

Director of Media

**SUFFOLK CITY COUNCIL
MEETING OF JULY 15, 2015**



WORK SESSION

Begins at 5:00 p.m.

REGULAR SESSION

Begins at 7:00 p.m.

SUFFOLK CITY COUNCIL
WORK SESSION
July 15, 2015
5:00 p.m.
City Council Chamber

1. Overview of Risk Management Programs and Costs
- 2.* Appointments

* Proposed Items for Closed Session

AGENDA: July 15, 2015, Work Session

ITEM: Overview of Risk Management Programs and Costs

The Department of Human Resources' Manager of Risk, Benefits and Wellness will provide an overview of Risk Management Programs and Costs, to include the City of Suffolk's Insurance Policy Overview, Claims Summary, and a new program designed to reduce injuries and accidents, called Total Safety Management.



**Boards and Commissions Vacancies
July 15, 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	Henry Buck, Jr.	06-30-13	Interested in reappointment.
	Ira Steingold	06-30-15	Interested in reappointment.
Sister Cities Commission	Monette Robinson Harrell	06-30-15	



**Boards and Commissions Vacancies
July 15, 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.

SUFFOLK CITY COUNCIL AGENDA
July 15, 2015
7:00 p.m.
City Council Chamber

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentation**
 - A. 2015 National Night Out Invitation
 - B. Fill the Boot Month Proclamation and Presentation by Fire Chief Cedric Scott
5. **Removal of Items from the Consent Agenda and Adoption of the Agenda**
6. **Agenda Speakers**
7. **Consent Agenda** – An ordinance amending Chapter 2, Sections 2-242 and 2-244 of the Code of the City of Suffolk concerning the Early Childhood Development Commission
8. **Consent Agenda** – An ordinance to amend City Code, Chapter 74 – Streets and Sidewalks Sections 74-284, 74-286, 74-288, 74-290, 74-292, 74-296, and 74-297 concerning permitting and surety requirement for work performed in the City's right of way
9. **Consent Agenda** – An ordinance to appropriate unassigned Stormwater Fund Balance, not to exceed \$325,000, to the Capital Fund to be used for the local match for the Old College Drive Ditch Piping project
10. **Consent Agenda** – An ordinance amending Chapter 38 of the Code of the City of Suffolk to Incorporate the International Fire Code – 2012 Edition into the Fire Prevention Code of the City of Suffolk, Virginia
11. **Consent Agenda** – An ordinance amending Chapter 38 of the Code of the City of Suffolk pertaining to Smoke Detectors
12. **Consent Agenda** – A resolution confirming the appointment of Holt W. Butt as Deputy City Assessor
13. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a place of worship, small, under 6,000 square feet in main sanctuary on property located at 430 North Main Street, Zoning Map 34G11(A), Parcel 137, C06-15

14. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a 195' monopole telecommunications tower and associated equipment, on property located at 2133 Copeland Road, Zoning Map 54, Parcel(s) 55; C07-15
15. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish an amusement/entertainment/recreation center, indoor on property located at 1000 Bowen Parkway – Suite D, Zoning Map 20, Parcel 22B*1: C08-15
16. **Ordinances**
17. **Resolution** – A resolution approving the financing of Energy Efficiency Improvements by the Western Tidewater Regional Jail Authority
18. **Staff Reports**
19. **Motion** – A motion to schedule a public hearing to be held on August 19, 2015, to receive public comment on the conveyance of a previously vacated portion of Mulberry Street to the adjacent property owner via quitclaim deed
20. **Motion** – A motion to schedule a Work Session for August 19, 2015, at 4:00 p.m., unless cancelled
21. **Non-Agenda Speakers**
22. **New Business**
23. **Announcements and Comments**
24. **Adjournment**

Work Session of the Suffolk City Council was held in was held in the City Council Chamber, 442 West Washington Street, on Wednesday, July 1, 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

SUFFOLK EXECUTIVE AIRPORT QUARTERLY REPORT

Utilizing a PowerPoint presentation, Economic Development Director Kevin Hughes gave a report on the above referenced item.

CLOSED MEETING

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

1. Pursuant to Virginia Code Section 2.2-3711 (A)(1), the assignment, appointment, performance, and salaries of specific appointees of the City, specifically of the City Clerk City Attorney and the City Assessor; and the discussion, consideration, or interviews of prospective candidates for appointment of appointees of the City, specifically the appointments as shown on the attached list for vacancies or term expirations for Fine Arts Commission, Historic Landmarks Commission, Human Services Advisory Board, Library Advisory Board, Local Board of Building Code Appeals, Parks and Recreation Advisory Commission, Sister Cities Commission, Suffolk Clean Community Commission, Suffolk Clean Community Commission Keep Suffolk Beautiful Executive Board, Western Tidewater Regional Jail Authority and Wetlands Board; and

- 2. Pursuant to Virginia Code Section 2.2-3711(A)(7), consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel specifically the discussion of legal advice and litigation services provided by the City Attorney’s Office from May 26, 2015 through June 22, 2015, including *Ainslie Group, Inc. v. City of Suffolk*; and
- 3. Pursuant to Virginia Code Sections 2.2-3711(A)(29) and 2.2-3711(A)(7), the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically 2018 Solid Waste Disposal.

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

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

City Council convened in Closed Meeting at 5:08 p.m. The Closed Meeting concluded at 6:56 p.m.

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

Approved: _____
Linda T. Johnson, Mayor

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, July 1, 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.

FREEDOM OF INFORMATION ACT CERTIFICATION

City Clerk Dawley presented a resolution certifying the first Closed Meeting of July 1, 2015, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

Council Member Fawcett, on a motion seconded by Council Member Milteer, moved that the resolution be approved, 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

A RESOLUTION OF CERTIFICATION OF THE FIRST CLOSED MEETING OF JULY 1, 2015, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED

APPROVAL OF THE MINUTES

Vice Mayor Bennett, on a motion seconded by Council Member Duman, moved to approve the minutes from the June 17, 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

There were no items under this portion of the agenda.

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 requests for removal any of the items, Mayor Johnson advised that a motion was in order at this time to adopt the agenda as outlined.

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 amend and reordain the adopted Fiscal Year 2015-2016 Fee Schedule for the City of Suffolk, Virginia to decrease the fees for animal adoptions, increase the fee for Blood Test/DNA, and revise the title Whaleyville Community Center to Whaleyville Annex

Consent Agenda Item #8 – An ordinance to accept and appropriate the balance of non-expended funds provided to the Suffolk Redevelopment and Housing Authority in support of the implementation of the Fairgrounds Redevelopment and Revitalization project

Council Member Fawcett moved for approval of the Consent Agenda as presented. The motion failed to receive a second.

Vice Mayor Bennett asked for an overview of Consent Agenda Item #7 - An ordinance to amend and reordain the adopted Fiscal Year 2015-2016 Fee Schedule for the City of Suffolk, Virginia to decrease the fees for animal adoptions, increase the fee for Blood Test/DNA, and revise the title Whaleyville Community Center to Whaleyville Annex.

Council Member Milteer called for a summary of Consent Agenda Item #8 - An ordinance to accept and appropriate the balance of non-expended funds provided to the Suffolk Redevelopment and Housing Authority in support of the implementation of the Fairgrounds Redevelopment and Revitalization project.

Referring to Consent Agenda Items #7 and #8, Interim City Manager Roberts submitted an overview of the background information as printed in the official agenda.

Council Member Fawcett, on a motion seconded by Council Member Duman, moved to approve the 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 grant relief from the ten (10) year post conveyance holding period for a parcel of land identified as Zoning Map Parcel 41, Parcel 70A created through a family transfer conveyance in accordance with Section 31-514 of the Unified Development Ordinance

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

Council Member Duman, on a motion seconded by Council Member Johnson, 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 GRANT RELIEF FROM THE TEN (10) YEAR POST CONVEYANCE HOLDING PERIOD FOR A PARCEL OF LAND IDENTIFIED AS ZONING MAP 41, PARCEL 70A CREATED THROUGH A FAMILY TRANSFER CONVEYANCE IN ACCORDANCE WITH SECTION 31-514 OF THE UNIFIED DEVELOPMENT ORDINANCE

RESOLUTIONS

There were no items under this portion of the agenda.

STAFF REPORTS

Staff Reports – City Manager Search Process

Utilizing a PowerPoint presentation, Human Resources Director Nancy Olivo gave a report on the above referenced item.

Members of City Council opined about the option of using an external executive search firm versus the Human Resources Department for the City Manager search, the desire to review all candidate applications, and the importance for citizen input on the process.

Referring to the presentation, Mayor Johnson queried about the timeline if the Human Resources Department conducted the City Manager search. Human Resources Director Olivo advised that a 30 day period would be needed to create a profile with community and City Council’s input.

Referring to the presentation, Council Member Milteer opined about the entire process being completed within 60 days. Mayor Johnson called for clarification of this timeline. Human Resources Director Olivo indicated that the entire process would take longer than 60 days.

MOTIONS

Motion – A motion to cancel the August 5, 2015 City Council Meeting

Council Member Fawcett, on a motion seconded by Council Member Duman, moved to cancel the August 5, 2015, City Council Meeting, 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 July 15, 2015, at 4:00 p.m., unless cancelled

Council Member Fawcett, on motion seconded by Council Member Duman, moved to schedule a Work Session for July 15, 2015, at 4:00 p.m., 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

Mary Deberry, 4901 Buchanan Street, called for the installation of street lights in her area.

Interim City Manager Roberts replied that Public Works Director Eric Nielsen would contact Ms. Deberry about the City’s process for determining if a street light is warranted.

Charles Deberry, 4901 Buchanan Street, opined about paper streets.

NEW BUSINESS

City Clerk Dawley presented the following boards and commissions for City Council’s consideration: Human Services Advisory Board – Sharon Harris and Harvey Whitney; Parks and Recreation Advisory Commission – Darrell Keith Davis and Western Tidewater Jail Authority Board (alternate) – Acting Finance Director Tealan Hansen.

