primary historic building.

- Economic Hardship: Economic hardship will not be a factor in the decision-making process; rather the decision will be based solely on the architectural considerations, including the historical and architectural significance of the building, the condition of the original siding, and the feasibility of replacement with in-kind materials.
- Conditions Statement: A signed statement, with exhibits, from a licensed siding contractor or general contractor stating the condition of the existing siding, ability to be repaired, need for replacement, proposed corrective measures, and options to replacement is required as supporting documentation for any application for a Certificate of Appropriateness.
- Cement-Fiber Siding: Cement-fiber siding is a relatively new product which is made of concrete and wood fibers. It can be cut and fit like wood siding and can be installed adjacent to existing historic wood trim. Although not much is known about its behavior over long periods of time, it appears to offer increased resistance to peeling paint problems, surface rigidity and a similar appearance to historic wood siding materials. This material is acceptable as a substitute for wood siding where the exposure and details of the original siding can be replicated and where the substitution involves an area no smaller than an entire face of the building. It is not appropriate for spot repairs where wood siding will be adjacent on the same face of the building. Substitute siding must align with the original siding and match the existing profile.
- Vinyl Siding: Vinyl siding is not acceptable as a substitute siding material.
- Aluminum Siding: Aluminum siding is not acceptable as a substitute siding material.

### **3. Secretary of the Interior Standards**

The Secretary of the Interior Standards, which are included in Appendix A of the Historic Guidelines, encourage the repair and preservation of existing historic materials and character defining elements. Where replacement is determined to be necessary, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. The design of replacement features shall also be substantiated by documentary, physical, or pictorial evidence. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, is strongly discouraged.

#### **Staff Analysis**

The structure in question is a large, architecturally significant home that serves as one of the most prominent resources along Brewer Avenue, which itself maintains a strong cohesive historic impression. The size of the structure, approximately 6,000 square feet, makes it stand out along Brewer Avenue, which has an extensive collection of well-maintained contributing resources. Inspection of the property has confirmed that much of the existing wood siding, as noted in the contractor's statement, is in poor condition. While visible evidence of moisture damage of some

of the siding was confirmed, a significant portion of the siding appears to be in a condition where repair is feasible. In accordance with Chapter 4, Section 4.2.b of the Historic District Design Guidelines in regard to wood materials, one should “repair rotten or missing sections rather than replace the entire element” and “replace wood elements only when they are rotten beyond repair.”

During a site visit to the structure, a visual inspection of the molding, wood trim, cornice, dentils, and modillions took place. Aside from a few areas where these features were missing, or moisture damage was noted, the vast majority of these features appear to be in a condition where repair is feasible. The condition of these elements is noted throughout the photographs attached to this staff report.

The applicant requests replacing all these existing wood features with James Hardie-Plank, which is a fiber cement material that is described in Chapter 4, Section H.2 of the Historic District Design Guidelines. Specifically, the Guidelines note that synthetic material such as fiber cement “can be acceptable as a substitute for the original materials where the original siding materials have been removed, where the original siding materials have deteriorated beyond repair as determined by the Historic Landmarks Commission, or to additions to the primary historic building.” Fiber cement lapboard can be designed to replicate wood materials; however, as noted above, it is always recommended to preserve and restore existing wood materials as a first option for the preservation and treatment of historic resources.

With many portions of the siding on the structure being repairable, the Guidelines support restoring it, while replacing any missing siding that is damaged beyond repair with wood that matches the existing siding in material and design. Due to the size and visibility of this structure, repair or replacement in kind is appropriate.

In regard to the cornice, dental boards, molding, modillions, and window trim, visual inspection has revealed these elements to largely be in a state of good repair, as noted above. Restoration of these features is supported by the Guidelines. Only in instances where these features are missing should they be replaced, and in such instances in-kind replacement with wood material is supported. James Hardie does not appear to offer a product that would successfully replicate these wood elements visually or from the standpoint of craftsmanship.

In addition to the proposed changes noted above, the applicant is requesting to replace 48 of the 62 existing wood windows on the home with vinyl replacement windows that match the existing windows in configuration. Aside from the sunroom windows on the rear elevation, these windows consist of a 1/1 configuration. The majority of the sunroom windows consist of a 3/2 configuration. Windows not proposed for replacement include all the first story windows on the front elevation, to include the front door side-lites and all the windows on what is identified in the supplemental materials as a shed addition. Additionally, several windows on the sunroom addition have been boarded up and are not proposed to be replaced as a part of this application.

The Historic District Design Guidelines identify windows as a major character and style-determining feature of a historic building and therefore discourages their replacement. The Guidelines offers clear directions on the preservation of windows and the criteria for evaluating the installation of replacement windows. The Historic District Design Guidelines further state the removal of historic resources shall be avoided, therefore the rehabilitation or repair of the

deteriorated window section(s) should be the primary objective.

The contractor's statement notes that the windows proposed for replacement exhibit wood rot and/or no longer effectively function. Pictures were provided of all of the existing windows proposed for replacement revealing many windows with peeling paint and some with sill damage. These pictures do not appear to demonstrate that all of these windows require replacement and repair options are not addressed. As previously stated, the applicant proposes to replace all windows with vinyl replacement windows that match the configurations but not the details of the existing windows slated for replacement. It is important to note that the curved glass windows on the front façade of the second story will require specific curved glass replacements, and no rendering has been provided by the applicant that details a window that would be an acceptable in-kind replacement of these important and unique windows. Additionally, all of the 1/1 windows feature lugs in the upper sashes that would need to be replicated with any appropriate replacement window. The replacement window proposed by the applicant does not show this feature being included.

In accordance with Chapter 4, C.3 of the Historic District Design Guidelines, new windows may consist of painted wood, metal clad, or vinyl clad. Vinyl replacement windows do not replicate the profile of wood windows, nor do they offer the material quality and craftsmanship that other products can. As such, vinyl replacement windows are not appropriate for contributing historic structures in the district. If the replacement of wood windows is required on the structure, it is recommended that wood windows be used on the highly visible front façade, and a vinyl clad or metal clad replacement window be utilized on all other facades in accordance with the Historic District Design Guidelines. Please note that the replacement of windows requested for this property in 2005 required wood to be used.

As mentioned above, the structure is large, which means the replacement of all the existing wood siding, dental boards, molding, window trim, and the 48 wood windows would have a greater visual impact in the neighborhood. Wood elements, particularly aged, good quality wood, evolves over time and requires maintenance that adds to its historic character. Wood work provides a level of craftsmanship that is not present and cannot fully be replicated with synthetic materials. Furthermore, replacement of these existing wood features with a synthetic material on the entirety of the structure would threaten the contributing status of this valuable historic resource. The Guidelines do not support replacement of original features in good condition or in repairable condition, as is the case with many of the features in question. In addition, conditions that would require replacement of most of the windows and all of the trim have not been demonstrated by the applicant. With the size of the structure in question, the installation of a synthetic siding, dental boards, molding and window trim, and the replacement of 48 wood windows with vinyl replacement windows, will not fully be capable of replicating the design and natural imperfections observed in a quality wood product and will produce a noticeable impact to the street and the District in addition to the resource itself.

### **Summary and Recommendations**

Based on the above findings-of-fact and the conditions outlined below, staff recommends **denial** of the requested actions.

Staff recommends the following actions in regard to HLC2019-00038:

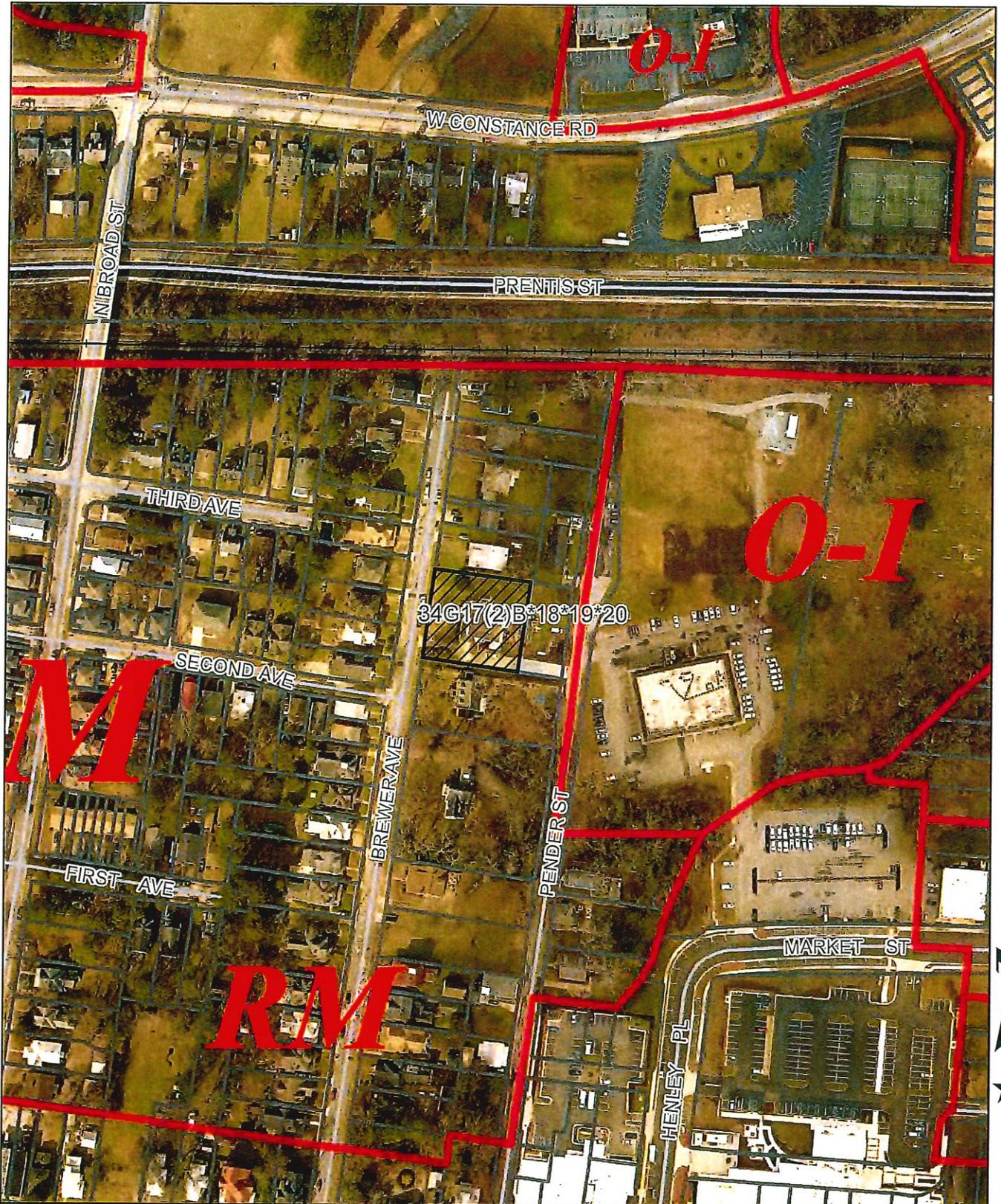
1. The restoration of the existing siding that can be repaired.
2. The restoration of the existing dental boards, molding, cornice, modillions, pilasters, and window trim that can be repaired. Missing features shall be documented and replaced in-kind.
3. Replacement of existing siding that cannot be repaired with wood siding that matches the existing in material, size, detail, and exposure.
4. All wood features shall be painted a color matching the existing feature.
5. The repair of the existing windows that can be repaired.
6. Replacement of front elevation windows that cannot be repaired with wood windows that match the existing in material, size, configuration, detail, and exposure.
7. Replacement of the windows on the north, south, and rear elevations that cannot be repaired with vinyl clad windows that match the existing in size, configuration, detail, and exposure.
8. No additional exterior improvements shall be permitted without the issuance of a separate Certificate of Appropriateness.
9. All required permits shall be obtained from the City of Suffolk prior to commencement of work.





# ZONING / LAND USE MAP

## HLC2019-00038





HLC2019-00038 Nomination Photos



HLC2019-00038 Nomination Photos



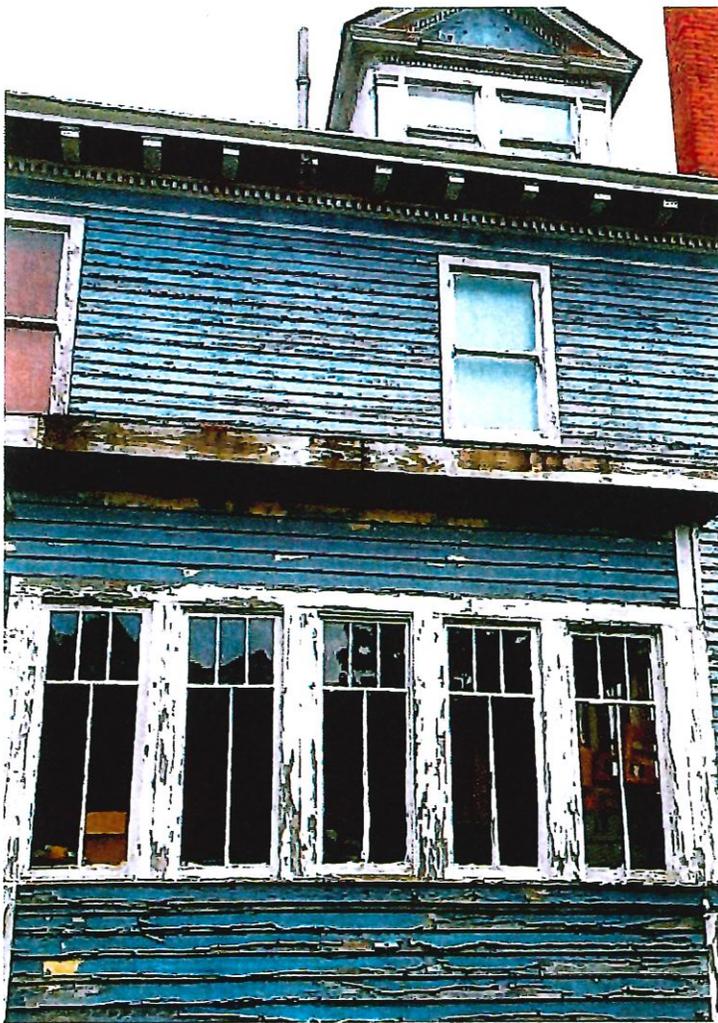


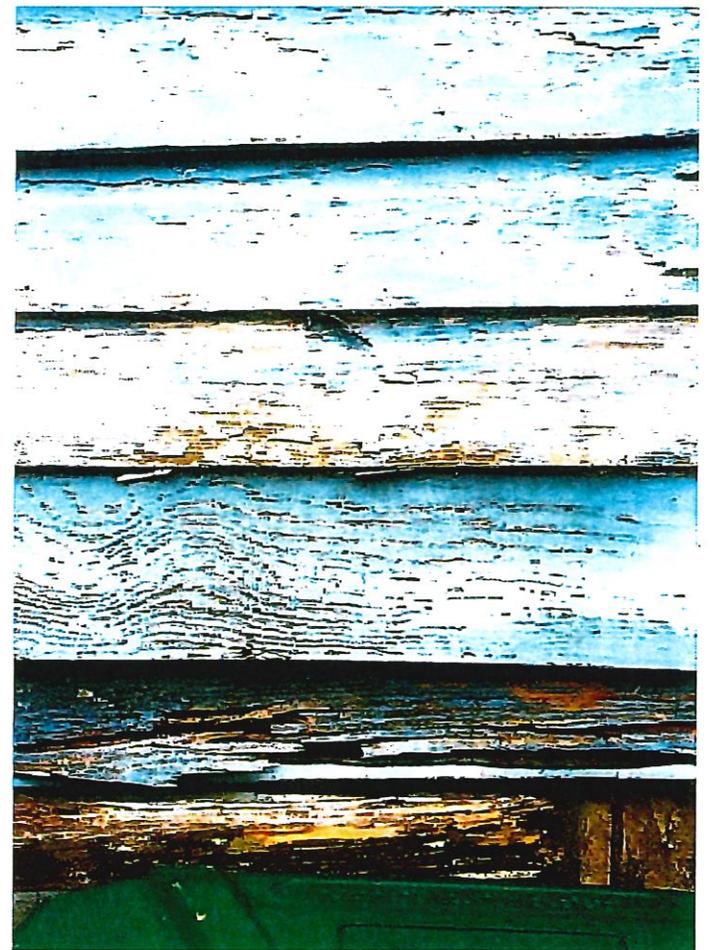
HLC2019-00038 130 Brewer Avenue





HLC2019-00038 130 Brewer Avenue





# TOTAL HOME IMPROVEMENTS, INC.

Main Office: 4033 George Washington Memorial Hwy · Yorktown, VA 23692  
Pre-Construction Office: 3630 George Washington Memorial Hwy · Yorktown, VA 23692  
877-2212 · Fax 877-2861 totalhomeimprovements.com

License # 2705045140A

Class A Contractor

Classification: Builder

Estimator: Matt Stuffel

Date: 09/03/2019

SUBMITTED TO:

Ben Clay

130 Brewer Ave.

Suffolk, VA 23434

Job Address:

Same

Primary Phone: 757-739-1023

Email: [benclay@shine-va.com](mailto:benclay@shine-va.com)

## Overall evaluation:

- Siding is in very bad shape. Preparing for paint will be overly labor intensive and most likely result in a poor end result. Expect to find both lead and oil paint on existing siding.
- Siding edges at every uncovered opening show signs of moisture damage. This could result in significantly more siding needing replaced.
- General cupping and gapping observed over all original siding. Most gaps exceed ¼" and caulking not recommended. Gapping may cause future leaks.
- In general, wood is brittle. Linear cracks observed over majority of structure.
- (3) additions added to house used non-matching siding to the original.

## Front Elevation

- Siding within covered porch is about all that is salvageable
- Missing siding above porch roof
- Bump out need full wall replacement
- Behind all existing shutters damaged

## Right Elevation

- Entire bay needs replaced; cracked boards and missing siding
- Replace all siding on "addition"; has non-matching siding
- Remove siding above addition roof to reflash
- Replace siding on entire band
- Behind all existing shutters damaged

## Rear Elevation

- Replace all siding on "shed"; has non-matching siding
- Replace siding above shed; non-matching siding
- Outer edges of two story walls damaged all the way up
- Full wall damaged behind pipe
- Replace siding on entire band
- Behind all existing shutters damaged

## Left Elevation

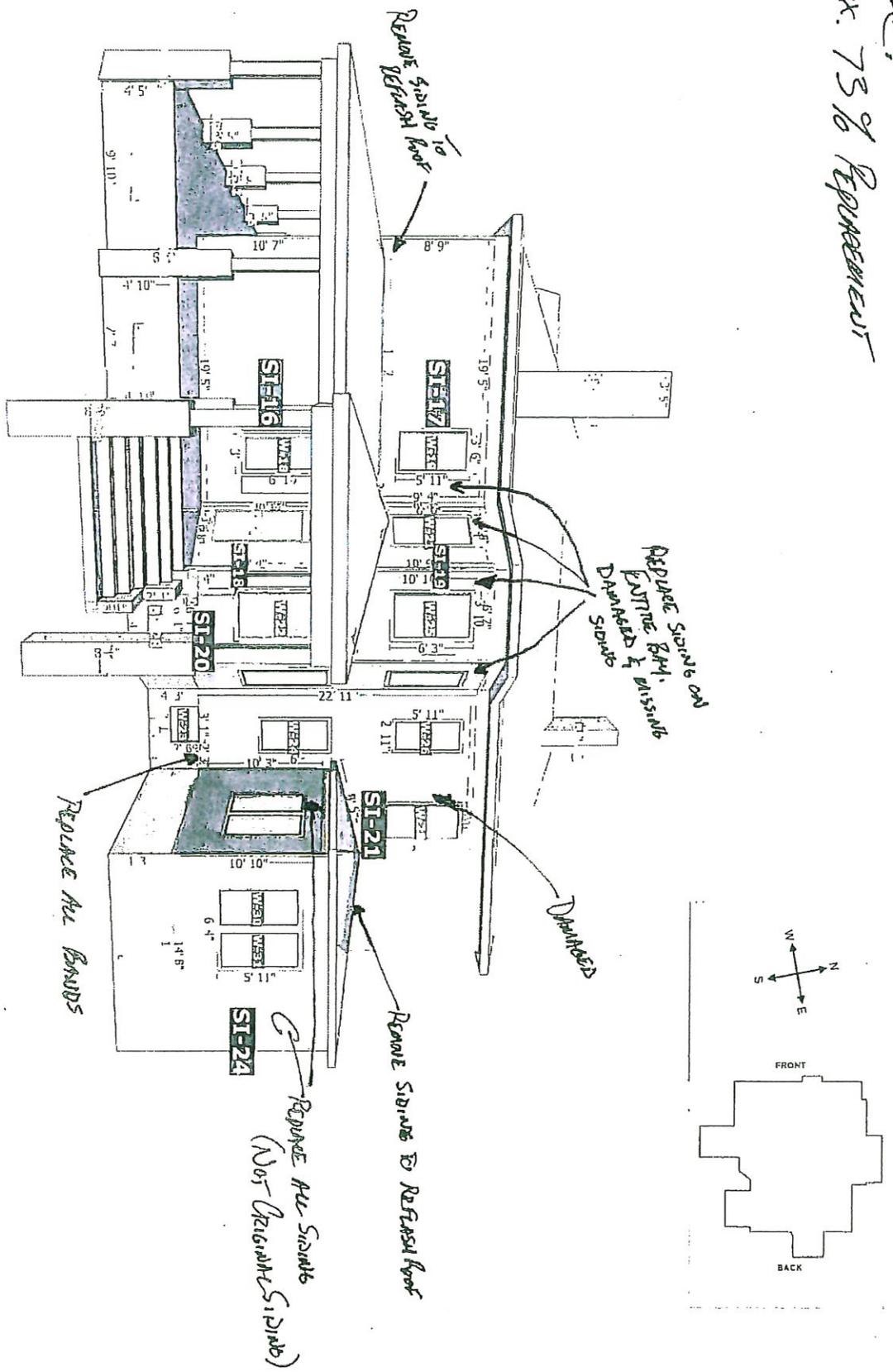
- Full wall damaged behind pipe
- Full wall of cupped/damaged siding
- Cracked/damaged outer edges all the way up
- Replace siding on entire band
- Behind all existing shutters damaged

**RECEIVED**  
**SEP 10 2019**  
**PLANNING**



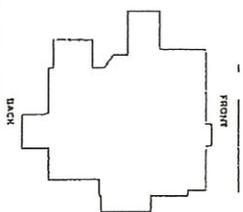
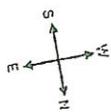
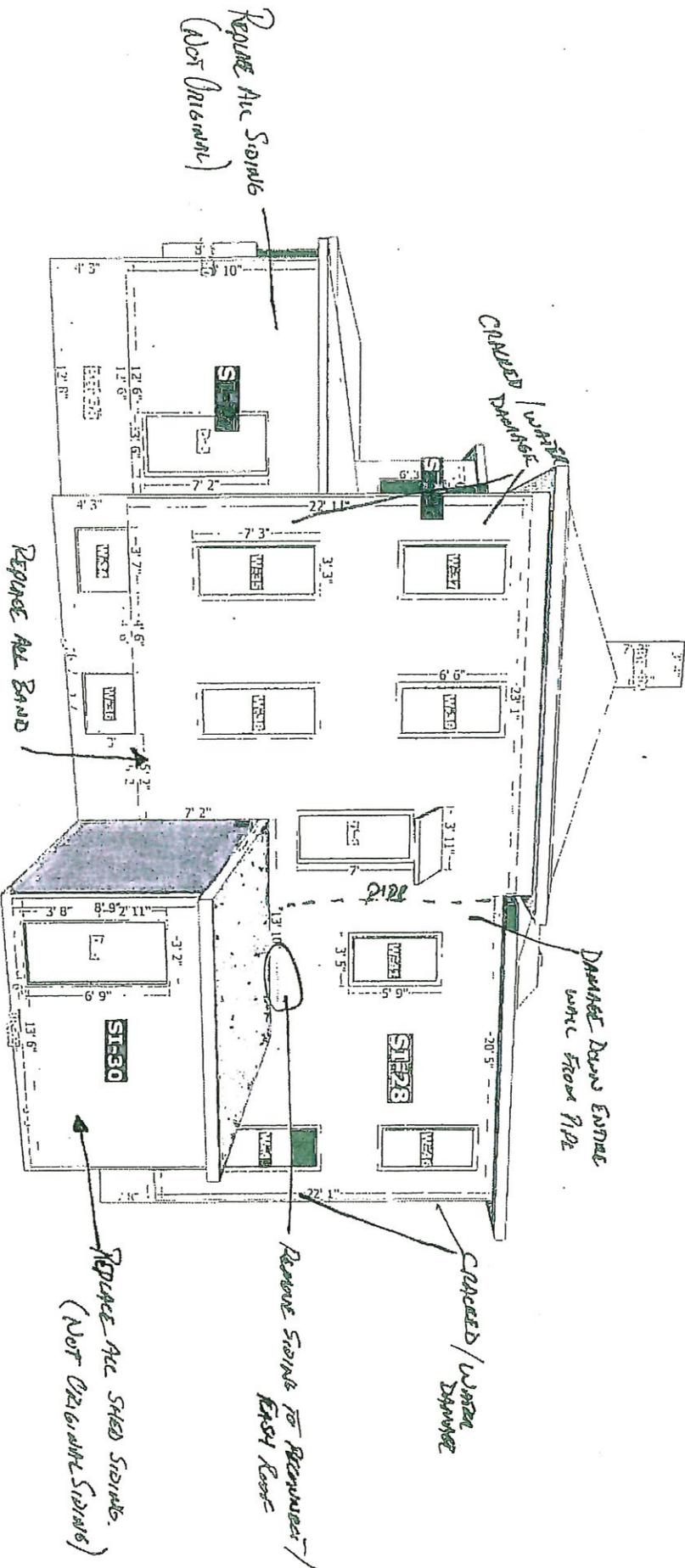
*RIGHT SIDE*  
*Approx. 75% Reparement*

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SEP 10 2018  
PLANNING



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REAR:  
Approx. 76% Repayment



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Updated Contractor's Statement Including Windows and Trim

**TOTAL HOME IMPROVEMENTS, INC.**

Main Office. 4033 George Washington Memorial Hwy • Yorktown, VA 23692  
Pre-Construction Office: 3630 George Washington Memorial Hwy • Yorktown, VA  
23692 877-2212 • Fax 877-2861 totalhomeimprovements.com

License # 2705045140A

Estimator Matt

Stuffel

Class A Contractor

Classification: Builder

Date: 12/02/2019

SUBMITTED TO:

Ben Clay

130 Brewer Ave

Suffolk, VA 23434

Job Address

Same

Primary Phone. 757-739-1023

Overall evaluation of the dental block and molding.

