

Director of Media and Community
Relations

SUFFOLK CITY COUNCIL
MEETING OF SEPTEMBER 16, 2015



WORK SESSION

Begins at 5:00 p.m.

REGULAR SESSION

Begins at 7:00 p.m.

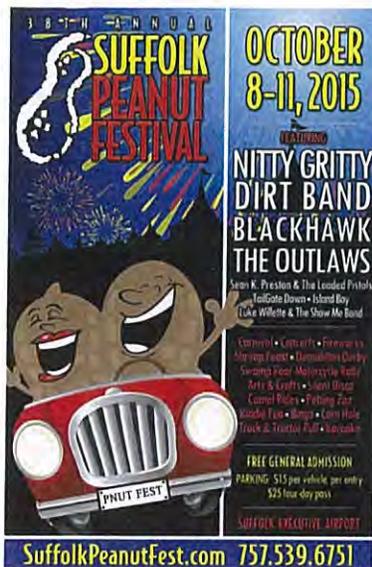
**SUFFOLK CITY COUNCIL
WORK SESSION
September 16, 2015
5:00 p.m.
City Council Chamber**

1. 38th Annual Suffolk Peanut Fest, October 8-11, 2015
- 2.* Appointments

* Proposed Items for Closed Session

AGENDA: September 16, 2015, Work Session

ITEM: 38th Annual Suffolk Peanut Fest, October 8-11, 2015



The 38th Annual Suffolk Peanut Fest is slated for October 8-11, 2015, at the Suffolk Executive Airport. The four day, family friendly festival features concerts, a full carnival, fireworks, a demolition derby, motorcycle rally, shrimp feast, arts and crafts, petting zoo, camel rides, a silent disco, truck & tractor pull and many other activities.

Concert headliners, The Nitty Gritty Dirt Band, features country rock legends who have been performing together for nearly 50 years. With multi-platinum and gold records, strings of top ten hits such as "Fishin' In The Dark" and "Mr. Bojangles," multiple Grammy, IBMA, CMA Awards and nominations, the band's accolades continue to accumulate.

Other acts showcased include multi-platinum country music band BlackHawk, one of the most successful country music groups of the mid 1990's. Their songs "Every Once In A While" and "Like There Ain't No Yesterday" hit #1 on the charts, along with their Top 10 singles "Goodbye Says It All," "I Sure Can Smell the Rain" and "That's Just About Right." The Festival will conclude with a performance by The Outlaws, southern rock legends whose hits include "There Goes Another Love Song," "Green Grass & High Tides," "Knoxville Girl" and "Freeborn Man."

Suffolk Peanut Fest general admission is free. Parking is \$15 per vehicle, per entry. Four-day passes are available for \$25.

The 2015 Suffolk Peanut Festival Chairman, Jim Bryant, will make a brief presentation.



**Boards and Commissions Vacancies
September 16, 2015**

BOARD OR COMMISSION	NAME	TERM EXPIRES	COMMENTS
Fine Arts Commission	Vacant	06-30-15	Vivian May resigned.
	Beatrice Reaves	06-30-15	No response. No attendance.
	John Taylor	06-30-15	Not interested in reappointment.
Historic Landmarks Commission	Edward Lee King	06-30-15	Interested in reappointment.
	Amy L. Elliott	06-30-15	Interested in reappointment.
Human Services Advisory Board	Vacant	06-30-15	Previous member not eligible for reappointment due to term limits.
	Vacant	06-30-15	Previous member not eligible for reappointment due to term limits.
Library Advisory Board	Sue Nichols	06-30-15	Interested in reappointment.
Local Board of Building Code Appeals	Randy Brock	06-30-13	
	Mitchell Wilcox	06-30-14	Interested in reappointment.
	Rebecca Habel	06-30-14	Not interested in reappointment.
Parks and Recreation Advisory Commission	Ira Steingold	06-30-15	Interested in reappointment.
Sister Cities Commission	Monette Robinson Harrell	06-30-15	



**Boards and Commissions Vacancies
September 16, 2015**

BOARD OR COMMISSION	NAME	TERM EXPIRES	COMMENTS
Suffolk Clean Community Commission	Susan P. Davis	06-30-15	Interested in reappointment.
	Oulaniece Saunders	06-30-15	Interested in reappointment.
	Arminta Rawls	06-30-15	Not interested in reappointment.
	W. Michael Lane	06-30-15	Interested in reappointment.
Suffolk Clean Community Commission Keep Suffolk Beautiful Executive Board	Hugh Cross	06-30-13	
Wetlands Board	Steven Barnum	12-31-14	Alternate. Interested in reappointment.
	David Thacker Joyner	12-31-14	Alternate. Interested in reappointment.



OFFICERS

PRESIDENT

WILLIAM D. EUJILE
ALEXANDRIA MAYOR

PRESIDENT-ELECT

RON RORDAM
BLACKSBURG MAYOR

VICE PRESIDENT

ROBERT K. COINER
GORDONSVILLE MAYOR

IMMEDIATE PAST PRESIDENT

DAVID P. HELMS
MARION MAYOR

EXECUTIVE DIRECTOR

KIMBERLY A. WINN

MAGAZINE

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FAX 804/343-3758

e-mail@vml.org

www.vml.org

TO: Clerks/Managers, Urban Section
FROM: Kimberly A. Winn, Executive Director
DATE: September 9, 2015
RE: Section Voting Procedures

The Urban Section of VML consists of those cities and counties that are regular members and have a population in excess of 35,000. The Urban Section will meet at 10:45 a.m. on Tuesday, October 6, at The Richmond Marriott during the VML Annual Conference. A chair and vice chair of the Urban Section will be elected at the beginning of this meeting. The chair serves as a member of the VML Executive Committee.

The Urban Section uses a weighted voting procedure for the election of the chair and vice chair, as explained below.

For the election procedure in the Urban Section meeting, each locality has one vote per 100,000 population rounded to the nearest 100,000. The vote is considered as the expression of the majority of the council or board of supervisors of the locality. Population is based this year on the 2014 estimates produced by the Weldon Cooper Center, as shown on the following page.

The operating procedures of the Urban Section require that each locality appoint an official delegate, delegate alternate and staff assistant. The official delegate is the voting representative of their locality at the Urban Section meeting. Please designate these officials on Attachment A, which should be returned by **September 21, 2015**.

The chief elective officer of your locality will be the voting member if Attachment A is not returned.

URBAN SECTION
VOTES PER MEMBER

<u>LOCALITY</u>	<u>POPULATION*</u>	<u>VOTES</u>
Alexandria	155,230	2
Arlington County	229,302	2
Charlottesville	47,783	1
Chesapeake	235,638	2
Danville	42,975	1
Hampton	138,545	1
Harrisonburg	52,612	1
James City County	71,140	1
Lynchburg	77,874	1
Manassas	41,830	1
Newport News	183,362	2
Norfolk	246,394	2
Portsmouth	96,802	1
Richmond	213,504	2
Roanoke	99,320	1
Suffolk	89,586	1
Virginia Beach	451,672	5
<hr/>		
TOTALS		27

*Weldon Cooper Center, *July 1, 2014 Estimates for Virginia and its Counties and Cities*

ATTACHMENT A

NOTE: This form is to be returned by localities with populations over 35,000. Please return to VML by September 21, 2015.

URBAN SECTION: DELEGATES, ALTERNATES AND STAFF ASSISTANTS

Locality: _____

Information Supplied by: Name _____

Title _____

Voting Delegate

Name _____

Title _____

Email: _____

Alternate Voting Delegate

Name _____

Title _____

Email: _____

Staff Assistant

Name _____

Title _____

Email: _____

Please return this form by 5:00 p.m. September 21, 2015 to:

Virginia Municipal League
P. O. Box 12164
Richmond, VA 23241
Or Fax: 804/343-3758

SUFFOLK CITY COUNCIL AGENDA
September 16, 2015
7:00 p.m.
City Council Chamber

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentations**
 - A. Fill the Boot Check Presentation to the Muscular Dystrophy Association
 - B. A proclamation regarding Fire Prevention Week
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 a Bulletproof Vest Partnership Grant from the U.S. Department of Justice
8. **Public Hearing** – An ordinance providing an initial authorization for the issuance and sale of Water and Sewer Revenue Bonds by the City of Suffolk, Virginia
9. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish an accessory dwelling unit, on property located at 8041 Carr Lane, Zoning Map 30, Parcel 7C; C09-15
10. **Public Hearing** – An ordinance vacating and abandoning a portion of the Mulberry Street right-of-way, otherwise specified as being that portion of Mulberry Street located between Jefferson Street and Madison Avenue, SV05-15
11. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk, Grantor and Birdsong Corporation, Grantee for a portion of Mulberry Street pertaining to Street Vacation Request SV05-15, that was vacated by the Council of the City of Suffolk, Virginia on September 16, 2015
12. **Ordinance** – An ordinance to grant relief from the ten (10) year post conveyance holding period for a parcel of land identified as Tax Map Parcel 78*26*3*1 created through a family transfer conveyance in accordance with Section 31-514 of the Unified Development Ordinance
13. **Ordinance** – An ordinance to amend Section 86-291 of the Code of the City of Suffolk restricting through truck traffic on Great Fork Road

14. **Resolutions**
15. **Staff Reports**
16. **Motion** – A motion to schedule a City Council Retreat for October 1 – 2, 2015
17. **Motion** – A motion to schedule a Work Session for October 7, 2015, at 4:00 p.m., unless cancelled
18. **Non-Agenda Speakers**
19. **New Business**
20. **Announcements and Comments**
21. **Adjournment**

Work Session of the Suffolk City Council was held in was held in the City Council Chamber, 442 West Washington Street, on Wednesday, September 2, 2015, 5:00 p.m.

PRESENT

Council Members -

Linda T. Johnson, Mayor, presiding

Leroy Bennett, Vice Mayor

Michael D. Duman

Roger W. Fawcett

Donald Z. Goldberg

Timothy J. Johnson

Curtis R. Milteer, Sr.

Lue R. Ward, Jr.

Patrick G. Roberts, Interim City Manager

Helivi L. Holland, City Attorney

Erika S. Dawley, City Clerk

ABSENT

None

INTRODUCTION OF HAMPTON ROADS PLANNING DISTRICT COMMISSION AND HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION EXECUTIVE DIRECTOR

Interim City Manager Roberts introduced Robert Crum, Jr., Executive Director, Hampton Roads Planning District Commission and Hampton Roads Transportation Planning Organization. Referring to the distributed handout, Mr. Crum provided an overview of the programs and services of the aforementioned agencies and House Bills 2 Prioritization Process Overview.

2015 TASTE OF SUFFOLK

Utilizing a PowerPoint presentation, Tourism Development Coordinator Theresa Earles and Parks and Recreation Special Events Coordinator Emily Upton gave a presentation on the above referenced item.

The Work Session adjourned at 5:16 p.m.

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

Approved: _____
Linda T. Johnson, Mayor

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, September 2, 2015, at 7:00 p.m.

PRESENT

Council Members -

Linda T. Johnson, Mayor, presiding

Leroy Bennett, Vice Mayor

Michael D. Duman

Roger W. Fawcett

Donald Z. Goldberg

Timothy J. Johnson

Curtis R. Milteer, Sr.

Lue R. Ward, Jr.

Patrick G. Roberts, Interim City Manager

Helivi L. Holland, City Attorney

Erika S. Dawley, City Clerk

ABSENT

None

CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Johnson called the meeting to order. Council Member Milteer offered the Invocation and the Pledge of Allegiance to the Flag.

APPROVAL OF THE MINUTES

Council Member Fawcett, on a motion seconded by Council Member Duman, moved to approve the minutes from the August 19, 2015, Work Session and Regular Meeting, as presented, by the following vote:

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

SPECIAL PRESENTATIONS

Special Presentation - Suffolk Relay for Life Golf Tournament

Police Chief Thomas Bennett offered brief remarks and introduced Heather Howell, Co-Chair, Suffolk Relay for Life and Chelsea Peoples, American Cancer Society. Ms. Howell and Ms. Peoples offered remarks. Police Chief Bennett and Mayor Johnson presented the above referenced check to Ms. Howell and Ms. Peoples.

REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ADOPTION OF THE AGENDA

Mayor Johnson asked if any members of City Council wished to remove any Consent Agenda items for separate action.

Hearing no additional requests for removal any of the items, Mayor Johnson advised that a motion was in order at this time to adopt the agenda as presented.

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

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

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 Walmart Community Grant for the City of Suffolk Sheriff Department

Consent Agenda Item #8 - An ordinance to accept and appropriate funds from the Commonwealth of Virginia Department of Aviation for the Suffolk Executive Airport Automated Weather Observing System inspections

Consent Agenda Item #9 - An ordinance to accept and appropriate funds from the Commonwealth of Virginia Department of Aviation for the Suffolk Executive Airport in support of weed control

Consent Agenda Item #10 - 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 #11 - An ordinance to accept and appropriate a Justice Assistance Grant from the United States Department of Justice in support of the Suffolk Police Department and Office of the Commonwealth's Attorney

Consent Agenda Item #12 - An ordinance to accept and appropriate funds from the Virginia Department of Motor Vehicles Highway Safety Grant Program for the Suffolk Police Department

Council Member Fawcett requested summaries of Consent Agenda Items #7, #10 and #11 - an ordinance to accept and appropriate funds from the Walmart Community Grant for the City of Suffolk Sheriff Department; an ordinance to accept and appropriate additional funds from the Virginia Department of Criminal Justice Services for the Fifth Judicial District Community Corrections Program; and an ordinance to accept and appropriate a Justice Assistance Grant from the United States Department of Justice in support of the Suffolk Police Department and Office of the Commonwealth’s Attorney.