Council Member Goldberg, on a motion seconded by Council Member Fawcett, moved to appoint the above referenced individuals to the aforementioned bodies, 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

ANNOUNCEMENTS AND COMMENTS

Utilizing PowerPoint presentation, Media and Community Relations Manager Timothy Kelley reported on the following: ribbon cuttings for Friant and Associates, TASTE, and Providence Psychological Services; City Clerk Erika S. Dawley’s receipt of the Master Municipal Clerks designation from the International Institute of Municipal Clerks; Suffolk Fire Department’s donation of new thermal imaging cameras to local volunteer fire departments; the National Night Out Community Kickoff; the City’s upcoming observance of Independence Day; the upcoming Star and Stripes Spectacular at Constant’s Wharf Park; the upcoming National Night Out Duck Pluck; the upcoming Suffolk Police Department Dog Walker Watch Kickoff; the upcoming Suffolk Humane Society adopt-a-thons; the Obici Place Online Community Survey and the City’s mosquito control webpage.

Council Member Goldberg thanked the Suffolk Police Department for their assistance.

Council Member Goldberg encouraged residents to vote for Suffolk native Ta'Shauna "Sugar" Rodgers for the Women’s National Basketball Association All Star Team.

Council Member Ward announced he attended the groundbreaking for Nansemond-Suffolk Academy’s North Suffolk Campus and the 149th anniversary celebration of Little Bethel Baptist Church.

Council Member Ward encouraged residents to attend the upcoming Citywide Prayer Vigil for the victims of the recent shooting in Charleston, South Carolina.

Council Member Ward opined about paper streets.

Council Member Duman advised he attended the following: the ribbon cutting for Friant and Associates, the Business Appreciation Celebration and the Hampton Roads Chamber of Commerce Mingle on Main Street.

Council Member Duman congratulated the members of Little Bethel Baptist Church on its 149th anniversary.

Council Member Fawcett reported he attended the following: the ribbon cutting for TASTE; the groundbreaking for Nansemond-Suffolk Academy's North Suffolk Campus; and the Business Appreciation Celebration.

Council Member Fawcett recognized City Clerk Dawley on her receipt of the Master Municipal Clerk designation from the International Institute of Municipal Clerks.

Council Member Fawcett opined about Suffolk Fire Department's donation of thermal imaging cameras to local volunteer fire departments.

Council Member Milteer advised he attended the ribbon cutting for Friant and Associates.

Council Member Johnson reported he attended the Business Appreciation Celebration.

Council Member Johnson thanked the Public Works Department for their assistance.

Council Member Johnson acknowledged Sarah Lee Jones on the occasion of her 90th birthday.

Vice Mayor Bennett advised he attended the ribbon cutting for Friant and Associates and the groundbreaking for Nansemond-Suffolk Academy's North Suffolk Campus.

Vice Mayor Bennett congratulated City Clerk Dawley on her receipt of the Master Municipal Clerk designation from the International Institute of Municipal Clerks.

Vice Mayor Bennett extended his condolences to the family of the late Calnesha De'shon Brown.

Vice Mayor Bennett acknowledged William Blair for his support of swimming lessons through the Suffolk Parks and Recreation Department.

Vice Mayor Bennett reported on bear sightings.

Mayor Johnson reported she attended the following: the ribbon cutting for Friant and Associates; the ribbon cutting for TASTE; the groundbreaking for Nansemond-Suffolk Academy's North Suffolk Campus; and a bill signing ceremony with Governor Terry McAuliffe Bill for legislation benefiting military and veterans in Virginia

Mayor Johnson advised she would be attending a Citywide Prayer Vigil for the victims of the recent shooting in Charleston, South Carolina.

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

1. Pursuant to Virginia Code Section 2.2-3711 (A)(1), the assignment, appointment, performance, and salaries of specific appointees of the City, specifically of the City Clerk City Attorney and the City Assessor.

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

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

City Council convened in Closed Meeting at 8:07 p.m. The Closed Meeting concluded at 10:25 p.m.

FREEDOM OF INFORMATION ACT CERTIFICATION

City Clerk Dawley presented a resolution certifying the second Closed Meeting of July 1, 2015, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

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

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

A RESOLUTION OF CERTIFICATION OF THE SECOND CLOSED MEETING OF JULY 1, 2015, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED

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

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

There being no further business to come before City Council, the regular meeting was adjourned at 10:27 p.m.

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

Approved: _____
Linda T. Johnson, Mayor

AGENDA: July 15, 2015, Regular Session

ITEM: Special Presentation - 2015 National Night Out Invitation

On Tuesday, August 4th, neighborhoods and businesses throughout Suffolk will join forces with thousands of communities nationwide for the 32nd Annual National Night Out (NNO) crime, drug and gang prevention event. National Night Out, which is sponsored by the National Association of Town Watch (NATW) and co-sponsored locally by the Suffolk Police Department, involves over 16,540 communities from all 50 states, U.S. territories, Canadian cities and military bases around the world. In all, over 38.1 million will participate in America's Night Out Against Crime on August 4th

Media & Community Relations Director, Diana Klink, and Police Chief Thomas Bennett will show a short video, inviting citizens to join them and other City and State Officials as they partner with communities, on August 4th, to give crime a going away party. Mayor Johnson will issue a proclamation in honor of the event.

AGENDA: July 15, 2015, Regular Session

ITEM: Special Presentation – Fill the Boot Month Proclamation and Presentation by Fire Chief Cedric Scott

Mayor Linda Johnson will present a proclamation recognizing Fill the Boot Month in the City of Suffolk, after which, Fire Chief Scott will make a few brief comments to Council.

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

Agenda Speakers

AGENDA: July 15, 2015, Regular Session

ITEM: Consent Agenda – An ordinance amending Chapter 2, Sections 2-242 and 2-244 of the Code of the City of Suffolk concerning the Early Childhood Development Commission

Attached, for Council's consideration and approval, is an ordinance modifying and amending Chapter 2, Sections 2-242 and 2-244 of the Suffolk City Code, concerning the Early Childhood Development Commission. Adoption of the attached ordinance is necessary to add a library representative to the commission membership and to reflect the amended mission statement.

RECOMMENDATION:

Adopt the attached ordinance.

ATTACHMENT:

Ordinance

ORDINANCE NUMBER

AN ORDINANCE AMENDING CHAPTER 2, SECTIONS 2-242 AND 2-244 OF THE CODE OF THE CITY OF SUFFOLK CONCERNING THE EARLY CHILDHOOD DEVELOPMENT COMMISSION

BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that Sections 2-242 and 2-244 of Chapter 2, "Administration" of the Code of the City of Suffolk, Virginia, is hereby amended to read as follows:

Sec. Sec. 2-242. Membership.

(a) The early childhood development commission shall consist of ~~11~~ 12 members and one ex officio member. Membership will consist of:

- (1) The city manager or his designee;
- (2) ~~An Obici Hospital~~ A hospital representative;
- (3) A child care professional representative;
- (4) A national association for the education of young children representative;
- (5) A medical services representative;
- (6) A specialist in child development;
- (7) The superintendent of schools or his designee;
- (8) ~~Four members at large, to be appointed by the city council;~~ and A library representative;
- (9) ~~One ex officio member, the coordinator for the commission.~~ Four members at large, to be appointed by the city council; and
- (10) One ex officio member, the coordinator for the commission.

(b) Terms for members, other than the city manager or his designee, and the superintendent of schools or his designee, shall be for staggered terms of four years.

(c) A member appointed to fill a vacancy shall serve for the unexpired term to which he is appointed. Members of the commission shall hold office after the expiration of their terms until their successors have been appointed. Commission members may be reappointed. All commission members shall be appointed by the city council.

Sec. Sec. 2-244. Mission.

~~The mission of the early childhood development commission shall be to ensure that every child in the city develops to his full potential socially, physically, emotionally and cognitively.~~

The mission of the early childhood development commission shall be to provide resources, services, and programs to the children of the city, birth through age eight, and their caregivers to support the child's social, physical, emotional, and cognitive growth.

BE IT FURTHER ORDAINED that this Ordinance shall be in effect upon its passage.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:


Helivi L. Holland, City Attorney

AGENDA: July 15, 2015, Regular Session

ITEM: Consent Agenda – An ordinance to amend City Code, Chapter 74 – Streets and Sidewalks Sections 74-284, 74-286, 74-288, 74-290, 74-292, 74-296, and 74-297 concerning permitting and surety requirement for work performed in the City’s right of way

Attached for Council’s consideration and approval is an ordinance modifying and amending sections 284, 286, 288, 290, 292, 296, 297 of Suffolk City Code Chapter 74, Streets and Sidewalks. Adoption of the attached ordinance will further clarify permitting and surety requirements for work performed in the city’s right of way.

RECOMMENDATION:

Adopt the attached ordinance.

ATTACHMENT:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CITY CODE, CHAPTER 74 – STREETS AND SIDEWALKS SECTIONS 74-284, 74-286, 74-288, 74-290, 74-292, 74-296, AND 74-297 CONCERNING PERMITTING AND SURETY REQUIREMENT FOR WORK PERFORMED IN THE CITY’S RIGHT OF WAY

BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that Chapter 74, “Streets and Sidewalks” of the Code of the City of Suffolk, Virginia, be and hereby is amended to read as follows:

Sec. 74-284. - Contents and provisions.

- (a) Permits issued under this division shall specify the manner and the conditions under which the permit work shall be done. Where the work or installation contemplated will or may disturb or obstruct any natural or artificial drainage medium, including ditches, storm sewers, ravines and the like, the permit shall specify the manner in which the surface water shall be controlled during the progress of work and thereafter, if the disturbance or obstruction is of a permanent nature.
- (b) Unless otherwise specified in the permit, every permit issued shall be deemed to include the following provisions:
 - (1) Public travel is to be blocked or altered, only in the manner and as specified in the permit.
 - (2) Pavement is to be used for piling or storing of excavated material or for deposit of material and the placing of equipment only as specified in the permit. All materials and/or equipment, including signage, shall be removed from city streets and sidewalks daily, unless specifically approved otherwise.
 - (3) The maximum amount of ditch, trench or other excavation to be opened at one time shall not exceed ~~500~~ 200 linear feet, including backfilled portion of any trench which is not in condition for public travel, unless the city manager finds reason for exception.
 - (4) All backfilling of excavations shall be ~~done to a 95 percent density compaction. Compaction by using water is not permitted.~~ performed following the requirements set forth in the current edition of the City of Suffolk Public Facilities Manual, VDOT Road and Bridge Specifications (current edition), or as directed by the City of Suffolk.
 - (5) ~~On~~ For open pavement cuts, the pavement shall be restored to its former dimensions, cross sections and profile with material conforming to city specifications. Open pavement cut shall be restored daily, unless specifically approved otherwise.
 - (6) No tree roots shall be cut to the extent of rendering the tree unsafe; and, if possible, tunneling through or under roots instead of cutting anchor roots shall be required.