- The majority of all dental molding and block is rotten or falling off the home. There are even sections where the dental blocks are missing.
- To properly install the water vapor barrier behind the siding, all of the molding and siding needs to be removed all the way up to the underside of the gutter.
- The dental block and molding will be replaced with a Hardi brand material. This will ensure that it will not rot again. The sizes of the molding and dental block can be matched to the existing size and shape.

Overall evaluation of the window frames and windows

- When doing the siding, you would need to remove the window trim to properly install the water vapor barrier. Upon removal of the window trim, there is a very high chance that they will be unsalvageable due to the age and wood rot. We would replace with a Hardi material that matches the same width and size, you would not be able to tell the difference from the street.
- We would also recommend replacing the windows as well. There are many that have rotten frames that cannot be replaced. We suggest using an insulated, vinyl frame window. This will help with the energy loss from the house and is maintenance free.

Window Replacement – numbers match the chart provided Window glazing needs redone on all windows.

1. Not replacing
2. Not replacing
3. Not replacing
4. Not replacing
5. Not replacing
6. Not replacing
7. Rotten sill and part of the lower sash frame is rotten. Does not open.
8. Upper frame is rotten and pulled apart
9. Upper glass is not glass, it is plexiglass. Frames are in rough shape and seem to be sound.
10. Sill is rotten and lower sash frame is rotten.
11. Does not open, warped frame Upper and lower sash frame is pulling apart.
12. Does not open, warped frame. Upper and sash frame is pulling apart.
13. Upper and lower sash is rotten. Upper and lower glass is plexiglass
14. Does not open, warped frame. Upper glass is plexiglass
15. Not replacing
16. Rotten sash frame.
17. Rotten sash frame
18. Does not open, warped frame Upper sash is pulling part.
19. Not replacing
20. Not replacing
21. Not replacing
22. Not replacing
23. Not replacing
24. Rotten sill and lower frame
25. Rotten sill and lower frame
26. Upper and lower sash is pulling apart
27. Lower sash is pulling apart
28. Lower sash is pulling apart
29. Upper sash is pulling apart
30. Not replacing
31. Not replacing
32. Sill is rotten
33. Sill is rotten. Bottom sash frame is rotten
34. Upper sash is rotten
35. Upper sash is rotten and lower sash is pulling apart
36. Does not open, warped frames
37. Rotten sill and sash frame
38. Lower sash is pulling apart
39. Lower sash is pulling apart

- 40 Lower sash is pulling apart
41. Upper and lower sash frames are rotten. Center divider is rotten
42. Upper and lower sash frames are rotten Center divider is rotten
- 43 Upper and lower sash frames are rotten Center divider is rotten
44. Upper and lower sash frames are rotten. Center divider is rotten
45. Upper and lower sash frames are rotten. Center divider is rotten
- 46 Upper and lower sash frames are rotten Center divider is rotten
- 47 Upper and lower sash frames are rotten Center divider is rotten
48. Upper and lower sash frames are rotten. Center divider is rotten
49. Upper and lower sash frames are rotten. Center divider is rotten
- 50 Upper and lower sash frames are rotten Center divider is rotten
- 51 Upper and lower sash frames are rotten Center divider is rotten
- 52 Upper and lower sash frames are rotten Center divider is rotten
- 53 Lower sash is rotten
- 54 Broken glass. Upper and lower sash rotten.
55. Upper glass is plexiglass Frame is pulling apart
56. Upper and lower sash frame is pulling apart
- 57 Sill is rotten.
- 58 Upper sash is rotten
- 59 Upper sash is pulling apart
- 60 Upper and lower sash is pulling apart.
- 61 Upper and lower sash frame is rotten.
62. Upper and lower sash frame is rotten.

When the sash frame is pulling apart, pretty much every time, that means that the frame has some rot in the frame to where the joints do not stay together anymore. If that has happened, there is no way to repair the frame, it must be replaced.

If the sash frame is rotten, that means that window trim is also rotten and needs replaced.

When the sash frame is rotten, if you try to replace that piece of rotten frame, you will damage the connecting frame and most likely break the old glass when trying to remove it.

It is our recommendation to replace the windows that have rot. If parts of the window have rot, that indicates that there are other unseen parts of the window that also has rot.

Dental Molding and Blocks

Front of the house – approximately 90% of the molding is rotten, falling off, or is missing

Right side of house – approximately 78% of the molding is rotten, falling off, or is missing

Rear side of house - Approximately 70% of the molding is rotten, falling off, or missing.

Left side of the house – approximately 75% of the molding is rotten, falling off, or missing.

The replacement material will be a Hardi molding and dental block that will match the existing height and width of each part. The molding will have to be removed in order to install the water vapor barrier when installing the new siding. Since there is so much of the dental molding and block that is rotten or missing, that would lead us to believe that when we remove what is on the home currently, it will not be able to be removed and salvaged due to rot

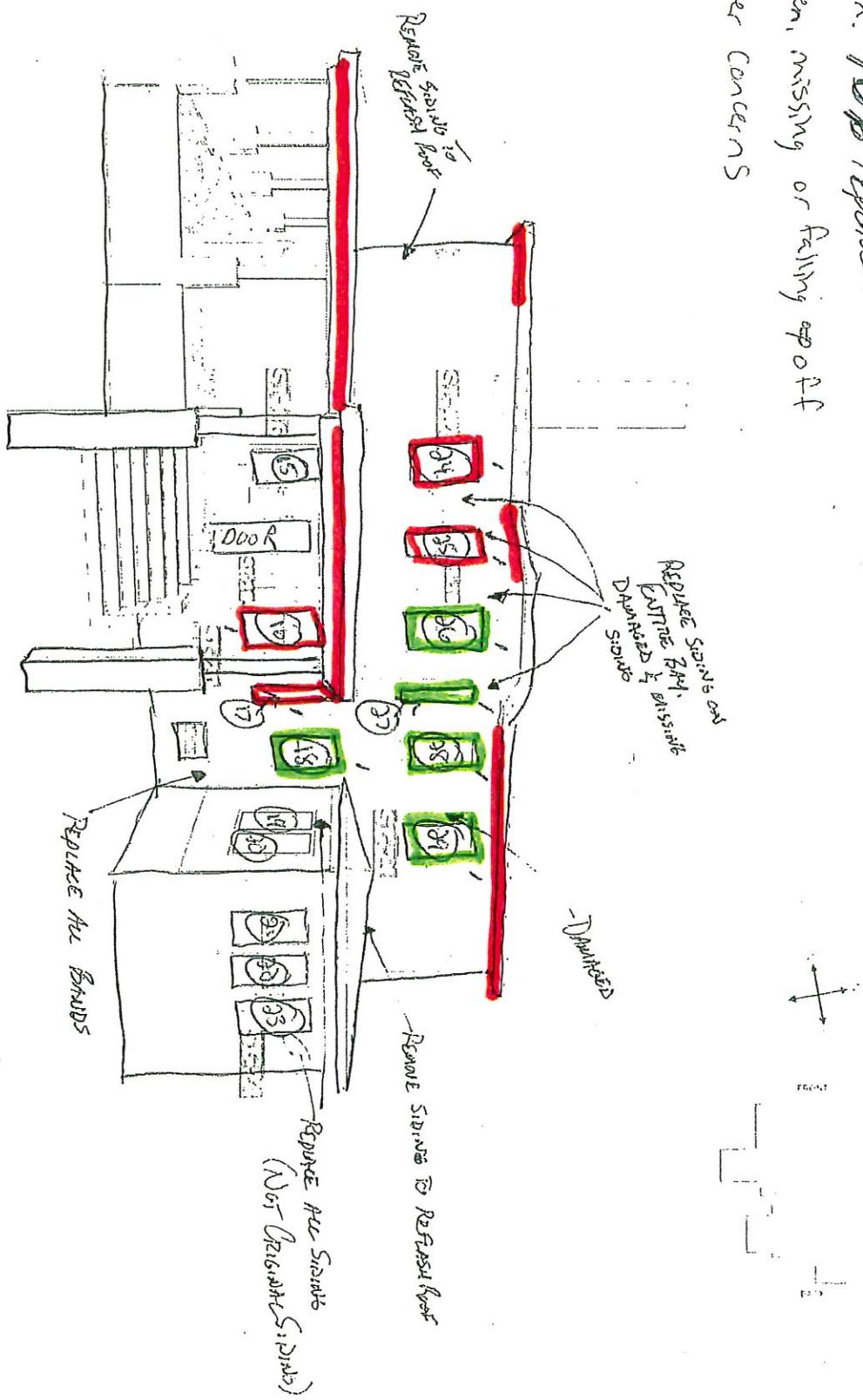
Sub E360

Complete Measurements

130 Brewer Ave, Suffolk, VA  
RIGHT

RIGHT SIDE: Dental Block / Molding / window trim  
Approx. 78% Reparement

█ = rotten, missing or falling off  
█ = other concerns



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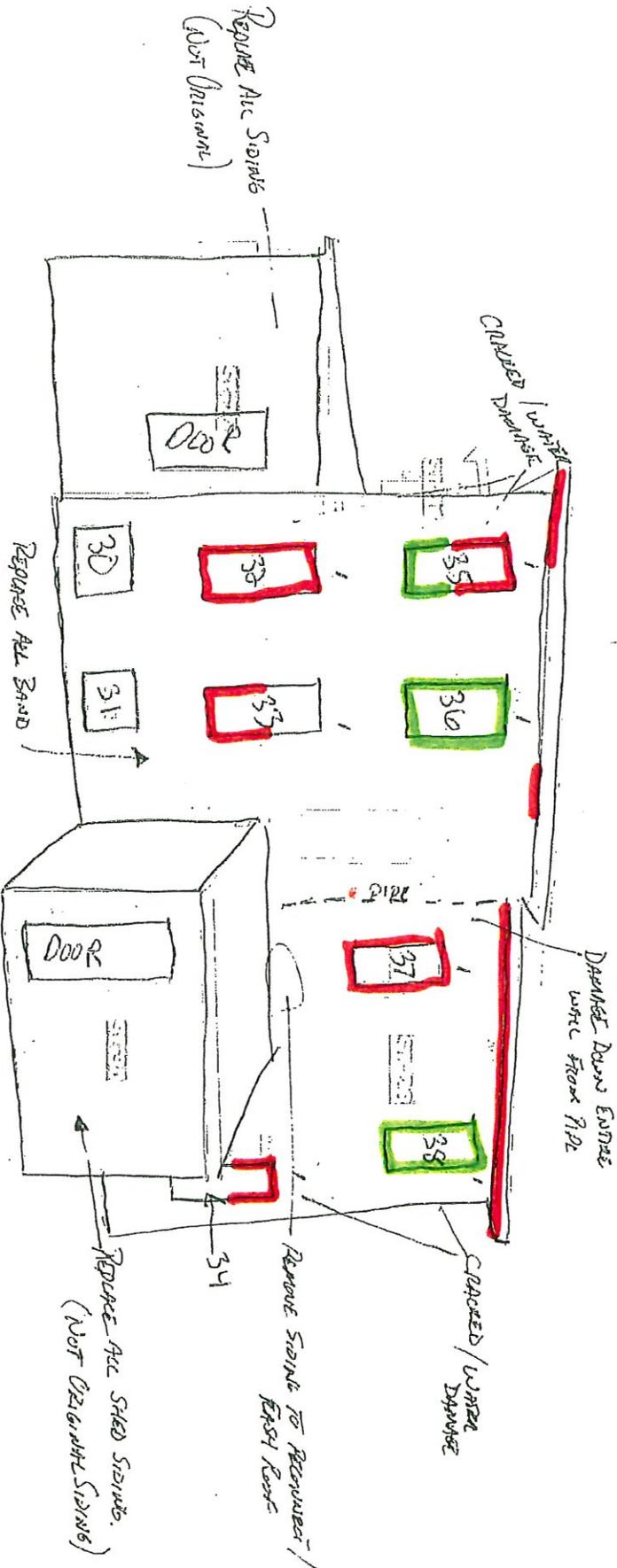
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Complete Measurements

130 Brewer Ave, Suffolk, VA  
BACK

REAR: Detail Block/molding/window trim  
Approx. 70% Repairs/Retreat

■ = rotten, missing or falling off.  
■ = other concerns

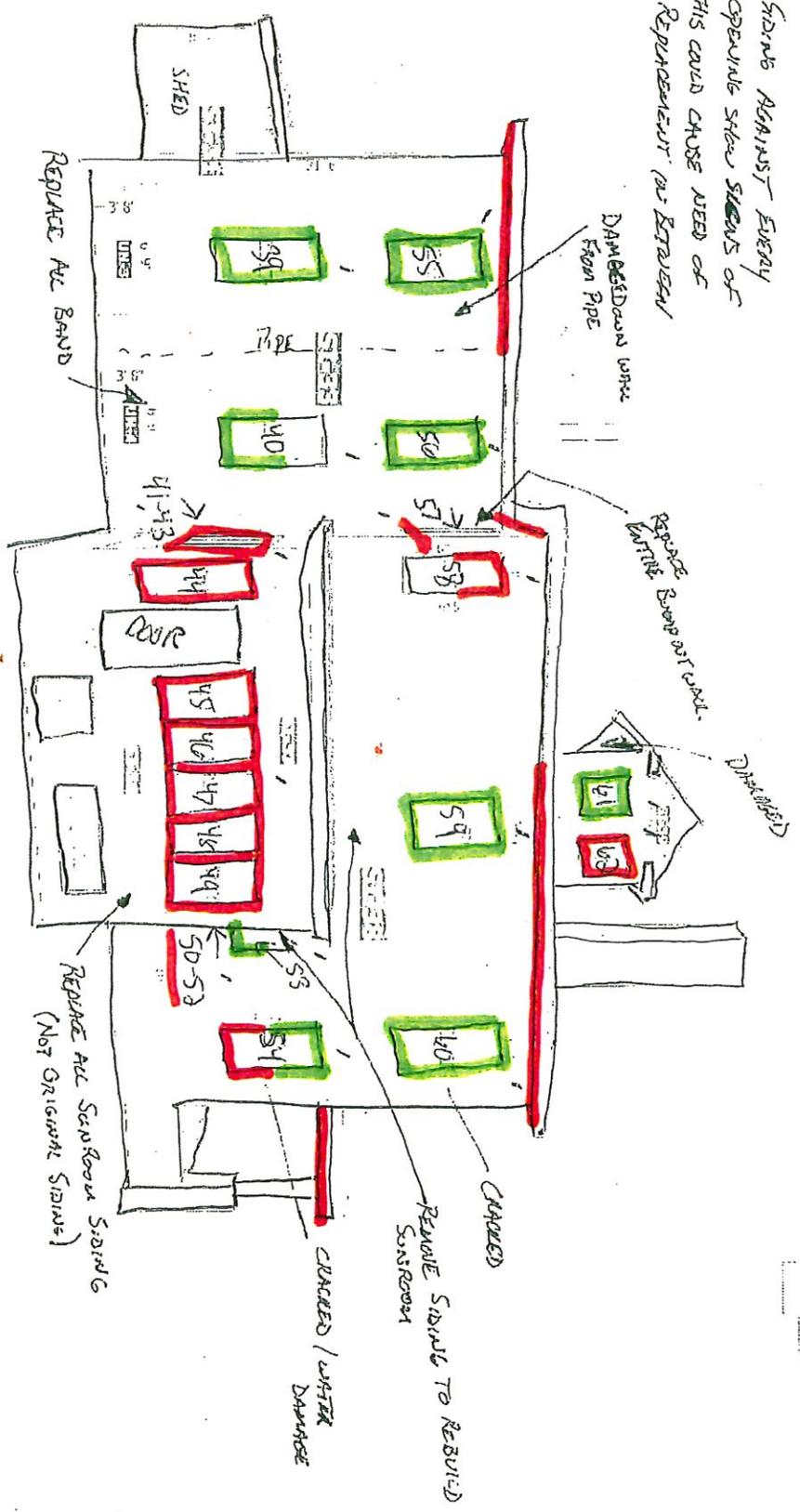


PROPERTY ID: 636988  
HEN CLAY  
04 JUNE 2018 1:58 PM '18

LEFT SIDE: Detail Block / molding / window trim

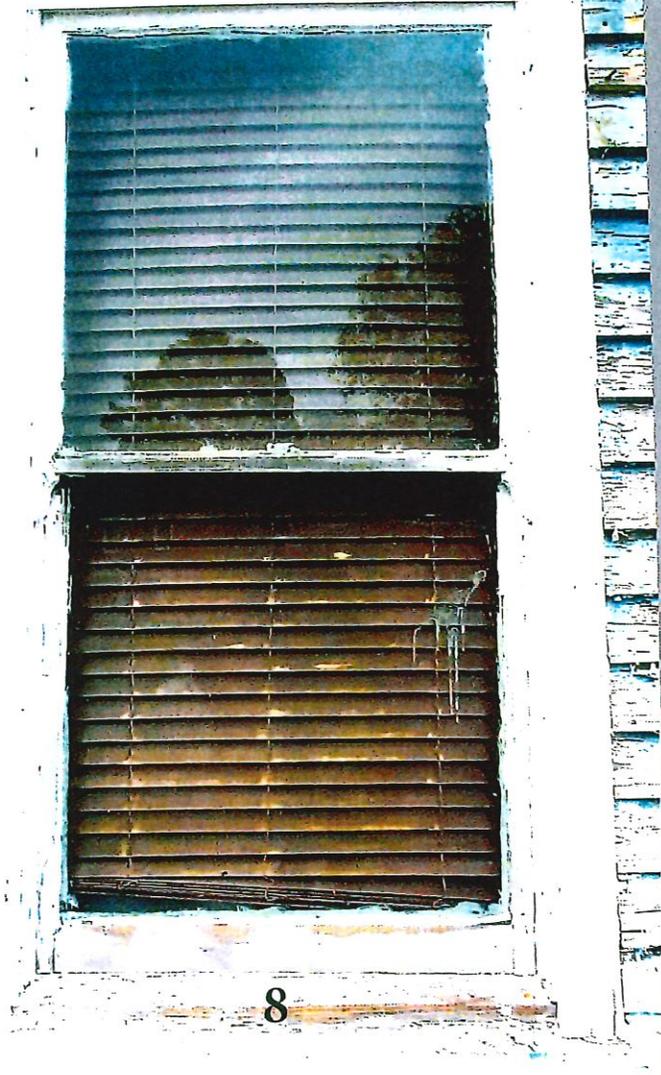
APPROX. 75% REPLACEMENT  
 = rotten, missing, or falling off

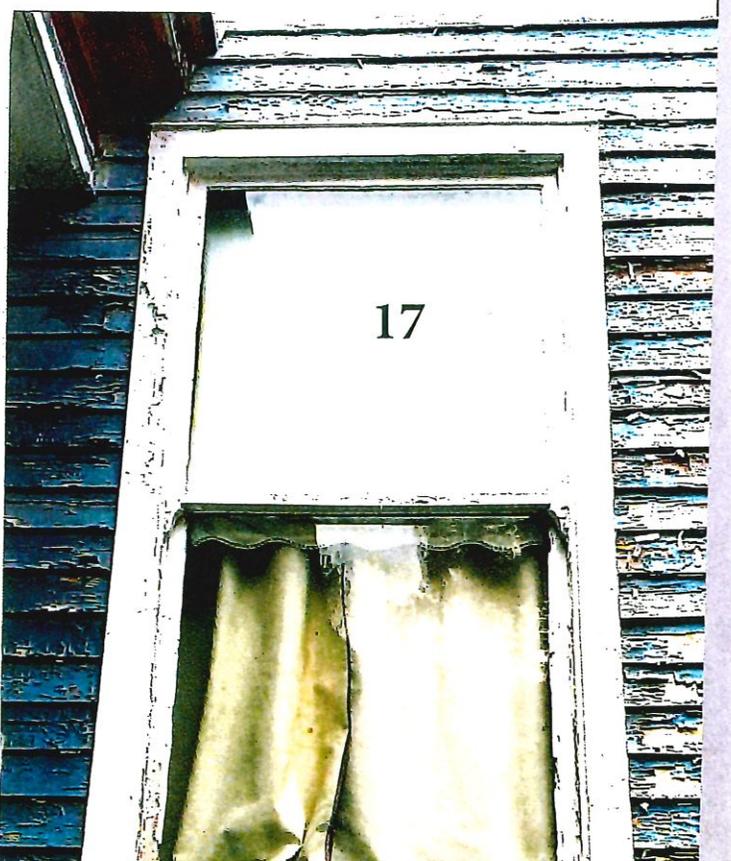
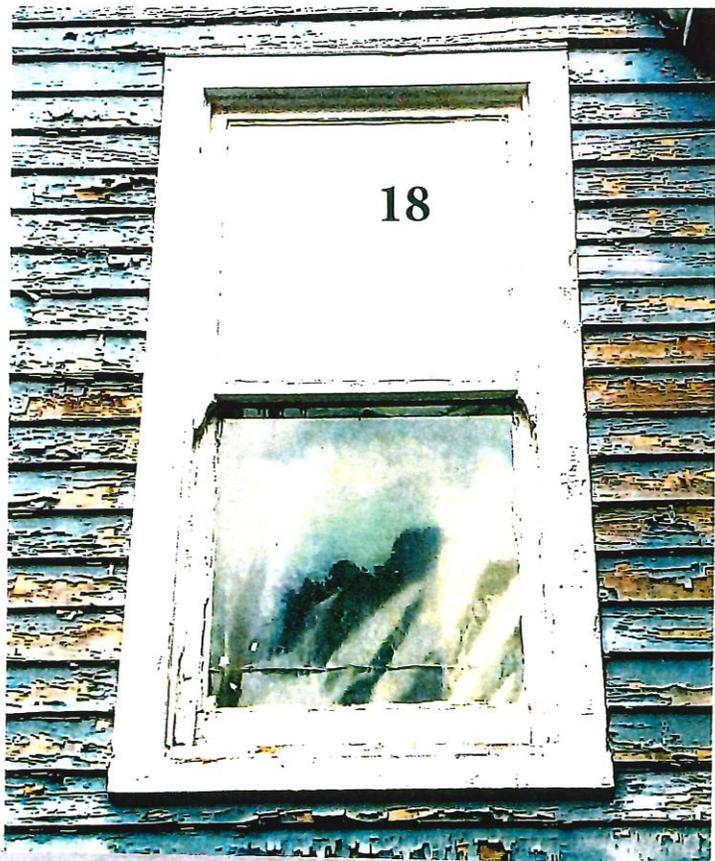
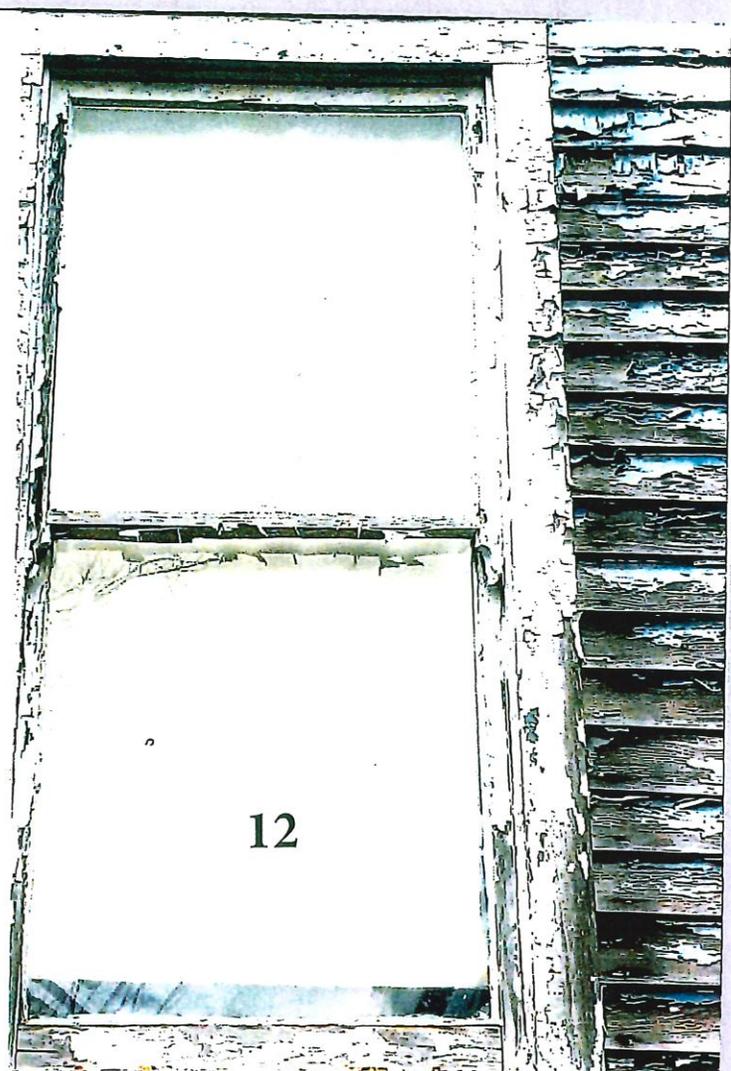
NOTE: EDGES OF SIDING AGAINST ENERGY UNCOVERED REVEALS SHEET SIDING OF ABSOLUTE. THIS COULD CAUSE NEED OF FULL BUILDING REPAIRMENT (OR REBASIN) OPENS.