Council Member Milteer called for a summary of Consent Agenda Item #9 - an ordinance to accept and appropriate funds from the Commonwealth of Virginia Department of Aviation for the Suffolk Executive Airport in support of weed control.

Council Member Duman solicited information on Consent Agenda Item #12 - an ordinance to accept and appropriate funds from the Virginia Department of Motor Vehicles Highway Safety Grant Program for the Suffolk Police Department.

Referring to Consent Agenda Items #7, #9, #10, #11 and #12, Interim City Manager Patrick Roberts submitted a summation of the background information as printed in the official agenda.

Referring to Consent Agenda Item #12, Mayor Johnson sought an explanation about occupant protection enforcement. Interim City Manager Roberts stated the language refers to seatbelts.

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

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

PUBLIC HEARINGS

There were no items under this portion of the agenda.

ORDINANCES

Ordinance – An ordinance to amend the approved proffered condition pertaining to the exterior architectural design and building material used for construction of the proposed Bon Secours Cancer Center located at 5818 Harbour View Boulevard, Zoning Map 13, Parcel 2F; RZ03A-10

Utilizing a PowerPoint presentation, Acting Planning and Community Development Director Robert Goumas offered a summation of the background information as printed in the official agenda.

Council Member Ward, on a motion seconded by Council Member Milteer, moved to approve the ordinance, as presented, by the following vote:

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

AN ORDINANCE TO AMEND THE APPROVED PROFFERED CONDITION PERTAINING TO THE EXTERIOR ARCHITECTURAL DESIGN AND BUILDING MATERIAL USED FOR CONSTRUCTION OF THE PROPOSED BON SECOURS CANCER CENTER LOCATED AT 5818 HARBOUR VIEW BOULEVARD, ZONING MAP 13, PARCEL 2F; RZ03A-10

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 public hearing for the September 16, 2015, City Council meeting, regarding authorizing the issuance and sale of Water and Sewer Revenue and Refunding Bonds, Series 2015

Council Member Fawcett, on motion seconded by Council Member Duman, moved to schedule a public hearing for the September 16, 2015, City Council meeting, regarding authorizing the issuance and sale of Water and Sewer Revenue and Refunding Bonds, Series 2015, by the following vote:

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

Motion – A motion to schedule a Work Session for September 16, 2015, at 4:00 p.m., unless cancelled

Council Member Fawcett, on motion seconded by Vice Mayor Bennett, moved to schedule a Work Session for September 16, 2015, at 4:00 p.m. unless cancelled, by the following vote:

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

NON-AGENDA SPEAKERS

John Moore, 4165 Pruden Boulevard, was not present when called.

NEW BUSINESS

Mayor Johnson asked Human Resources Director Nancy Olivo to give a status report on the City Manager search. Human Resources Director Olivo advised City Council that the position has been advertised and will close on September 10th. She added that once the advertisement period has ended, the Human Resources Department will make the applications and resumes available for review by the two City Council members designated to act as subcommittee for the body. She concluded that the next step would be to schedule and conduct interviews.

Referring to the presentation, Mayor Johnson opined about the process for all members of City Council to review the applications and resumes. Human Resources Director Olivo stated that any member of City Council that would like to review this information can contact her, and she will make the material available for review.

Referring to the presentation, Council Member Duman queried about the process to determine which candidates are qualified for consideration. Human Resources Director Olivo explained that all of the applications and resumes will be available for review. She added that there will be two categories – those applicants who meet the qualifications as outlined in the advertisement and those applicants who do not meet the qualifications.

Referring to the presentation, Council Member Duman requested an explanation of the feasibility of any other members of City Council participating in the initial interviews with the two City Council members designated to act as the subcommittee for the body. City Attorney Holland advised that the State Code only permits the two City Council members designated to act as the subcommittee for the body to convene on this matter. She added that if three or more members of City Council were to convene on this matter, it would constitute a meeting as defined by the State Code. She concluded that would also include any communication via electronic mail on this matter.

Referring to the presentation, Council Member Duman asked about the feasibility of a member of City Council outside of the subcommittee to recommend an individual for consideration. City Attorney Holland stated that in this instance, City Council could have a closed meeting to address this matter.

Referring to the presentation, Council Member Fawcett inquired about the ability of a member of City Council to recommend an individual for consideration without having a Closed Meeting. City Attorney Holland indicated that under that scenario, an individual member of City Council could contact Human Resources Director Olivo to recommend an individual for consideration.

Referring to the presentation, Council Member Ward called for the closing date for applications. Human Resources Director Olivo said the closing date for applications is September 10th.

Referring to the presentation, Council Member Ward asked if all the members of City Council will be able to ask the applicants questions.

Referring to the presentation, Council Member Johnson sought information about the timeline for the entire process. Human Resources Director Olivo said the time frame would depend on the number of applications and the availability of the applicants for interviews. She added that if all goes well, an individual could be in place by November.

Referring to the presentation, Council Member Ward sought clarification on the number of views on the City's online advertisement. Human Resources Director Olivo said that 362 people viewed the City's online advertisement.

Council Member Ward asked whether it is possible to see who viewed the City's online advertisement. Human Resources Director Olivo replied that not everyone who viewed the City's online advertisement applied for the position.

ANNOUNCEMENTS AND COMMENTS

Utilizing PowerPoint presentation, Media and Community Relations Manager Tim Kelley reported on the following: the National Night Out Community Awards; John Gray, Suffolk Fire and Rescue Department, 2nd Place Winner, Road Bike Time Trial Competition at the Fairfax 2015 World Police and Fire Games; Suffolk Fire and Rescue Department Awards and Recognition Ceremony; the observance of National Library Card Sign-up Month; the Taste of Suffolk; the R(e)cycling Drive and Tire Amnesty Day; the Suffolk Humane Society adopt-a-thons; the City's observance of the Labor Day holiday; and the City's severe weather tips and updates webpage.

Council Member Johnson advised he attended the following: the Suffolk Public School's New Teacher Breakfast, the Suffolk Public School's Convocation and the Holy Neck and Holland Ruritan Clubs Beach Music Night.

Council Member Johnson extended his condolences to Roy Waller, Commissioner, Suffolk Redevelopment and Housing Authority, on the passing of his wife.

Council Member Milteer reported he attend the Suffolk Public School's New Teacher Breakfast.

Council Member Milteer advised that the grass was high in the cemetery near the City's Human Resources Building.

Council Member Fawcett advised he attended the Suffolk Public School's New Teacher Breakfast

Council Member Fawcett congratulated the National Night Out Community Awards winners and John Gray, Suffolk Fire and Rescue Department, 2nd Place Winner, Road Bike Time Trial Competition at the Fairfax 2015 World Police and Fire Games.

Council Member Fawcett reported he attended the Suffolk Fire and Rescue Department Awards and Recognition Ceremony.

Council Member Fawcett encouraged residents to participate in the upcoming R(e)cycling Drive and Tire Amnesty Day.

Council Member Fawcett advised he attended the Suffolk Public School's Convocation.

Council Member Fawcett thanked City Administration for its assistance with constituent issues.

Council Member Goldberg acknowledged the residents of Jericho on their recent Community Day Celebration.

Council Member Goldberg thanked City Administration for its assistance with constituent issues.

Council Member Ward reported he attended the Suffolk Public School's New Teacher Breakfast and the Suffolk Fire and Rescue Department Awards and Recognition Ceremony.

Council Member Duman advised he attended the Suffolk Public School's New Teacher Breakfast, the National Night Out Community Awards and the Suffolk Fire and Rescue Department Awards and Recognition Ceremony.

Council Member Duman thanked City Administration for its assistance with constituent issues.

Council Member Duman opined about the Suffolk Public School's Convocation.

Vice Mayor Bennett reported he attended the Suffolk Fire and Rescue Department Awards and Recognition Ceremony.

Vice Mayor Bennett extended his condolences to Roy Waller, Commissioner, Suffolk Redevelopment and Housing Authority, on the passing of his wife.

Vice Mayor Bennett thanked City Administration for its assistance with constituent issues.

Vice Mayor Bennett advised he attended the Suffolk Public School's New Teacher Breakfast.

Vice Mayor Bennett encouraged residents to attend the upcoming the Genieve Shelter 5K Run/Walk.

Council Member Fawcett thanked Public Utilities Director Albert Moor for his assistance.

Mayor Johnson thanked City Administration for its assistance with constituent issues.

Mayor Johnson reported she attended the Suffolk Fire and Rescue Department Awards and Recognition Ceremony and the Suffolk Public School's Convocation.

Mayor Johnson opined about the observance of National Library Card Sign-up Month and groundbreaking for the new Bon Secours Cancer Center.

Mayor Johnson encouraged residents to participate in the following: the Taste of Suffolk; R(e)cycling Drive and Tire Amnesty Day; the Genieve Shelter 5K Run/Walk; and the Walk to End Alzheimer's.

Mayor Johnson opined about the recent shooting of two reporters at Smith Mountain Lake.

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

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

There being no further business to come before City Council, the regular meeting was adjourned at 7:59 p.m.

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

Approved: _____
Linda T. Johnson, Mayor

AGENDA: September 16, 2015, Regular Session

ITEM: Special Presentation – Fill the Boot Check Presentation to the Muscular Dystrophy Association

Chief Cedric Scott will present a check from the Suffolk Fire & Rescue Fill the Boot Campaign to Andrea Shaver, Executive Director of the Central & Southeastern Virginia Muscular Dystrophy Association. Chief Scott and Ms. Shaver will make a few brief comments, and the Mayor will join Chief Scott and Ms. Shaver for a photo.

AGENDA: September 16, 2015, Regular Session

ITEM: Special Presentation – A proclamation regarding Fire Prevention Week

Mayor Johnson will present Suffolk Fire & Rescue Chief Cedric Scott with a proclamation regarding Fire Prevention Week. Fire Prevention Week was established to commemorate the Great Chicago Fire, the tragic 1871 conflagration that killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures and burned more than 2,000 acres. The fire began on October 8th; however, it continued into and did most of the damage on October 9, 1871. Since 1922, Fire Prevention Week has been observed on the Sunday through Saturday period during which October 9th falls.

In addition, every year, there is a National Theme Selected: The 2015 theme is “Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!”

Following the presentation, Chief Scott will make a few brief comments. Firefighters will also be in attendance at the meeting.

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

Agenda Speakers

AGENDA: September 16, 2015, Regular Session

ITEM: Consent Agenda - An ordinance to accept and appropriate a Bulletproof Vest Partnership Grant from the U.S. Department of Justice

The City has received a \$8,238.48 Bulletproof Vest Partnership Grant from the U.S. Department of Justice in support of officer safety. The funding will be used to purchase bulletproof vests for Suffolk police officers.

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 2015-16.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund by \$8,238.48 for the above noted purpose and requires \$8,238.48 in local fund support which is available in the FY 16 Police Department Operating Budget.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Award Notification

ORDINANCE NUMBER _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE A BULLETPROOF VEST PARTNERSHIP GRANT FROM THE U.S. DEPARTMENT OF JUSTICE

WHEREAS, the City has received funds in the amount of \$8,238.48 from the U.S. Department of Justice Bulletproof Vest Partnership Grant Program in support of police officer safety; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2015-16 to assist in the purchase of new bulletproof vests for Suffolk police officers.

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

1. The sum of \$8,238.48 shall be reflected as budget in the following accounts in the Fiscal Year 2015-16 Consolidated Grants Fund budget:

Revenue

211-31100-1625-433010	BulletProofVest FDOJ BVP15; 8/17	<u>\$8,238.48</u>
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Expenditure

211-31100-1625-56011	BulletProofVest FDOJ BVP15 8/17 Uniform and Wearing Apparel	<u>\$8,238.48</u>
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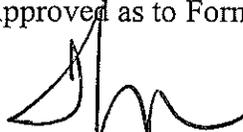
2. The fund amount totaling \$8,238.48 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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

Dear BVP applicant,

The Bureau of Justice Assistance (BJA) is pleased to inform you that your agency will receive an award under the Fiscal Year (FY) 2015 Bulletproof Vest Partnership (BVP) solicitation. These funds have been posted to your account in the BVP System. A complete list of FY 2015 BVP awards is available at: <http://www.ojp.usdoj.gov/bvpbasi/>.

The FY 2015 award may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered after April 1, 2015. The deadline to request payments from the FY 2015 award is August 31, 2017, or until all available funds have been requested. Awards will not be extended past that date, and any unused funds will be forfeited.