- (7) Shoulders, ditches and drainage medium shall be left in the same condition as found, or as specified in the permit.
- (8) The permittee agrees to repair any ~~sinks~~ defects in the backfill or pavement, occurring within two years after the work done under the permit is completed.
- (9) ~~If entrances to adjacent property are affected, the permittee shall, if practical, provide temporary facilities for safe ingress and egress to such property.~~
Access to adjacent properties shall be maintained at all times. In the event that temporary facilities for safe ingress and egress are required, the affected property owners shall be notified in advance.
- (10) The permittee agrees to restore the street to a satisfactory condition consistent with ~~adjoining sections of the street~~ the City of Suffolk Public Facilities Manual, or as directed by the city manager or his designee.
- (11) The permittee agrees, by the acceptance of the permit, to indemnify, keep and hold the city free and harmless from liability on account of injury or damage to persons or property growing out of any activity authorized by the permit, whether suit is brought against the city either independently or jointly with the permittee.
- (12) The permittee agrees, by the acceptance of the permit, upon notice in writing, to remove or relocate any structure or installation placed in, on, under or over any street if such structure or installation in the opinion of the city manager interferes with the use of the streets.
- (13) The permittee is responsible for ensuring that all utility marks are removed within 20 days after completion of work. If the utility marks are not removed by the time specified herein, the city will consider the marks as graffiti. The city, in accordance with existing city ordinances, may remove graffiti, and the costs associated with such removal will be the responsibility of the contractor or permittee. The city shall have the right to suspend further permits to contractor or permittee until the utility marks are removed.
- (14) The permittee shall promptly report to the city manager when he has completed the work authorized under the permit.

Sec. 74-286. - Emergency permits.

The city manager is authorized to issue an emergency permit to allow work governed by this division, which requires immediate attention, to proceed before the permit application is completely processed. However, the issuance of said permit shall not be deemed a waiver of the requirements to complete the work in accordance with this chapter.

Sec. 74-288. – Minimum fees.

Minimum permit and inspection fees shall be required, and are not refundable for work

governed by this article in accordance with a schedule established by the city council and on file in the city clerk's office. For the issuance of such a permit, the applicant shall pay application and/or inspection fees in accordance with the city's adopted fee schedule.

Sec. 74-290. - Surety required.

Before any permit shall be issued to any person to cut, undermine, disrupt or disturb in any manner the paved or improved surface, including shoulders, sidewalks, curbs and gutters, of any street or property of the City of Suffolk, evidence of contractors' public liability insurance, or in lieu thereof, cash or an irrevocable letter of credit in the amount of \$50,000.00, in the form approved by the city attorney, payable to the city with surety conditioned to indemnify and save harmless the city, as well as any other person, from all liability, expense and damage to persons or property growing out of the activity to be authorized by such permit; and in addition thereto, the permittee shall give to the city cash or an irrevocable letter of credit ~~in an amount equivalent to the value of the work to be undertaken, but not less than \$10,000.00~~ accordance with the table outlined below in the form approved by the city attorney, payable to the city, with surety, conditioned to indemnify and save harmless the city from all expense and damage for work done pursuant to the permit and for failure to replace and restore the street to its original condition. Based upon the scope of work proposed, or at the discretion of the city manager, or his designee, a maintenance bond may also be required for a term of two years from final completion of a project. The amount of the bond shall be sufficient to assure the satisfactory condition of the required public improvements.

Surety requirements for work for which a permit is required by this article shall be in accordance with the following schedule:

	<u>Type of Project</u>	<u>Minimum Surety Requirement</u>
<u>(1)</u>	<u>Logging roads, and other temporary entrances</u>	<u>In accordance with total estimated project cost; minimum \$2,500 per entrance or \$10,000 continuous annual surety</u>
<u>(2)</u>	<u>Single Residential Driveway aprons</u>	<u>\$0.00</u>
<u>(3)</u>	<u>All other work</u>	<u>In accordance with total estimated project cost</u>

		<u>:minimum of \$10,000</u>
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In the event that the scope of work changes or unforeseen circumstances arise during the course of the project, the city manager, or his designee, reserves and shall have the right to require an increase in the surety amount to reflect the new total estimated project cost.

The city manager, or his designee, reserves and shall have the right to require Construction Record Drawings in accordance with the City of Suffolk Public Facilities Manual prior to the release of the surety.

Sec. 74-292. - Mail and newspaper boxes.

Mail and newspaper boxes may be placed in the streets without obtaining a permit, provided that all such boxes shall be so located as not to interfere with or endanger public travel or maintenance on such streets. Any such box so located as to interfere with or endanger public travel or maintenance on such streets shall be moved to an approved location upon reasonable notice from the city manager. Failure to remove such boxes after such notice has been given shall constitute a violation of this division. Failure to remove such rack or stand after such notice has been given shall constitute a class 4 misdemeanor, punishable as provided in subsection 1-14(4).

Sec. 74 – 296. - Issuance for logging roads and other temporary entrances.

The city manager or his designee may issue a permit under this division authorizing the installation of a logging road or other temporary private entrance. For the issuance of such a permit, the applicant shall pay application and/or inspection fees in accordance to the city's adopted fee schedule. The surety requirement for such an entrance shall be in accordance with section 74-290. No such surety shall be released until the entrance and all impacted public rights of way has been restored to pre-activity condition and inspected by the city manager or his designee to assure that the work done and/or completed conforms to the permit issued. A pre-activity condition inspection by the city manager or his designee may be required. In addition to all other applicable requirements of this division, drainage within the public right of way shall not be disrupted and the permittee shall maintain erosion and sediment control measures within the public right of way during said operations; failure to do so will result in the revocation of the permit.

Sec. 74 – 297. –Driveway permits.

- (a) No person shall construct or rehabilitate a driveway entrance within the city right of way without first obtaining a permit therefore from the city manager or his designee.
- (b) The city manager or his designee shall issue a permit for any such driveway entrance within the city right of way not exceeding thirty (30) feet in width if the same meets with the approval of the city manager or his designee; provided, however, that the city manager or his designee may issue a permit for a driveway exceeding thirty (30) feet in width, if and when it is deemed that such driveway is appropriate.
- (c) For the issuance of such a permit, the applicant shall pay application and/or inspection fees in accordance to the city's adopted fee schedule.
- (d) Where the work or installation contemplated will or may disturb or obstruct any natural or artificial drainage medium, including ditches, storm sewers, ravines and the like, the permit shall specify the manner in which the surface water shall be controlled during the progress of work and thereafter, if the disturbance or obstruction is of a permanent nature. All such driveway entrances within the city right of way shall be constructed under the supervision of the city manager or his designee subject to such conditions as he may prescribe as to materials used and manner of construction, and all paving and repaving, where necessary, shall be done at the expense of the person receiving such permit. It shall be the duty of the owner of such driveway to keep any existing paved or improved surface, including shoulders, sidewalks, curbs and gutters, of any street or property of the City of Suffolk that is cut, undermined, disrupted or disturbed in any manner in good repair at his own expense.
- (e) Any person violating any provision of this section shall be guilty of a Class 4 misdemeanor, punishable as provided in subsection 1-14(4).

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

READ AND ADOPTED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:


Helivi L. Holland, City Attorney

AGENDA: July 15, 2015, Regular Session

ITEM: Consent Agenda – An ordinance to appropriate unassigned Stormwater Fund Balance, not to exceed \$325,000, to the Capital Fund to be used for the local match for the Old College Drive Ditch Piping project

Attached for Council's consideration is an ordinance to appropriate unassigned Stormwater Fund Balance, not to exceed \$325,000, to the Capital Fund to be used for the local match for the Old College Drive Ditch Piping project. The Old College Drive Ditch Piping project was approved in the Fiscal Year 2015-2016 Operating and Capital Budget in the amount of \$325,000 in state transportation funds. This project required a local match in the amount of \$325,000 which was adopted in the Fiscal Year 2016-2025 Capital Improvements Plan for spending in Fiscal Year 2016-2017 to be transferred from the Stormwater Fund. The local cash match is needed in the current fiscal year in order to spend state transportation funds on this project.

BUDGET IMPACT:

Adoption of the ordinance will increase the revenues and expenditures of the Fiscal Year 2015-2016 Capital Fund by \$325,000 for the above noted purpose.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO APPROPRIATE UNASSIGNED STORMWATER FUND BALANCE, NOT TO EXCEED \$325,000, TO THE CAPITAL FUND TO BE USED FOR THE LOCAL MATCH FOR THE OLD COLLEGE DRIVE DITCH PIPING PROJECT

WHEREAS, funds are available in the Stormwater Fund Balance; and,

WHEREAS, these funds are available for use to transfer to the Capital Fund to assist in the local match for the Old College Drive Ditch Piping project; and,

WHEREAS, funds in the amount of \$325,000 need to be appropriated from the unassigned Stormwater Fund to the Fiscal Year 2015-2016 Capital Fund to provide the local match for the Old College Drive Ditch Piping project.

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

1. The sum of \$325,000 shall be reflected as budget in the following accounts in Fiscal Year 2015-2016 Capital Fund budget:

Revenue

310-82220-3520_441050.514 Interfund Tr Fr Stormwater \$325,000

Expenditure

310-82220-3520_53850.514 Construction Contracts Tr Fr Stormwater \$325,000

2. The Fund amount not to exceed \$325,000 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 hereby is 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

AGENDA: July 15, 2015, Regular Session

ITEM: Consent Agenda – An ordinance amending Chapter 38 of the Code of the City of Suffolk to Incorporate the International Fire Code – 2012 Edition into the Fire Prevention Code of the City of Suffolk, Virginia

Attached for Council's consideration and approval is an ordinance amending City Code Section 38-73. Adoption of this ordinance authorizes enforcement of the 2012 Virginia Statewide Fire Prevention Code.

RECOMMENDATION:

Adopt the attached ordinance.