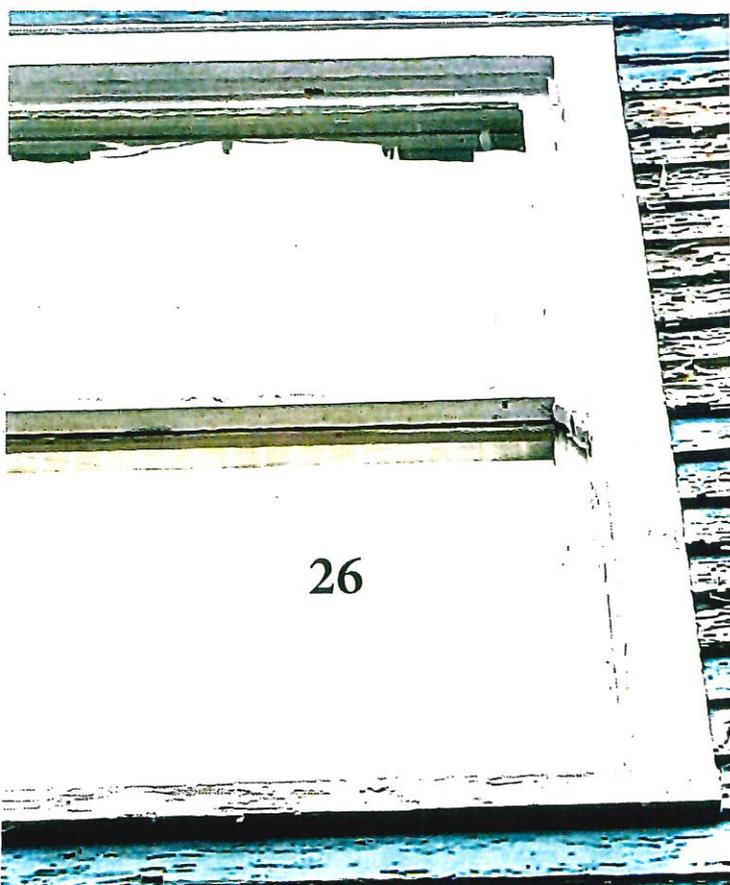


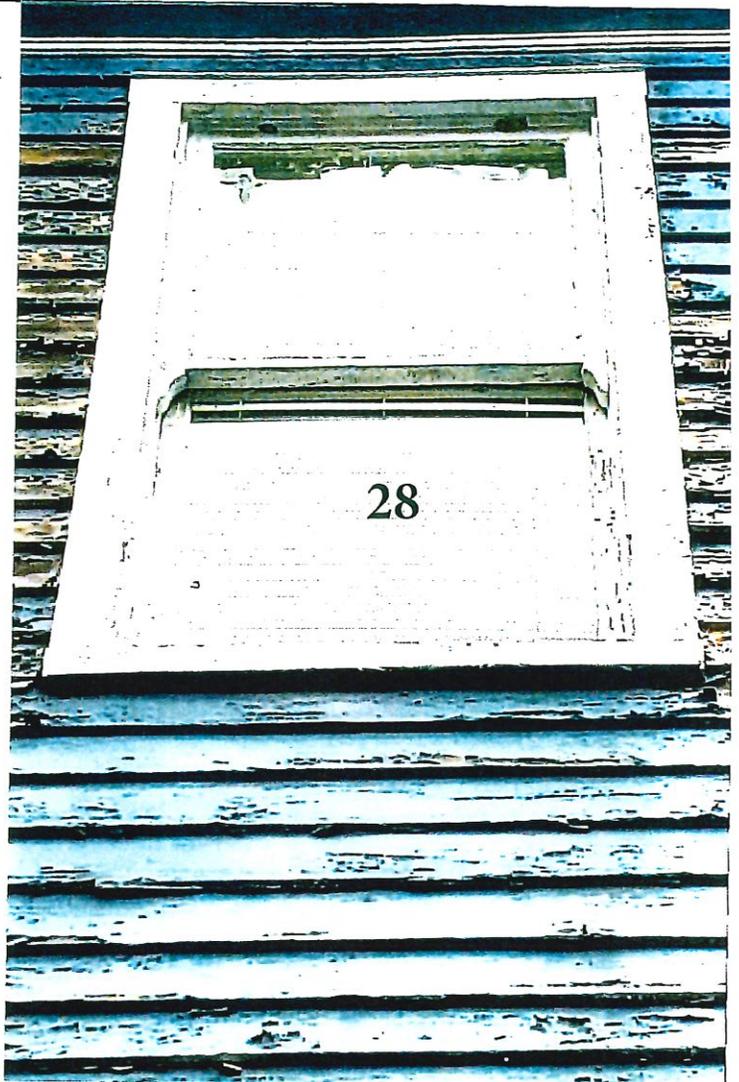
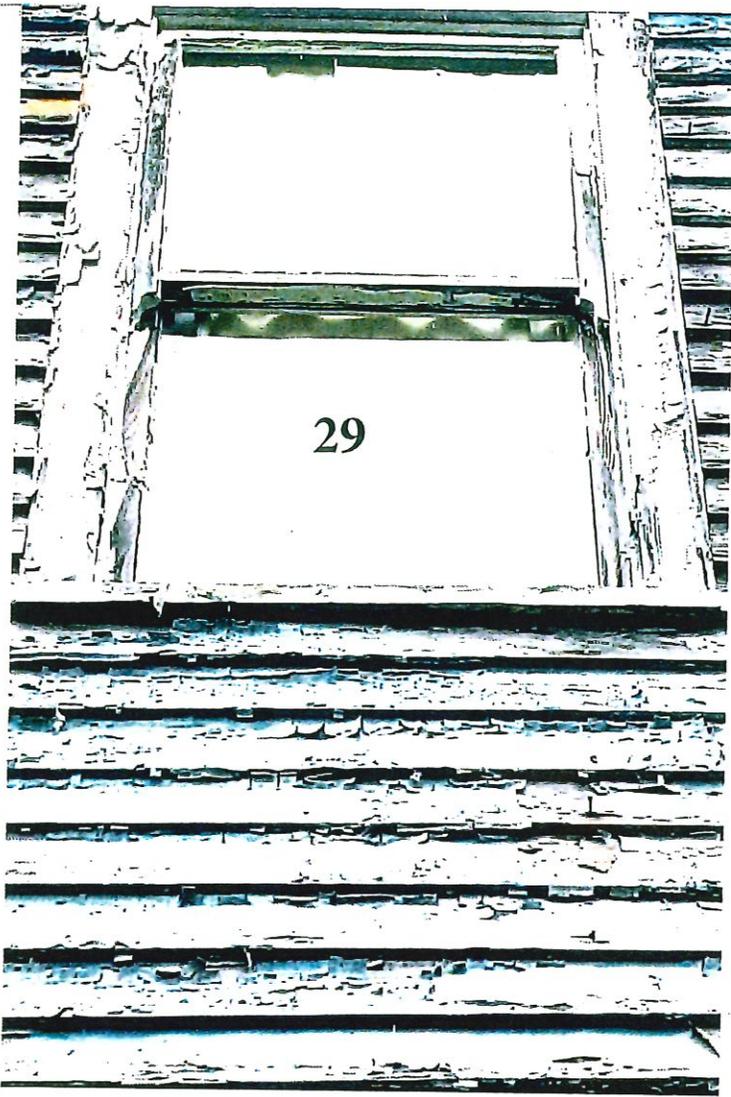
PROPERTY ID: 636998  
 BEN CLAY  
 04 JUNE 2016 Page 12

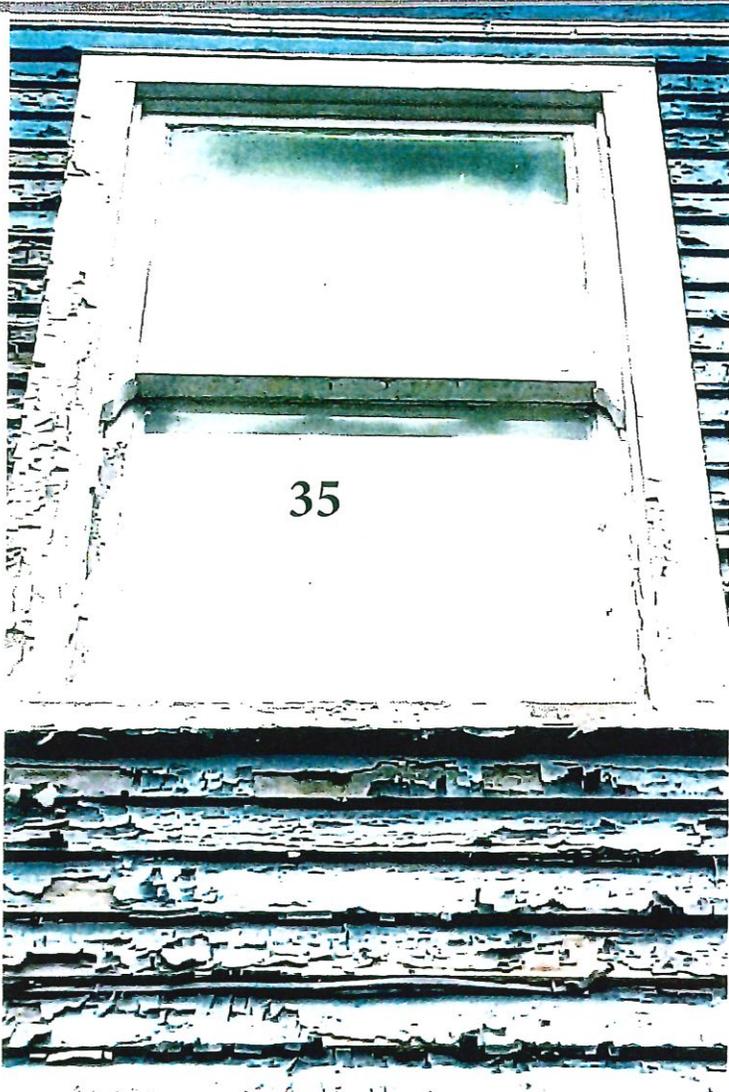




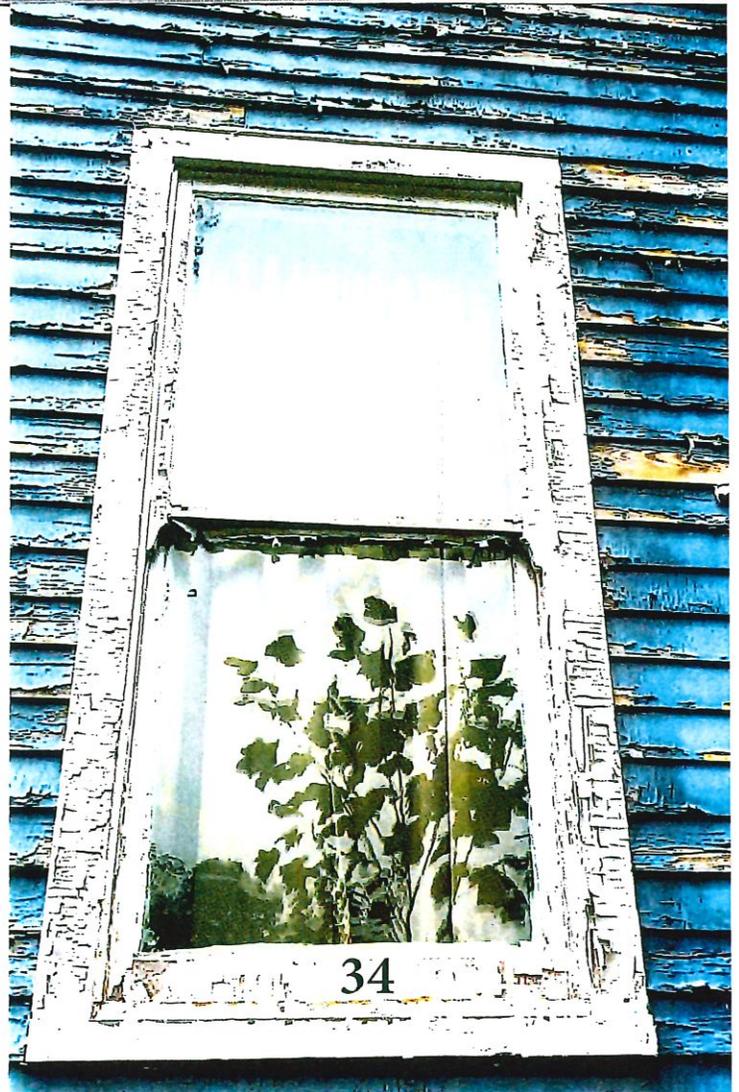








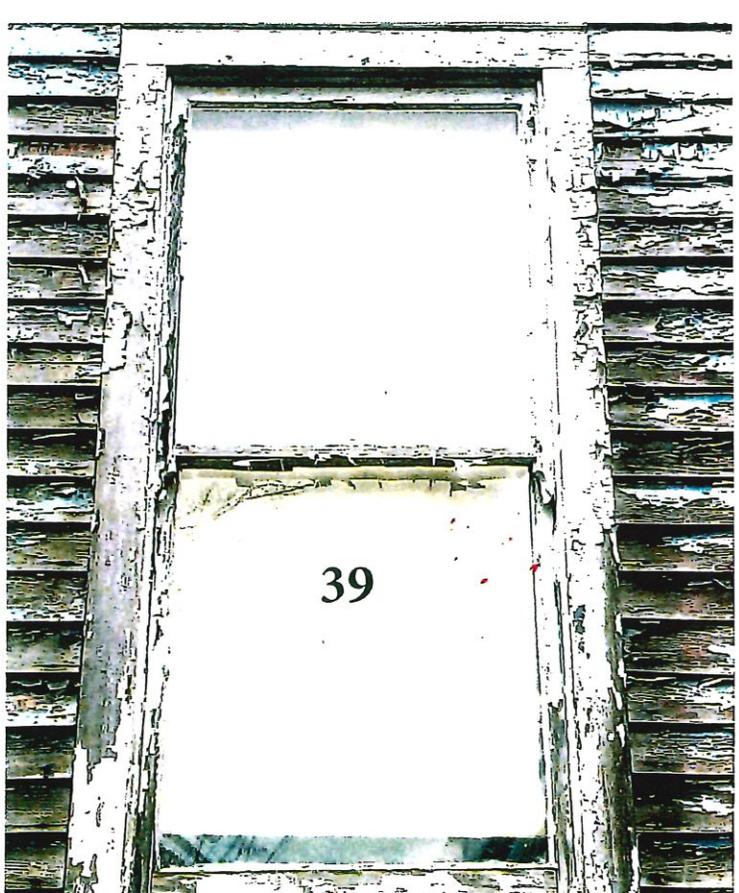
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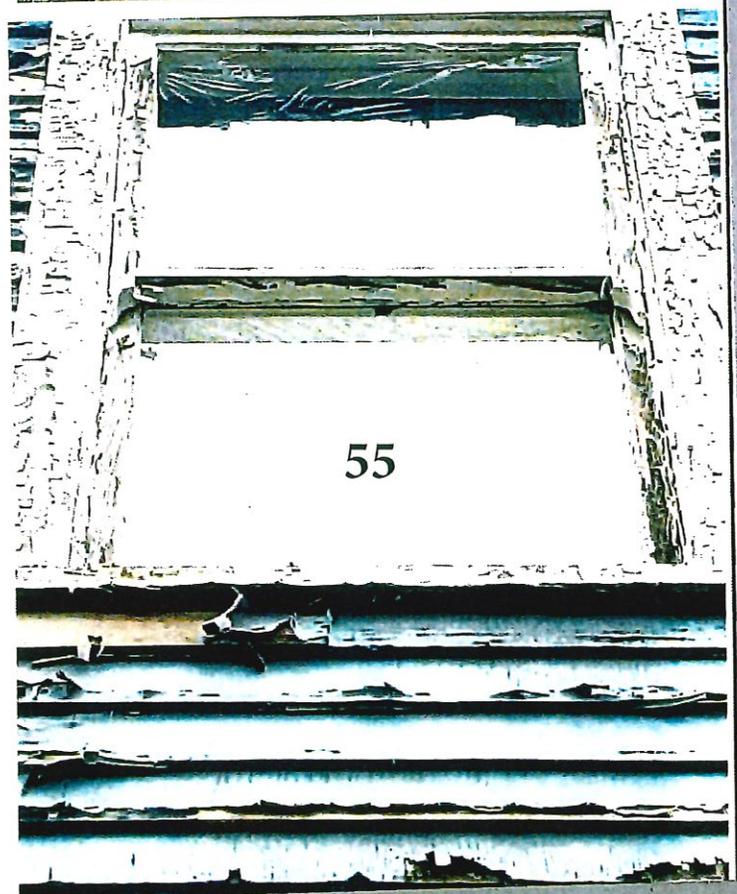
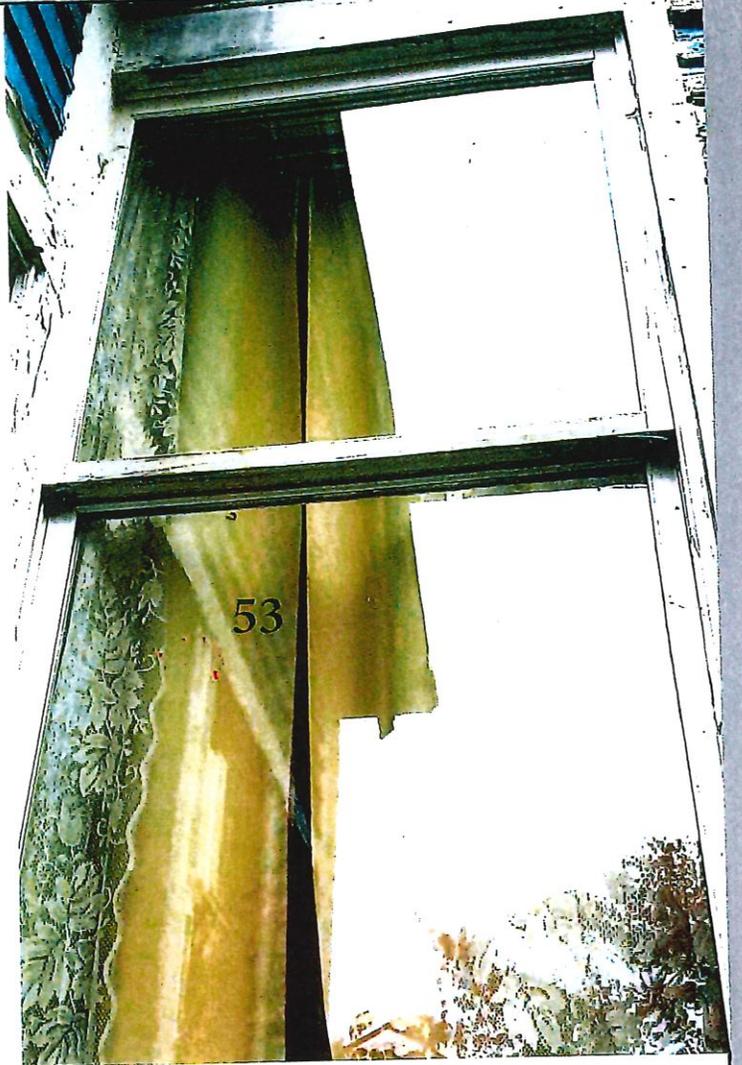