Please see the following websites for a list of NIJ compliant vests:
Ballistic Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-ballistic-armor.htm>

Stab Resistant Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-stab-armor.htm>

As a reminder, all jurisdictions that applied for FY 2015 BVP funding certified that a mandatory wear policy was in place for their jurisdiction. BJA will be conducting reviews of the mandatory wear policies as funds are requested from the BVP System. For more information on the BVP mandatory wear policy, please see the BVP Frequently Asked Questions document:

<http://www.ojp.usdoj.gov/bvpbasi/docs/FAQsBVPMandatoryWearPolicy.pdf>

Finally, please visit the following page for checklists and guides for each step of the BVP process: <http://ojp.gov/bvpbasi/bvpprogramresources.htm>

For questions regarding the BVP Program or your award, please do not hesitate to contact the BVP Help Desk at vests@usdoj.gov or 1-877-758-3787.

Thank you

BVP Program Support Team

Application Profile

Participant	SUFFOLK CITY
Fiscal Year	2015
Number of Agencies Applied	0
Total Number of Officers for Application	179
Number of Officers on Approved Sub-Applications	179
<u>Unspent BVP Funds Remaining</u>	\$1,090.69
<u>Unspent BVP Funds Obligated</u> for Vest Purchases	\$1,090.69

Sub-Application Profile

Fiscal Year	2015
<u>Vest Replacement Cycle</u>	5
Number of Officers	179
Zylon	
<u>Emergency Replacement</u>	0
<u>Replacement Stolen or</u>	
<u>Needs Damaged</u>	0
Officer Turnover	10

Application Details

Date Submitted to BVP:	04/28/15
Application Status:	Approved by BVP

Application Summary for FY2014 Regular Fund

Applicant	Quantity	Total Cost	Date Submitted	Status
SUFFOLK CITY	25	\$16,875.00	0428//15	Approved by BVP View Details
Grand Totals:	25	\$16.875.00		

Award Summary for FY2014 Regular Fund

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$16,875.00	\$8,238.48	08/11/15	Approved by BVP
Grand Totals:	\$16,875.00	\$8,328.48		

AGENDA: September 16, 2015, Regular Session

ITEM: Public Hearing – An ordinance providing an initial authorization for the issuance and sale of Water and Sewer Revenue Bonds by the City of Suffolk, Virginia

Attached for Council's consideration is an ordinance to provide initial 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 \$24,900,000.

This public hearing was properly advertised on September 3, 2015 and September 10, 2015.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Public Hearing Notice

ORDINANCE NUMBER _____

AN ORDINANCE PROVIDING AN INITIAL AUTHORIZATION FOR THE ISSUANCE AND SALE OF WATER AND SEWER REVENUE BONDS BY THE CITY OF SUFFOLK, VIRGINIA

WHEREAS, the City Council (the "Council") of the City of Suffolk, Virginia (the "City"), has determined that it is necessary and advisable to issue and sell bonds of the City in the maximum aggregate principal amount of \$24,900,000 (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 (the "Projects") 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 New Money Bonds and (iii) finance the costs of issuance of the New Money Bonds;

WHEREAS, a public hearing on the issuance of the New Money Bonds has been held 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 achieve debt service savings and restructure existing debt service obligations on the City's outstanding bonds that were issued to finance the costs of water and sewer system projects (collectively, the "Prior Bonds"), the Council has determined that it is necessary and advisable to issue and sell bonds of the City (the "Refunding Bonds" and together with the New Money Bonds, the "Bonds") in order to restructure, refund, redeem, or defease, as applicable, certain of the Prior Bonds and to pay the issuance costs of the Refunding Bonds; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE 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 (i) to contract a debt and to issue and sell the New Money Bonds in an aggregate principal amount not to exceed \$24,900,000 and (ii) to contract a debt and to issue and sell the Refunding Bonds. The issuance and sale of the Bonds is hereby authorized on the terms and conditions set forth herein, 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 Bonds shall be used for the purposes described in the Recitals. 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"). The Bonds shall be sold to the Virginia Resources Authority or to the public as may be determined in a subsequent ordinance. For purposes of issuance, any of the Bonds may be aggregated with other bonds with the same security that have been or may be authorized by Council, with such appropriate designation as the City Representative may determine.

2. Ratification of Certain Actions. The Council hereby ratifies and approves of the actions taken to date to prepare for the issuance of the Bonds including the submission of an application to Virginia Resources Authority and the submission of information to the rating agencies.

3. Final Authorization Required Before Bonds Can be Issued. No Bonds shall be issued until the Council adopts a subsequent ordinance approving of and setting forth the details of the Bonds. Such final authorization shall include, among other things, a method of sale, the parameters for the New Money Bonds, the parameters for the refunding of the Prior Bonds, the form of the Bonds, and the payment terms of the Bonds.

4. Further Actions; Authorization of City Representative. The City Representative and such officers and agents of the City as the City Representative may designate, are hereby authorized to take such action as the City Representative may consider necessary or desirable in connection with the preparation for the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed. The authorizations granted in this Ordinance to the City Representative may be carried out by the Interim or Acting City Manager, in the absence of the primary officer.

5. 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.

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

READ AND PASSED: _____, 2015

TESTE: _____
Erika S. Dawley, City Clerk

[SEAL]

Approved as to Form:



Helivi L. Holland, City Attorney

**NOTICE OF PUBLIC HEARING
ON THE PROPOSED ISSUANCE OF
WATER AND SEWER SYSTEM REVENUE AND REFUNDING 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 the estimated maximum amount of \$24,900,000 (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 initial ordinance authorizing the issuance of the Bonds and bonds to refund certain other bonds of the City that were issued to fund water and sewer system projects will be considered by the City Council at its meeting on Wednesday, September 16, 2015, 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, September 16, 2015**, 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, Interim City Manager, at (757) 514-4012.

[PUBLISH ON SEPTEMBER 3, 2015 AND SEPTEMBER 10, 2015]

AGENDA: September 16, 2015, Regular Session

ITEM: Public Hearing – An ordinance to grant a Conditional Use Permit to establish an accessory dwelling unit, on property located at 8041 Carr Lane, Zoning Map 30, Parcel 7C; C09-15

Attached for your consideration is information pertaining to Conditional Use Permit Request C09-15, submitted by Travis Caron, applicant(s) and property owner(s), in accordance with Section(s) 31-306, 31-406, and 31-706 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish an accessory dwelling unit, on property located at 8041 Carr Lane, Zoning Map 30, Parcel 7C. The affected area is further identified as being located in the Holy Neck Voting Borough, zoned A, Agricultural zoning district. The 2035 Comprehensive Plan designates this area as a part of Rural Agricultural Use District.

The Planning Commission, at their meeting of August 18, 2015, voted 8 to 0 to approve a resolution, recommending **approval** of this request with conditions.

ATTACHMENTS:

- Staff Report
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Zoning/Land Use Map
- Exhibit C – Site Plan

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request C09-15, submitted by Travis Caron, applicant and property owner, in accordance with Section(s) 31-306, 31-406, and 31-706 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish an accessory dwelling.

APPLICANT: Submitted by Travis Caron, applicant and property owner.

LOCATION: The affected property is located at 8041 Carr Lane and is further identified as Zoning Map 30*7C.

PRESENT ZONING: A, Agricultural District

EXISTING LAND USE: 0.84 acre site that contains an existing one story structure consisting of 1,900 square feet of area.

PROPOSED LAND USE: Proposing to construct a 576 square foot detached two story garage which will contain a 288 square foot accessory dwelling unit.

SURROUNDING LAND USES:

North – Undeveloped land, zoned A

South – Undeveloped land, zoned A

East – Undeveloped land, zoned A

West – Undeveloped land and a single family home, zoned A

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan identifies this property as being located within the Rural Agricultural Conservation development district.

CHESAPEAKE BAY PRESERVATION AREA DESIGNATION: The property is located outside of the City's Chesapeake Bay Preservation Area Overlay District.

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.

STAFF ANALYSIS

ISSUE

The applicant is requesting a conditional use permit to establish an accessory dwelling unit on this site. Currently there is a one story, 1,900 square foot single family home located on the property where the Caron's reside. They are now requesting to build a 576 square foot two story detached garage that will contain a 288 square foot living unit to be utilized as an accessory dwelling unit.

The health department has confirmed that this existing system will accommodate the use of the living space within the detached garage.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for an accessory dwelling unit within the A, Agricultural Zoning District.
2. Supplemental use standards are established in the UDO for detached accessory dwelling units as follows:

a) The detached accessory dwelling unit shall comply with the minimum yard and intensity of use regulations as set forth in Section 31-407 of this ordinance.

The accessory dwelling unit complies with the required setbacks for the A district. (50'-front, 20'-side, and 30'-rear)

b) The detached accessory dwelling unit shall be connected to the primary structure's central sewer or septic system provided, however, that a separate septic system may be utilized where:

a. The lot contains not less than four (4) acres of land area; and

b. The detached accessory dwelling unit is separated from the principal structure by not less than one hundred (100) feet.

This proposed accessory dwelling unit will utilize the same septic system as the primary house. The lot is a total of 0.84 acres and the accessory dwelling unit will be located approximately 80 feet away from the primary structure. The Virginia Department of Health has certified that the existing septic system can accommodate and treat the additional flows generated by both the existing single family home and the proposed accessory dwelling unit.

c) Only one (1) accessory dwelling unit shall be permitted per lot, unless the lot is at least ten (10) acres in which case two (2) accessory units may be permitted.

The applicant is only proposing one accessory dwelling unit.

d) Required parking for the detached accessory dwelling unit shall be located on the property of the principal structure. One (1) additional off-street parking space shall be required in addition to that required for the principal dwelling unit. For lots of less than five (5) acres, the parking shall be located to the rear of the principle dwelling unit.

There is sufficient room on the property to provide additional parking for the proposed accessory dwelling unit.

e) The apartment shall not be offered to the general public for rental purposes.

The applicants have stated in their application that this dwelling unit will not be offered for rental to the general public.

f) The conditional use permit shall be reviewed for compliance by the Zoning Administrator on an annual basis.

The Zoning Administrator will review this site on an annual basis for compliance.

3. The current structure is served by a private well and septic system. This existing septic system and well will also service the accessory dwelling unit. The Virginia Department of Health has certified that the septic system can accommodate and treat the additional flows which will be generated by the proposed accessory dwelling unit and the existing single family home located on the property.
4. The current structure is located on the southeast corner of Carr Lane and Kingsdale Road. The property is accessed by an existing 20-foot wide driveway which has access to Carr Lane.
5. The applicants will be required to address any issues regarding occupancy of the dwelling unit pertaining to the Building Code with the Division of Community Development.
6. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

Conditional Use Permit Approval Criteria (31-306(c)) - As may be specified within each zoning district, uses permitted subject to conditional use review criteria shall be permitted only after review by the Planning Commission and approval by the City Council and only if the applicant demonstrates that:

a) The proposed conditional use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 6 of the ordinance and any applicable supplemental use standards as set forth in Article 7 of the Ordinance.

The proposed use of an accessory dwelling unit is a listed conditional use in the A zoning district per the City's Unified Development Ordinance. Supplemental use standards are established in the UDO in section 31-701 and have been met by this application.

b) The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or

modified shall have no more adverse effects on health, safety or comfort of persons living or working in or driving through the neighborhood, or shall be no more injurious to property or improvements in the neighborhood, than would any other use generally permitted in the same district. In making such a determination, consideration should be given to the location, type and height of buildings or structures, the type and extent of landscaping and screening on the site and whether the proposed use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities.

The proposed accessory dwelling unit will conform to the character of the neighborhood as required by the supplemental use standards established by the UDO. The lot has adequate size to accommodate the living unit. This accessory dwelling unit will not be allowed to be rented out to the general public. This use will not be adverse to persons living or working in or driving through the neighborhood.

- c) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.*

The request for the accessory dwelling unit has been reviewed by the City's Traffic Engineering Department who expressed no concerns regarding parking or traffic for the proposed use and location. The accessory dwelling unit shall not cause any additional traffic congestion off of Carr Lane.

- d) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.*

The proposed use is for an accessory dwelling unit and should not produce excess vibration, noise, odor, dust, smoke or gas. It is not anticipated that there will be any use attached with their activity which would impact the surrounding community.

- e) The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.*

The property is located within a rural area of the City. The surrounding properties are located within a similar zoning district which contains few single family homes. The use of the existing accessory structure as an accessory dwelling unit should not diminish or impair the property values within this area.

- f) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.*

The use of this property for the purposes of an accessory dwelling unit should not impede the orderly development and improvement of surrounding properties.

- g) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort or general*

welfare.

The use of an accessory dwelling unit should not be a detriment or endangerment to the public.

- h) The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.*

The public interest and welfare should not be compromised by the proposed use of this accessory dwelling unit.

RECOMMENDATION

It is staff's opinion that the site in question is appropriate for the proposed use and given the size of the existing lot and the size of the dwelling unit, the use will not adversely impact the surrounding neighborhood. Therefore, staff recommends **approval** of Conditional Use Permit request C09-15 with the following conditions.