ATTACHMENT:

Ordinance

ORDINANCE NUMBER

AN ORDINANCE AMENDING CHAPTER 38 OF THE CODE OF THE CITY OF SUFFOLK TO INCORPORATE THE INTERNATIONAL FIRE CODE – 2012 EDITION INTO THE FIRE PREVENTION CODE OF THE CITY OF SUFFOLK, VIRGINIA

BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that Section 38-73 of Chapter 38 entitled "Fire Prevention and Protection" of the Code of the City of Suffolk, Virginia, be, and hereby is, amended to read as follows:

Sec. 38-73. Changes in Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code, adopted by the city in section 38-71, is deleted, modified or amended in the following respects:

- (1) *Chapter 1, section 101.1* is amended by deleting and adding the following:

101.1. Title. The regulations set forth herein, as modified and amended in section 38-73 of the Code of the City of Suffolk, shall be known as the Fire Prevention Code of the City of Suffolk, Virginia, and are herein referred to as such or as "the code".

- (2) *Chapter 1, section 103* incorporating The International Fire Code - ~~2006-2012~~ Edition (hereinafter "IFC") is amended by deleting section 103.1.2 and adding the following:

103.1.2. Appendices. The Appendix B, C, D, ~~E~~, F, H and ~~E~~ I in the IFC are considered part of the IFC for the purposes of Section 103.1.

- (3) *Chapter 5, section 506.1* of the Statewide Fire Prevention Code is amended by deleting the section and adding the following:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings such as blocked openings, security gates, barricades, or where immediate access is necessary for life-saving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official.

- ~~(3)~~(4) *Section 5087.2* of the Statewide Fire Prevention Code is amended by deleting the section and adding the following:

5087.2. *Type of water supply.* A water supply shall consist of pressure tanks, elevated tanks, or water mains capable of providing the required fire flow. Stormwater best management practices (BMP), or any other static, below groundwater source (excluding municipal water supply reservoirs) shall not be used to supply the internal fire flow demand (sprinkler, standpipe, etc.) of buildings or portions of buildings and facilities. If a municipal water supply is unavailable to meet the external fire flow demand, a BMP may be used, with approval of the fire official, for supplying pressurized or nonpressurized hydrants, as determined by the fire official, to meet the required external fire flow demand on a temporary basis, until such time the municipal water supply can provide for the external fire flow demand.

(4)(5) *Section 5087.3* of the Statewide Fire Prevention Code is amended by deleting the section and adding the following:

5087.3. *Fire flow.* Fire flow requirements for buildings or portions of building and facilities shall be determined by using Appendix B (Fire-Flow Requirements for Buildings) of the IFC. Fire flows required shall be the cumulative amount of internal demand (sprinkler, standpipe, etc.) and external demand.

(6) *Chapter 34, section 3407.3* of the Statewide Fire Prevention Code is amended by deleting the section and adding the following:

3407.3 Locking. All gates to the storage yard shall be locked when the storage yard is not staffed. The fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official.

BE IT FURTHER ORDAINED that any phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the Code not amended or repealed hereby remain in full force and effect.

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

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:


Helivi L. Holland, City Attorney

AGENDA: July 15, 2015, Regular Session

ITEM: Consent Agenda – An ordinance amending Chapter 38 of the Code of the City of Suffolk pertaining to Smoke Detectors

Attached for Council's consideration and approval is an ordinance creating Article VI, Smoke Detectors, Sections 38-150 through 38-154, of the Code of the City of Suffolk. Adoption of this ordinance authorizes fire inspectors to issue smoke detector violations

RECOMMENDATION:

Adopt the attached ordinance.

ATTACHMENT:

Ordinance

ORDINANCE NUMBER

AN ORDINANCE AMENDING CHAPTER 38 OF THE CODE OF THE CITY OF SUFFOLK PERTAINING TO SMOKE DETECTORS

BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that Article VI, Smoke Detectors, Sections 38-150 through 38-154, of the Code of the City of Suffolk, be and hereby are created and amended to read as follows:

Article VI. Smoke Detectors

Sec. 38-150. Smoke detectors in certain buildings.

In accordance with the authorities specified in section 15.2-922, Code of Virginia, smoke detectors shall be installed in the following structures:

- (a) any building containing one or more dwelling units,
- (b) any hotel or motel regularly used or offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and
- (c) rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

Sec. 38-151. Installation Requirements.

Smoke detectors shall be installed in conformance with the provisions of the Virginia Uniform Statewide Building Code.

Sec. 38-152. Responsibilities of owner/tenant in rented or leased unit.

The owner of any unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order. Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair, or replace any malfunctioning smoke detectors within five days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement.

Sec. 38-153. Enforcement.

The fire marshal, or his duly authorized representatives, are authorized to administer and enforce this article.

Sec. 38-154. Article not exemption from compliance with code.

Nothing in this article shall excuse any owner for the required buildings from compliance with all other applicable provisions of the Virginia Uniform Statewide Building Code in chapter 14 of the Code of the City of Suffolk pertaining to buildings and building regulations.

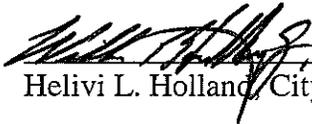
BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:

 Deputy City Attorney
Helivi L. Holland, City Attorney

AGENDA: July 15, 2015, Regular Session

ITEM: Consent Agenda – A resolution confirming the appointment of Holt W. Butt as Deputy Assessor

A resolution ratifying the appointment of the Deputy Assessor is being provided for City Council's consideration.

RECOMMENDATION:

Approve the resolution

ATTACHMENTS:

Ordinance providing for a Deputy Assessor
Resolution

RESOLUTION NO. _____

**A RESOLUTION CONFIRMING THE APPOINTMENT OF
HOLT W. BUTT AS DEPUTY ASSESSOR**

WHEREAS, by Ordinance Number 11-O-103 (the "Ordinance") City Council provided for the appointment of a Deputy Assessor; and

WHEREAS, the City Assessor has appointed Holt W. Butt to serve as Deputy Assessor; and

WHEREAS, the Ordinance requires confirmation of the appointment by City Council; and

WHEREAS, City Council has considered the qualifications of Holt W. Butt and determined the appointment should be confirmed;

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

1. The appointment of Holt W. Butt to serve, at the pleasure of the City Assessor as Deputy Assessor be, and is hereby, confirmed.

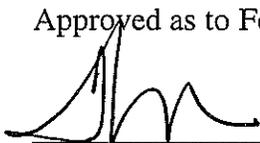
BE IT FURTHER RESOLVED that this resolution shall be effective upon adoption.

READ AND ADOPTED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

ORDINANCE NUMBER 11-O-103**AN ORDINANCE PROVIDING FOR A DEPUTY ASSESSOR**

WHEREAS, City Council has determined that the organizational structure and performance of City government will be enhanced by a Deputy Assessor.

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

1. The position of Deputy Assessor at Grade 27 be, and are hereby, established in the City Classification and Compensation Plan, as provided in the job description which is attached hereto as a part hereof.
2. The Deputy Assessor shall perform the duties of the Assessor as directed, or in the case of disability.
3. The appointment of the Deputy Assessor shall be subject to the ratification of City Council.
4. This ordinance shall be effective December 7, 2011, and shall not be published.

READ AND PASSED: DECEMBER 7, 2011

TESTE: _____


Erika S. Dawley, City Clerk

AGENDA: July 15, 2015, Regular Session

ITEM: Public Hearing – An ordinance to grant a Conditional Use Permit to establish a place of worship, small, under 6,000 square feet in main sanctuary on property located at 430 North Main Street, Zoning Map 34G11(A), Parcel 137, C06-15

Attached for your consideration is information pertaining to Conditional Use Permit Request C06-15, Kingdom Building Outreach Ministries, submitted by Annette and Terrance Williams, applicants, on behalf of Curtis N. Mehalko, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a place of worship, small, under 6,000 square feet in main sanctuary, on property located at 430 North Main Street, Zoning Map 34G11(A), Parcel 137. The affected area is further identified as being located in the Suffolk Voting Borough, zoned CBD, Central Business District zoning district and HC, Historic Conservation Overlay District. The 2035 Comprehensive Plan designates this area as a part of Central Growth Area, Mixed Use Core Use District.

The Planning Commission, at their meeting of June 16, 2015, voted 7 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 – Floor Plan

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request C06-15, Kingdom Building Outreach Ministries, submitted by Annette and Terrance Williams, applicants, on behalf of Curtis N. Mehalko, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

APPLICANT: Annette and Terrance Williams, applicants, on behalf of Curtis N. Mehalko, property owner.

LOCATION: The affected property located at 430 North Main Street, Zoning Map 34G11(A), Parcel 137.

PRESENT ZONING: CBD, Central Business District zoning district, and HC, Historic Conservation Overlay District.

EXISTING LAND USE: The property contains a contributing historic building formerly utilized as residence. The building currently serves a counseling center and a food/clothing bank operated by the applicants.

PROPOSED LAND USE: Place of worship, small, under 6,000 square feet in main sanctuary.

SURROUNDING LAND USES:

North – CBD district, office;
South – CBD district, commercial office building;
East – CBD district, cemetery;
West – CBD district, offices and residences.

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan identifies this property as being located within the Central Growth Area, Mixed Use Core Use District.

CHESAPEAKE BAY PRESERVATION AREA DESIGNATION: The property is located within the City's Chesapeake Bay Preservation Area Overlay District and is designated as an Intensely Developed Area (IDA).

CASE HISTORY: None were identified.

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 a place of worship, small, under 6,000 square feet in main sanctuary, within an existing building located at 430 North Main Street. The applicant currently operates a counseling center (meeting room #2) and food/clothing bank within the building. The facility will operate seven days a week. Operating hours will be Mondays, Tuesdays, Wednesdays, and Fridays from 9am to 6pm, Thursdays from 12pm to 8pm, and 11am to 8pm on Sundays. Extended hours of operation may be established on an as needed basis for the food/clothing bank. Bible study will take place in meeting room #1 from 7pm to 8pm on Thursdays and will generally serve 10 attendees. Daycare is not proposed to be associated with this use. Off-street parking will be provided on-site directly to the rear of the building. The parking area is accessed by a driveway from North Main Street.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for a place of worship, small, under 6,000 square feet in main sanctuary within the CBD, Central Business District.