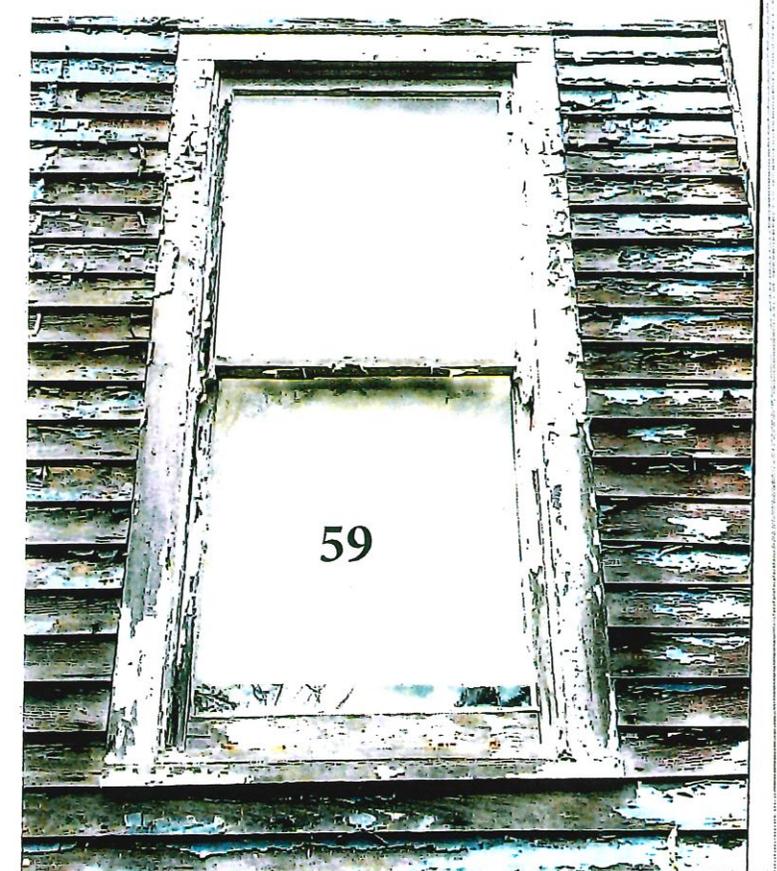
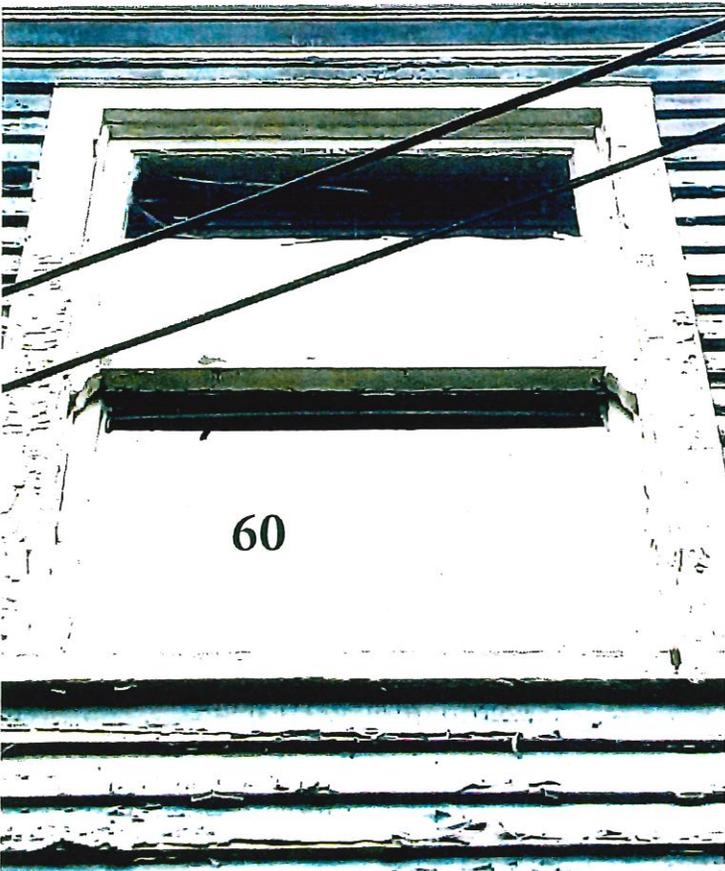
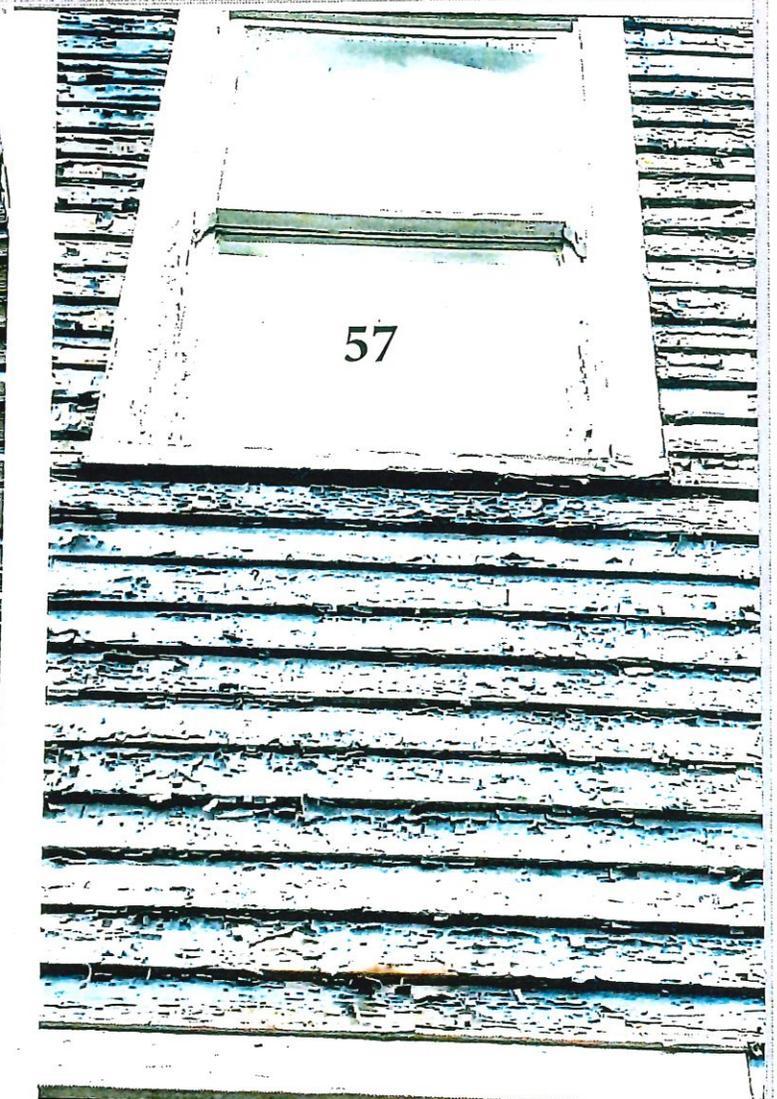
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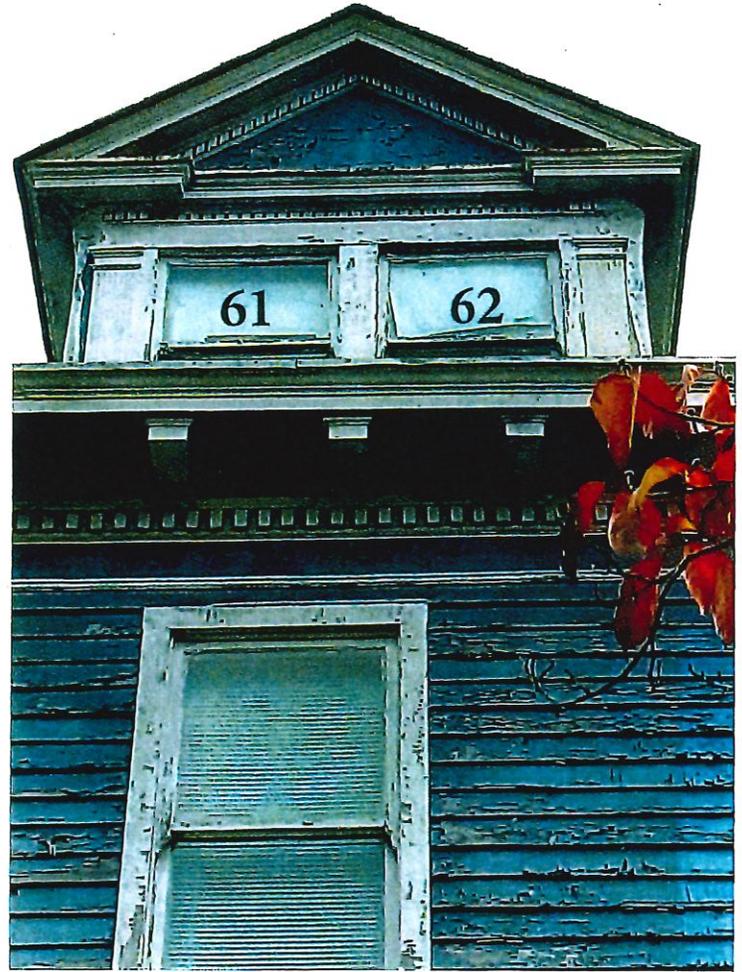


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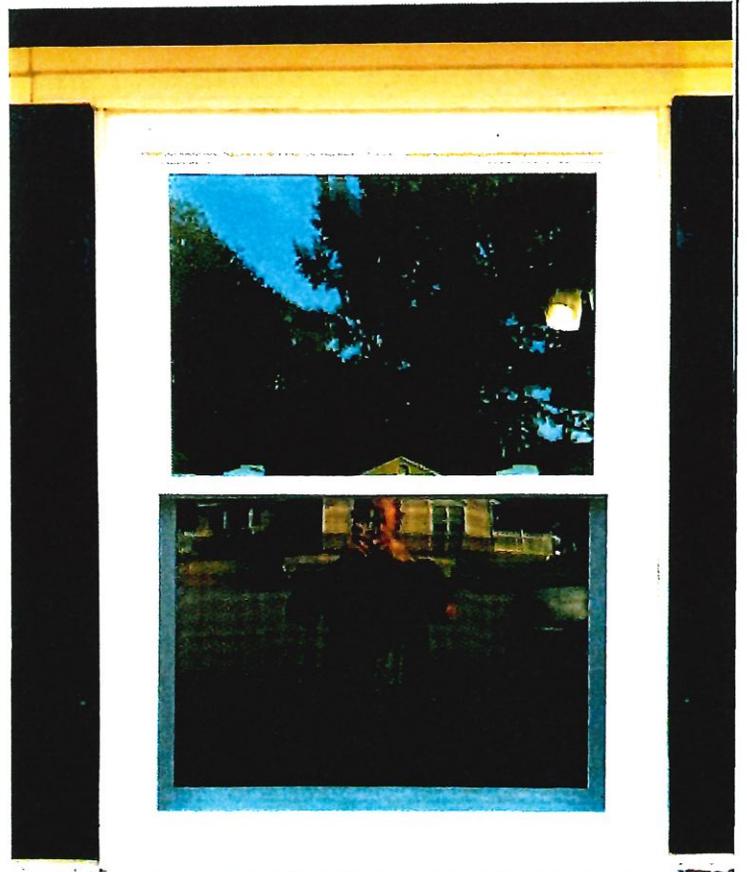








**Proposed Replacement Style**





# CITY OF SUFFOLK

442 W WASHINGTON STREET, P O BOX 1858, SUFFOLK, VIRGINIA 23439-1858  
PHONE (757) 514-4060 FAX (757) 514-4099

DEPARTMENT OF  
PLANNING & COMMUNITY DEVELOPMENT

*Division of Planning*

January 13, 2020

Mr. Ben Clay  
130 Brewer Avenue  
Suffolk, VA 23434

**RE: *Request for Certificate of Appropriateness, HLC2019-00038, 130 Brewer Avenue, Zoning Map 34G17, Block (2), Parcel B\*18\*19\*20.***

Dear Mr. Clay:

This letter is to inform you that your request for a Certificate of Appropriateness for the installation of new siding, dental boards, molding, cornice, modillions, pilasters, and window trim and the restoration and replacement of certain windows located at 130 Brewer Avenue has been approved by the Historic Landmarks Commission (HLC) at their meeting on January 9, 2020, subject to the following conditions:

1. Replacement of the existing siding, dental boards, molding, cornice, modillions, pilasters, and window trim with Hardie Plank material that matches the existing in size, detail, and exposure.
2. The repair of the existing windows that can be repaired.
3. Replacement of front elevation windows that cannot be repaired with wood windows that match the existing in material, size, configuration, detail, and exposure.
4. Replacement of the windows on the north, south, and rear elevations that cannot be repaired with vinyl clad windows that match the existing in size, configuration, detail, and exposure.
5. No additional exterior improvements shall be permitted without the issuance of a separate Certificate of Appropriateness.
6. All required permits shall be obtained from the City of Suffolk prior to commencement of work.

Please note that receipt of a Certificate of Appropriateness does not constitute approval of construction plans. All construction is subject to review by the City of Suffolk's Department of Planning and Community Development, Building and Zoning Divisions, and all required permits must be obtained prior to commencement of work. For further information, please contact them at (757) 514-4150.

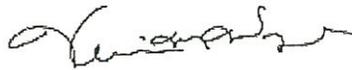
HLC2019-00038  
130 Brewer Avenue  
January 13, 2020  
Page 2

Please note that, as an applicant to the Historic Landmarks Commission, you may appeal the HLC's determination to City Council in accordance with Section 31-413(j) of the City of Suffolk's Unified Development Ordinance, which reads as follows:

*Any applicant may appeal the decision of the Historic Landmarks Commission, in refusing to grant Certificates of Appropriateness, to the City Council and from Council to Circuit Court. An appeal must be filed within 30 days from the time a decision is rendered by the Historic Landmarks Commission or City Council. The City Council shall fix a reasonable time for the hearing on the appeal and give public notice thereof as required by the Zoning Ordinance and decide the same within 60 days. In exercising its powers, the City Council may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the HLC. The City Council shall consult with the HLC in relation to any appeal and may require documentation of any HLC decision prior to hearing the appeal. The City Council may affirm, reverse or modify the HLC decision and shall notify the Administrator of its action. Any adverse decisions made by the Historic Landmarks Commission prior to the date this Ordinance is adopted may be appealed by the applicant within thirty (30) days after the effective date of this Ordinance. The filing of the said petition shall stay the decision of the City Council pending the outcome of the appeal to the Circuit Court. The court may reverse or modify the decision of the City Council, in whole or part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. It may affirm the decision of the City Council.*

If you have any questions concerning this action or require any additional information regarding your application, please do not hesitate to contact me at [kwyne@suffolkva.us](mailto:kwyne@suffolkva.us) or (757) 514-4065.

Sincerely,



Kevin M. Wyne, AICP  
Current Planning Manager

Enclosures

## Kevin M Wyne

---

**From:** Ben Clay <ben@shineva.com>  
**Sent:** Sunday, February 09, 2020 1:30 AM  
**To:** Kevin M Wyne  
**Subject:** Re: Approval Dispute

I did not receive the packet in the mail until the 18th that listed what the board approved and their stipulations.

Regardless,  
I want to challenge the decision for approval of wooden and vinyl clad windows.

Vinyl clad windows are roughly 2.5 times more expensive than vinyl windows. The board wanted vinyl clad windows because they say that it adds depth and character and replicates the older windows best. My windows are flat and do not have any bevels or layers, except the curved pieces under each corner of the top sash, which no one can duplicate. Vinyl clad also does not last as long as clad windows due to the wood being wrapped in vinyl and that small caulk line wears over time. This was talked about during my first application. This allows for water to rot out the wood interior of the vinyl clad windows.

The wooden windows are 4.5 times more expensive than the cost of a traditional vinyl window.

I also want to use vinyl windows because there are more than 6 homes on my street that have vinyl windows and not vinyl clad windows. These windows were installed within the past 8 years.

To sum it up, I want to install vinyl windows on my entire house due to cost, longevity of the material, vinyl best matches my existing windows, not clad, and the use of vinyl windows have been used on my street on more than 6 homes.

I will be back from my honeymoon the 10th at 7pm. You can reach me through email until then.

On Tue, Feb 4, 2020, 10:56 PM Kevin M Wyne <[kwyne@suffolkva.us](mailto:kwyne@suffolkva.us)> wrote:

Hi Mr. Clay,

You have 30 days from the date of the decision, meaning you have until February 9<sup>th</sup>.

Kevin

Kevin M. Wyne, AICP

Current Planning Manager

City of Suffolk

# WINDOW ENERGY SAVINGS AND PAYBACKS

	Adding a storm window over a maintained single-pane historic window	Replacing a single-pane historic window with a double-pane thermal window	Replacing a single-pane historic window that has no storm window with a Low-e glass double-pane thermal replacement	Replacing a single-pane historic window that has a storm window with a Low-e glass double-pane thermal replacement
<b>Average initial cost per window</b>	\$50 (if just adding a storm window)	\$450	\$550	\$550
<b>Average Annual Energy Savings</b>	722,218 Btu	625,922 Btu	902,772 Btu	132,407 Btu
<b>Average Annual Savings per Window</b>	\$13.20	\$11.97	\$16.10	\$2.29
<b>Simple Payback</b>	4.5 years	40.5 years	34 years	240 years
<b>Life of window</b>	100+ years	10-20 years	10-20 years	10-20 years
<b>Environmental Impact</b>	Little to none beyond the added embodied energy to make the storm window.	The original historic window ends up in a landfill. The embodied energy to make the new window should be added to the embodied energy of the existing window that is now trash.	The original historic window ends up in a landfill. The embodied energy to make the new window should be added to the embodied energy of the existing window that is now trash.	The original historic window and storm window ends up in a landfill. The embodied energy to make the new window should be added to the embodied energy of the existing window that is now trash.
<b>Notes:</b>	<ul style="list-style-type: none"> <li>Suggests that the window has been properly maintained and needs minimal repairs.</li> <li>Does not include additional savings if weatherstripping would be applied</li> </ul>	<ul style="list-style-type: none"> <li>Cannot make repairs on these windows. If glass breaks, you have to replace the whole window.</li> <li>Not feasible to recoup money (won't last long enough to pay themselves off)</li> </ul>	<ul style="list-style-type: none"> <li>Cannot make repairs on these windows. If glass breaks, you have to replace the whole window.</li> <li>Not feasible to recoup money (won't last long enough to pay themselves off)</li> </ul>	<ul style="list-style-type: none"> <li>Cannot make repairs on these windows. If glass breaks, you have to replace the whole window.</li> <li>Not feasible to recoup money (won't last long enough to pay themselves off)</li> </ul>

A 3 foot-by-5 foot window is the size used to make the calculations

Assumes cooling/heating ~ \$1.09/therm

**AGENDA: March 18, 2020, Regular Session**

**ITEM: Public Hearing** – An ordinance authorizing the issuance and sale of revenue bonds by the City of Suffolk, Virginia, and establishing the terms, details, and provisions for the payment thereof

Attached for Council's consideration is an ordinance to provide authorization for the issuance and sale of Water and Sewer Revenue Bonds to finance the cost of acquiring, constructing and equipping capital improvements with respect to the City's water and sewer system not to exceed \$16,000,000.

This public hearing was properly advertised on March 5, 2020 and March 12, 2020.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Public Hearing Notice

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF REVENUE BONDS BY THE CITY OF SUFFOLK, VIRGINIA, AND ESTABLISHING THE TERMS, DETAILS, AND PROVISIONS FOR THE PAYMENT THEREOF**

WHEREAS, the City Council (the "Council") of the City of Suffolk, Virginia (the "City"), has determined that it is necessary to issue and sell water and sewer system revenue bonds (the "New Money Bonds") to (i) finance, with respect to the City's water and sewer system, certain costs of acquiring, constructing and equipping capital improvements for which bond proceeds have been appropriated pursuant to the City's Capital Improvement Plan, as the City Council may amend it from time to time hereafter and (ii) finance the costs of issuance of the New Money Bonds (collectively, the "New Money Project");

WHEREAS, a public hearing on the issuance of the New Money Bonds has been held on March 18, 2020, after notice was published in accordance with the requirements of Section 15.2-2606 of the Code of Virginia of 1950, as amended (the "Virginia Code");

WHEREAS, in order to refund, redeem, defease and restructure certain bonds of the City that were issued to finance or refinance the costs of water and sewer system projects (collectively, the "Prior Bonds"), the Council has determined that it is advisable to issue and sell water and sewer system revenue bonds of the City (the "Refunding Bonds" and together with the New Money Bonds, the "Bonds") in order to refund, redeem, or defease, as applicable, certain of the Prior Bonds and to pay the issuance costs of the Refunding Bonds (collectively, the "Refunding Project" and together with the New Money Project, the "Project");

WHEREAS, no public hearing is required on the Refunding Bonds under the Virginia Code;

WHEREAS, the City has applied to the Virginia Resources Authority ("VRA") for the purchase of the Bonds, and VRA has indicated its willingness to purchase such Bonds from the proceeds of one or more series of its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program) (collectively, the "VRA Bonds"), in accordance with the terms of a Local Bond Sale and Financing Agreement (the "Financing Agreement"), between VRA and the City, or such other financing agreement that may be entered into in connection with a separate series of the Bonds;

WHEREAS, the Financing Agreement is expected to indicate that (i) the sum of (A) \$15,000,000 plus (B) an amount necessary to refund any Prior Bonds and plus (C) an amount necessary to pay costs of issuance or (ii) such other amount as requested by the City in writing and approved by VRA prior to VRA's bond pricing, is the amount of proceeds requested for the Project from VRA (the "Proceeds Requested");

WHEREAS, the date of the sale of the VRA Bonds is referred to as the "VRA Sale Date;"

WHEREAS, VRA has informed the City that VRA's objective is to pay the City a purchase price for the Bonds that in VRA's judgment reflects its market value (the "Purchase Price

Objective") taking into consideration the Proceeds Requested and such factors as the purchase price received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA) (collectively, the "VRA Costs") and other market conditions relating to the sale of the VRA Bonds;

WHEREAS, such factors are expected to result in the City receiving a purchase price other than the par amount of the Bonds and consequently (i) the aggregate principal amount of the Bonds may be greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested or (ii) the City may receive less than the Proceeds Requested if the financing parameters established under Section 1, Section 4 or Section 5 of this Ordinance restrict the principal amount of the Bonds such that the maximum principal amount of the Bonds does not exceed the Proceeds Requested by at least the amount of the VRA Costs and any original issue discount, the amount to be paid to the City, given the Purchase Price Objective and market conditions; and

WHEREAS, the foregoing arrangements will be reflected in the Financing Agreement, a form of which has been filed in the City's records.

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

1. Authorization of Issuance of Bonds. The Council hereby determines that it is necessary and advisable and will benefit the residents of the City through the promotion of their health, safety and welfare (i) to contract a debt and to issue the New Money Bonds in an aggregate principal amount not to exceed \$16,000,000, (ii) to contract a debt and to issue the Refunding Bonds and (iii) to award and sell the Bonds to or at the direction of VRA. The issuance and sale of the Bonds is hereby authorized on the terms and conditions set forth herein and in the Financing Agreement, and in accordance with Section 15.2-2601 of the Virginia Code, the Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991, as amended. The proceeds from the issuance and sale of the New Money Bonds shall be used to pay all or a portion of the costs of the New Money Project. The proceeds from the issuance and sale of the Refunding Bonds shall be used to pay all or a portion of the Refunding Project. The Bonds shall be issued in one or more series with appropriate nomenclature and series designations, as determined by the City Manager (the "City Representative").

2. Authorization of Financing Agreement. The form of the Financing Agreement on file with the City is hereby approved. The City Representative is hereby authorized and directed to execute the Financing Agreement in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Ordinance as may be approved by the City Representative, whose approval shall be evidenced conclusively by the execution and delivery thereof.

3. Pledge of Revenues. The Bonds shall be limited obligations of the City as to which the principal of, premium, if any, and interest shall be payable solely from the net revenues (i.e. revenue less operating expenses) derived by the City from its water and sewer systems, as such systems may be expanded from time to time, and from other funds, if any, that have been or may be pledged for such purpose. Nothing in this Ordinance, the Bonds or any documentation under

which the Bonds may be issued shall be deemed to pledge the full faith and credit and taxing power of the City to the payment of the Bonds. The Bonds will be issued under and are equally and ratably secured by a Master Indenture of Trust dated as of December 1, 1996 (as previously supplemented and amended, the "Master Indenture") between the City and U.S. Bank National Association, as successor trustee (the "Master Trustee"), and as further supplemented by a Seventeenth Supplemental Indenture of Trust (the "Supplemental Indenture" and together with the Master Indenture, the "Indenture") to be dated a date determined by the City Representative, all between the City and the Master Trustee, as "Parity Indebtedness" as defined therein.

4. Refunding of the Prior Bonds. The refunding of the Prior Bonds shall be executed as follows:

(a) the Council hereby authorizes and directs the City Representative to cause each of the Prior Bonds to be refunded to be called for optional redemption on its earliest optional redemption date required under applicable federal tax law;

(b) the redemption proceedings, including the giving of redemption notices to the holders of the refunded Prior Bonds shall be done pursuant to the terms of the Prior Bonds; and

(c) the Council hereby authorizes the City Representative to cause to be prepared and to execute and deliver an escrow agreement or agreements between the City and an escrow agent or escrow agents to be selected by the City Representative providing for the irrevocable deposit of the proceeds of the Refunding Bonds in amounts sufficient, when invested as set forth in the escrow agreement(s), to provide for the payment of the principal of, premium, if any, and interest on the refunded Prior Bonds.

5. Sale of Bonds; Terms and Conditions. (a) The Bonds may be issued in one or more series and the Bonds of each series shall be issued as a single bond in fully registered form and shall be dated the date of its issuance. The City Representative is hereby authorized to determine whether to issue the Bonds in one or more series in connection with one or more of VRA's Virginia Pooled Financing Programs; provided that the parameters set forth in (b) below are satisfied.

(b) The Council hereby authorizes the sale of the Bonds to or at the direction of VRA on terms that VRA shall determine subject to VRA's Purchase Price Objective and market conditions described in the Recitals hereof; provided, however, that (i) the New Money Bonds shall be issued in an aggregate principal amount not exceeding the amount specified in Section 1, (ii) the Bonds shall have a "true" interest cost not exceeding 5.50% (exclusive of "supplemental interest" as described in the Financing Agreement), (iii) the Refunded Bonds shall be payable in principal installments ending no later than the last year that a Prior Bond being refunded matures, (iv) the New Money Bonds shall be payable in principal installments ending no later than June 30, 2052, and (v) the Bonds shall be subject to prepayment upon the terms set forth in the Financing Agreement.

(c) Subject to the parameters in subsection (b), the City further authorizes the City Representative to accept the final terms presented by VRA, including the final principal amount and the amortization schedule (including the principal installment dates and amounts) of the

Bonds. If the limitation on the maximum aggregate principal amount of the Bonds set forth above restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the Purchase Price Objective and market conditions, the City Representative is authorized to accept a purchase price for the Bonds at an amount less than the Proceeds Requested.

(d) The actions of the City Representative in determining the final terms of the Bonds shall be conclusive, and no further action shall be necessary on the part of the Council. As set forth in the Financing Agreement, the City agrees to pay such "supplemental interest" and other charges as provided therein, including such amounts as may be necessary to maintain or replenish the VRA Reserve. The principal of and premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America.

6. Details of Bonds. The Bonds shall be issued upon the terms established pursuant to this Ordinance, the Indenture and the Financing Agreement. The Bonds shall be issued in fully registered form, and shall be numbered from R-1 upwards consecutively with the appropriate series designation. The Bonds shall mature in the years and amounts, shall bear interest payable semi-annually at such rates and shall be subject to redemption prior to maturity on such terms all as set forth in the Financing Agreement. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

7. Form of Bond and Supplemental Indenture. The Bonds shall be in substantially the form attached as Exhibit A to the Financing Agreement and on file in the City's records, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance or any subsequent ordinance or resolution of the Council. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto. The Supplemental Indenture shall be in substantially the same form as the prior supplemental indentures, pledging the net revenues derived from the ownership and operation of the City's water and sewer systems to payment of the principal of, premium, if any, and interest on the Bonds, and contain such other provisions as the City Representative shall determine to be necessary and appropriate.

8. Appointment of Bond Registrar and Paying Agent. The City Representative is hereby authorized to select and appoint as Registrar and Paying Agent for the Bonds (the "Bond Registrar") a bank or other financial institution capable of performing such duties. In the absence of such selection and appointment by the City Representative, the Treasurer of the City is appointed as Bond Registrar. The Council or the City Representative may appoint a subsequent Bond Registrar or one or more paying agents for the Bonds upon giving written notice to VRA specifying the name and location of the principal office of any such Bond Registrar or paying agent.

9. Execution of Bonds. The City Representative is hereby authorized and directed to execute appropriate negotiable Bonds, and the Clerk of Council (the "Clerk") is hereby authorized and directed to affix the seal of the City thereto. The City Representative is hereby authorized and directed to deliver the Bonds to or at the direction of VRA upon payment of the purchase price therefor. The manner of execution and affixation of the seal may be by facsimile; provided,

however, that if the signatures of the City Representative and the Clerk are both by facsimile, the Bonds shall not be valid until signed by the manual signature of the Bond Registrar.

10. Tax Compliance Agreement. Such officers of the City as may be requested are authorized and directed to execute and deliver a non-arbitrage certificate and tax compliance agreement (the "Tax Compliance Agreement") with VRA in a form to be approved by the officers of the City executing such document, whose approval shall be evidenced conclusively by the execution and delivery thereof.