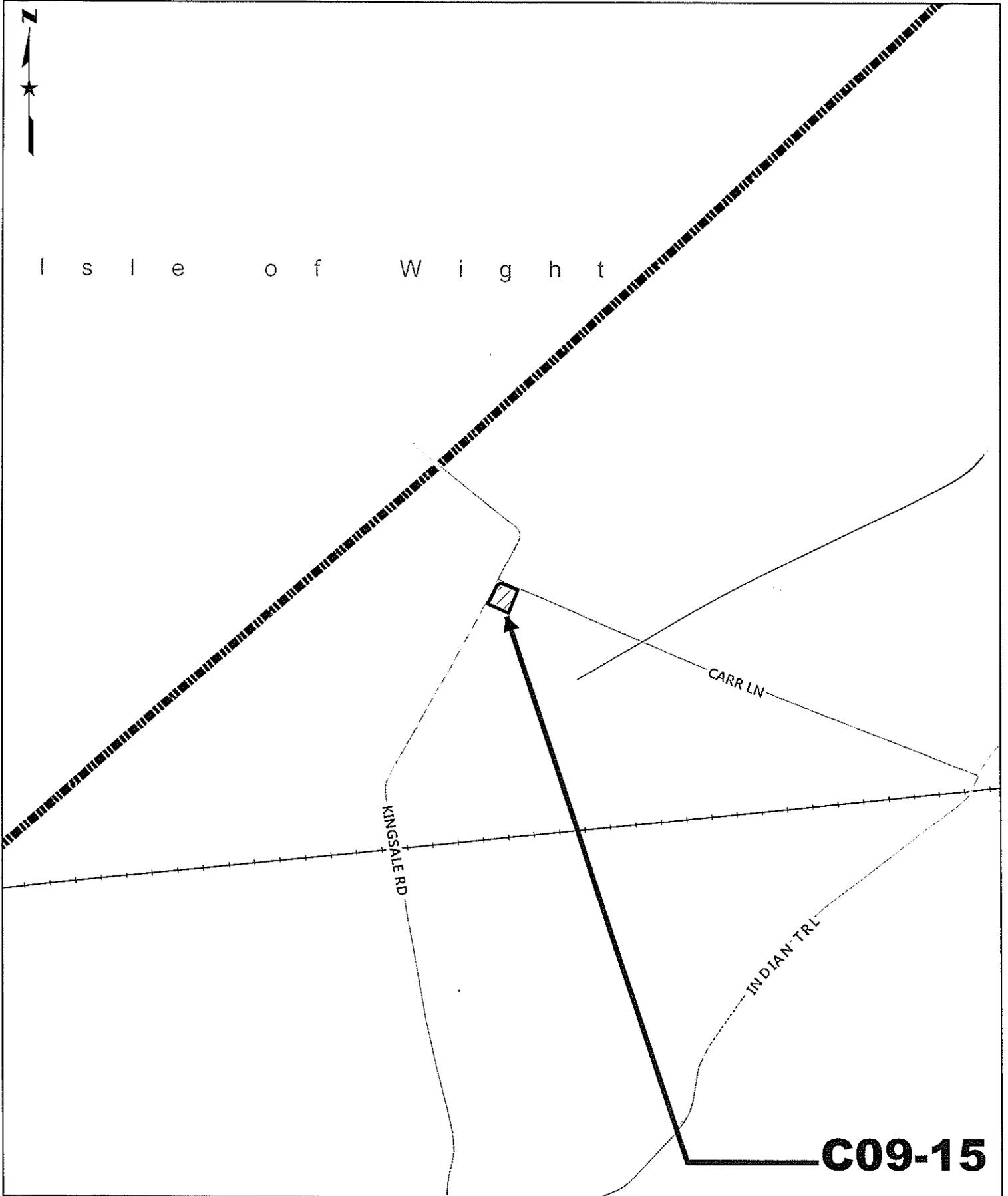
1. This permit grants the establishment of a 288 square-foot detached accessory dwelling unit as defined in the Unified Development Ordinance, the location of which is as shown on Exhibit C, on property identified as 8041 Carr Lane, Zoning Map 30, Parcel 7C, as shown on Exhibit B.
2. This conditional use permit shall be reviewed for compliance by the Zoning Administrator on an annual basis.
3. The accessory dwelling unit shall be connected to the primary structure's septic system, prior to the issuance of a Certificate of Occupancy.
4. The applicant will be required to address any issues regarding occupancy of the space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development.

The Planning Commission, at their meeting of August 18, 2015, voted 8 to 0 to approve a resolution, recommending **approval** of this request with conditions.

Attachments

- Proposed Ordinance
- Exhibit A – Planning Commission recommendation
- Exhibit B – Zoning/Land Use Map
- Exhibit C – Site Plan

General Location Map



ORDINANCE NUMBER _____

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH AN ACCESSORY DWELLING UNIT ON PROPERTY LOCATED AT 8041 CARR LANE, ZONING MAP 30, PARCEL 7C; C09-15

WHEREAS, Travis Caron, applicant and property owner, has requested a conditional use permit for an accessory dwelling unit on a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 30, Parcel 7C, which land is depicted on Exhibit "B"; and,

WHEREAS, the procedural requirements of Article 3, Section 31-306 of the Code of the City of Suffolk, Virginia, 1998 (as amended), have been followed; and,

WHEREAS, in acting upon this request, the Planning Commission and City Council have considered the matters enunciated in Section 15.2-2284 of the Code of Virginia (1950), as amended, and Article 1, Section 31-102 and Article 3, Section 31-306(c)(1 through 8) of the Code of the City of Suffolk, 1998 (as amended), with respect to the purposes stated in the Code of Virginia (1950), as amended, Sections 15.2-2200 and 15.2-2283; and,

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

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

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation", Exhibit "B", "Zoning/Land Use Map", and Exhibit "C", "Site Plan", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

Council finds that the proposal for a conditional use permit, as submitted or modified with conditions herein, the expressed purpose of which is to establish an accessory dwelling unit that is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities with the conditions set forth below.

These findings are based upon the consideration for the existing use and character of property, the Comprehensive Plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the City.

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of an accessory dwelling unit is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

The conditional use permit for the Property be, and it is hereby, approved for the Property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The conditional use permit specifically permits an accessory dwelling unit in compliance with Exhibit "C" (the "Site Plan"), and Sections 31-306, 31-406, and 31-701 of the Code of the City of Suffolk.

Conditions

1. This permit grants the establishment of a 288 square-foot detached accessory dwelling unit as defined in the Unified Development Ordinance, the location of which is as shown on Exhibit C, on property identified as 8041 Carr Lane, Zoning Map 30, Parcel 7C, as shown on Exhibit B.
2. This conditional use permit shall be reviewed for compliance by the Zoning Administrator on an annual basis.
3. The accessory dwelling unit shall be connected to the primary structure's septic system, prior to the issuance of a Certificate of Occupancy.
4. The applicant will be required to address any issues regarding occupancy of the space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development.

Section 4. General Conditions.

- (a) The conditional use permit may be revoked by City Council upon failure to comply with any of the conditions contained herein, after ten days written notice to Travis Caron, applicant and property owner, or his successors in interest, and a hearing at which such persons shall have the opportunity to be heard.
- (b) To the extent applicable, the requirements set forth in Section 31-306 of the Code of the City of Suffolk, Virginia shall be met.
- (c) The commencement of the use described in Section 3 of this ordinance shall be

deemed acceptance by Travis Caron, applicant and property owner, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

It is the intention of the City Council that the provisions, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section and provision of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination.

Section 6. Recordation.

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

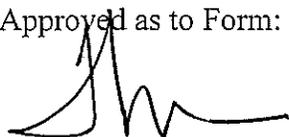
Section 7. Effective Date.

This ordinance shall be effective upon passage and shall not be published or codified. The conditional use authorized by this permit shall be implemented within two (2) years from the date of approval by the City Council and shall terminate if not initiated within that time period.

READ AND PASSED: _____

TESTE: _____
Erika Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT
C09-15
TO ESTABLISH AN ACCESSORY DWELLING UNIT ON PROPERTY LOCATED AT
8041 CARR LANE, ZONING MAP 30, PARCEL 7C**

WHEREAS, Travis Caron, applicant and property owner, has requested the issuance of a conditional use permit for a certain tract of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and

WHEREAS, the specific request is to permit an accessory dwelling unit in accordance with Sections 31-306, 31-406, and 31-701 of the Unified Development Ordinance.

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

Section 1. Findings.

The Suffolk Planning Commission finds that the proposal for a conditional use permit, as submitted or modified herein:

- a. Will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood,
- b. Will have more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood,
- c. Will be no more injurious to property or improvements in the neighborhood, or
- d. Will be more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities.

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, C09-15, be:

- a. Granted as submitted, and that the City Council adopt the proposed Ordinance without modification.
- b. Denied, and that Council not adopt the proposed Ordinance.

X c. Granted with the modifications set forth on the attached listing of specific recommendations, and that Council adopt the proposed Ordinance with such modifications.

READ AND ADOPTED: August 18, 2015

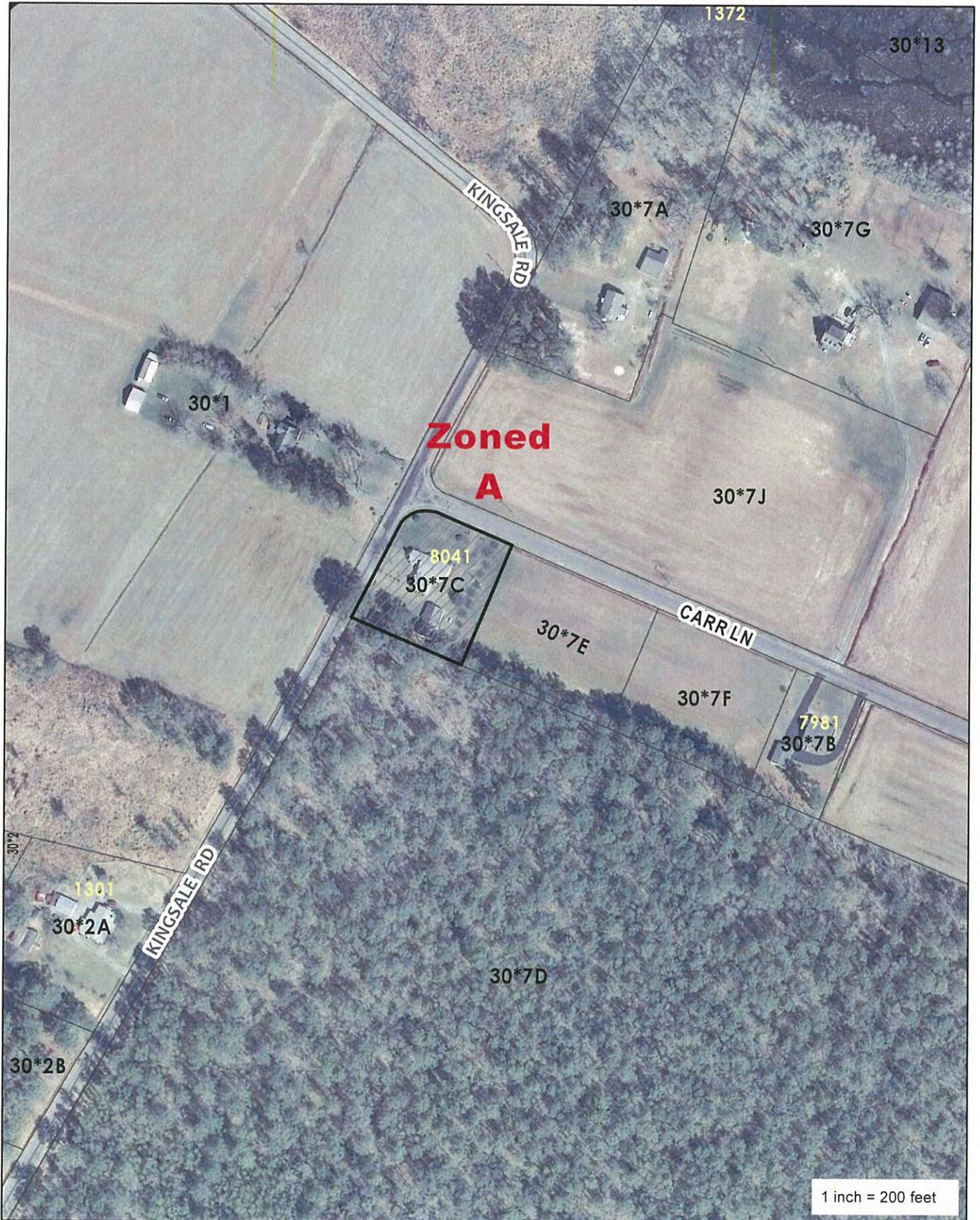
TESTE: [Signature]

**CONDITIONAL USE PERMIT
C09-15**

CONDITIONS

1. This permit grants the establishment of a 288 square-foot detached accessory dwelling unit as defined in the Unified Development Ordinance, the location of which is as shown on Exhibit C, on property identified as 8041 Carr Lane, Zoning Map 30, Parcel 7C, as shown on Exhibit B.
2. This conditional use permit shall be reviewed for compliance by the Zoning Administrator on an annual basis.
3. The accessory dwelling unit shall be connected to the primary structure's septic system, prior to the issuance of a Certificate of Occupancy.
4. The applicant will be required to address any issues regarding occupancy of the space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development.