The applicants are proposing to initially conduct weekly bible study sessions, however they have indicated the future potential to conduct formal church services. As currently proposed the facility will operate seven days a week. Operating hours will be Mondays, Tuesdays, Wednesdays, and Fridays from 9am to 6pm, Thursdays from 12pm to 8pm, and 11am to 8pm on Sundays with additional hours as needed for the food/clothing bank. Bible study will take place in meeting room #1 from 7pm to 8pm on Thursdays generally serving 10 attendees.

2. The facility will be accessed by an existing entrance off of North Main Street which provides access to the rear parking area.
3. The off-street parking requirements outlined in the UDO require a minimum of one space per four seats and a maximum of one space per one and a half seats for a place of worship. The rear parking lot contains a minimum of 7 parking spaces marked with bumper blocks. The proposed capacity of 23 seats will require a minimum of 6 parking spaces, therefore the provided parking is adequate for the proposed use.
4. Public water and sewer currently serves the proposed facility. The Department of Public Utilities has indicated no objections to the proposal.
5. 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 place of worship, small, under 6,000 square feet in main sanctuary is a listed conditional use in the CBD zoning district per the City's Unified Development Ordinance. There are no supplemental standards for this specific use established in the UDO.

- 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 place of worship will conform to the character of the neighborhood as it is not out of character as to what is allowed in the CBD district. The intensity of a place of worship is similar to the mix of commercial, residential, and institutional uses permitted in the CBD District and currently found along this portion of the North Main Street commercial corridor. This is an existing commercial building with associated off-street parking. This proposed use will take place entirely within the existing building and does not appear to have any adverse effects on the surrounding community.

- 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 a place of worship has been reviewed by the City's Traffic Engineering Department and approval is recommended.

- 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 a place of worship and should not produce excess vibration, noise, odor, dust, smoke or gas. It is not anticipated that there will be any uses associated with the place of worship 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 proposed use will occur entirely within an existing commercial building. The proposed use of a place of worship should not diminish or impair the existing uses that surround the site.

- 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 a place of worship 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 operation of a place of worship 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 a place of worship.

RECOMMENDATION

The request to allow a place of worship, small, under 6,000 square feet in main sanctuary at should not adversely impact the adjacent neighborhood and surrounding area. It is staff's opinion that the site in question is appropriate for the proposed use of the facility with specific conditions that would serve to mitigate potential adverse impacts. Therefore, staff recommends **approval** of Conditional Use Permit request C06-15 with the following conditions.

1. This permit is granted to establish a place of worship, small, under 6,000 square feet in main sanctuary, as defined in the Unified Development Ordinance at 430 North Main Street and, as shown on Exhibit B, Zoning/Land Use Map and Exhibit C, Floor Plan.
2. The applicant will be required to address any issues regarding occupancy of the proposed space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development. A sealed written code analysis and floor plan will be required to be submitted, reviewed, and approved prior to establishing the proposed use.
3. The sanctuary shall be limited to a maximum of 23 seats.

The Planning Commission, at their meeting of June 16, 2015, voted 7 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 – Floor Plan

RECEIVED

APR 22 2015

PLANNING

Conditional use permit of intent

April 21, 2015

From: Terrence Williams & Annette Williams, Kingdom Building Outreach Ministries

430 North Main Street

Suffolk, Virginia 23434

(757) 286-8398

Contact Person: Annette Williams at (757) 286-8398

Address of Conditional Use request: 430 North Main Street, Suffolk Va.

Existing use & condition: (Outreach) On May 15, 2014 we submitted a Determination of Zoning indicating a proposal to use the above referenced property to continue our outreach work... We explained that our outreach consist of meeting the needs of the needy both physically and spiritually. We also included our time of operation which consisted of seven days a week. Mon-Tues-Wed-&Fri.9am-6pm, Thurs. 12-8pm and Sun 11am-8pm. We also explained what all would be involved in this outreach. We stated that we would have food pantry (dry goods), clothe closet (for all ages). We also would be spend time counseling in Marriages, Alcohol, Drugs, Teen Peer Pressure, and Teen Pregnancy, working closely with local shelters, schools, churches, to sponsor families who are less fortunate then we are in their time of need. Our doors would be revolving doors, seven days a week. Mon-Tues-Wed & Fri.9am-6pm, Thurs.12-8pm and Sun 11am-8pm. With that being said we are so grateful that on June 10, 2014 we received a letter from the Department of Planning and Community Development stating that a counseling center and food/clothing bank is permitted by right in the Central Business District while reiterating, this will not be a place of worship, a restaurant or a facility that offers classes, workshops, or instruction.

On July 2, 2014 we applied for Zoning Permit: In Historic District for a 36' (w) X 48" (H) Sign. Hanging existing sign in front of building on the front lawn. Changing the face. Using existing panel/frame for the above property. On July 2, 2014 we also applied for Building Permit which was issued on July 31, 2014. On July 9, 2014 we applied for Commercial Building Clearance Application, in return on July 14, 2014 we received a letter stating that a Certificate of Appropriateness for installing of a free standing -sign at the above address has been approved. On July 11 we applied for Zoning -Business License Zoning inspection which took place and approved.

We are proud to say that this Outreach Ministry have truly become a great access to this community in so many ways as expected! We are currently open on Mon 10am-1pm (receiving donations) Tues 4pm-6pm (bagged canned goods food pantry) Wed 5pm-8pm (Mentoring by apt. only) Fri 10am-1pm (Clothes Closet). We do make exceptions with the clothe closet as well as the food pantry because someone needs may not be able to wait for Friday or Tues. We are networking with our local shelters here in Suffolk such as: The American Red Cross, The Genève Shelter, The Suffolk Salvation Army, Suffolk Probation Office , and The Constance

C06-15

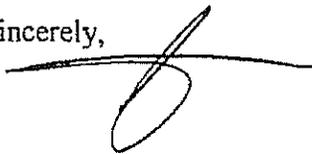
Distribution Center. We have been able to bless so many people from all walks of life. We have had the opportunity to assist families in their recovery stages do to being homeless, single parents, fire victims, or just simply in need as far as North Carolina. We have had the opportunity to mentor young men and ladies who just need a listening ear. This ministry have definitely been a blessing in assisting in meeting the needs of those who stand in need physically. It is truly a blessing to see a smile on the face of someone who just lost everything in a house fire, who's having financial problems and don't know where their next meal is coming from.....it's just a blessing to be a blessing. Our ministry is currently listed in the Suffolk News Herald under ongoing events advertising our free clothe closet.

Conditional use permit request is to implement Bible Study, with the possibility of implementing worship services in the future, Bible study will be accessed through the outreach ministry by the back door entrance as is now and take place in Meeting Room #1. The planned operation of Bible study is from 7pm-8pm on Thursday nights weekly. Our Bible study consists of a small group of people no more than 10, if 10 on any given night. No changes will be made or is necessary to the inside or outside of the physical structure therefore it will be used as is. The back door is ADA accessibility. The back door will also serve as an emergency exit. Parking will continue as it is know: on the premises at the rear of the building.

Founders Elder Annette Williams and Deacon Terrence has been shepherds overseeing Kingdom Building Outreach Ministries since it was birth by God in their home in the year Of 2011. She was Ordained and License as a Minister to preach the Gospel in the year of 2011, in 2012 directed by God her pastor Elder Steven R. Hamlin Sr., Ordained and License her to Elder. She is currently enrolled in the W.P. Wiggins Bible Institute for the 4th consecutive year to receive her Bachelors in Theology this year June 6, 2015. Mr. Terrence Williams was Ordained and License as Deacon by the Suffolk Interdenominational Ministers Alliance in the year of 1988 by his pastor the late Rev James V. Washington. We are graduates of John F. Kennedy High School and lifelong citizens of Suffolk, Va. In closing while we have been bless to shift the physical part of this outreach ministry out of our home to the above address, we are seeking to shift the spiritual (Bible Study) out of our home as well to the above address. In closing our vision is to grow the body of Christ. We thank you for your time and consideration and pray that you will grant us this permit.

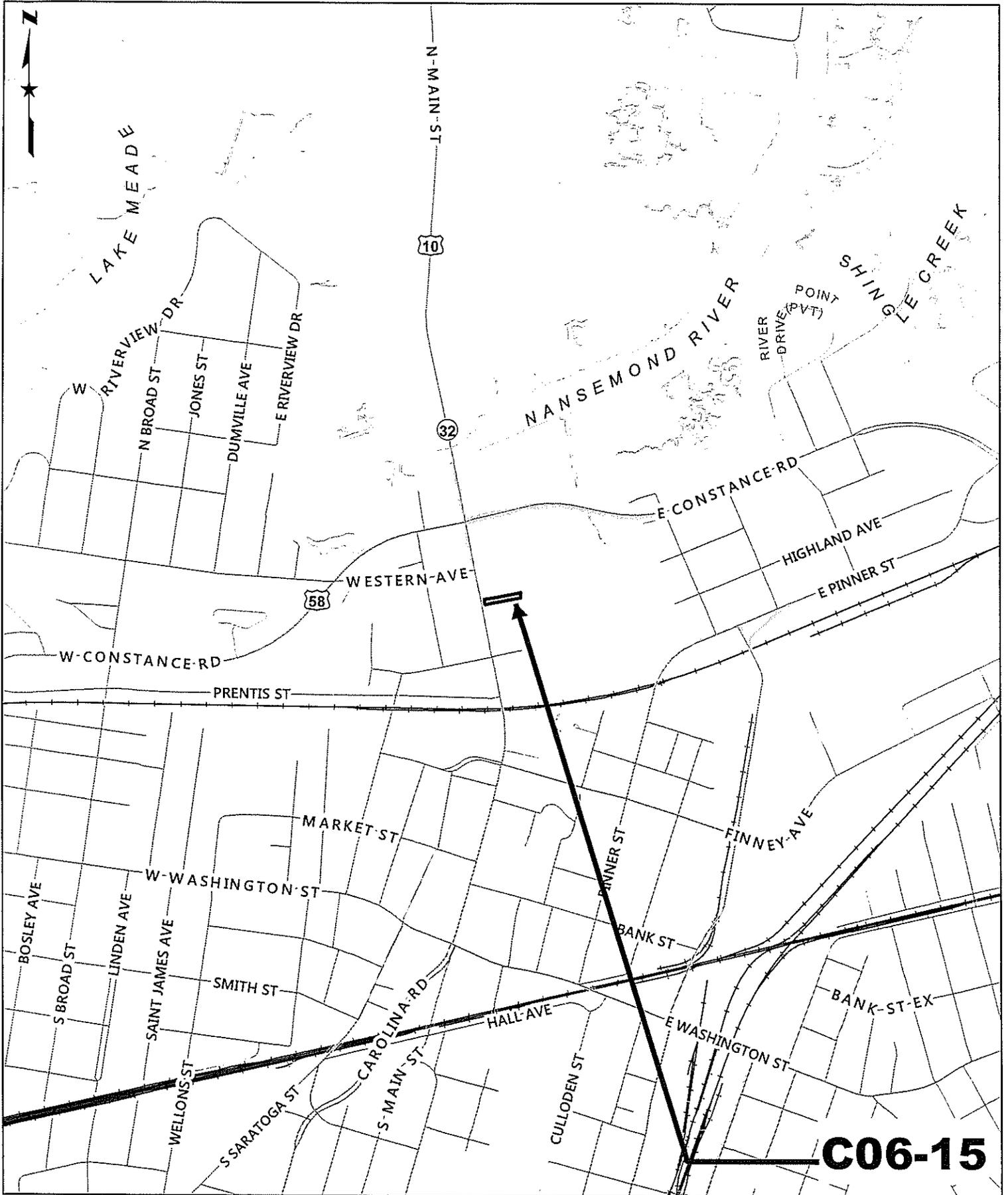
If there are more questions, please contact Mrs. Annette Williams at 757-286-8398.