11. Arbitrage Covenants. The City covenants that it shall neither take nor omit to take any action the taking or omission of which will cause the VRA Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, or otherwise cause interest on the VRA Bonds to be includable in the gross income of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of the Tax Compliance Agreement that may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required or no longer required to prevent interest on the VRA Bonds from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The City shall pay any such required rebate from legally available funds.

12. Official Statement. The City authorizes and consents to the inclusion if necessary of information with respect to the City contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as any of them shall determine. The City Representative is authorized and directed to take whatever actions are necessary or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

13. Further Actions; Authorization of City Representative. The City Representative and such officers and agents of the City as may be designated by the City Representative, are hereby authorized and directed to take such further action as they deem necessary or appropriate regarding the issuance and sale of the Bonds, including necessary steps to qualify or register them for sale in one or more jurisdictions and to secure credit enhancement therefor. All actions previously taken by the City Representative and such officers and agents in connection with the issuance and sale of the Bonds are hereby ratified and confirmed. The authorizations granted in this Ordinance to the City Manager and the Clerk may be carried out by the Deputy, Interim or Acting City Manager and any Assistant or Deputy Clerk, respectively, in the absence of the primary officers.

14. SNAP Investment Authorization. The Council authorizes the Treasurer to have the option to utilize the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") in connection with the investment of the proceeds of the Bonds. The Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

15. Filing of Ordinance. The City Attorney of the City is authorized and directed to file a certified copy of this Ordinance with the Circuit Court of the City pursuant to Sections 15.2-2607 and 15.2-2627 of the Virginia Code.

16. Effective Date; Expiration of Authorization. This Ordinance shall take effect immediately upon passage. The authorization to issue and sell the Bonds shall expire on June 30, 2020, but all other provisions of this Ordinance shall remain in full force and effect.

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_  
Erika S. Dawley, City clerk

Approved as to form:

  
Helivi L. Holland  
City Attorney

**NOTICE OF PUBLIC HEARING  
ON THE PROPOSED ISSUANCE OF  
WATER AND SEWER SYSTEM REVENUE BONDS  
BY THE CITY OF SUFFOLK, VIRGINIA**

NOTICE IS HEREBY GIVEN that the City Council (the "City Council") of the City of Suffolk, Virginia (the "City"), will hold a public hearing in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, on the proposed issuance of its water and sewer system revenue bonds in a principal amount not to exceed \$16,000,000 (the "Bonds"). The City proposes to issue the Bonds and use the bond proceeds to (i) finance, with respect to the City's water and sewer system, certain costs of acquiring, constructing and equipping capital improvements for which bond proceeds have been appropriated pursuant to the City's Capital Improvement Plan, as the City Council may amend it from time to time hereafter, (ii) provide for the funding of capitalized interest on the Bonds and (iii) finance the costs of issuance of the Bonds. The projects to be financed by the Bonds are subject to change in accordance with the City's capital expenditure cash flow needs and Virginia law.

An ordinance authorizing the issuance of the Bonds will be considered by the City Council at its meeting on Wednesday, March 18, 2020, following the public hearing on the issuance of the Bonds. The public hearing, at which persons may appear and present their views, and which may be continued or adjourned, will be held at a meeting that will begin at **7:00 p.m. on Wednesday, March 18, 2020**, before the City Council in the Council Chambers, City Hall, 442 West Washington Street in Suffolk, Virginia.

All interested persons are invited to appear at the time and place aforementioned, and any interested person whose participation in this meeting would require the accommodation of a disability should contact Patrick Roberts, City Manager, at (757) 514-4012.

[PUBLISH ON MARCH 5 AND MARCH 12]

**AGENDA: March 18, 2020, Regular Session**

**ITEM: Public Hearing** – An ordinance authorizing the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the U.S. Route 460-Pruden Boulevard Water Transmission Main Project.

This project will extend a 20-inch water transmission main along Route 460/Pruden Boulevard from Lake Prince Drive to the City boundary with Isle of Wight County. The water main will ultimately serve two purposes: 1) transporting the Western Tidewater Water Authority's contracted water supply from the City's G. Robert House Water Treatment Plant to the Isle of Wight County's Windsor Service District, and 2) providing future City water service to the Route 460 corridor. Construction of the initial segment of the 20-inch water transmission main within the 4100 - 4300 blocks of Pruden Boulevard will be completed as part of the Department of Public Works' Pruden Boulevard/Prudence Road Intersection Improvement Project.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENT:**

Ordinance

ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN FEE SIMPLE AND/OR PERMANENT AND TEMPORARY EASEMENTS, EITHER BY AGREEMENT OR CONDEMNATION, FOR THE U.S. ROUTE 460-PRUDEN BOULEVARD WATER TRANSMISSION MAIN PROJECT.**

WHEREAS, on March 18, 2020, the City Council of the City of Suffolk held a public hearing concerning the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the U.S. Route 460-Pruden Boulevard Water Transmission Main project; and

WHEREAS, it is the opinion of the City Council of the City of Suffolk, Virginia, that a public necessity exists for the construction of the U.S. Route 460-Pruden Boulevard Water Transmission Main project to improve utility services within the City and for other related public purposes for the preservation of the safety, health, peace, good order, comfort, convenience, and for the welfare of the people in the City of Suffolk.

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

Section 1. That the City Council authorizes the acquisition, by purchase or condemnation, pursuant to Section 15.2-1901, *et. seq.* and Title 25.1 of the Code of Virginia (1950), as amended, and City Charter Sections 2.05, *et. seq.*, of real property in fee simple and/or permanent and temporary easements (the "Property"), as shown on the plans (the "Plans") entitled "Pruden Boulevard/Prudence Road Intersection Improvements" (the "Project"), the Plans being on file in the Department of Public Works, Engineering Division, City of Suffolk, Virginia.

Section 2. That the City Manager is hereby authorized to make or cause to be made on behalf of the City of Suffolk, to the extent that funds are available, a reasonable offer to the owners or persons having an interest in said Property, and is further authorized to enter into agreements and do other things as may be necessary to acquire said Property. Further, if efforts to acquire such Property are not successful, the City Attorney is hereby authorized to institute condemnation proceedings to acquire same.

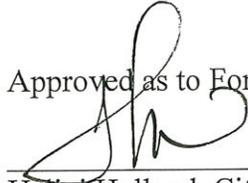
Section 3. This ordinance shall be effective upon adoption and shall not be published.

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_

Erika S. Dawley, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Helivi Holland, City Attorney

**AGENDA: March 18, 2020 Regular Session**

**ITEM: Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Turlington Properties LLC quitclaiming all rights, title, and interest, if any, the City of Suffolk may possess in an unimproved private 50' right-of-way, known as Pit Road, and located on the north side of Turlington Road

Presented for your consideration is an ordinance authorizing a quitclaim deed conveying a private, unimproved, 50' right-of-way, known as Pit Road, and located on the north side of Turlington Road, to Turlington Properties LLC.

**RECOMMENDATION:**

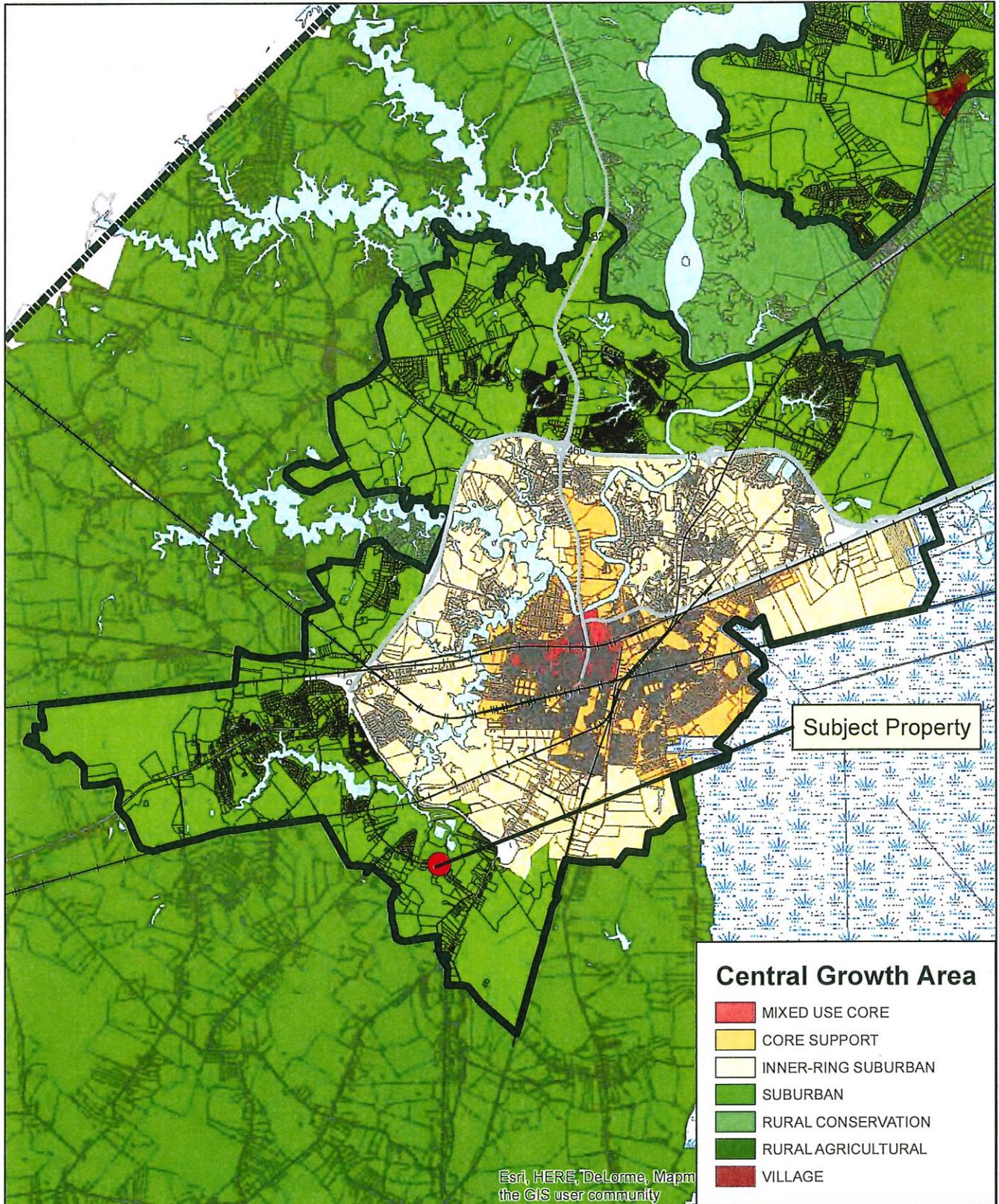
Research of this right-of-way has verified that it is a private right-of-way to which the City of Suffolk has no ownership interest. A title opinion was submitted by the applicant which listed Turlington Properties LLC as the owner of the right-of-way. In an abundance of caution, the applicant has requested the City execute the attached quitclaim deed regarding this property. As such, an accompanying street vacation approved by City Council is not necessary. Staff recommends approval of the attached ordinance.

**ATTACHMENTS:**

- General Location Map
- Zoning Land Use Map
- Survey
- Proposed Ordinance
- Exhibit A – Property Map
- Exhibit B – Proposed Quitclaim Deed



# GENERAL LOCATION MAP PIT ROAD QUITCLAIM





# ZONING / LAND USE MAP

## PIT ROAD QUITCLAIM





ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE TO AUTHORIZE A QUITCLAIM DEED BETWEEN THE CITY OF SUFFOLK AND TURLINGTON PROPERTIES LLC QUITCLAIMING ALL RIGHTS, TITLE, AND INTEREST, IF ANY, THE CITY OF SUFFOLK MAY POSSESS IN AN UNIMPROVED PRIVATE 50' RIGHT-OF-WAY, KNOWN AS PIT ROAD, AND LOCATED ON THE NORTH SIDE OF TURLINGTON ROAD**

WHEREAS, the City Council held a public hearing on March 18, 2020 to consider a request for the City to execute a quitclaim deed concerning an unimproved private 50' right-of-way known as Pit Road; and

WHEREAS, it has been requested that the City relinquish any rights it may have to said private right-of-way to Turlington Properties LLC, said quitclaim deed attached hereto as Exhibit B; and,

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

Section 1. The City Council hereby authorizes the execution of a quitclaim deed in substantially the same form as the attached, relinquishing whatever rights it may have to the private 50' right-of-way as referenced in Exhibit "B".

Section 2. The City Manager is authorized to execute the quitclaim deed and all necessary documents as evidence of the City's conveyance.

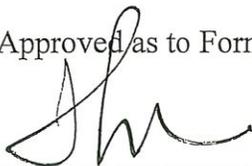
BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_

Erika S. Dawley, City Clerk

Approved as to Form:

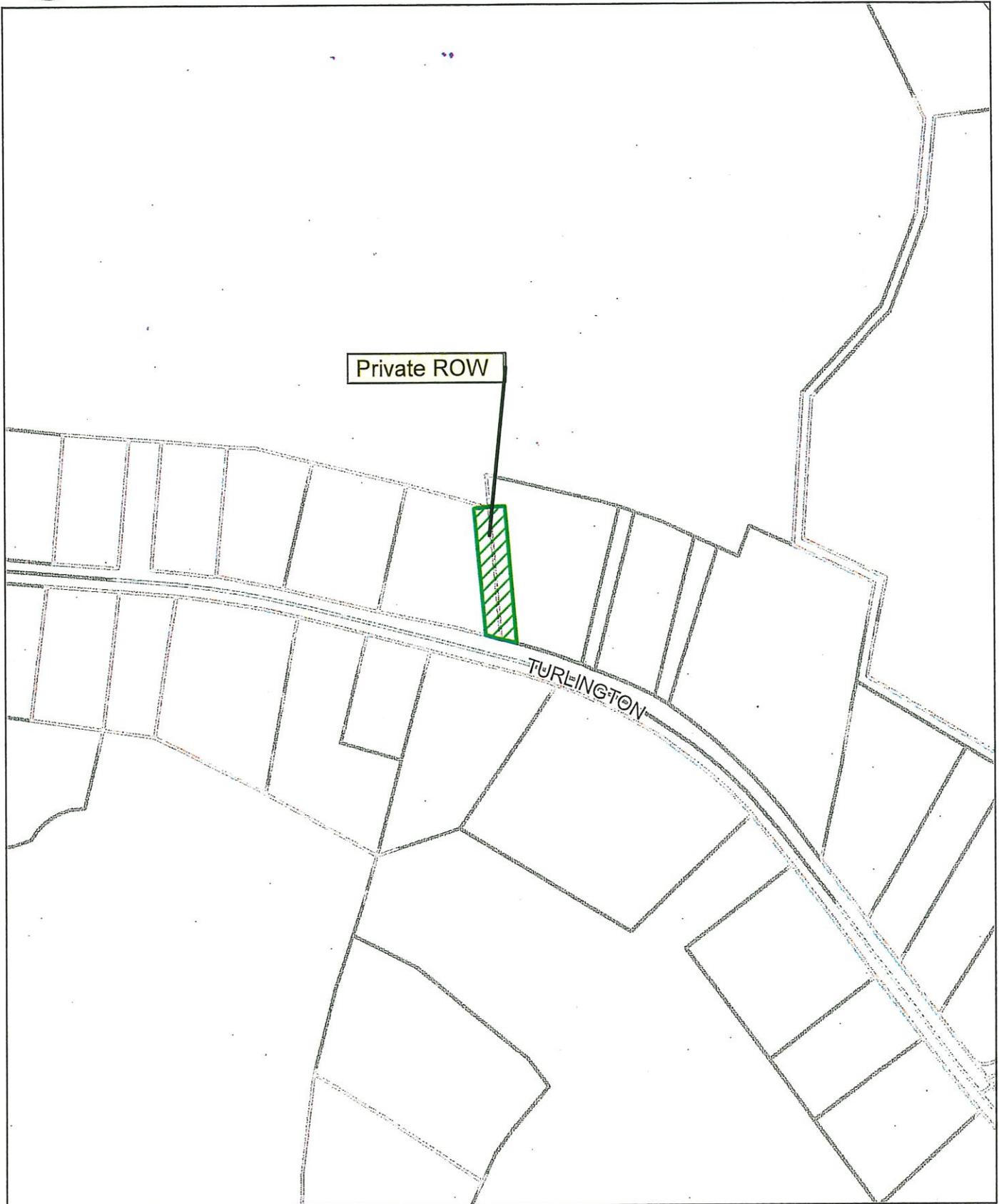


\_\_\_\_\_  
Helivi L. Holland, City Attorney



# PROPERTY MAP PIT ROAD QUITCLAIM

EXHIBIT A



RECEIVED

FEB 24 REC'D

PLANNING

**Prepared by and Return to:**

J. Witt Harper, VSB#88898  
Saunders & Ojeda, P.C.  
705 West Washington St.  
Suffolk, VA 23434

**Tax Account Number: 152478000, 152168100, 151656000, 151439000, 150397000**  
**The title insurance underwriter is unknown to the preparer.**

THIS QUITCLAIM DEED is made as of the \_\_\_\_\_th day of \_\_\_\_\_, 2020, by and between CITY OF SUFFOLK, VIRGINIA, Grantor, party of the first part; and TURLINGTON PROPERTIES, LLC, a Virginia limited liability company, Grantee, whose mailing address is 4356 Bonney Road, Building 2, Suite 102, Virginia Beach, Virginia 23452.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged by the party of the first part, the said party of the first part does hereby quitclaim, release and convey unto Turlington Properties LLC, any and all right, title and interest it may possess in and to the following described real estate, to-wit:

**Parcel First:**

All that certain 50' right-of-way located on Route 688 in the City of Suffolk, Virginia, now or formerly owned by Dorothy K. Parr running in a Northerly direction from State Highway 688, between the property now or formerly owned to the East by Thomas F. Harrell and Connie B. Harrell and to the West by George G. Carr and Minnie S. Carr and thence running to the land now or formerly owned by Turlington Properties, LLC, said property showing a bearing of N 5° 05' 52" W, on Sheet 5 of the plans for Route 688, State Highway Project 0688-061-155, C-501 of the City of Suffolk, Virginia duly recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia as Deed Book 354, Page 575 and in State Highway Plat Book 9, Page 116.

**Parcel Second:**

All that certain 50' right-of-way located on Route 688 in the City of Suffolk, Virginia, now or formerly owned by Dorothy K. Parr running in a Northerly direction from State Highway 688, between the property now or formerly owned to the East by Jack T. Baines and Lucy P. Baines and to the West by Raymond J. Holland and Lelia C. Holland and thence running to the land now or formerly owned by Turlington Properties, LLC, said property showing a bearing of N 13° 50' E, on Sheet 5 of the plans for Route 688, State Highway Project 0688-061-155, C-501 of the City of Suffolk, Virginia duly recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia as Deed Book 354, Page 575 and in State Highway Plat Book 9, Page 116.

This conveyance is made expressly subject to the restrictions, conditions, rights of ways and easements, if any contained in the instruments constituting the chain of title to the property conveyed herein, and to matters visible upon inspection.

[Signatures appear on the following page]

WITNESS the following signature(s) and seal(s):

CITY OF SUFFOLK, VIRGINIA

BY: \_\_\_\_\_ (SEAL)  
CITY MANAGER

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

COMMONWEALTH OF VIRGINIA,  
CITY OF SUFFOLK, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the City and State aforesaid, do hereby certify that \_\_\_\_\_, City Manager, \_\_\_\_\_, City Attorney and \_\_\_\_\_, City Clerk, whose names are signed to the foregoing writing bearing date on the \_\_\_\_ day of \_\_\_\_\_, 2020, have acknowledged the same before me this \_\_\_\_ day of \_\_\_\_\_, 2020.

My commission expires \_\_\_\_\_.

Notary Registration # \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

[SEAL]

**AGENDA: March 18, 2020 Regular Session**

**ITEM: Public Hearing** – An ordinance vacating and abandoning portions of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street, otherwise generally identified as being those portion of streets located between Warwick Street and Madison Avenue, STV2019-001

Attached for your consideration is information pertaining to Street Vacation Request, STV2019-001, (Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street): submitted by J. Witt Harper, Esq., Saunders & Ojeda, P.C., applicant, on behalf of George Birdsong, Birdsong Corporation and Birdco Energy, property owners, to vacate a segment of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street located between Warwick Street and Madison Avenue. The affected area is contiguous to property located at 645 Madison Avenue, 310 Factory Street, and 304 Mulberry Street, Zoning Map 34G29(A), Parcel \*1\*2+, Zoning Map 34G29(2), Parcel A, and Zoning Map 34G25(2), Parcel 35\*2, respectively. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned M-2, Heavy Industrial zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Core Support Use District.

**ATTACHMENTS:**

- Staff Report
- General Location Map
- Zoning / Land Use Map
- Proposed Ordinance
- Exhibit A – Property Map
- Exhibit B – Boundary Survey

# STAFF REPORT

## DESCRIPTION

**STREET VACATION REQUEST:** Street Vacation Request, STV2019-001, submitted by J. Witt Harper, of Saunders and Ojeda, P.C., applicant(s), on the behalf of Birdsong Corporation and Birdco Energy, property owner(s), to vacate a segment of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street located between Warwick Street and Madison Avenue.

**APPLICANT:** J. Witt Harper, of Saunders and Ojeda, P.C., applicant(s), on the behalf of Birdsong Corporation and Birdco Energy.

**LOCATION:** The subject area is located between Warwick Street and Madison Avenue, east of Factory Street.

**PRESENT ZONING:** The abutting properties are zoned M-2, Heavy Industrial, RLM, Residential Low-Medium Density, and RM, Residential Medium Density zoning districts.

**EXISTING LAND USE:** The subject portions of Maple Street, Appleton Avenue, Walnut Street, and Mulberry are undeveloped.

**SURROUNDING LAND USES:** The portion of Mulberry Street to be vacated is adjacent to two lots used residentially and a large industrial lot. Neither of the adjacent residences obtain their access from Mulberry Street. Maple Street, Appleton Avenue, and Walnut Street are all undeveloped, interior streets surrounded by M-2, Heavy Industrial Uses.

**PROPOSED LAND USE:** The applicant proposes to vacate a portion of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street in order to allow these portions of property to be developed as part of the Birdsong development.

**COMPREHENSIVE PLAN:** The City's 2035 Comprehensive Plan indicates this area is part of the Central Growth Area, Core Support Use District.

**CHESAPEAKE BAY PRESERVATION AREA DESIGNATION:** The proposed street vacation is located within a Chesapeake Bay Preservation Area Overlay District, and is designated as an Intensely Developed Area (IDA).

**PUBLIC NOTICE:** The 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. Notice to the applicant, containing a copy of the staff report, was also send on March 13, 2020.

## STAFF ANALYSIS

### ISSUE:

The applicant is requesting to vacate portions of right-of-way known as Maple Street, Appleton

Avenue, Walnut Street, and Mulberry Street. The purpose of the vacations is to allow Birdsong Corporation and Birdco Energy to consolidate property it owns on either side of the aforementioned streets and continue expansion of the Birdsong development.

**CONSIDERATIONS AND CONCLUSIONS:**

1. The applicant is proposing to vacate undeveloped portions of the Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street rights-of-way to expand the Birdsong development.
2. The applicant also requests the Maple Street, Appleton Avenue, and Walnut Street vacated rights-of-way be conveyed to the Birdco Energy via quitclaim deed. Furthermore, the applicant requests the Mulberry Street right-of-way be conveyed to Birdsong Corporation via quitclaim deed.
3. The portion of the Mulberry Street right-of-way proposed to be vacated is currently an undeveloped street beginning at Madison Avenue and ending on the property owned by Birdsong Corporation, Tax Map 34G29(2)\*A. This portion of Mulberry Street provides access to the Birdsong development. A small segment of Mulberry Street that is not subject to this request shall continue to remain in place as a public right-of-way. As such, the street vacation should not create any negative impacts to the City of Suffolk road system or any adjoining properties. The portion of the Maple Street, Appleton Avenue, and Walnut Street rights-of-way proposed to be vacated are currently undeveloped streets beginning at Madison Avenue and ending on the property owned by Birdco Energy, Tax Map 34G29(2)\*1\*2+. These streets are interior streets that were never developed and, as such, the street vacations should not create any negative impacts to the City of Suffolk road system or any adjoining properties
4. The Department of Public Utilities has indicated that there are currently no existing City water or sewer lines within the areas of the existing right-of-way
5. Section 15.2-2006 of the Code of Virginia allows that, "When an applicant requests a vacation to accommodate expansion or development of an existing or proposed business, the governing body may condition the vacation upon commencement of the expansion or development within a specified period of time. Failing to commence within such time may render the vacation, at the option of the governing body, void. A Certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the locality. A conditional vacation shall not be recorded until the condition has been met".

**RECOMMENDATION:**

The proposed street vacation is in compliance with the standards of the Unified Development Ordinance and the Code of Virginia and is consistent with the 2035 Comprehensive Plan, which designates this area as part of the Central Growth Area with a Core Support Use District. Therefore, staff recommends approval of this street vacation request subject to the following condition:

1. A final subdivision plat to combine the properties owned by the Birdsong Corporation

and Birdco Energy will be required for the review, approval, and recordation.