C09-15 ZONING / LAND USE MAP



Proposed
24' x 24'
Accessory
Dwelling
Structure

C. CARR & JULIA J. CARR

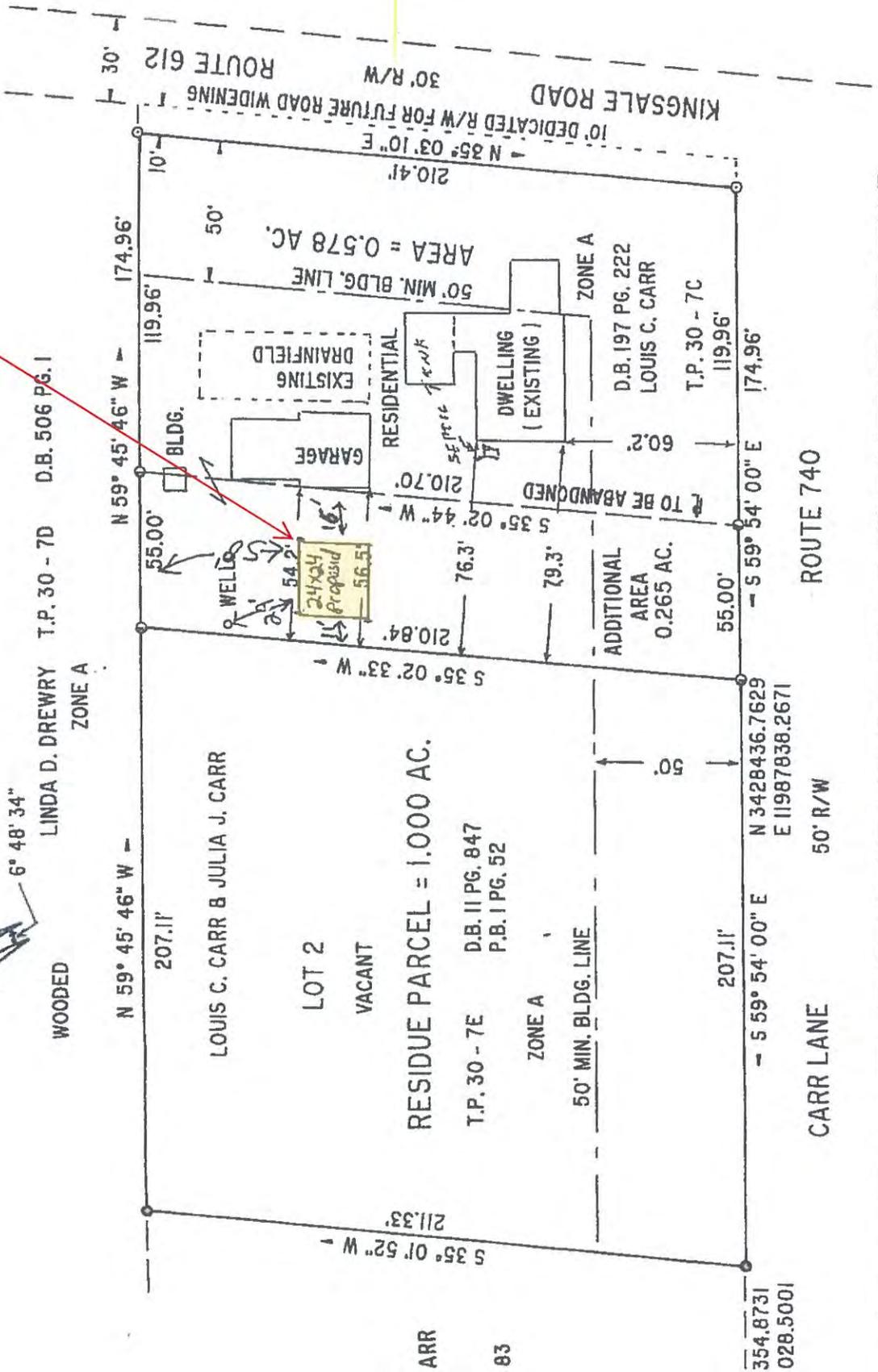
C. CARR

ROUTE 612

NOTES

1. HORIZONTAL MERIDIAN IS REFERENCED TO P.B. 1 PG. 52
2. COORDINATE VALUES AND GRID BEARING ARE REFERENCED TO THE CITY OF SUFFOLK GEODETIC CONTROL NETWORK.

P.B. 1 PG. 52
GRID



NOTE - ALL STRUCTURES SHOWN ON THIS PLAT ARE EXISTING.

AGENDA: September 16, 2015, Regular Session

ITEM: Public Hearing – An ordinance vacating and abandoning a portion of the Mulberry Street right-of-way, otherwise specified as being that portion of Mulberry Street located between Jefferson Street and Madison Avenue, SV05-15

Attached for your consideration is information pertaining to Street Vacation Request SV05-15, submitted by Whitney G. Saunders, Saunders and Ojeda, P.C., applicant, on behalf of Birdsong Corporation, property owner, to vacate a segment of Mulberry Street located between Jefferson Street and Madison Avenue. The affected area is contiguous to properties located at 612 Madison Avenue, Zoning Map, 34G25(2)27, Parcels 14*15*16, and 597 Jefferson Street, Zoning Map, 34G25(2)27, Parcels 9*13, zoned M-2, Heavy Industrial Zoning District, and 616 and 618 Madison Avenue, Zoning Map, 34G25(2)28, Parcels 7*8, and 208, 210, and 212 Mulberry Street, Zoning Map, 34G25(2)28, Parcels 4*5*6, zoned RM, Residential Medium Density Zoning District. The affected areas are further identified as being located in the Whaleyville Voting Borough. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Core Support Use District.

ATTACHMENTS:

- Staff Report
- Proposed Ordinance
- Exhibit A - Zoning/Land Use Map

STAFF REPORT

Description

STREET VACATION REQUEST: Street Vacation Request, SV05-15, submitted by Whitney G. Saunders, Saunders and Ojeda, P.C., applicant, on behalf of Birdsong Corporation, property owner, for the vacation of the remaining portion of the Mulberry Street rights of way.

APPLICANT: Whitney G. Saunders, Saunders and Ojeda, P.C., on behalf of the Birdsong Corporation.

LOCATION: The subject area is located between Jefferson Street and Madison Avenue.

PRESENT ZONING: The abutting properties are zoned M-2, Heavy Industrial and RM, Residential Medium Density Zoning Districts.

EXISTING LAND USE: This portion of Mulberry Street is currently developed as a roadway.

SURROUNDING LAND USES: The portion of Mulberry Street is adjacent to the existing Birdsong Corporate Headquarters to the west and to the east are two vacant lots owned by the applicant.

PROPOSED LAND USE: The applicant proposes to vacate a portion of the Mulberry Street rights of way in order to allow the properties to be developed as a portion of the Birdsong Corporate Headquarters expansion.

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.

STAFF ANALYSIS

ISSUE:

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

CONSIDERATIONS AND CONCLUSIONS:

1. The applicant is proposing to vacate a portion of the Mulberry Street rights-of-way to expand Birdsong Corporate Headquarters.
2. The applicant also requests the vacated right-of-way be conveyed to the Birdsong Corporation via quitclaim deed.
3. The portion of the Mulberry Street right-of-way proposed to be vacated is currently a dead-end street, extending northward from Madison Avenue a distance of approximately 220 feet. This portion of Mulberry Street provides access to the parking lot servicing the Birdsong Corporation Headquarters building to the west and 2 vacant lots owned by the Birdsong Corporation to the east. As such, the street vacation 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 public water and sewer utilities are located within the area to be vacated. In that regard, the applicant will be required to dedicate a public utility easement to the City of Suffolk over top of any utilities that exist in the area.
5. The Department of Public Works has indicated there is a 60” storm drain pipe that bisects the property and crosses the Mulberry Street right of way. Also, there is an 18” storm drain that runs along Mulberry Street between Madison and Jefferson Avenue. Easements will be required over the storm drain systems that exist in the area
6. 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:

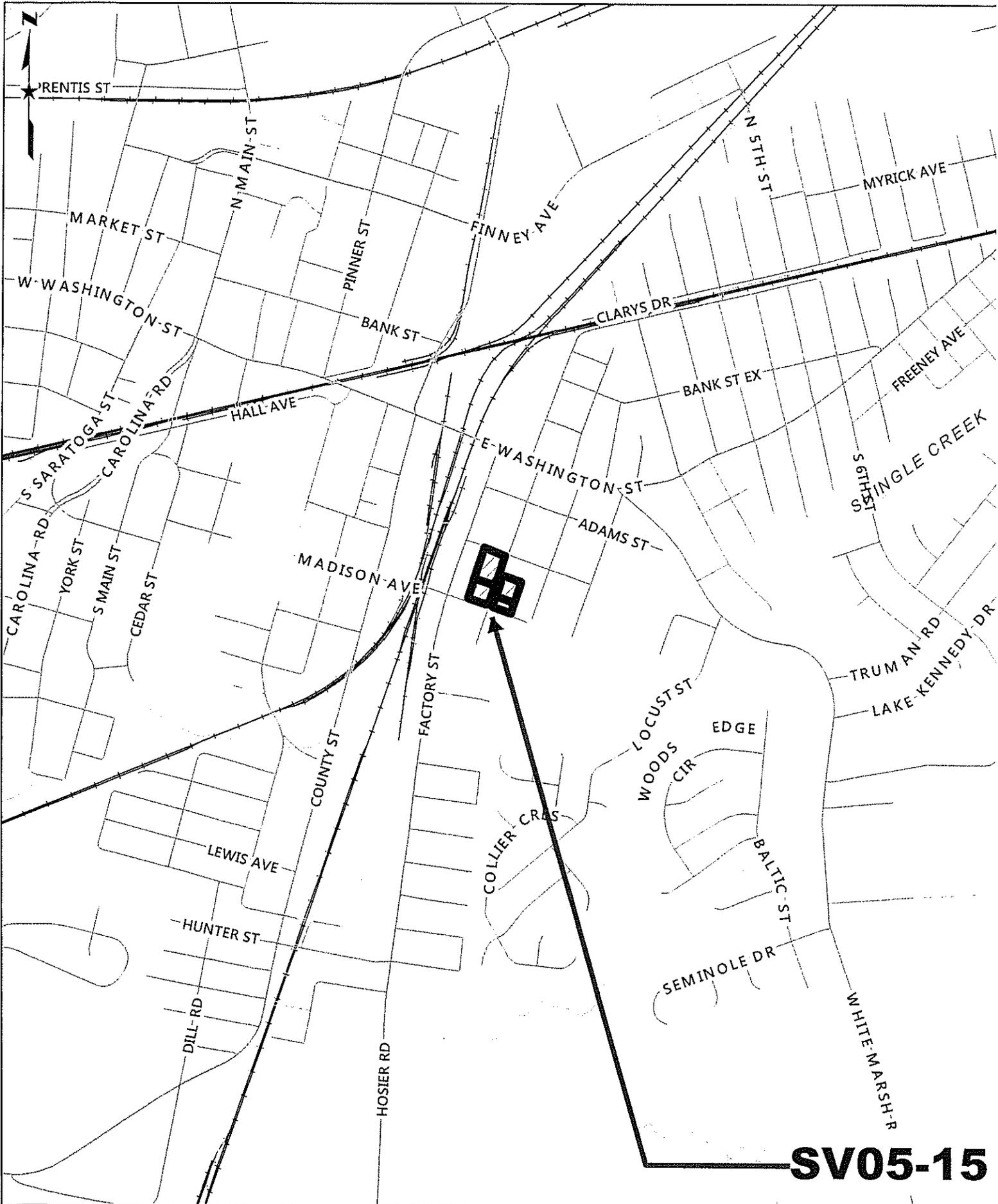
The proposed street vacation is in compliance with the standards of the Unified Development Ordinance and the Code of Virginia and is consistent with the 2035 Comprehensive Plan, which designates this area as part of the Central Growth Area with a Core Support Use District. Therefore, staff recommends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

1. City shall retain public utility easements and drainage easements over existing utility facilities and storm drain facilities until such time as the facilities are no longer needed for public use.