Sincerely,

A handwritten signature in black ink, appearing to be 'Annette Williams', written over a horizontal line.

Annette Williams, & Terrence Williams, Founders/ Leaders
Kingdom Building Outreach Ministries

General Location Map



C06-15

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A PLACE OF WORSHIP, SMALL, UNDER 6,000 SQUARE FEET IN MAIN SANCTUARY ON PROPERTY LOCATED AT 430 NORTH MAIN STREET, ZONING MAP 34G11(A), PARCEL 137, C06-15

WHEREAS, Annette and Terrance Williams, applicants, on behalf of Curtis N. Mehalko, property owner, has requested a conditional use permit for a place of worship, small, under 6,000 square feet in main sanctuary 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 34G11(A), Parcel 137, 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", "Floor 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 permit a place of worship, small, under 6,000 square feet in main sanctuary 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 a place of worship, small, under 6,000 square feet in main sanctuary 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 is specifically for a place of worship, small, under 6,000 square feet in main sanctuary in compliance with Exhibit "C" (the "Floor Plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This permit is granted to establish a place of worship, small, under 6,000 square feet in main sanctuary, as defined in the Unified Development Ordinance at 430 North Main Street and, as shown on Exhibit "B", "Zoning/Land Use Map" and Exhibit "C", "Floor Plan".
2. The applicant will be required to address any issues regarding occupancy of the proposed space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development. A sealed written code analysis and floor plan will be required to be submitted, reviewed, and approved prior to establishing the proposed use.
3. The sanctuary shall be limited to a maximum of 23 seats.

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 Annette and Terrance Williams, applicants, and Curtis N. Mehalko, property owner, or there successor 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 Annette and Terrance Williams, applicants, and Curtis N. Mehalko, 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.

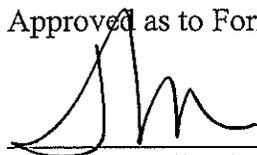
Section 7. Effective Date.

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
C06-15**

WHEREAS Annette and Terrance Williams, applicants, on behalf of Curtis N. Mehalko, property owner, have 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 a place of worship, small, under 6,000 square feet in main sanctuary in accordance with Sections 31-306 and 31-406, and 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.

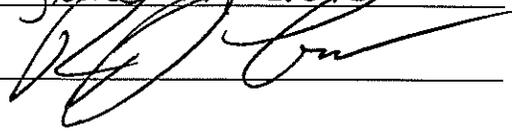
Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, C06-15, 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: June 16, 2015

TESTE: 

**CONDITIONAL USE PERMIT
C06-15**

CONDITIONS

1. This permit is granted to establish a place of worship, small, under 6,000 square feet in main sanctuary, as defined in the Unified Development Ordinance at 430 North Main Street and, as shown on Exhibit B, Zoning/Land Use Map and Exhibit C, Floor Plan.
2. The applicant will be required to address any issues regarding occupancy of the proposed space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development. A sealed written code analysis and floor plan will be required to be submitted, reviewed, and approved prior to establishing the proposed use.
3. The sanctuary shall be limited to a maximum of 23 seats.

C06-15 ZONING / LAND USE MAP

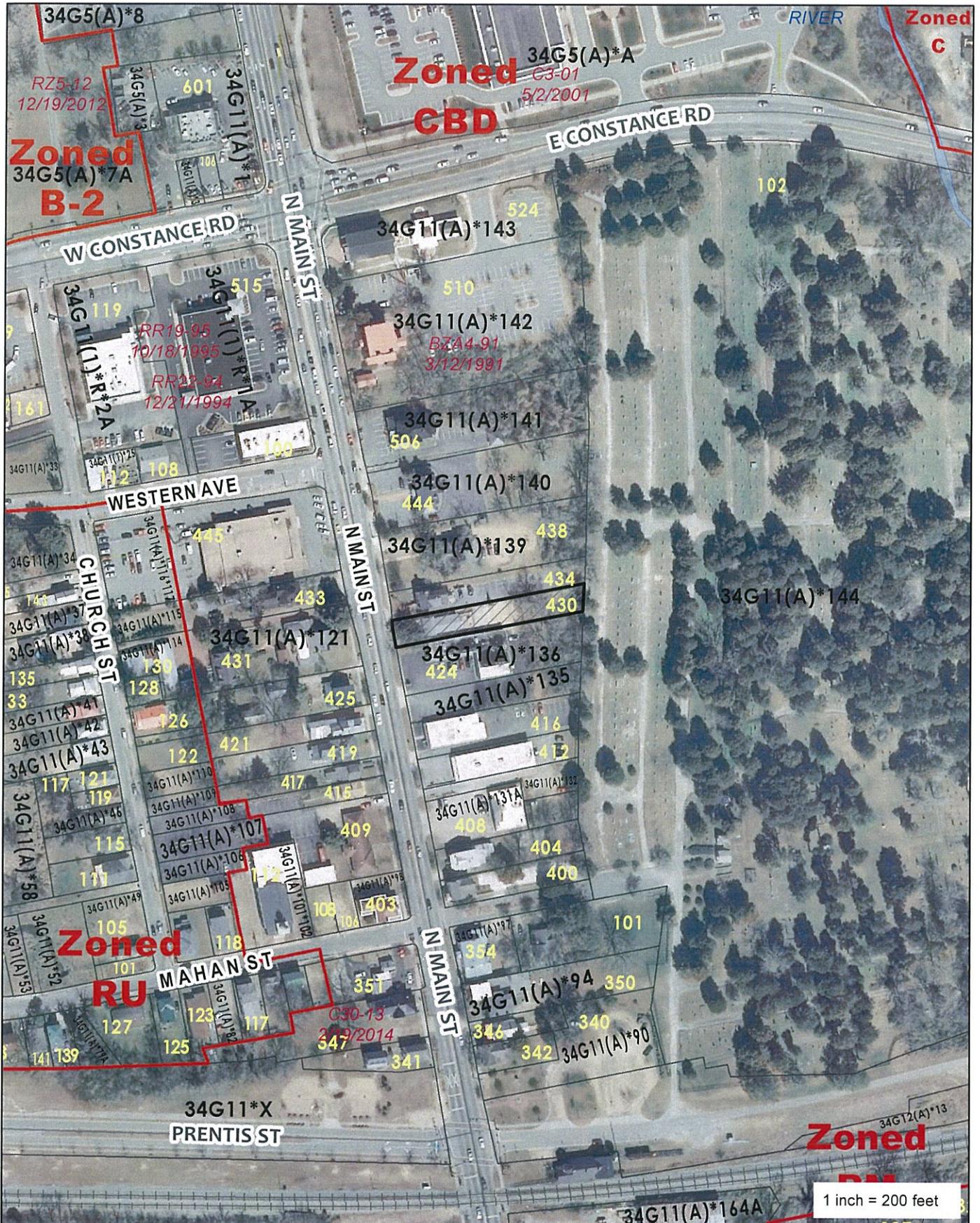
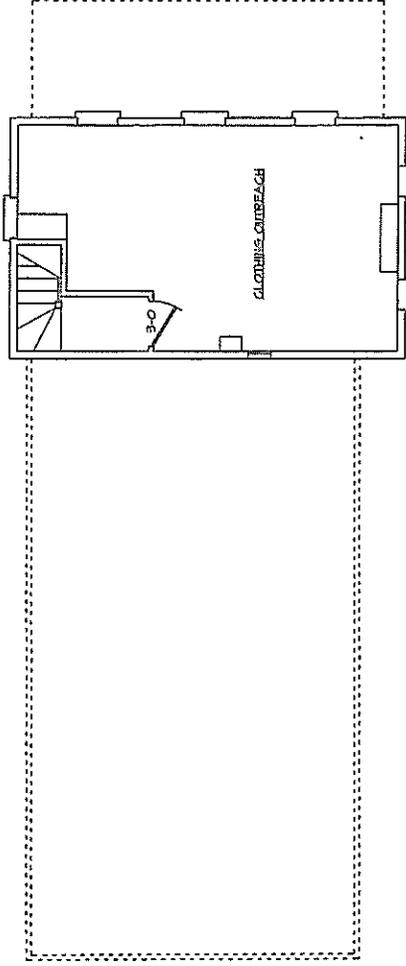
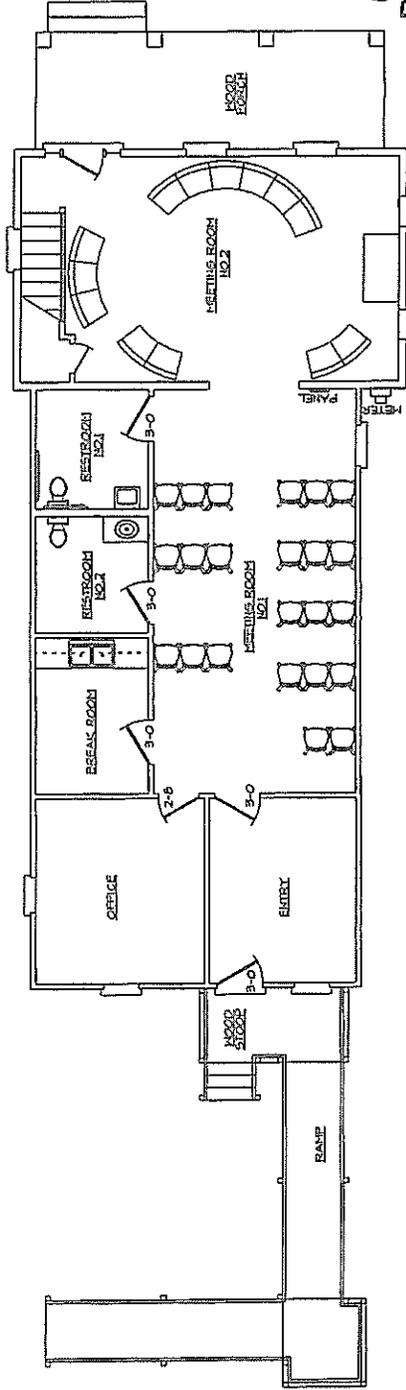