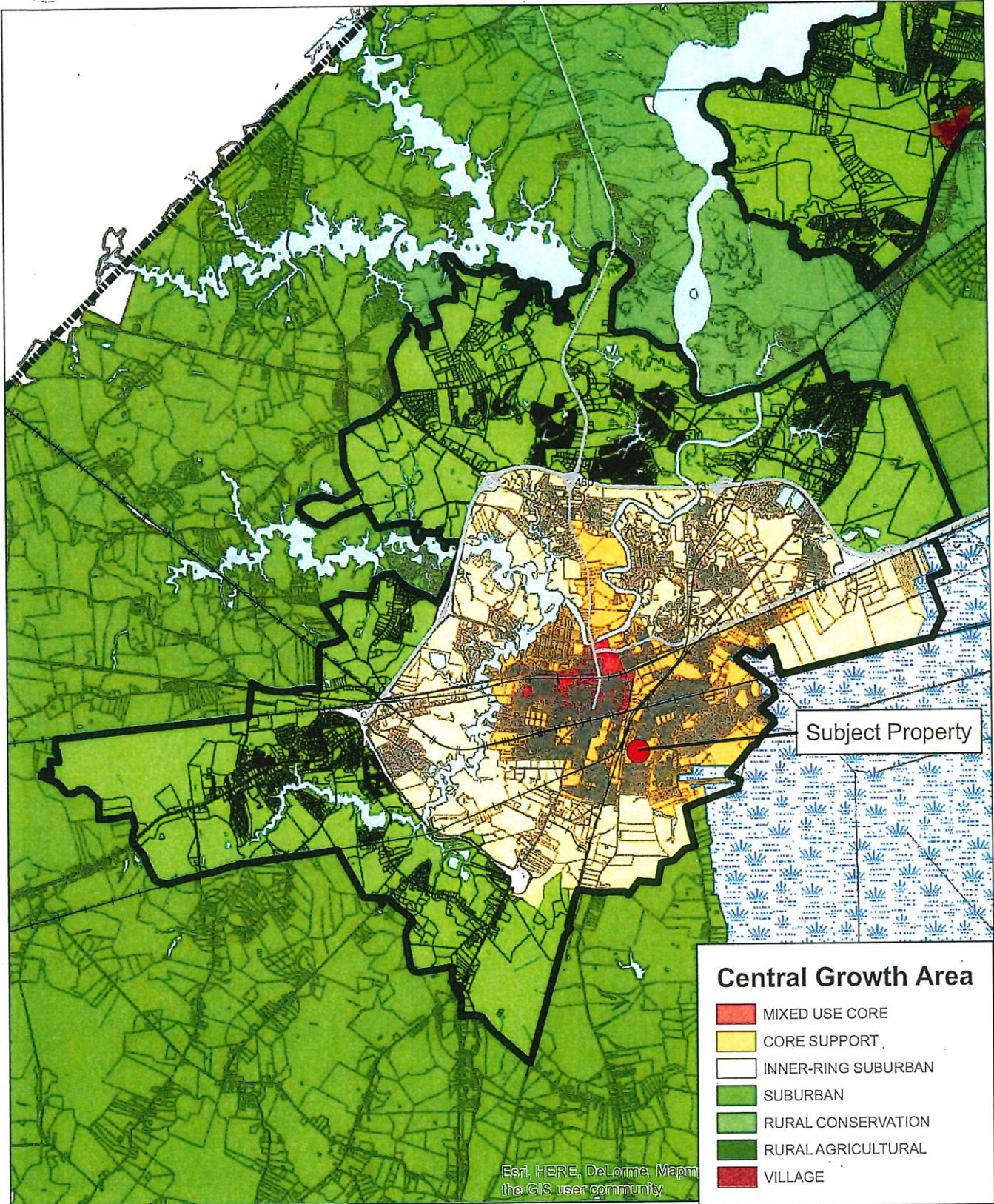
Attachments:

- Staff Report
- General Location Map
- Zoning / Land Use Map
- Proposed Ordinance
- Exhibit A – Property Map
- Exhibit B – Boundary Survey



# GENERAL LOCATION MAP

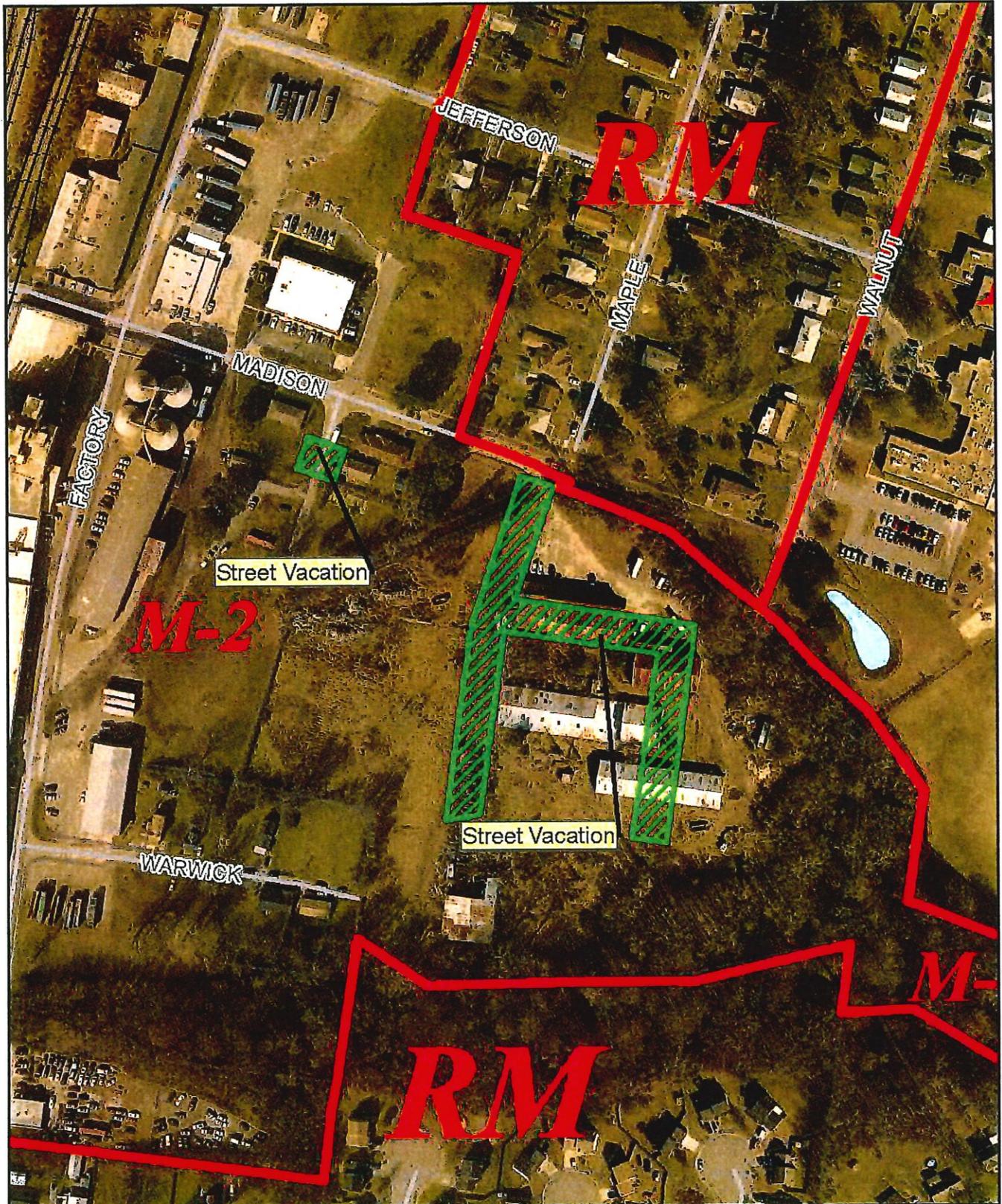
## STV2019-001





# ZONING / LAND USE MAP

## STV2019-001



**ORDINANCE NUMBER** \_\_\_\_\_

**AN ORDINANCE VACATING AND ABANDONING PORTIONS OF MAPLE STREET, APPLETON AVENUE, WALNUT STREET, AND MULBERRY STREET, OTHERWISE GENERALLY IDENTIFIED AS BEING THOSE PORTIONS OF STREETS LOCATED BETWEEN WARWICK STREET AND MADISON AVENUE, EAST OF FACTORY STREET, STV2019-001**

WHEREAS, pursuant to Section 15.2-2006 of the Code of Virginia (1950), as amended, a public hearing was held on March 18, 2020 concerning the vacation of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street located between Warwick Street and Madison Avenue, after due notice to the public and affected land owners.

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

- Section 1. Exhibit A, "Property Map" and Exhibit B, "Boundary Survey", which are attached hereto, are hereby incorporated as part of this ordinance.
- Section 2. Upon consideration of the evidence, Council finds that no inconvenience will result from the vacation of those portions of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street as shown on Exhibit B.
- Section 3. Those portions of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street, as depicted in Exhibit B, are hereby conditionally vacated subject to the following condition:
1. A final subdivision plat to combine the properties owned by the Birdsong Corporation and Birdco Energy, respectively, will be required for the review, approval, and recordation.
- Section 4. Upon the satisfaction of the above conditions and the recordation of this ordinance, the interest of the City of Suffolk, if any, to those portions of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street which are hereby vacated shall cease and the ownership of said portions of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street shall vest as provided by law.

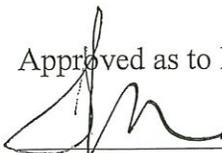
BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_

Erika S. Dawley, City Clerk

Approved as to Form:



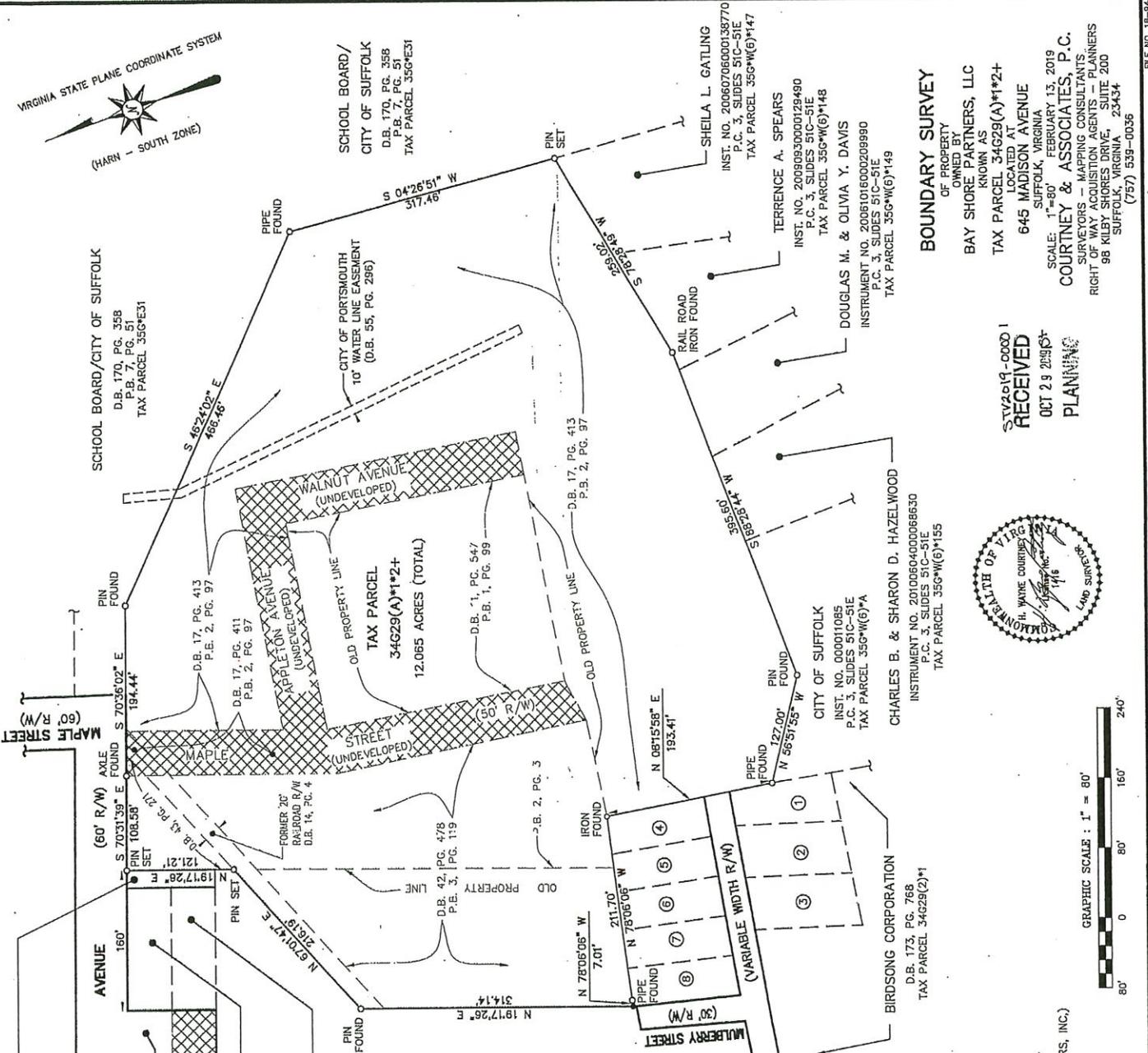
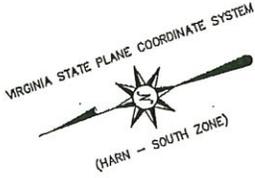
\_\_\_\_\_  
Helivi L. Holland, City Attorney



# PROPERTY MAP STV2019-001

**EXHIBIT A**





ABANDONED 20' ALLEY  
(ORDER BOOK 2, PGS. 185 & 195)

(NOTE: NO PORTION OF THE 20' ALLEY WAS INCLUDED WITHIN THE OUTER PERIMETER BOUNDARY OF THIS SURVEY DUE TO THE INABILITY TO ESTABLISH A BACK CHAIN OF TITLE OR THE INABILITY TO DISCOVER AN ABANDONMENT AGREEMENT STIPULATING THAT ANY PORTION OF THE ALLEY WAS TO EVER BE CONVEYED TO ANY BACK CHAIN OWNERS OF THE SUBJECT PARCEL.)

(NOTE: AREAS SHOWN THUSLY REPRESENT RIGHT OF WAY AREAS PROPOSED TO BE ABANDONED.)

**SAMUEL L. & LINDA H. SHERROD**  
INSTRUMENT NO. 20101207000184740  
P.B. 4, PG. 9  
TAX PARCEL 34625(2)351

**BIRDSONG CORPORATION**  
INSTRUMENT NO. 180006301  
TAX PARCEL 34625(2)352

**BIRDSONG CORPORATION**  
INST. NO. 180007868  
TAX PARCEL 34629(2)\*A

PARCEL NO.	OWNER(S)	LEGAL REFERENCE	TAX PARCEL
1	LILLIE GORFAN	D.B. 36, PG. 159	34629(2)P3
2	ROY LEE & WAMIE HOLLEY FAULK	D.B. 55, PG. 131	34629(2)P2A
3	JOHN H. KNIGHT	INST. NO. 2006013000010040	34629(2)P2
4	B & I PROPERTIES, LLC	INST. NO. 20130125000018690	34629(2)P4
5	B & I PROPERTIES, LLC	INST. NO. 030012829	34629(2)P5
6	B & I PROPERTIES, LLC	INST. NO. 030012829	34629(2)P6
7	JAMES E. GRALEY, JR.	INST. NO. 20070330000058740	34629(2)P7
8	DELORCO D. WHITE	INST. NO. 20140123000013260	34629(2)P8

**-GENERAL NOTES-**

1. THIS PLAT WAS PREPARED IN CONJUNCTION WITH A TITLE REPORT ISSUED BY TITLE WAVE REAL ESTATE SOLUTIONS (AGENT: GREAT DISMAL TITLE, LLC) ON OCTOBER 29, 2018 @ 8:00 A.M. THE EXISTENCE OF HAZARDOUS WASTES, VEGETATED WETLANDS AND RIDGEWATER WETLANDS HAS BEEN INVESTIGATED AND CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.

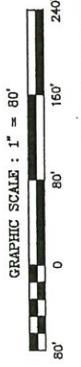
2. INTERIOR DASHED LINES AND DEED BOOK AND PLAT BOOK REFERENCES ASSOCIATED THEREWITH THAT ARE ILLUSTRATED HEREON REPRESENT PRIOR INDIVIDUAL PARCELS AND RIGHTS OF WAYS THAT COLLECTIVELY MAKE UP TAX PARCEL 34629(A)\*1\*2+.

3. INSTRUMENT NO. 010004579 IS AN AGREEMENT DOCUMENT BETWEEN NATIONAL SCREEN COMPANY, INC. AND MARWOOD MANUFACTURERS, INC. CONCERNING THE EASTERN BOUNDARY OF MULBERRY STREET PER RIDGETE PHYSICAL SURVEY.

**SUBJECT PARCEL:** TAX PARCEL 34629(A)\*1\*2+  
**LEGAL REFERENCE:** INSTRUMENT NO. 010004580 (GRANTOR: MARWOOD MANUFACTURERS, INC.)  
INSTRUMENT NO. 010004579 (SEE NOTE 3. ABOVE)  
P.B. 2, PG. 3  
P.B. 2, PG. 97  
P.B. 3, PG. 119  
P.B. 5, PG. 11A  
P.C. 2, SLIDE 143D



STV2019-00001  
RECEIVED  
OCT 29 2019  
PLANNING



**BOUNDARY SURVEY**  
OWNED BY  
BAY SHORE PARTNERS, LLC  
KNOWN AS  
LOCATED AT  
645 MADISON AVENUE  
SUFFOLK, VIRGINIA  
SCALE: 1"=80'  
FEBRUARY 13, 2019  
**COURTNEY & ASSOCIATES, P.C.**  
SURVEYORS - MAPPING CONSULTANTS  
RIGHT OF WAY CONSULTANTS  
98 MIDWAY SURVEYING, SUITE 200  
SUFFOLK, VIRGINIA 23434  
(757) 539-0035

**AGENDA: March 18, 2020 Regular Session**

**ITEM: Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdsong Corporation for a portion of Mulberry Street pertaining to Street Vacation Request STV2019-001

Presented for your consideration is an ordinance authorizing a quitclaim deed conveying a portion of Mulberry Street and pertaining to Street Vacation Request, STV2019-001, also on today's agenda.

**RECOMMENDATION:**

Staff recommends approval of the attached ordinance.

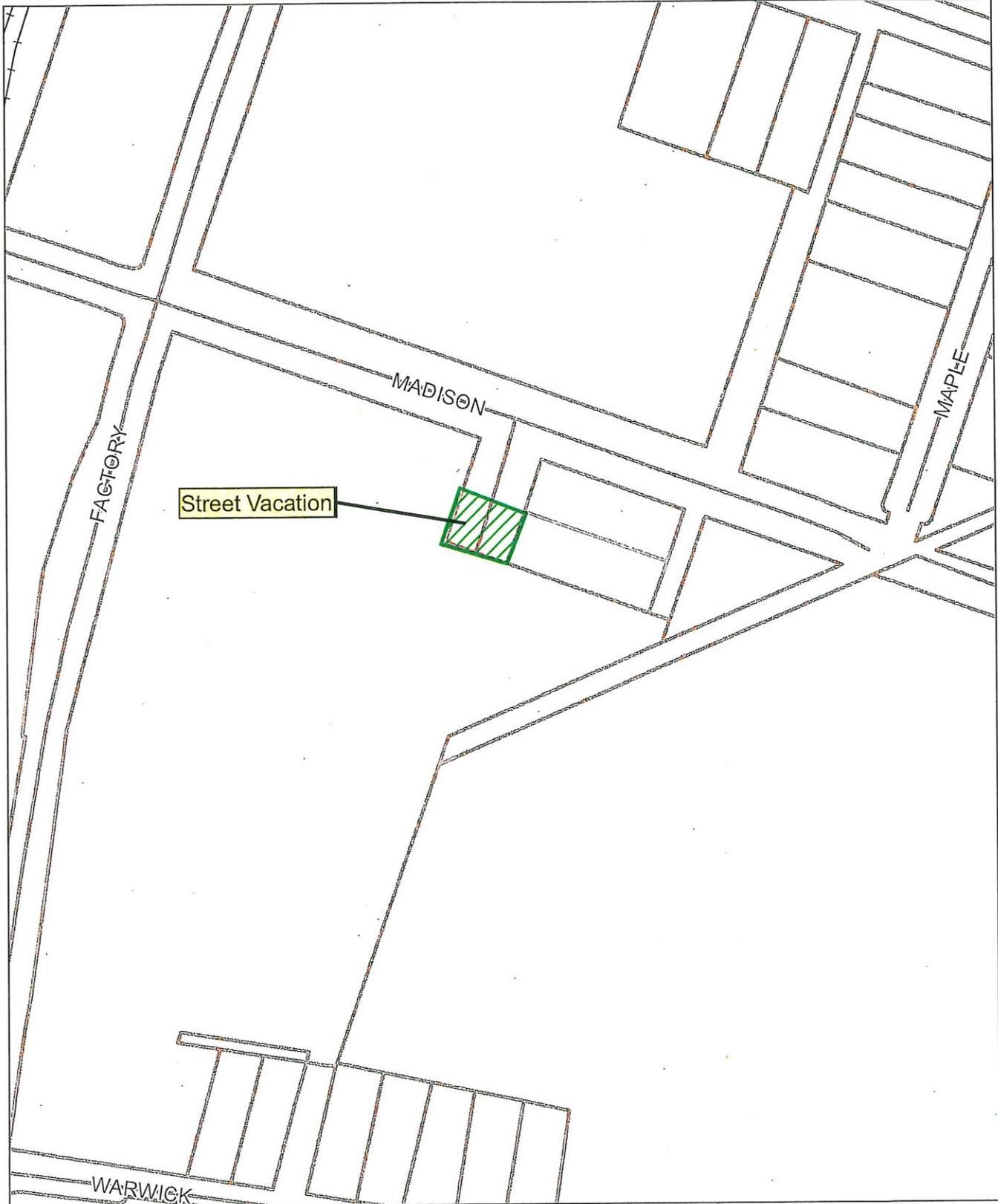
**ATTACHMENTS:**

Property Map  
Proposed Ordinance  
Exhibit A – Proposed Quitclaim Deed



# PROPERTY MAP

## STV2019-001 MULBERRY STREET



ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE TO AUTHORIZE A QUITCLAIM DEED BETWEEN THE CITY OF SUFFOLK AND BIRDSONG CORPORATION FOR A PORTION OF MULBERRY STREET PERTAINING TO STREET VACATION REQUEST STV2019-001**

WHEREAS, on March 18, 2020, the Council of the City of Suffolk, Virginia held a public hearing concerning Street Vacation Request STV2019-001 and approved the vacation of a portion of Mulberry Street; and

WHEREAS, the applicant has requested that the City relinquish any rights it may have to said street to the owner of the contiguous properties to the east and west by the execution of a quitclaim deed between the City of Suffolk and the Birdsong Corporation, said quitclaim deed attached hereto as Exhibit A; and,

WHEREAS, the City Council held a public hearing on March 18, 2020 to consider the request to execute a quitclaim deed in reference to the previously vacated street

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

- Section 1. The City Council hereby authorizes the execution of a quitclaim deed in substantially the same form as the attached, relinquishing whatever rights it may have to the previously vacated street as referenced in Exhibit "A".
- Section 2. The City Manager is authorized to execute the quitclaim deed and all necessary documents as evidence of the City's conveyance.

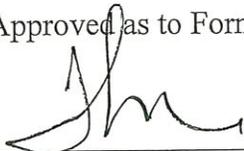
BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_

Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney

**Prepared by and Return to:**

J. Witt Harper, VSB#88898  
Saunders & Ojeda, P.C.  
705 West Washington St.  
Suffolk, VA 23434

**Tax Account Number 354000338, 351409000**

**The title insurance underwriter is unknown to the preparer.**

THIS QUITCLAIM DEED is made as of the \_\_\_\_ day of \_\_\_\_\_, 2020, by and between CITY OF SUFFOLK, VIRGINIA, Grantor, party of the first part; and BIRDSONG CORPORATION, a Virginia corporation, Grantee, whose mailing address is 612 Madison Avenue, Suffolk, VA 23434.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged by the party of the first part, the said party of the first part does hereby quitclaim, release and convey unto Birdsong Corporation, a Virginia corporation, any and all right, title and interest it may possess in and to the following described real estate, to-wit:

That certain 50 foot portion of Mulberry Street abutting the property conveyed to Birdsong Corporation by deed recorded on June 18, 2018, from Loretta Cargille and Andrea Abdullah and recorded as instrument number 1800006301 as shown on the attached "Exhibit A", a copy of the Deed reference is recorded in the Clerk's Office of the Circuit Court of the City of Suffolk as instrument numbers 1800006301, reference to which is hereby made for a more accurate description of the said property.

This conveyance is made expressly subject to the restrictions, conditions, rights of ways and easements, if any contained in the instruments constituting the chain of title to the property conveyed herein, and to matters visible upon inspection.