Attachments:

- Staff Report
- Proposed Ordinance
- Exhibit A - Zoning/Land Use Map

General Location Map



SV05-15

DATE	
REVISIONS	

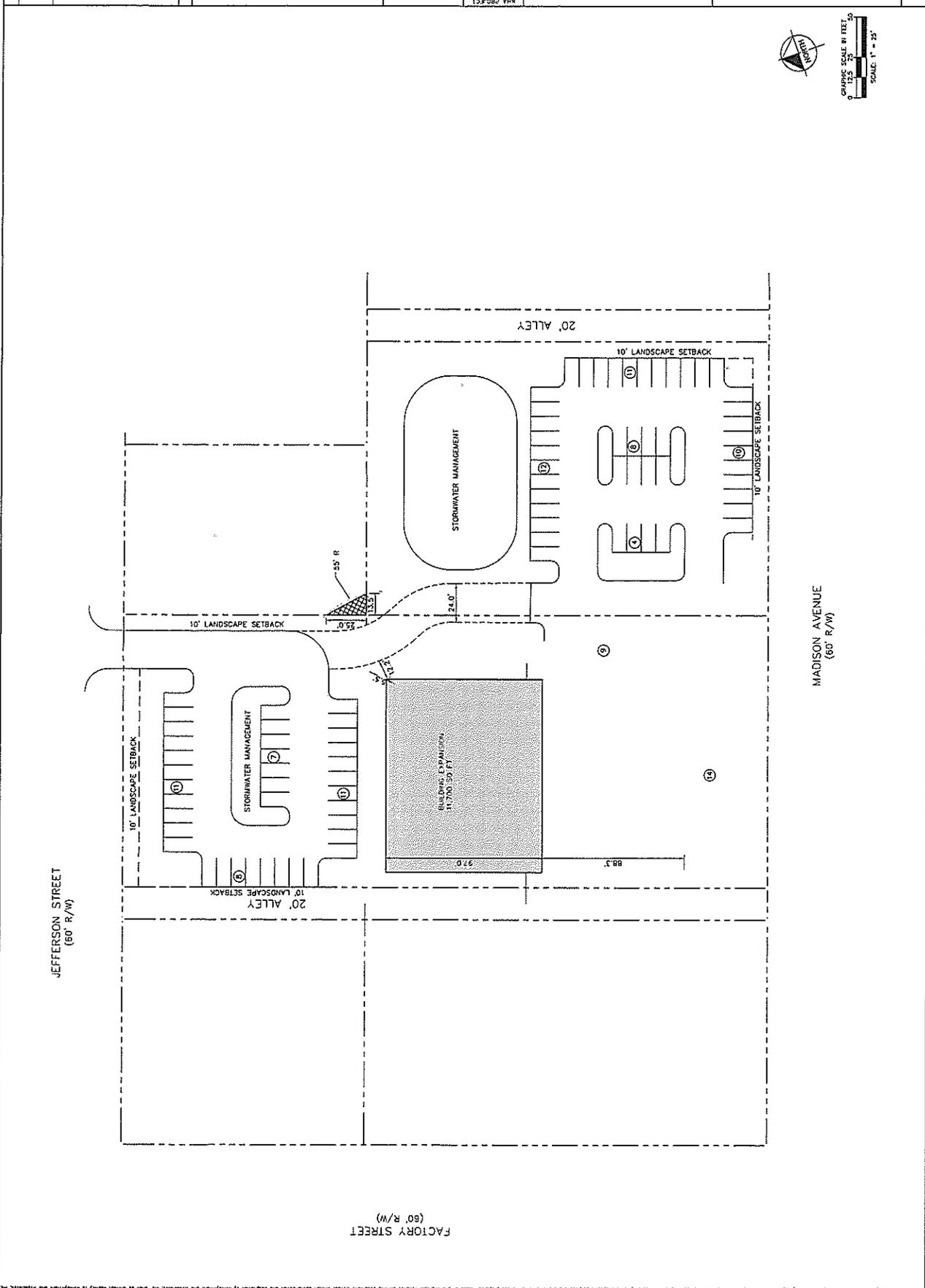
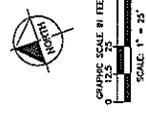
Kimley»Horn
 ENGINEERS ARCHITECTS AND PLANNERS
 4520 MAIN STREET, SUITE 150, VINTAGE PARK, VA 22182
 PHONE: 571-211-8200 FAX: 571-211-8201
 WWW.KIMLEY-HORN.COM

PROJECT NO: 118148004
 DATE: 08/26/2015
 SCALE: AS SHOWN
 DRAWN BY: CAB
 CHECKED BY: EJM

CONCEPT PLAN
DEVELOPMENT PLAN

BIRDSONG
EXPANSION
HEADQUARTERS
 BIRDSONG CORPORATION
 VIRGINIA

SHEET NUMBER
FIGURE 2



THE INFORMATION CONTAINED HEREIN IS FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED AND IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREIN AND DOES NOT EXTEND TO ANY OTHER MATTER.

ORDINANCE NUMBER _____

AN ORDINANCE VACATING AND ABANDONING A PORTION OF THE MULBERRY STREET RIGHT-OF-WAY, OTHERWISE SPECIFIED AS BEING THAT PORTION OF MULBERRY STREET LOCATED BETWEEN JEFFERSON STREET AND MADISON AVENUE, SV05-15

WHEREAS, pursuant to Section 15.2-2006 of the Code of Virginia (1950), as amended, a public hearing was held on the vacation of Mulberry Street between Jefferson Street and Madison Avenue on September 16, 2015, after due notice to the public and affected land proprietors.

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

- Section 1. Exhibit A, "Zoning/Land Use Map", which is attached hereto, is 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 the rights-of-way, which are the subject of this ordinance.
- Section 3. The right-of-way for Mulberry Street, as depicted in Exhibit A, is hereby conditionally abandoned and vacated subject to the following condition:
- 1) City shall retain public utility easements and drainage easements over existing utility facilities and storm drain facilities until such time as the facilities are no longer needed for public use.
- Section 4. Upon the effective date of this ordinance, the interest of the City of Suffolk, if any, to the right-of-way which is herein vacated shall cease and the ownership of said rights-of-way shall vest as provided by law.

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

READ AND PASSED: _____

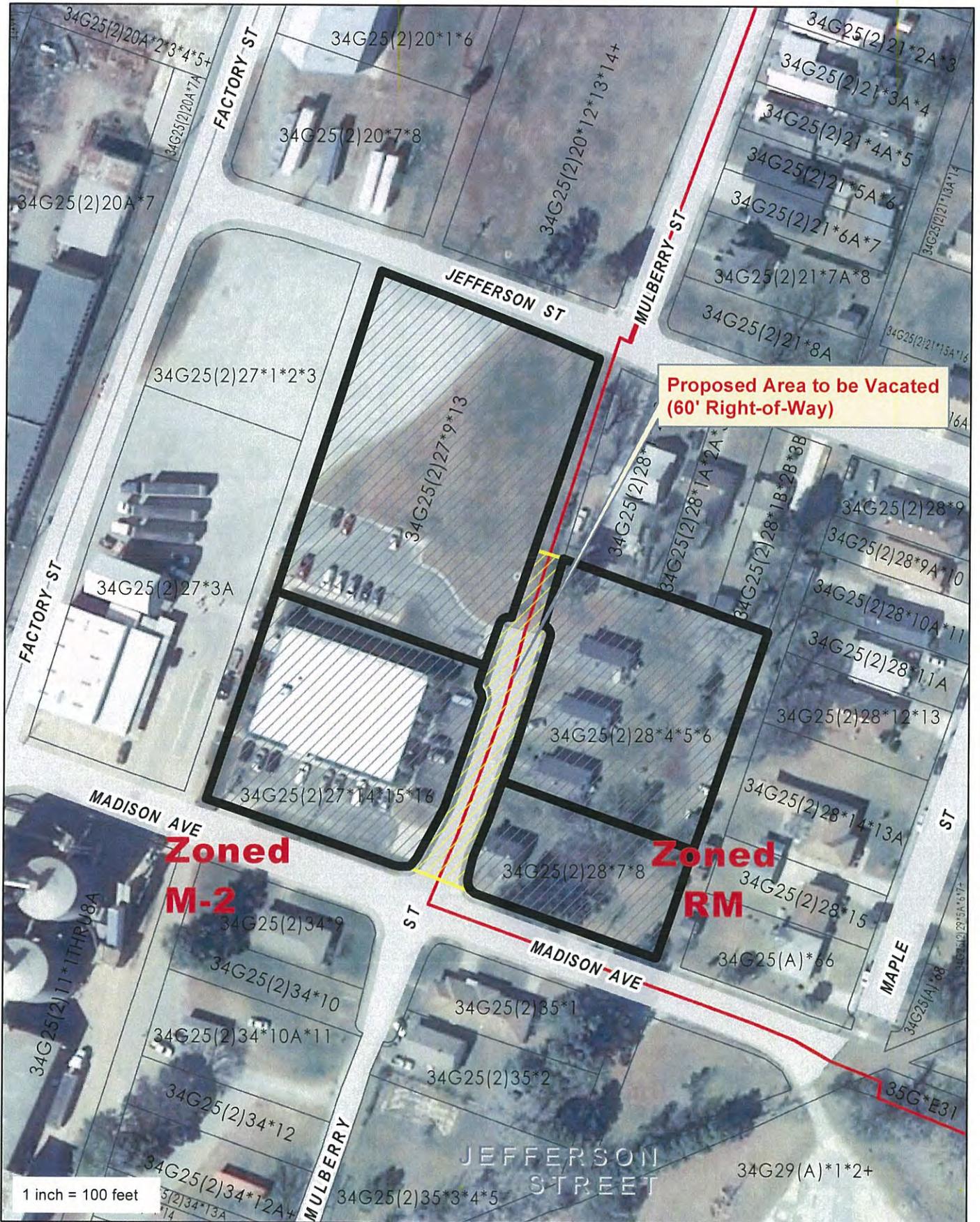
TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

SV05-15 ZONING / LAND USE MAP



AGENDA: September 16, 2015, Regular Session

ITEM: Public Hearing – An ordinance to authorize a quitclaim deed between the City of Suffolk, Grantor, and Birdsong Corporation, Grantee, for a portion of Mulberry Street pertaining to Street Vacation Request SV05-15, that was vacated by the Council of the City of Suffolk, Virginia on September 16, 2015

Presented for your consideration is an ordinance authorizing a quitclaim deed conveying a portion of the Mulberry Street right-of-way previously vacated by the Suffolk City Council to the Birdsong Corporation.

RECOMMENDATION:

- Staff recommends approval of the attached ordinance.

ATTACHMENTS:

- Public Hearing Notice
- Proposed Ordinance
- Exhibit A – Proposed Quitclaim Deed
- Exhibit B – Affected Area

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF SUFFOLK, VIRGINIA, WILL HOLD A PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AUTHORIZING A QUITCLAIM DEED BETWEEN THE CITY OF SUFFOLK, VIRGINIA, GRANTOR AND BIRDSONG CORPORATION, GRANTEEES FOR A PORTION OF MULBERRY STREET BEGINNING AT MADISON AVENUE STREET AND EXTENDING IN A NORTHERLY DIRECTION OF APPROXIMATELY 275 FEET THAT IS THE SUBJECT OF STREET VACATION REQUEST SV5-15 TO BE CONSIDERED BY CITY COUNCIL ON SEPTEMBER 16, 2015.

A COPY OF THE PROPOSED ORDINANCE IS AVAILABLE FOR INSPECTION IN THE PLANNING AND COMMUNITY DEVELOPMENT OFFICE LOCATED AT 442 W. WASHINGTON STREET, SUFFOLK, VIRGINIA.

THE PUBLIC HEARING, AT WHICH ALL INTERESTED PERSONS ARE ENCOURAGED TO SPEAK, WILL BE HELD DURING COUNCIL'S REGULAR MEETING BEGINNING AT 7:00 P.M. ON SEPTEMBER 16, 2015, IN THE CITY COUNCIL CHAMBERS LOCATED IN CITY HALL AT 442 WEST WASHINGTON STREET, SUFFOLK, VIRGINIA.

ANY INTERESTED PARTY WHOSE PARTICIPATION IN THIS MEETING WOULD REQUIRE ACCOMMODATION OF A DISABILITY SHOULD CONTACT PATRICK ROBERTS, INTERIM CITY MANAGER, AT (757) 514-4001.

ORDINANCE NUMBER _____

AN ORDINANCE TO AUTHORIZE A QUITCLAIM DEED BETWEEN THE CITY OF SUFFOLK, GRANTOR, AND BIRDSONG CORPORATION, GRANTEE, FOR A PORTION OF MULBERRY STREET PERTAINING TO STREET VACATION REQUEST SV05-15, THAT WAS VACATED BY THE COUNCIL OF THE CITY OF SUFFOLK, VIRGINIA ON SEPTEMBER 16, 2015

WHEREAS, on September 16, 2015, the Council of the City of Suffolk, Virginia vacated and abandoned a portion of the Mulberry Street right-of-way, said ordinance attached hereto as Exhibit A; and,

WHEREAS, the ownership in said right-of-way shall vest as provided by law; and,

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

WHEREAS, the City Council held a public hearing on September 16, 2015 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:

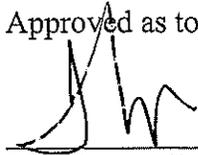
- Section 1. The City Council hereby authorizes the execution of a quitclaim deed in substantially the same form as the attached, relinquishing whatever rights it may have to the previously vacated right-of-way as referenced in Exhibit "A".
- Section 2. The City Manager is authorized to execute the quitclaim deed and all necessary documents as evidence of the City's conveyance.
- Section 3. That this said ordinance shall be contingent upon retention by the City a general utility and drainage easement over the entire vacated area, until such time the easement is no longer needed for public use, and the execution and recordation of an appropriate deed.
- Section 4. 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

DRAFT

Prepared by and Return to:

Whitney G. Saunders, VSB#18947
Saunders & Ojeda, P.C.
705 West Washington St.
Suffolk, VA 23434

Tax Account Number _____

The title insurance underwriter is unknown to the preparer.

THIS QUITCLAIM DEED is made as of the 27th day of August, 2015, by and between **CITY OF SUFFOLK, VIRIGNIA**, 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 the said 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 portion of the right of way of Mulberry Street beginning at a point which is the Northwestern intersection of the right of way of Madison Avenue and Mulberry Street, said point being the point of beginning; thence proceeding north along the right of way of Mulberry Street approximately 250 feet to a point in the western right of way of Mulberry Street; thence approximately sixty (60) feet in a easterly direction parallel to Madison Avenue to a point in the eastern right of way of Mulberry Street; thence south along the eastern right of way of Mulberry street approximately 250 feet to a point on the Northern right of way of Madison Avenue, being the northeastern intersection of the rights of way of Madison Avenue and

westerly along the northern right of way of Madison Avenue approximately sixty (60) feet to the point of beginning.