EXHIBIT C



SECOND FLOOR PLAN
1/8"=1'-0"



FIRST FLOOR PLAN
1/8"=1'-0"

C 2015-00000

RECEIVED

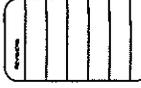
APR 22 2015

PLANNING

C06-15

KINGDOM BUILDING OUTREACH
MINISTRIES
450 NORTH MAIN STREET
SUFFOLK, VIRGINIA 23064

CUSTOM HOME DESIGNS, INC.
17551-0104
P.O. BOX 2551
CHESAPEAKE, VIRGINIA 23021



NO. 08
DATE 03/18/15
BY B-COM
PROJECT 15-00000

1 OF 1

AGENDA: July 15, 2015, Regular Session

ITEM: Public Hearing – An ordinance to grant a Conditional Use Permit to establish a 195' monopole telecommunications tower and associated equipment, on property located at 2133 Copeland Road, Zoning Map 54, Parcel(s) 55; C07-15

Attached for your consideration is information pertaining to Conditional Use Permit Request C07-15, submitted by Frederick A Womble, agent, on behalf of SBA Network Services, LLC and Verizon Wireless, applicant(s), on behalf of S&M Farms, LLC, property owner(s), in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a 195' monopole communications tower and associated equipment, on property located at 2133 Copeland Road, Zoning Map 54, Parcel(s) 55. The affected area is further identified as being located in the Whaleyleyville 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 June 16, 2015, voted 7 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 C07-15, submitted by Frederick A Womble, agent, on behalf of SBA Network Services, LLC and Verizon Wireless, applicant(s), on behalf of S&M Farms, LLC, property owner(s), in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance (UDO).

APPLICANT: Submitted by Frederick A. Womble, agent, on behalf of SBA Network Services, LLC, applicant.

LOCATION: The affected property is located at 2133 Copeland Road and is further identified as Zoning Map 54, Parcel(s) 55.

PRESENT ZONING: A, Agricultural.

EXISTING LAND USE: Vacant land.

PROPOSED LAND USE: 195-foot monopole telecommunications tower and associated equipment.

SURROUNDING LAND USES:

North – Agricultural and Residential uses, zoned A

South – Agricultural and Residential uses, zoned A

East – Agricultural and Residential uses, zoned A

West – Agricultural and Residential uses, zoned A

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

CHESAPEAKE BAY PRESERVATION AREA DESIGNATION: The property is located outside 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.

CASE HISTORY: This request was tabled at the September 16, 2014 Planning Commission meeting at the request of the applicant. At that time, the applicant asked for the request to be continued for a period of ninety (90) days to further analyze the radio frequency propagation of the proposed tower location and to provide additional necessary documents for approval as required by the Unified Development Ordinance. Subsequently, the previous request was withdrawn and a new, complete applicant submitted.

STAFF ANALYSIS

ISSUE

The 287 acre parcel is owned by S&M Farms, LLC who will lease a 100 foot x 100 foot area to SBA Network Services, LLC for the purpose of locating a 195-foot monopole cellular telecommunications tower with associated equipment within a fenced compound. The proposed lease area is located just west of Tax Map 54 Parcel 55C and is located over 500 feet from the road. Verizon Wireless is proposing to extend a 12-foot wide drive from Copeland Road to provide access to the lease area. Verizon Wireless will be the initial user but the tower will be constructed to accommodate four users, one of which must be reserved for the City of Suffolk.

CONSIDERATIONS AND CONCLUSIONS

1. *Conditional Use Permit Approval Criteria (Section 31-306)* - As may be specified within zoning districts, uses permitted subject to conditional use review shall be permitted only after review by the Planning Commission and approval by the City Council and if the applicant demonstrates that the proposed use is in compliance with the regulations of the applicable zoning district as well as Article 6 of the UDO and the supplemental use standards for telecommunications towers and as set forth in Article 7 of the UDO.
2. *Appendix B, Section B-22* - As required, the applicant has provided the following:
 - A written narrative documenting the lack of opportunities to locate on other existing facilities, a description of the tower design and a sample photograph, an elevation drawing of the tower on the site plan, and a description of the tower's impacts;
 - Documentation of the structural integrity of the proposed tower;
 - A computer simulation of the proposed tower;
 - Documentation of FCC license;
 - Documentation of Non-Iodizing Electromagnetic Radiation (NIER) test and approval from the FCC, which states that the proposed tower will have no adverse effects on humans at ground level;
 - Site plan;
 - Lease agreement; and,
 - An official FAA assessment letter.
3. *Use Regulations* – In accordance with Section 31-406 of the Unified Development Ordinance (UDO), the construction of new telecommunications towers are permitted in the A, Agriculture zoning district with approval of a conditional use permit. The proposed tower is subject to the supplemental use regulations found in Section 31-716 of the UDO as follows:
 - *Type of Tower* - The proposed tower will be a monopole structure. Monopole towers are permitted in any zoning district where telecommunications towers are permitted with a conditional use permit.

- *Required Setback* – New cell towers are required to be setback not less than 100 feet from the edge of any public right-of-way. The proposed tower and fenced compound will be located over 500 feet from Copeland Road.
 - *Co-location* - New towers are discouraged unless the applicant can show that co-location on an existing tower is not feasible, or that rebuilding an existing tower to a greater height is not possible. The applicant has stated that there are no towers in the vicinity that will allow Verizon to meet its coverage needs. The applicant has demonstrated that the location of the 195-foot tower proposed for this site will fill a gap in coverage and will accommodate a maximum of four users with the initial user being Verizon Wireless. The applicant has supplied the necessary coverage maps to identify the difference in coverage area with and without the proposed tower.
 - *Lighting & Marking*- The applicant has submitted an FAA determination which states this proposal does not exceed obstruction standards and would not be a hazard to air navigation. While this site is located within the Airport Overlay Zone, the elevation is below the surface elevations of the airport safety management zone height limitations and the FAA has issued a “Determination of No Hazard to Air Navigation”. The FAA determination also indicates that this proposal does not require lighting or marking under these circumstances. However, the Planning Commission on similar applications has required lighting.
 - *Screening* – The base of the tower and associated equipment will be required to be screened from view in accordance with the screening standards set forth in Section 31-603 of the UDO. The site is located in a wooded area with additional woods just to the north and west of the lease area. At the time of site plan approval, additional landscaping may be required.
 - *Tower Removal* – Section 31-716(g) requires the applicant to remove the tower and associated equipment should their use be discontinued for more than one year.
 - *Performance Surety* – Section 31-716(f) requires that a performance surety, in a form approved by the City Attorney, be submitted by the applicant prior to issuance of a building permit to ensure removal of the tower when it is no longer used for wireless telecommunications.
4. *Telecommunication Facilities (Section 31-716)* – In accordance with section 31-716 of the Unified Development Ordinance, the purpose of the supplemental use regulations for telecommunications towers are as follows:
- *Protect residential areas and land uses from potential adverse impacts of towers and antennas* – The proposed tower will be more than 200 feet from the adjacent residential parcel to the east.
 - *Encourage the location of towers in non-residential areas* - The proposed site is zoned A, Agriculture. It should be noted that the proposed site is surrounded by A zoning to the North and East, and West, with few residences close by.

- *Minimize the total number of towers throughout the community* – The approval of the proposed tower will fill an existing gap in service and will alleviate the need for additional towers in the vicinity in the future.
- *Strongly encourage the use of new and existing tower sites as a primary option rather than construction of additional single-use towers* –The proposed tower will be constructed for four users, and will, therefore, eliminate the need for additional towers in the future.
- *Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact of the community is minimal* – The proposed tower will be partially buffered by an existing mature wooded area as can be seen from the attached exhibits.
- *Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques* – The applicant states that using the topography and existing vegetation, the site has been designed and located in an area that will be the least obtrusive to the majority of the area residents.
- *Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently* – The availability of the new tower will improve the existing coverage for residents in the area.
- *Consider the public health and safety of communication towers* – According to the applicant, the site will be unmanned, and will, therefore, not create any traffic issues. It should also be noted that the site will not create any noise or fumes.
- *Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures* – The applicant has provided a structural analysis which states that the proposed tower is structurally safe and capable of accommodating a the proposed use.

RECOMMENDATION

Staff has reviewed the request to permit a 195-foot monopole telecommunications tower and associated equipment with the standards that are established in the Unified Development Ordinance (UDO). Given that all documentation has been submitted and reviewed and the proposed tower will not have any adverse effects on humans at ground level staff hereby recommends **approval** of conditional use permit request C07-15 with the following conditions.

1. This conditional use permit is granted to establish a 195' monopole telecommunications tower and associated equipment at 2133 Copeland Road, Zoning Map 54, Parcel 55 as shown on Exhibit B, Zoning and Land Use Map, the location of which is generally as shown on Exhibit C, Site Plan.