WITNESS the following signature(s) and seal(s):

CITY OF SUFFOLK, VIRGINIA

BY: \_\_\_\_\_ (SEAL)  
CITY MANAGER

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:  
\_\_\_\_\_

\_\_\_\_\_  
City Attorney

**DRAFT**

COMMONWEALTH OF VIRGINIA,  
CITY OF SUFFOLK, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the City and State aforesaid, do hereby certify that \_\_\_\_\_, City Manager, \_\_\_\_\_, City Attorney and \_\_\_\_\_, City Clerk, whose names are signed to the foregoing writing bearing date on the \_\_\_\_ day of \_\_\_\_\_, 2020, have acknowledged the same before me this \_\_\_\_ day of \_\_\_\_\_, 2020.

My commission expires \_\_\_\_\_.

Notary Registration # \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

[SEAL]

**AGENDA: March 18, 2020 Regular Session**

**ITEM:** **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdco Energy for portions of Maple Street, Appleton Avenue, and Walnut Street, pertaining to Street Vacation Request STV2019-001

Presented for your consideration is an ordinance authorizing a quitclaim deed conveying a portion of Maple Street, Appleton Avenue, and Walnut Street and pertaining to Street Vacation Request STV2019-001, also on today's agenda.

**RECOMMENDATION:**

Staff recommends approval of the attached ordinance.

**ATTACHMENTS:**

Property Map  
Proposed Ordinance  
Exhibit A – Proposed Quitclaim Deed



# PROPERTY MAP STV2019-001 MAPLE STREET/APPLETON AVENUE/WALNUT STREET



ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE TO AUTHORIZE A QUITCLAIM DEED BETWEEN THE CITY OF SUFFOLK AND BIRDCO ENERGY FOR PORTIONS OF MAPLE STREET, APPLETON AVENUE, AND WALNUT STREET, PERTAINING TO STREET VACATION REQUEST STV2019-001**

WHEREAS, on March 18, 2020, the Council of the City of Suffolk, Virginia held a public hearing concerning Street Vacation Request STV2019-001 and approved the vacation of portions of Maple Street, Appleton Avenue, and Walnut Street; and

WHEREAS, the applicant has requested that the City relinquish any rights it may have to said streets to the owner of the contiguous properties to the east and west by the execution of a quitclaim deed between the City of Suffolk and Birdco Energy, said quitclaim deed attached hereto as Exhibit A; and,

WHEREAS, the City Council held a public hearing on March 18, 2020 to consider the request to execute a quitclaim deed in reference to the previously vacated streets.

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

- Section 1. The City Council hereby authorizes the execution of a quitclaim deed in substantially the same form as the attached, relinquishing whatever rights it may have to the previously vacated streets as referenced in Exhibit "A".
- Section 2. The City Manager is authorized to execute the quitclaim deed and all necessary documents as evidence of the City's conveyance.

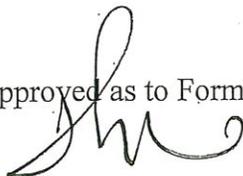
BE IT FURTHER ORDAINED that this ordinance shall be effective upon its passage and shall not be published.

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_

Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney

**Prepared by and Return to:**

J. Witt Harper, VSB#88898  
Saunders & Ojeda, P.C.  
705 West Washington St.  
Suffolk, VA 23434

**Tax Account Number 352251000**

**The title insurance underwriter is unknown to the preparer.**

**THIS QUITCLAIM DEED** is made as of the \_\_\_ day of \_\_\_\_\_, 2020, by and between CITY OF SUFFOLK, VIRGINIA, Grantor, party of the first part; and BIRDCO ENERGY INC., a Texas corporation, Grantee, whose mailing address is 1999 Bryan Street, Suite 900, Dallas, Texas 75201

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged by the party of the first part, the said party of the first part does hereby quitclaim, release and convey unto Birdco Energy Inc., a Texas corporation, any and all right, title and interest it may possess in and to the following described real estate, to-wit:

Those certain undeveloped streets known as Appleton Avenue and Walnut Avenue and that undeveloped street and 50' right-of-way know as Maple Street located on the property known in the City of Suffolk Assessor's office as Tax Parcel 34G29(A)\*1\*2+ as shown on the attached "Exhibit A". A copy of the Deed and Plat references are recorded in the Clerk's Office of the Circuit Court of the City of Suffolk as DB 11, page 547 (PB 1, PG 99), DB 17, Page 413 (PB 2, PG 97), DB17, Page 411 (PB 2, PG 97) and DB 42, Page 478 (PB 3, PG 119), reference to which is hereby made for a more accurate description of the said property.

This conveyance is made expressly subject to the restrictions, conditions, rights of ways and easements, if any contained in the instruments constituting the chain of title to the property

conveyed herein, and to matters visible upon inspection.

WITNESS the following signature(s) and seal(s):

CITY OF SUFFOLK, VIRGINIA

BY: \_\_\_\_\_ (SEAL)  
CITY MANAGER

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:  
\_\_\_\_\_  
City Attorney

**DRAFT**

COMMONWEALTH OF VIRGINIA,

CITY OF SUFFOLK, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the City and State aforesaid, do hereby certify that \_\_\_\_\_, City Manager, \_\_\_\_\_, City Attorney and \_\_\_\_\_, City Clerk, whose names are signed to the foregoing writing bearing date on the \_\_\_ day of \_\_\_\_\_, 2020, have acknowledged the same before me this \_\_\_ day of \_\_\_\_\_, 2020.

My commission expires \_\_\_\_\_.

Notary Registration # \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

[SEAL]

**AGENDA: March 18, 2020 Regular Session**

**ITEM: Public Hearing** – An ordinance vacating and abandoning a portion of Mill Street, otherwise generally identified as being that portion of Mill Street located east of County Street and between Van Buren Avenue and Mill Street, STV2019-002

Attached for your consideration is information pertaining to Street Vacation Request, STV2019-002, Mill Street, submitted by J. Witt Harper, Esq., Saunders & Ojeda, P.C., applicant, on behalf of George Birdsong, Birdsong Corporation, property owner, to vacate a segment of Mill Street located east of County Street and between Van Buren Avenue and Mill Street. The affected area is contiguous to property located at 426 County Street, Zoning Map 34G29(1), Parcel 12\*2\*7B\*7C. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned M-2, Heavy Industrial zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Core Support Use District.

**ATTACHMENTS:**

Staff Report

General Location Map

Zoning / Land Use Map

Proposed Ordinance

Exhibit A – Property Map

Exhibit B --Exhibit of Tax Parcel 34G25(2)11\*1THRU8A and 34G29(1)12\*2\*7B\*7C

# STAFF REPORT

## DESCRIPTION

**STREET VACATION REQUEST:** Street Vacation Request, STV2019-002, submitted by J. Witt Harper, of Saunders and Ojeda, P.C., applicant(s), on the behalf of Birdsong Corporation, property owner(s), to vacate a portion of Mill Street located east of County Street and between Van Buren Avenue and Mill Street.

**APPLICANT:** J. Witt Harper, of Saunders and Ojeda, P.C., applicant(s), on the behalf of Birdsong Corporation.

**LOCATION:** The subject area is located east of County Street and between Van Buren Avenue and Mill Street.

**PRESENT ZONING:** The abutting properties are zoned M-2, Heavy Industrial Zoning Districts.

**EXISTING LAND USE:** The subject portion of Mill Street to be vacated is currently undeveloped.

**SURROUNDING LAND USES:** The portion of Mill Street proposed to be vacated is adjacent to vacant properties owned by the applicant and a 100' right-of-way owned by Norfolk Southern Railway.

**PROPOSED LAND USE:** The applicant proposes to vacate a portion of the Mill Street right-of-way in order to allow the portion of property to be developed as part of the Birdsong development.

**COMPREHENSIVE PLAN:** The City's 2035 Comprehensive Plan indicates this area is part of the Central Growth Area, Core Support Use District.

**CHESAPEAKE BAY PRESERVATION AREA DESIGNATION:** The proposed street vacation is located within a Chesapeake Bay Preservation Area Overlay District, and is designated as an Intensely Developed Area (IDA).

**PUBLIC NOTICE:** The 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. Notice to the applicant, containing a copy of the staff report, was also send on March 13, 2020.

## STAFF ANALYSIS

### ISSUE:

The applicant is requesting to vacate a portion of right-of-way known as Mill Street. The purpose of the vacation serves to allow Birdsong Corporation to consolidate property it owns on either side of Mill Street and facilitates the future expansion of the Birdsong development.

**CONSIDERATIONS AND CONCLUSIONS:**

1. The applicant is proposing to vacate a portion of Mill Street to expand Birdsong development.
2. The applicant also requests the vacated right-of-way be conveyed to the Birdsong Corporation via quitclaim deed.
3. The portion of the Mill Street right-of-way proposed to be vacated is currently an undeveloped street beginning at what was formerly Gloucester Road and ending at the Norfolk Southern Railway. This portion of Mill Street provides access to the Birdsong development. As such, the street vacation should not create any negative impacts to the City of Suffolk road system or any adjoining properties. The remaining portion of Mill Street, lying between County Street and Spruce Street, is not subject to this request and shall remain public right-of-way.
4. The Department of Public Utilities has indicated that there are currently no existing City water or sewer lines within the areas of the existing right-of-way
5. Section 15.2-2006 of the Code of Virginia allows that, "When an applicant requests a vacation to accommodate expansion or development of an existing or proposed business, the governing body may condition the vacation upon commencement of the expansion or development within a specified period of time. Failing to commence within such time may render the vacation, at the option of the governing body, void. A Certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the locality. A conditional vacation shall not be recorded until the condition has been met".

**RECOMMENDATION:**

The proposed street vacation is in compliance with the standards of the Unified Development Ordinance and the Code of Virginia and is consistent with the 2035 Comprehensive Plan, which designates this area as part of the Central Growth Area with a Core Support Use District. Therefore, staff recommends approval of this street vacation request subject to the following condition:

1. A final subdivision plat to combine the properties owned by the Birdsong Corporation will be required for the review, approval, and recordation.

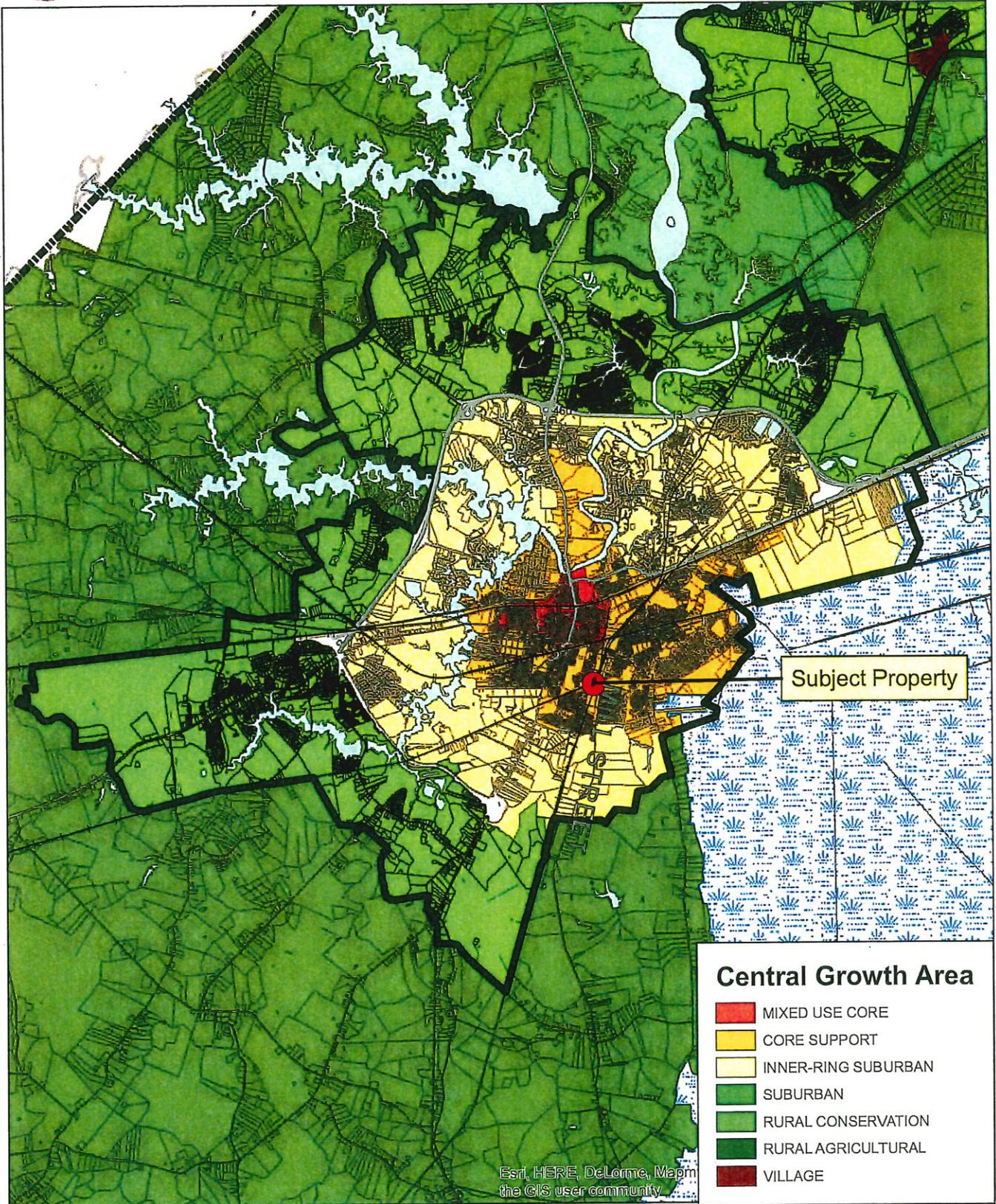
Attachments:

- Staff Report
- General Location Map
- Zoning / Land Use Map
- Proposed Ordinance
- Exhibit A – Property Map
- Exhibit B-- Exhibit of Tax Parcel 34G25(2)11\*1THRU8A and 34G29(1)12\*2\*7B\*7C



# GENERAL LOCATION MAP

## STV2019-002

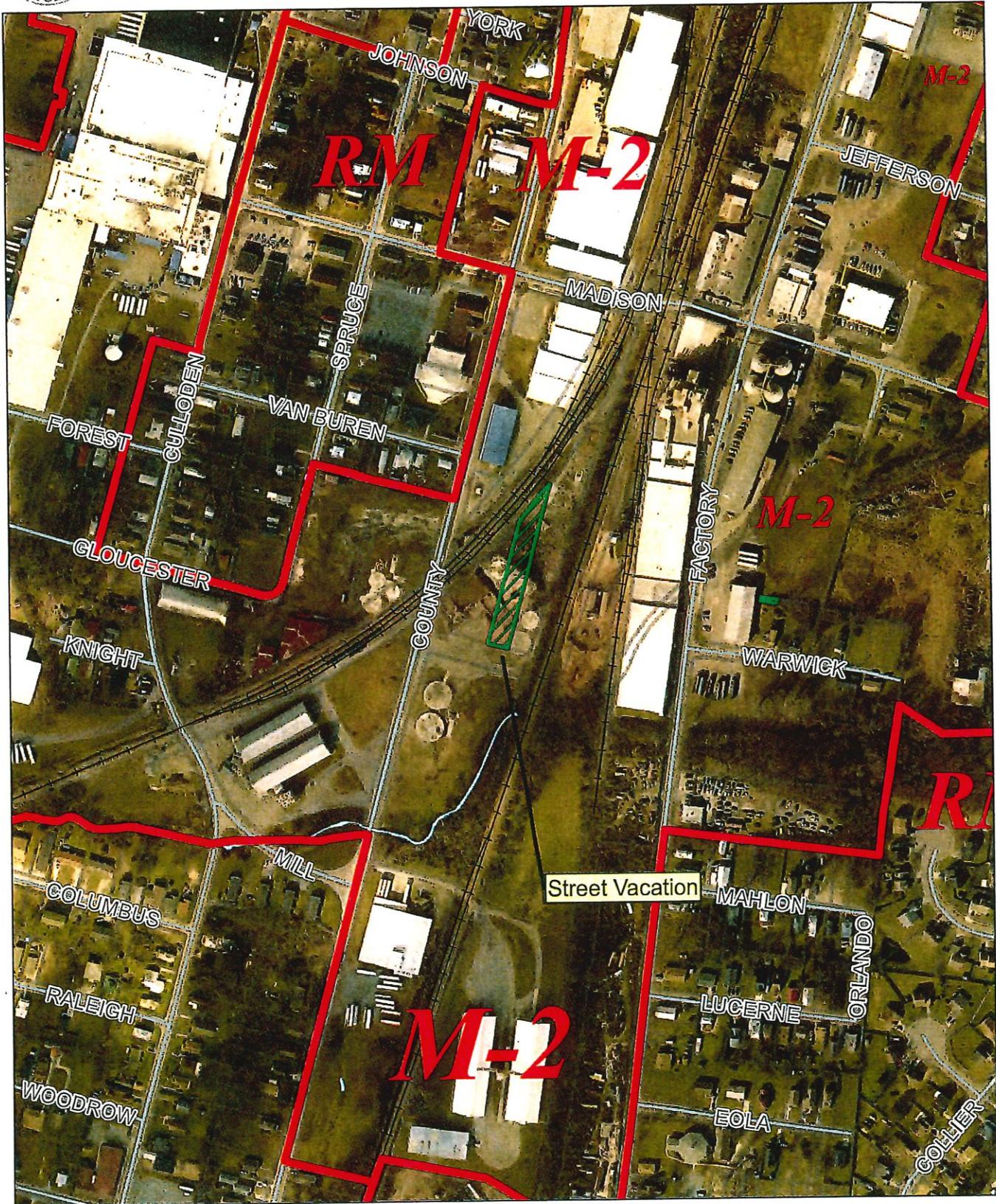


User Name: bsmith  
Date: 11/4/2019



# ZONING / LAND USE MAP

## STV2019-002



**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE VACATING AND ABANDONING A PORTION OF MILL STREET, OTHERWISE GENERALLY IDENTIFIED AS BEING THAT PORTION OF MILL STREET LOCATED EAST OF COUNTY STREET AND BETWEEN VAN BUREN AVENUE AND MILL STREET, STV2019-002**

WHEREAS, pursuant to Section 15.2-2006 of the Code of Virginia (1950), as amended, a public hearing was held on March 18, 2020 concerning the vacation of Mill Street located east of County Street and between Van Buren Avenue and Mill Street, after due notice to the public and affected land owners.

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

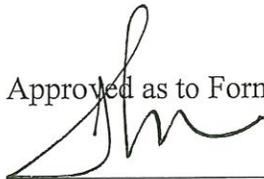
- Section 1. Exhibit A, "Property Map" and Exhibit B, "Exhibit of Tax Parcel 34G25(2)11\*1THRU8A and 34G29(1)12\*2\*7B\*7C", which are attached hereto, are hereby incorporated as part of this ordinance.
- Section 2. Upon consideration of the evidence, Council finds that no inconvenience will result from that portion of Mill Street as shown on Exhibit B.
- Section 3. The portion of Mill Street, as depicted in Exhibit B, is hereby conditionally vacated subject to the following condition:
1. A final subdivision plat to combine the properties owned by the Birdsong Corporation will be required for the review, approval, and recordation.
- Section 4. Upon the satisfaction of the above conditions and the recordation of this ordinance, the interest of the City of Suffolk, if any, to that portion of Mill Street which is hereby vacated shall cease and the ownership of said portion of Mill Street shall vest as provided by law.

BE IT FURTHER ORDAINED that 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



# PROPERTY MAP STV2019-002

**EXHIBIT A**





**AGENDA: March 18, 2020 Regular Session**

**ITEM: Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdsong Corporation for a portion of Mill Street pertaining to Street Vacation Request STV2019-002

Presented for your consideration is an ordinance authorizing a quitclaim deed conveying a portion of Mill Street and pertaining to Street Vacation Request STV2019-002, also on today's agenda.

**RECOMMENDATION:**

Staff recommends approval of the attached ordinance.

**ATTACHMENTS:**

Property Map  
Proposed Ordinance  
Exhibit A – Proposed Quitclaim Deed



# PROPERTY MAP

## STV2019-002



ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE TO AUTHORIZE A QUITCLAIM DEED BETWEEN THE CITY OF SUFFOLK AND BIRDSONG CORPORATION FOR A PORTION OF MILL STREET PERTAINING TO STREET VACATION REQUEST STV2019-002.**

WHEREAS, on March 18, 2020, the Council of the City of Suffolk held a public hearing concerning Street Vacation Request STV2019-002 and approved the vacation of a portion of Mill Street; and,

WHEREAS, the applicant has requested that the City relinquish any rights it may have to said street to the owner of the contiguous properties to the east and west by the execution of a quitclaim deed between the City of Suffolk and the Birdsong Corporation, said quitclaim deed attached hereto as Exhibit A; and,

WHEREAS, the City Council held a public hearing on March 18, 2020 to consider the request to execute a quitclaim deed in reference to the previously vacated street.

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

- Section 1. The City Council hereby authorizes the execution of a quitclaim deed in substantially the same form as the attached, relinquishing whatever rights it may have to the previously vacated street as referenced in Exhibit "A".
- Section 2. The City Manager is authorized to execute the quitclaim deed and all necessary documents as evidence of the City's conveyance.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon its passage and shall not be published.

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_

Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney

**Prepared by and Return to:**

J. Witt Harper, VSB#88898  
Saunders & Ojeda, P.C.  
705 West Washington St.  
Suffolk, VA 23434

**Tax Account Number 352489000**

**The title insurance underwriter is unknown to the preparer.**

THIS QUITCLAIM DEED is made as of the \_\_\_\_ day of \_\_\_\_\_, 2020, by and between CITY OF SUFFOLK, VIRGINIA, Grantor, party of the first part; and BIRDSONG CORPORATION, a Virginia corporation, Grantee whose mailing address is 612 Madison Avenue, Suffolk, VA 23434.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged by the party of the first part, the said party of the first part does hereby quitclaim, release and convey unto Birdsong Corporation, a Virginia corporation, any and all right, title and interest it may possess in and to the following described real estate, to-wit:

That certain undeveloped portion of that street known as Mill Street located within the property known in the City of Suffolk Assessor's office as Tax Parcel 34G29(1)12\*2\*7B\*7C as shown on the attached "Exhibit A", A copy of the Deed and Plat references are recorded in the Clerk's Office of the Circuit Court of the City of Suffolk as instrument numbers 190010141, DB 24, page 539 (PB 4, PG 9), reference to which is hereby made for a more accurate description of the said property.

This conveyance is made expressly subject to the restrictions, conditions, rights of ways and easements, if any contained in the instruments constituting the chain of title to the property conveyed herein, and to matters visible upon inspection.

WITNESS the following signature(s) and seal(s):

CITY OF SUFFOLK, VIRGINIA

BY: \_\_\_\_\_ (SEAL)  
CITY MANAGER

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

**DRAFT**

COMMONWEALTH OF VIRGINIA,  
CITY OF SUFFOLK, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the City and State aforesaid, do hereby certify that \_\_\_\_\_, City Manager, \_\_\_\_\_, City Attorney and \_\_\_\_\_, City Clerk, whose names are signed to the foregoing writing bearing date on the \_\_\_\_ day of \_\_\_\_\_, 2020, have acknowledged the same before me this \_\_\_\_ day of \_\_\_\_\_, 2020.

My commission expires \_\_\_\_\_.

Notary Registration # \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

[SEAL]

**AGENDA: March 18, 2020 Regular Session**

**ITEM: Public Hearing** – An ordinance vacating and abandoning an unnamed alley, otherwise generally identified as being that portion of an unnamed alley located north of Warwick Street and between Factory Street and Mulberry Street, STV2019-003

Attached for your consideration is information pertaining to Street Vacation Request, STV2019-003, Unnamed Alley, submitted by J. Witt Harper, Esq., Saunders & Ojeda, P.C., applicant, on behalf of George Birdsong, Birdsong Corporation, property owner, to vacate a segment of an unnamed alley located between Factory Street and Mulberry Street. The affected area is contiguous to property located at 310 Factory Street, Zoning Map 34G29(2), Parcel A. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned M-2, Heavy Industrial zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Core Support Use District.

**ATTACHMENTS:**

Staff Report  
General Location Map  
Zoning / Land Use Map  
Proposed Ordinance  
Exhibit A – Property Map  
Exhibit B -- Exhibit Showing Proposed Alley Abandonment on Tax Parcel 34G29(2)\*A

# STAFF REPORT

## DESCRIPTION

**STREET VACATION REQUEST:** Street Vacation Request, STV2019-003, submitted by J. Witt Harper, of Saunders and Ojeda, P.C., applicant(s), on the behalf of Birdsong Corporation, property owner(s), to vacate an unnamed alley located between Factory Street and Mulberry Street.

**APPLICANT:** J. Witt Harper, of Saunders and Ojeda, P.C., applicant(s), on the behalf of Birdsong Corporation.

**LOCATION:** The subject area is located north of Warwick Street and between Factory Street and Mulberry Street.

**PRESENT ZONING:** The abutting properties are zoned M-2, Heavy Industrial Zoning Districts.

**EXISTING LAND USE:** The unnamed alley to be vacated is currently undeveloped.

**SURROUNDING LAND USES:** The portion of the unnamed alley proposed to be vacated is adjacent to other industrial properties owned by the applicant and two parcels used residentially.

**PROPOSED LAND USE:** The applicant proposes to vacate a portion of an unnamed alley in order to allow the portion of property to be developed as part of the Birdsong development.

**COMPREHENSIVE PLAN:** The City's 2035 Comprehensive Plan indicates this area is part of the Central Growth Area, Core Support Use District.