It being a part of the same right of way vacated by the City of Suffolk by Ordinance No. _____, and adopted by the City Council of the City of Suffolk on September 16, 2015, a copy of said ordinance being attached hereto and made a part hereof.

LESS, SAVE AND EXCEPT an easement reserved unto the City for general utility and drainage purposes over the entire vacated area.

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

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 _____, 2015, have acknowledged the same before me this ____ day of _____, 2015.

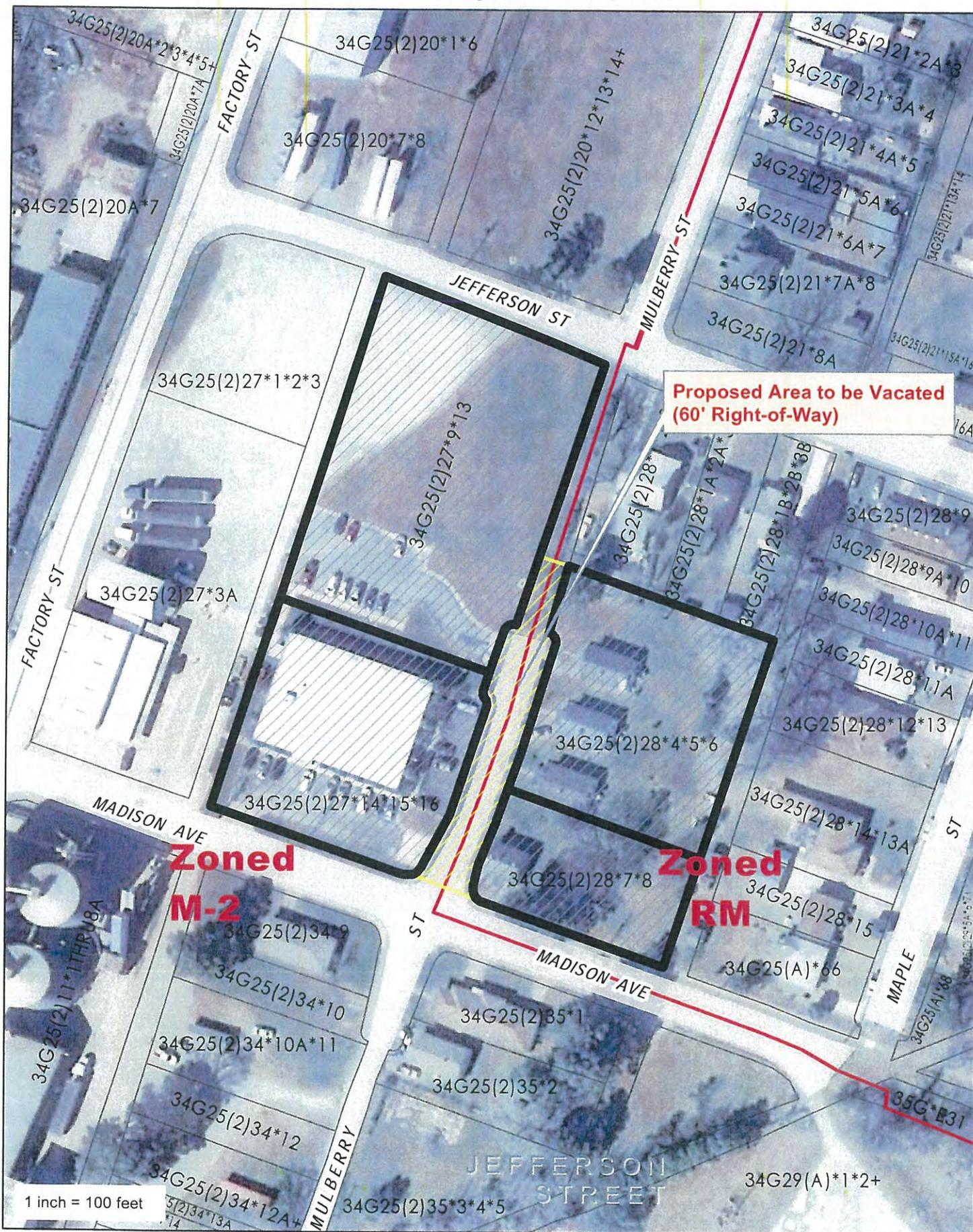
My commission expires _____.

Notary Registration # _____

NOTARY PUBLIC

[SEAL]

Portion of Mulberry Street Vacated by the Suffolk City Council on September 16, 2015



**Proposed Area to be Vacated
(60' Right-of-Way)**

**Zoned
M-2**

**Zoned
RM**

1 inch = 100 feet

AGENDA: September 16, 2015, Regular Session

ITEM: Ordinance – An ordinance to grant relief from the ten (10) year post conveyance holding period for a parcel of land identified as Tax Map Parcel 78*26*3*1 created through a family transfer conveyance in accordance with Section 31-514 of the Unified Development Ordinance

Sandra S. Hall, the applicant, has applied for relief, due to a change in circumstances, from the ten (10) year post conveyance holding period for a parcel created through a family transfer subdivision conveyance. Code Section 31-514(b)(3) of the Unified Development Ordinance (UDO) stipulates that upon application from a family transfer recipient, if City Council finds that a change in circumstances has occurred that was not anticipated upon receipt of the family transfer parcel and the proposed conveyance must be made to satisfy a financial obligation that was not contemplated at the time of the transfer of the lot through the family transfer provisions and that cannot be satisfied from other assets, City Council may grant relief from the ten (10) year post conveyance holding period.

Ms. Hall received the current parcel she owns (Tax Map 78*26*3*1) via a family transfer conveyance and family transfer subdivision plat that was approved on April 28, 2008 and recorded on May 8, 2008, and a deed of conveyance that was recorded on May 8, 2008. This deed mistakenly identified the property as being located in the City of Chesapeake. In correction, a Deed of Correction, identifying the property as being located in the City of Suffolk, was recorded on August 25, 2008. In that regard, the required ten (10) year post conveyance holding period will expire on May 8, 2018. A letter dated July 14, 2015 from Sandra S. Hall (copy attached) addresses the change in circumstances for which relief is sought.

A review of the record shows that the subject family transfer parcel is one of a series of seven parcels created through a family transfer subdivision conveyance. Of these, on June 3, 2015, the City Council adopted ordinances granting relief from the ten (10) year post conveyance holding period for two of the family transfer parcels, finding *“that a change in circumstance has occurred that was not anticipated upon receipt of the family transfer parcel and the proposed conveyance must be made to satisfy a financial obligation that was not contemplated at the time of the transfer of the lot through the family transfer provisions and that cannot be satisfied from other assets”*.

Based on the review of the applicant’s description of the change in circumstances for which relief is sought, it does not appear the desired relief is needed to satisfy a financial obligation that was not contemplated at the time of the transfer of the lot through the family transfer provisions. Accordingly, staff recommends **denial** of the requested relief.

ATTACHMENTS:

- Letter from Sandra S. Hall, Applicant, dated July 14, 2015
- Proposed Ordinance
- Exhibit A – Zoning/Land Use Map
- Exhibit B – Deed of Gift and Deed of Correction – Robert E. Hall to Sandra S. Hall
- Exhibit C – Family Transfer Plat – 2008-05

City of Suffolk - Director of Planning

July 14th 2015

Attention: Mr. Robert Goumas

My name is Sandra S. Hall and I own lot #1, which is four acres out the of fifty acres my parents Robert Eugene Hall and Ida Hall purchased on Adams Swamp Road around Dec of 2007. The land was a family transfer plat which they divided up among their three children and four of their grandchildren. The property has a 10-year restriction that does not allow anyone to sell out. The original plan was for each of us to build homes on this land to live near each other. My parents my brother, sister and one of their granddaughters broke ground in the year of 2008. That same year that they broke ground we found out my mother had brain cancer. They all moved in their homes between the months of October to December of that year. My mom died in February 2009, only 3 months after moving in her new house. My father & brother also was diagnosed with cancer around this time. Last year in 2014 my brother Scott Hall died. My father's health is not very good, so the family's plans have had to change. He is now selling his home and moving out of that area into a place with my sister. My family that lives on this land has already been given permission from the City of Suffolk to sell their homes before the 10th year was reached.

I would like to sell my plot of four acres, because I don't want to build out there now that my family is moving away. I would like to be able to put my land on the market during the same time their homes is up for sale.

If there is any questions for this matter please do not hesitate to contact me direct.

Sincerely,

*Thank you
Sandra S. Hall*

Sandra Hall
505 Denham arch
Chesapeake Va. 23322
757-646-3165
Suehall@cox.net

ORDINANCE NUMBER _____

AN ORDINANCE TO GRANT RELIEF FROM THE TEN (10) YEAR POST CONVEYANCE HOLDING PERIOD FOR A PARCEL OF LAND IDENTIFIED AS TAX MAP PARCEL 78*26*3*1 CREATED THROUGH A FAMILY TRANSFER CONVEYANCE IN ACCORDANCE WITH SECTION 31-514 OF THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, Sandra S. Hall received a parcel of land on April 28, 2008 through a family transfer conveyance in accordance with Section 31-514 of the Unified Development Ordinance; and,

WHEREAS, the property is identified as Tax Map Number 78*26*3*1; and,

WHEREAS, Sandra S. Hall, applicant, has requested relief from the ten (10) year post conveyance holding period for a parcel received through a family transfer conveyance in accordance with Section 31-514 (b)(3) of the Unified Development Ordinance, due to a change of circumstance.

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

Section 1. Findings.

Council finds that a change in circumstance has occurred that was not anticipated upon receipt of the family transfer parcel and the proposed conveyance must be made to satisfy a financial obligation that was not contemplated at the time of the transfer of the lot through the family transfer provisions and that cannot be satisfied from other assets.

Section 2. Relief Granted.

The ten (10) year post conveyance holding period is hereby released for Parcel 78*26*3*1.

Section 3. Severability.

It is the intention of the City Council that the provisions, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section and provision of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination.

Section 4. Recordation.

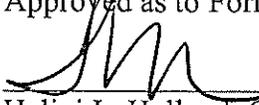
A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of Circuit Court.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

FT-2008-05 ZONING / LAND USE MAP

Family Transfer Parcel 78*26*3*1



Instrument Control Number
[]

Commonwealth of Virginia
Land Record Instruments
Cover Sheet - Form A



20080508000065390 Pg 1 OF 3
City of Suffolk
05/08/2008 09 41 04 AM DG
W Randolph Carter, Jr Clerk

2008 MAY 8 AM 9 07

[ILS VLR Cover Sheet Agent 1.0.66]

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A
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Date of Instrument: [01/07/2008]

Instrument Type: [DG]

Number of Parcels [1]

Number of Pages [2]

City County [City Of Suffolk] (Box for Deed Stamp Only)

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[HALL]	[ROBERT]	[E]	[]
[]	[]	[]	[]

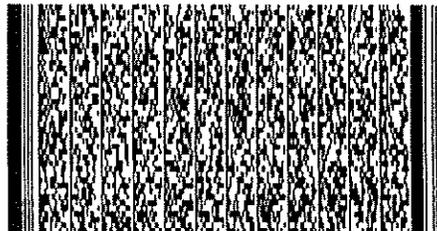
First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[HALL]	[SANDRA]	[SUE]	[]
[]	[]	[]	[]

Grantee Address (Name) [SANDRA SUE HALL]
 (Address 1) [2126 Chesterfield Loop]
 (Address 2) []
 (City, State, Zip) [Chesapeake] [VA] [23323]
 Consideration [0.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City County [City Of Suffolk] Percent. in this Juris. [100]
 Book [] Page [] Instr. No [200709070001]
 Parcel Identification No (PIN) [056000244]
 Tax Map Num. (if different than PIN) [056000244]
 Short Property Description [Lot 1, plat entitled "Family Transfer Plat Showing Subdivision of]
 [located on Adams Swamp Road, Whaleyville Borough, City of Su]
 Current Property Address (Address 1) [3962 Adams Swamp Road]
 (Address 2) []
 (City, State, Zip) [Suffolk] [VA] [23434]

Instrument Prepared by [PETER MCBRIDE]
 Recording Paid for by [KREGER & MCBRIDE]
 Return Recording to (Name) [PETER MCBRIDE]
 (Address 1) [357 JOHNSTOWN ROAD]
 (Address 2) [P.O. BOX 1996]
 (City, State, Zip) [CHESAPEAKE] [VA] [23327-1996]
 Customer Case ID [] [] []



TITLE INSURANCE IS UNKNOWN

PREPARED BY KREGER & MCBRIDE
357 JOHNSTOWN ROAD
P.O. BOX 1996
CHESAPEAKE, VIRGINIA 23327

TAX PARCEL: 056000244

THIS DEED OF GIFT made on this 7th day of January, 2008 between ROBERT E. HALL, party of the first part, Grantor, and SANDRA SUE HALL, party of the second part, Grantee; Grantee's mailing address: 2126 Chesterfield Loop, Chesapeake, Virginia 23323.