**CHESAPEAKE BAY PRESERVATION AREA DESIGNATION:** The proposed street vacation is located within a Chesapeake Bay Preservation Area Overlay District, and is designated as an Intensely Developed Area (IDA).

**PUBLIC NOTICE:** The 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. Notice to the applicant, containing a copy of the staff report, was also send on March 13, 2020.

## STAFF ANALYSIS

### ISSUE:

The applicant is requesting to vacate a portion of an unnamed alley. The purpose of the vacation serves to allow Birdsong Corporation to consolidate property it owns on either side of the unnamed alley and facilitates the future expansion of the Birdsong development.

### CONSIDERATIONS AND CONCLUSIONS:

1. The applicant is proposing to vacate a portion of an unnamed alley to expand Birdsong

development.

2. The applicant also requests the vacated portion of the unnamed alley be conveyed to the Birdsong Corporation via quitclaim deed.
3. The portion of the unnamed alley proposed to be vacated is currently undeveloped. The alley begins east of the building addressed as 100 Warwick Street and ends at the building addressed 516 Warwick Street. The proposed street vacation should not create any negative impacts to the City of Suffolk road system nor any adjoining properties. The remaining portion of the unnamed alley adjoining Tax Map 34G29(2) Parcels 9 and 10, is not subject to this request and shall remain an undeveloped and unnamed alley.
4. The Department of Public Utilities has indicated that there are currently no existing City water or sewer lines within the areas of the unnamed alley.
5. Section 15.2-2006 of the Code of Virginia allows that, "When an applicant requests a vacation to accommodate expansion or development of an existing or proposed business, the governing body may condition the vacation upon commencement of the expansion or development within a specified period of time. Failing to commence within such time may render the vacation, at the option of the governing body, void. A Certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the locality. A conditional vacation shall not be recorded until the condition has been met".

### **RECOMMENDATION:**

The proposed street vacation is in compliance with the standards of the Unified Development Ordinance and the Code of Virginia and is consistent with the 2035 Comprehensive Plan, which designates this area as part of the Central Growth Area with a Core Support Use District. Therefore, staff recommends approval of this street vacation request subject to the following condition:

1. A final subdivision plat to combine the properties owned by the Birdsong Corporation will be required for the review, approval, and recordation.

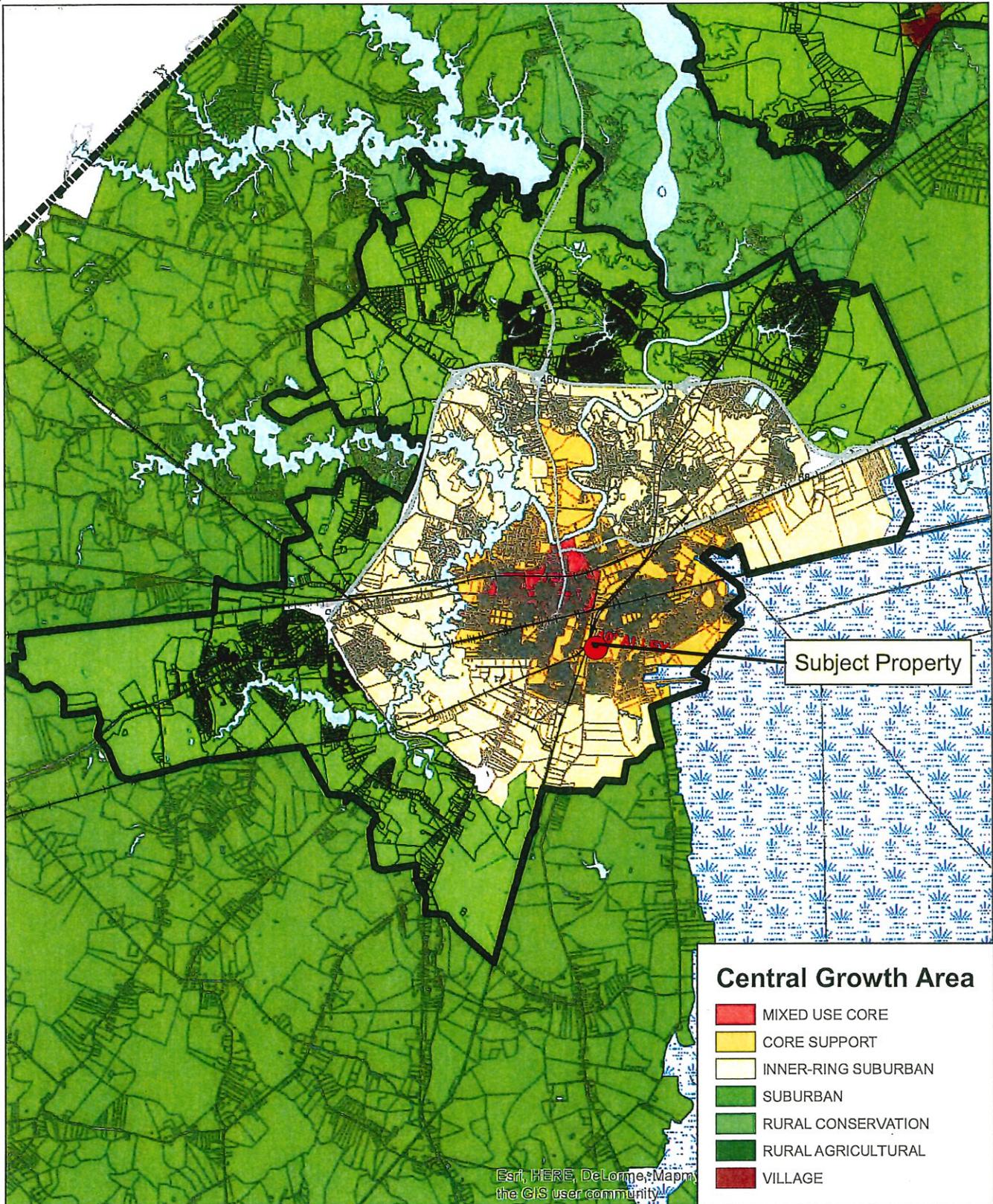
### **Attachments:**

- 
- Staff Report
  - General Location Map
  - Zoning / Land Use Map
  - Proposed Ordinance
  - Exhibit A – Property Map
  - Exhibit B—Exhibit Showing Proposed Alley Abandonment on Tax Parcel 34G29(2)\*A



# GENERAL LOCATION MAP

## STV2019-003





# ZONING / LAND USE MAP

## STV2019-003



User Name: bsmith  
Date: 3/5/2020

ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE VACATING AND ABANDONING AN UNNAMED ALLEY, OTHERWISE GENERALLY IDENTIFIED AS BEING THAT PORTION OF AN UNNAMED ALLEY LOCATED NORTH OF WARWICK STREET AND BETWEEN FACTORY STREET AND MULBERRY STREET, STV2019-003**

WHEREAS, pursuant to Section 15.2-2006 of the Code of Virginia (1950), as amended, a public hearing was held March 18, 2020 on the vacation of an Unnamed Alley located north of Warwick Street and between Factory Street and Mulberry Street, after due notice to the public and affected land owners.

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

- Section 1. Exhibit A, "Property Map" and Exhibit B, "Exhibit Showing Proposed Alley Abandonment on Tax Parcel 34G29(2)\*A", which are attached hereto, are hereby incorporated as part of this ordinance.
- Section 2. Upon consideration of the evidence, Council finds that no inconvenience will result from the vacation of that portion of unnamed alley as shown on Exhibit B.
- Section 3. The portion of the unnamed alley, as depicted in Exhibit B, is hereby conditionally vacated subject to the following condition:
1. A final subdivision plat to combine the properties owned by the Birdsong Corporation will be required for the review, approval, and recordation.
- Section 4. Upon the satisfaction of the above conditions and the recordation of this ordinance, the interest of the City of Suffolk, if any, to that portion of the unnamed alley which is hereby vacated shall cease and the ownership of said portion of the unnamed alley shall vest as provided by law.

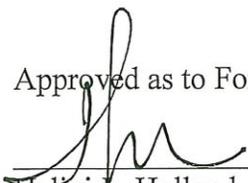
BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_

Erika S. Dawley, City Clerk

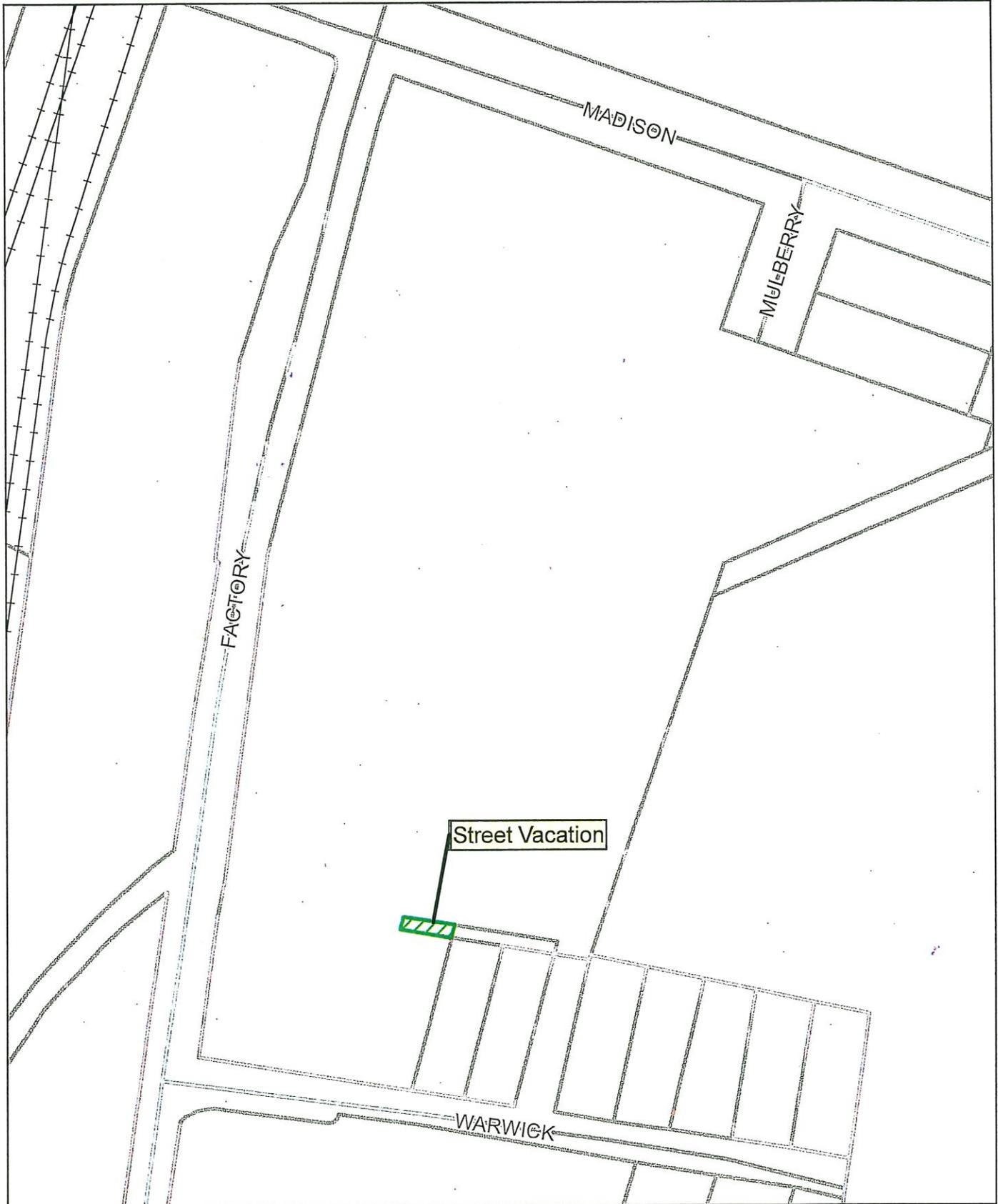
Approved as to Form:

  
\_\_\_\_\_  
Helvi L. Holland, City Attorney

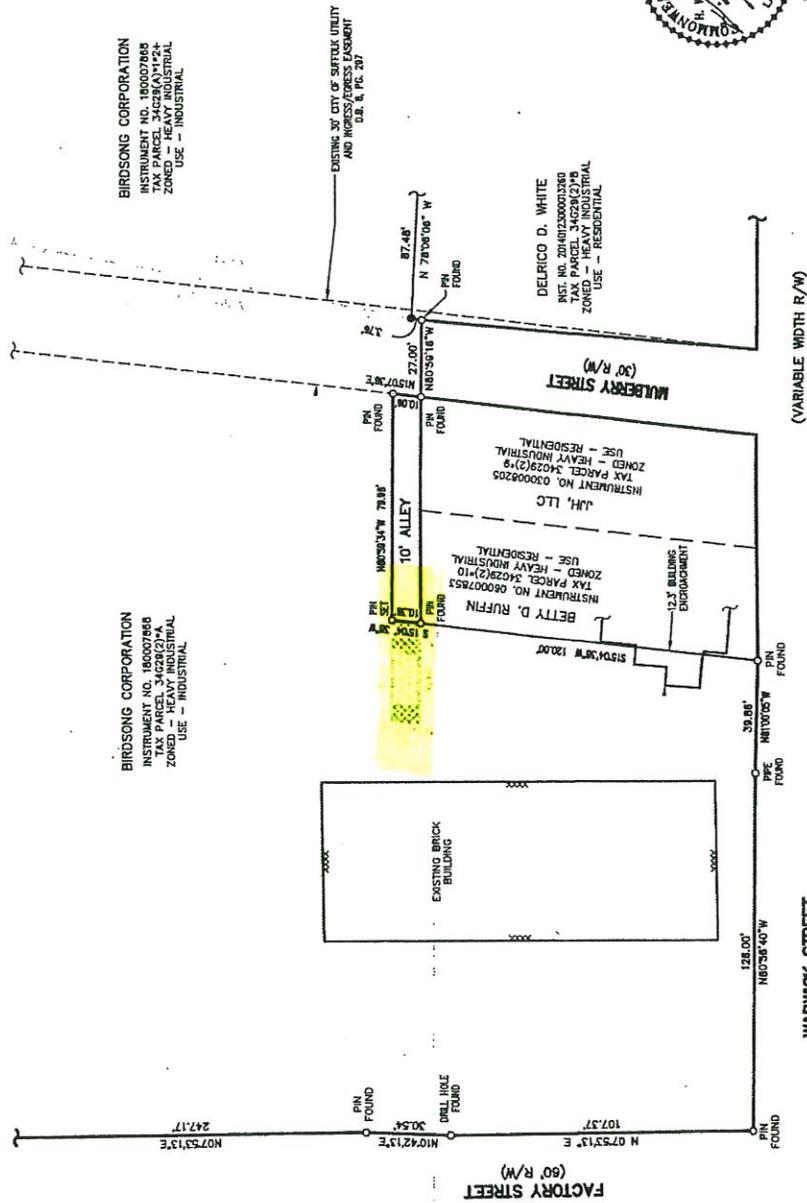


# PROPERTY MAP STV2019-003

**EXHIBIT A**



# EXHIBIT B



## EXHIBIT

SHOWING PROPOSED ALLEY ABANDONMENT ON  
TAX PARCEL 34628(2)\*A  
CHUCKATUCK BOROUGH  
SUFFOLK, VIRGINIA

FOR

BIRDSONG CORPORATION

SCALE: 1"=30' AUGUST 13, 2019

COURTNEY & ASSOCIATES, P.C.

SURVEYORS - MAPPING CONSULTANTS  
RIGHT OF WAY ACQUISITION AGENTS - PLANNERS  
98 KILBY SHORES DRIVE, SUITE 200  
SUFFOLK, VIRGINIA 23434  
(757) 539-0036

RECEIVED  
OCT 29 2019 15:30  
PLANNING

AREA SHOWN THUSLY " " REPRESENTS A PORTION OF THE 10' ALLEY BEING ABANDONED BY THIS EXHIBIT.  
PROPERTY LINE SHOWN THUSLY " " REPRESENTS A PROPERTY LINE TO BE ABANDONED BY FUTURE PLAT.

THE PROPERTIES PERTAINING TO THIS PLAT APPEAR TO BE LOCATED IN ZONE "X" & ZONE "A" AS SHOWN ON FLOOD MAPS SUPPLIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY PANEL NUMBER 510155 0227 E. EFFECTIVE DATE 08-03-2015.

SUBJECT PARCELS: TAX PARCELS 34628(A)\*\*2+ & 34628(2)\*A  
LEGAL REFERENCE: INSTRUMENT NO. 180007868  
INSTRUMENT NO. 010004580  
D.B. B, PG. 297

**AGENDA: March 18, 2020 Regular Session**

**ITEM: Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdsong Corporation for a portion of an unnamed alley pertaining to Street Vacation Request STV2019-003

Presented for your consideration is an ordinance authorizing a quitclaim deed conveying a portion of the unnamed alley pertaining to Street Vacation Request STV2019-003, also on today's agenda.

**RECOMMENDATION:**

Staff recommends approval of the attached ordinance.

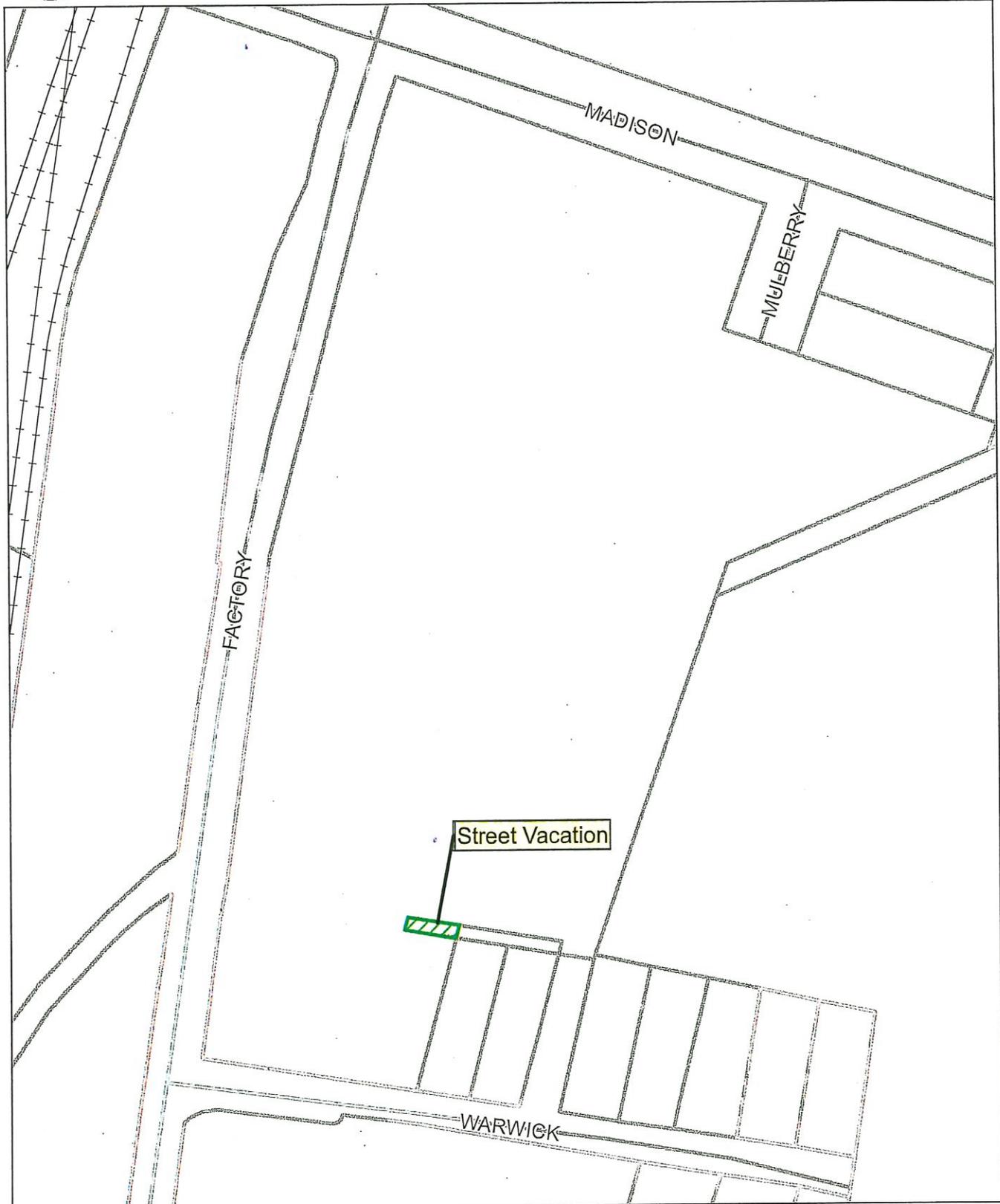
**ATTACHMENTS:**

Property Map  
Proposed Ordinance  
Exhibit A – Proposed Quitclaim Deed



# PROPERTY MAP

## STV2019-003



**ORDINANCE NUMBER** \_\_\_\_\_

**AN ORDINANCE TO AUTHORIZE A QUITCLAIM DEED BETWEEN THE CITY OF SUFFOLK AND BIRDSONG CORPORATION FOR A PORTION OF AN UNNAMED ALLEY PERTAINING TO STREET VACATION REQUEST STV2019-003**

WHEREAS, on March 18, 2020, the Council of the City of Suffolk, Virginia held a public hearing concerning Street Vacation Request STV2019-003 and approved the vacation of that portion of unnamed alley located north of Warwick Street and between Factory Street and Mulberry Street; and

WHEREAS, the applicant has requested that the City relinquish any rights it may have to said unnamed alley to the owner of the contiguous properties to the east and west by the execution of a quitclaim deed between the City of Suffolk and the Birdsong Corporation, said quitclaim deed attached hereto as Exhibit A; and,

WHEREAS, the City Council held a public hearing on March 18, 2020 to consider the request to execute a quitclaim deed in reference to the previously vacated right-of-way.

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

Section 1. The City Council hereby authorizes the execution of a quitclaim deed in substantially the same form as the attached, relinquishing whatever rights it may have to the previously vacated portion of the unnamed alley as referenced in Exhibit "A".

Section 2. The City Manager is authorized to execute the quitclaim deed and all necessary documents as evidence of the City's conveyance.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon its passage and shall not be published.

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_  
Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney

**Prepared by and Return to:**

J. Witt Harper, VSB#88898  
Saunders & Ojeda, P.C.  
705 West Washington St.  
Suffolk, VA 23434

**Tax Account Number: 354000338**

**The title insurance underwriter is unknown to the preparer.**

THIS QUITCLAIM DEED is made as of the \_\_\_\_ day of \_\_\_\_\_, 2020, by and between CITY OF SUFFOLK, VIRGINIA, Grantor, party of the first part; and BIRDSONG CORPORATION, a Virginia corporation, Grantee, whose mailing address is 612 Madison Avenue, Suffolk, VA 23434.

**DRAFT**

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged by the party of the first part, the said party of the first part does hereby quitclaim, release and convey unto Birdsong Corporation, a Virginia corporation, any and all right, title and interest it may possess in and to the following described real estate, to-wit:

That certain 40 foot by 10 foot western most portion of that alley running parallel to Warwick Street located within the property known in the City of Suffolk Assessor's office as Tax Parcel 34G29(2)\*A as shown on the attached "Exhibit A", a copy of the Deed and Plat references are recorded in the Clerk's Office of the Circuit Court of the City of Suffolk as instrument numbers 180007868, DB 628 page 599, and DB 9, page 153, reference to which is hereby made for a more accurate description of the said property.

This conveyance is made expressly subject to the restrictions, conditions, rights of ways and easements, if any contained in the instruments constituting the chain of title to the property conveyed herein, and to matters visible upon inspection.

WITNESS the following signature(s) and seal(s):

CITY OF SUFFOLK, VIRGINIA

BY: \_\_\_\_\_ (SEAL)  
CITY MANAGER

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

**DRAFT**

COMMONWEALTH OF VIRGINIA,  
CITY OF SUFFOLK, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the City and State aforesaid, do hereby certify that \_\_\_\_\_, City Manager, \_\_\_\_\_, City Attorney and \_\_\_\_\_, City Clerk, whose names are signed to the foregoing writing bearing date on the \_\_\_\_ day of \_\_\_\_\_, 2020, have acknowledged the same before me this \_\_\_\_ day of \_\_\_\_\_, 2020.

My commission expires \_\_\_\_\_.

Notary Registration # \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

[SEAL]

# **Ordinances**

# **Resolutions**

# **Staff Reports**

**A motion to schedule a City Council Work  
Session for Wednesday, April 1,  
2020, at 4:00 p.m., unless cancelled**

**AGENDA: March 18, 2020 Regular Session**

**ITEM: Motion** – A motion to schedule a public hearing on April 1, 2020, to consider the adoption of an ordinance authorizing the conveyance of certain real property known as Tax Map & Parcel 40A\*76

This property is a former water tank site used by the City. When the City acquired the property in 1999, the deed into the City contained a reverter clause, which stated that if the property ceased to be used for municipal purposes, title to the property would vest in the owner of the adjacent property owner. The City no longer has use of the property and wishes to convey it to the adjacent property owner.

**RECOMMENDATION:**

Approve the motion

## **Non-Agenda Speakers**

# **New Business**

## **Announcements and Comments**