WITNESSETH

That for and in consideration of the sum of ten dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey, with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE, unto the said party of the second part, the following described property, to-wit:

ALL THAT certain lot, piece or parcel of land with the buildings and improvements thereon, situate, lying and being in the City of Chesapeake, Virginia, being known, numbered and designated as Lot numbered one (1), as shown on that certain plat entitled "Family Transfer Plat Showing Subdivision of the property of Robert Eugene Hall, located on Adams Swamp Road, Whaleyville Borough, City of Suffolk, Virginia", Scale 1"=150', dated December 1, 2007, made by J.D. Vann, Surveyor, and which said plat is duly recorded simultaneously in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia.

IT BEING a portion of the same property which was conveyed to Robert E. Hall, by deed from Robert I. Henson and Deborah A. Henson, husband and wife, dated September 6, 2007 and recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia in Instrument Number 20070907000163510.

THIS CONVEYANCE IS EXEMPT FROM RECORDING TAXES PURSUANT TO SECTION 58.1-811 (D) OF THE 1950 CODE OF VIRGINIA AS AMENDED.


20080508000065390 Pg 2 OF 3
City of Suffolk
05/08/2008 09 41 04 AM DG
W Randolph Carter, Jr Clerk

This conveyance is made subject to easements, conditions and restrictions of record insofar as they may lawfully affect the property.

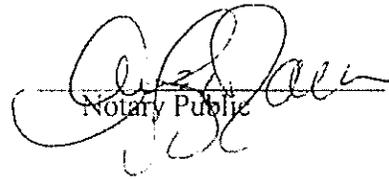
WITNESS the following signature(s) and seal(s):


ROBERT E. HALL

STATE OF VIRGINIA
CITY OF CHESAPEACE, to-wit:

Acknowledged before me this 5th day of January, 2008 by ROBERT E.

HALL.


Notary Public

My Commission Expires: 5-31-08




20080508000065390 Pg 3 OF 3
City of Suffolk
05/08/2008 09 41 04 AM DG
W Randolph Carter, Jr., Clerk

Instrument Control Number

[Empty Box]

Commonwealth of Virginia
Land Record Instruments
Cover Sheet - Form A

20080825000120270 Pg 1 OF 3
City of Suffolk
08/25/2008 11:28:29 AM DCOR
W Randolph Garter, Jr Clerk

[ILS VLR Cover Sheet Agent 1.0.66]

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Date of Instrument: [08/20/2008]

Instrument Type: [DCOR]

Number of Parcels [1]

Number of Pages [2]

City County [City Of Suffolk] (Box for Deed Stamp Only)

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[HALL]	[ROBERT]	[E.]	[]
[]	[]	[]	[]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[HALL]	[SANDRA]	[SUE]	[]
[]	[]	[]	[]

Grantee Address (Name) [SANDRA SUE HALL]
 (Address 1) [2126 Chesterfield Loop]
 (Address 2) []
 (City, State, Zip) [Chesapeake] [VA] [23323]

Consideration [0.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City County [City Of Suffolk] Percent. in this Juris. [100]
 Book [] Page [] Instr. No [200709070001]

Parcel Identification No (PIN) [056000244]

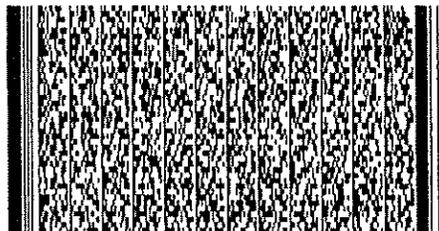
Tax Map Num. (if different than PIN) [056000244]

Short Property Description [Lot 1, plat entitled "Family Transfer Plat Showing Subdivision of]
 [located on Adams Swamp Road, Whaleyleville Borough, City of Su]

Current Property Address (Address 1) [3962 Adams Swamp Road]
 (Address 2) []
 (City, State, Zip) [Suffolk] [VA] [23434]

Instrument Prepared by [PETER MCBRIDE]
 Recording Paid for by [KREGER & MCBRIDE]
 Return Recording to (Name) [PETER MCBRIDE]
 (Address 1) [357 JOHNSTOWN ROAD]
 (Address 2) [P.O. BOX 1996]
 (City, State, Zip) [CHESAPEAKE] [VA] [23327-1996]

Customer Case ID [] [] []



TITLE INSURANCE IS UNKNOWN

PREPARED BY KREGER & MCBRIDE
357 JOHNSTOWN ROAD
P.O. BOX 1996
CHESAPEAKE, VIRGINIA 23327

TAX PARCEL: 056000244

THIS CORRECTED DEED OF GIFT made on this 20th day of August, 2008 between ROBERT E. HALL, party of the first part, Grantor, and SANDRA SUE HALL, party of the second part, Grantee; Grantee's mailing address: 2126 Chesterfield Loop, Chesapeake, Virginia 23323.

WITNESSETH

That for and in consideration of the sum of ten dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey, with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE, unto the said party of the second part, the following described property, to-wit:

ALL THAT certain lot, piece or parcel of land with the buildings and improvements thereon, situate, lying and being in the City of Suffolk, Virginia, being known, numbered and designated as Lot numbered one (1), as shown on that certain plat entitled "Family Transfer Plat Showing Subdivision of the property of Robert Eugene Hall, located on Adams Swamp Road, Whaleville Borough, City of Suffolk, Virginia", Scale 1"=150', dated December 1, 2007, made by J.D. Vann, Surveyor, and which said plat is duly recorded simultaneously in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia.

IT BEING a portion of the same property which was conveyed to Robert E. Hall, by deed from Robert I. Henson and Deborah A. Henson, husband and wife, dated September 6, 2007 and recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia in Instrument Number 20070907000163510.

This Deed of Correction corrects the legal description in the Deed of Gift recorded on May 8, 2008 in Instrument Number 20080508000065390 which was erroneously referred to City of Chesapeake.

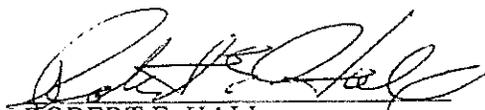
THIS CONVEYANCE IS EXEMPT FROM RECORDING TAXES PURSUANT TO SECTION 58.1-811 (2) OF THE 1950 CODE OF VIRGINIA AS AMENDED.



20080825000120270 Pg 2 OF 3
City of Suffolk
08/25/2008 11:28:29 AM DCOR
W Randolph Carter, Jr. Clerk

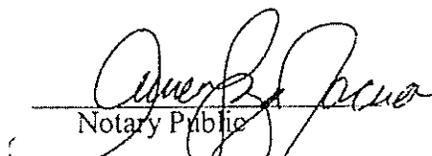
This conveyance is made subject to easements, conditions and restrictions of record insofar as they may lawfully affect the property.

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

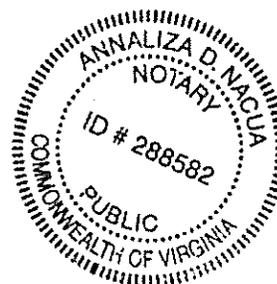

ROBERT E. HALL

STATE OF VIRGINIA
CITY OF CHESAPEAKE, to-wit:

Acknowledged before me this 20th day of AUGUST, 2008 by ROBERT E. HALL.


Notary Public

My Commission Expires: 5-31-2012




20080825000120270 Pg 3 OF 3
City of Suffolk
08/25/2008 11 28 29 AM DCOR
W Randolph Carter, Jr., Clerk

AGENDA: September 16, 2015, Regular Session

ITEM: Ordinance – An ordinance to amend Section 86-291 of the Code of the City of Suffolk restricting through truck traffic on Great Fork Road

Attached for Council's consideration is an ordinance to amend Section 86-291 of the Code of the City of Suffolk restricting through truck traffic on Great Fork Road between Whaleyville Boulevard and the North Carolina State Line. Residents along this road have reported near collisions while encountering trucks crossing the centerline while negotiating sharp curves with limited sight distances. Additionally, a study of the accident data available from 2012-2014 involving this roadway showed a history of 25 crashes resulting in 9 injuries and no fatalities. Of these crashes, 9 involved vehicles departing the roadway. These roads are rural secondary roadways not engineered or constructed to support heavy commercial truck traffic. Residents residing along these roadways have requested that they be restricted to through trucks. The Department of Public Works Traffic Engineering Division has completed a study which determined that a reasonable alternate route exists for restricting these roadways to through trucks. Attached is a map showing the proposed restricted areas.

RECOMMENDATION:

Approve the attached ordinance

ATTACHMENTS:

Ordinance

Map showing proposed through truck restriction areas

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 86-291 OF THE CODE OF THE CITY OF SUFFOLK RESTRICTING THROUGH TRUCK TRAFFIC ON GREAT FORK ROAD

WHEREAS, a Great Fork Road Truck Restriction Study has been prepared by the City of Suffolk Department of Public Works Traffic Engineering Division; and,

WHEREAS, residents along this road have reported near collisions while encountering trucks crossing the centerline while negotiating sharp curves with limited sight distances; and,

WHEREAS, these roads are rural secondary roadways not engineered or constructed to support heavy commercial truck traffic; and,

WHEREAS, a reasonable alternative route exists; and,

WHEREAS, in accordance with Virginia Code Section 46.2-1304, the governing body has the authority to restrict the routes of trucks passing through the City.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Suffolk, Virginia, that Section 86-291 of the Code of the City of Suffolk, Virginia is hereby amended to read as follows:

Sec. 86-291. Trucks and carriers operating on certain streets.

(a) It shall be unlawful for any person to operate, or cause to be operated, any tractor truck or truck, as defined in Code of Virginia, § 46.2-100, except for the purpose of receiving loads or making deliveries, on the following streets:

- (1) Kilby Avenue, Brook Avenue, Granby Street and Fayette Street, all east of Carolina Road.
- (2) York Street, South Main Street, and Cedar Street, south of Hall Avenue, with the exception of that portion of Cedar Street lying between Hall Avenue and Madison Avenue.
- (3) Main Street, from the Nansemond River Bridge to Carolina Road.
- (4) Pinner Street, between Newport Street and Katherine Street.
- (5) Washington Street, from Constance Road to Liberty Street.
- (6) Pittmantown Road, between Arthur Drive and Gates Road.
- (7) Governors Pointe Drive, from Hastings Place to Bridge Road.
- (8) Hastings Place, from Botetourt Lane to Governors Pointe Drive.
- (9) Botetourt Lane, from Crittenden Road to Hastings Place.
- (10) Indian Train, from Ruritan Boulevard to Lake Cahoon Road.
- (11) Lake Meade Drive, from Indian Trail to Kings Fork Road.
- (12) Lake Kilby Road, from Lake Cahoon Road to Pitchkettle Road.
- (13) Deer Path Road.

- (14) Chappell Drive, from Holland Road to Buckhorn Road.
- (15) Buckhorn Road, from Holland Road to the Isle of Wight County/City of Suffolk Line.
- (16) Kingsale Road, from East Glen Haven Drive to the Isle of Wight County/City of Suffolk Line.
- (17) Old Mill Road, from Indian Trail to the Isle of Wight County/City of Suffolk Line.
- (18) Old Myrtle Road, from Pruden Boulevard to the Isle of Wight County/City of Suffolk Line.
- (19) Providence Road, from Pruden Boulevard to Kings Fork Road.
- (20) Carr Lane, from Indian Trail to Kingsale Road.
- (21) Lonely Lane, from Old Myrtle Road to the Isle of Wight County/City of Suffolk Line.
- (22) White Drive, from Old Myrtle Road to the Isle of Wight County/City of Suffolk Line.
- (23) Simons Drive, from Old Myrtle Road to Indian Trail.
- (24) Ashburn Road, from Indian Trail to Deer Path Road.
- (25) Milford Lane, from Indian Trail to Deer Path Road.
- (26) Little Creek Road, from Kings Fork Road to Old Myrtle Road.
- (27) Archers Mill Road, from Kings Fork Road to Joshua Lane.
- (28) Joshua Lane, from Archers Mill Road to Kings Fork Road.
- (29) Lake Cahoon Road, from Holland Road to Lake Meade Drive.
- (30) General Early Drive, from Pruden Boulevard to Murphys Mill Road.
- (31) Murphys Mill Road, from North Main Street to Pitchkettle Road.
- (32) Pitchkettle Road, from Route 58 Bypass to Kings Fork Road.
- (33) Kings Fork Road, from Pruden Boulevard to Indian Trail.
- (34) Manning Road, from Copeland Road to Holland Road.
- (35) Manning Bridge Road.
- (36) Katherine Street, Kingsboro Street, Lakeside Street, Nansemond Avenue, Highland Avenue, and Elizabeth Street, between East Constance Road and East Pinner Street.
- (37) Great Fork Road

(b) This section shall not regulate the use of any vehicle owned, operated or controlled by any fire, rescue or governmental agency.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon its passage.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved/as to Form:



Helivi L. Holland, City Attorney

Resolutions

Staff Reports

**Motion to Schedule a City Council
Retreat**

Motion to Schedule a Work Session

Non-Agenda Speakers

New Business

Announcements and Comments