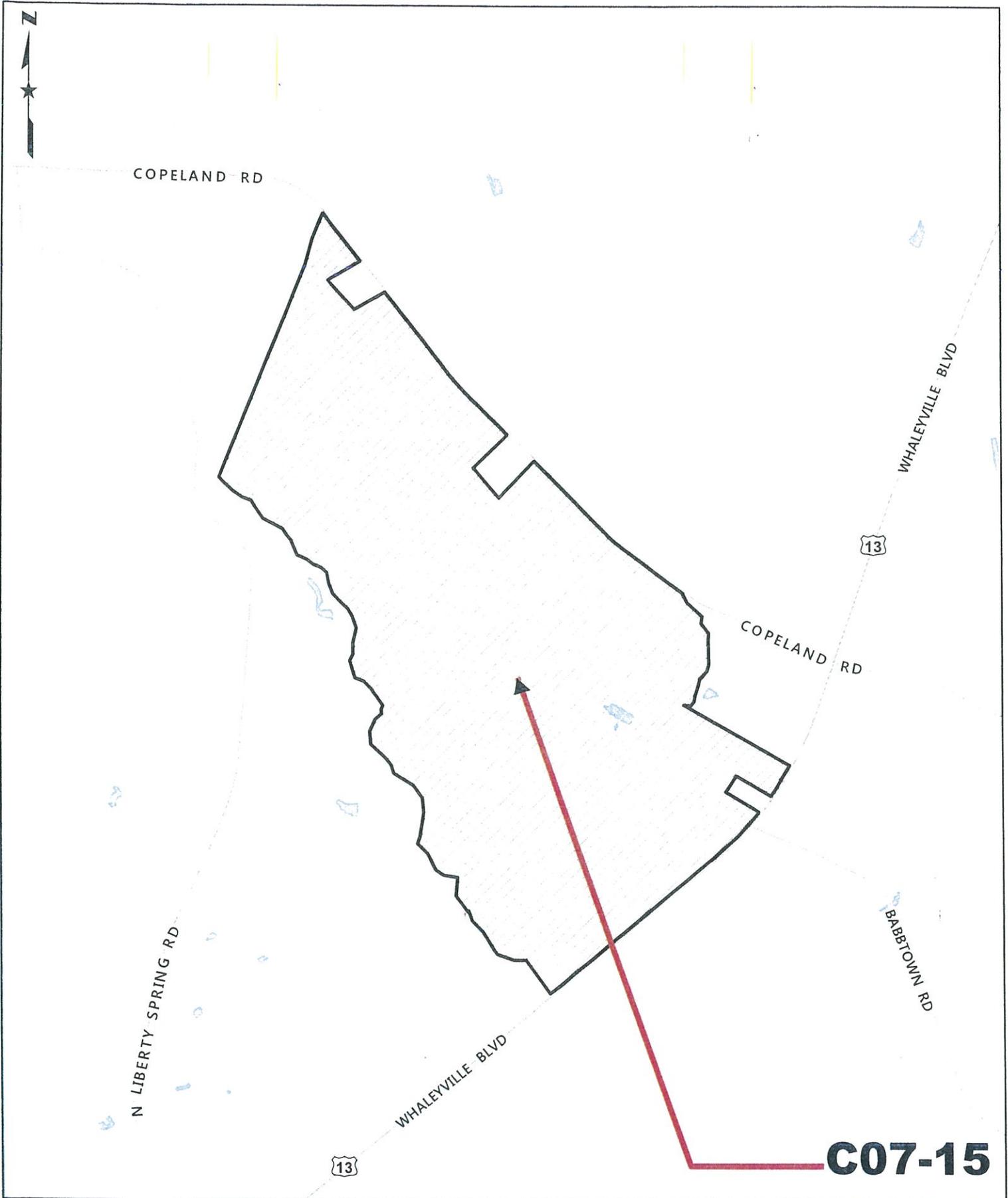
2. The tower shall be constructed in accordance with the site plan, Exhibit "C" submitted with the conditional use permit application.
3. Prior to construction of the tower, review and approval of a site plan is required in accordance with the applicable provisions of the Unified Development Ordinance.
4. Space shall be provided for at least three (3) or more additional users on the tower, so long as there is no interference from such use. The City of Suffolk shall be included as a user at no cost to the City, so long as there is no interference from such use, and such use is within the design limits of the tower structure.
5. Should the tower and associated equipment building not be used for wireless telecommunications for a period of one (1) year, the tower and associated equipment building shall be dismantled and removed from the site.
6. Prior to issuance of a building permit, the applicant must provide a performance surety, in a form approved by the City Attorney, to ensure removal of the tower when it is no longer used for wireless telecommunications.
7. The equipment buildings and associated structures shall be screened from view in accordance with the landscaping requirements of the Unified Development Ordinance.
8. Barbed wire shall not be used on the compound fence.
9. Aviation lighting shall be installed and maintained on the tower in accordance with FAA Advisory Circular 70/7460-1 K Change 2.

The Planning Commission, at their meeting of June 16, 2015, voted 7 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



August 22, 2014

City of Suffolk
Planning and Community Development
Attn: Shanda Davenport
441 Market Street
Suffolk, VA 23434

RE: Site Siting Process for Proposed 195-foot Wireless Telecommunication Facility to be Located at 2133 Copeland Road (Verizon Site: Carolina Road)

Mrs. Davenport:

SBA Network Services, LLC is proposing the construction of a 195-foot communication tower and associated equipment to be located at 2133 Copeland Avenue. (Map # 54; Parcel # 55) Verizon Wireless will be the first carrier on the proposed tower.

SBA and Verizon contend that the proposed tower is needed to provide wireless coverage and data capacity along the US-13 and Carolina Road corridors. (See attached coverage maps). At present, there is a coverage "hole" between the two (2) existing tower sites that Verizon is currently co-located on to the northeast and southwest of the proposed site.

When determining where to construct a new site, Verizon's stance has always been to use as many co-location sites as possible, to minimize building a new site. Verizon utilizes radio frequency propagation software to simulate what the existing coverage is in a given area. (See "Existing Coverage" map) Next, Verizon uses a combination of an extensive database of existing structures and also physically driving the area to locate any potential co-location opportunities. If no co-location possibilities exist in an area, Verizon then begins analyzing area parcels for their suitability to support a new tower in regards to zoning codes, airport overlays, and/or other local development regulations.

The proposed site is necessary for Verizon to offer extended coverage, capacity of their network, and to improve the quality of their overall network in the area. (See "Proposed Coverage" maps).

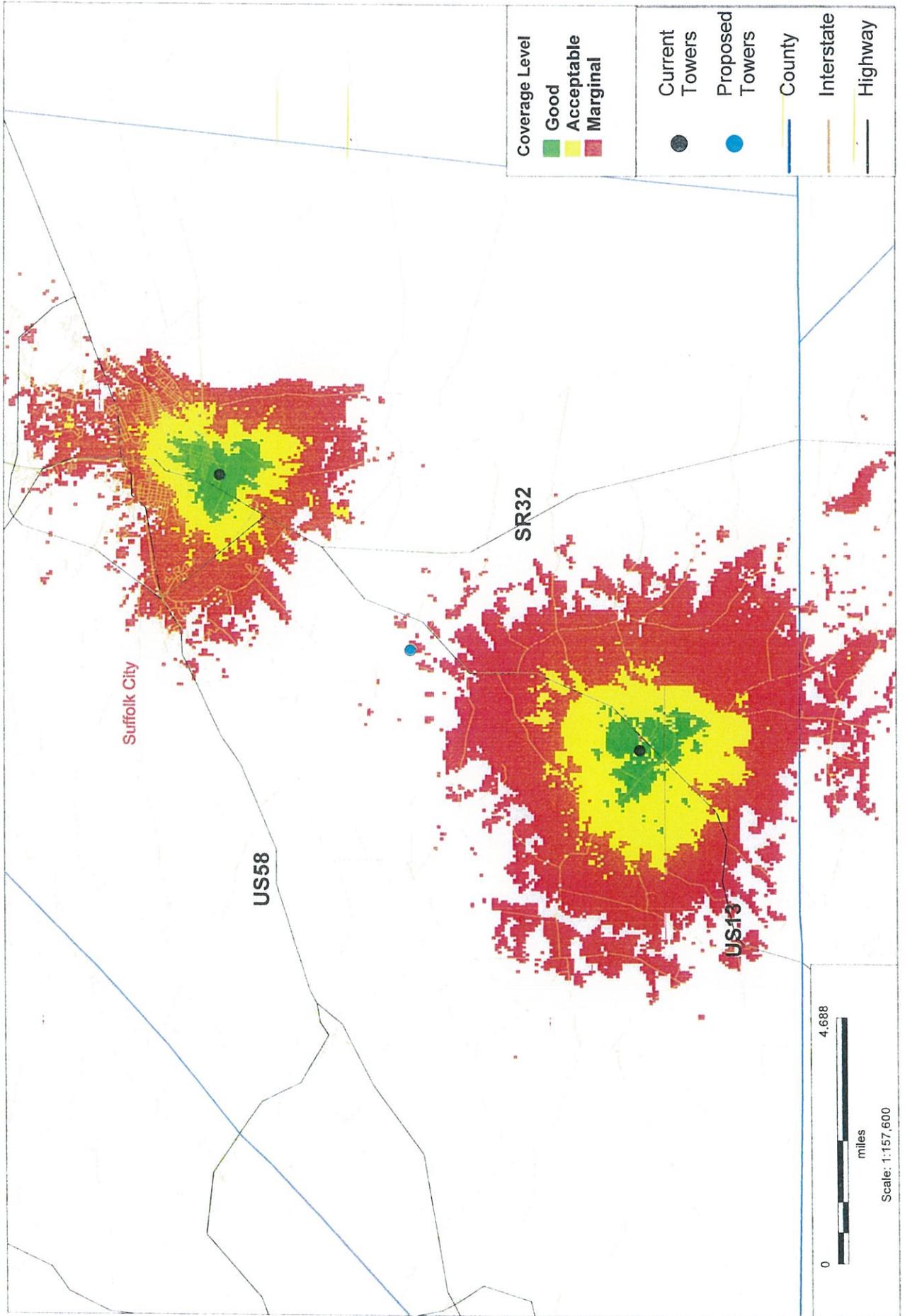
If you need additional information pertaining to this matter, please contact me as soon as possible and I will respond promptly.

Respectfully,

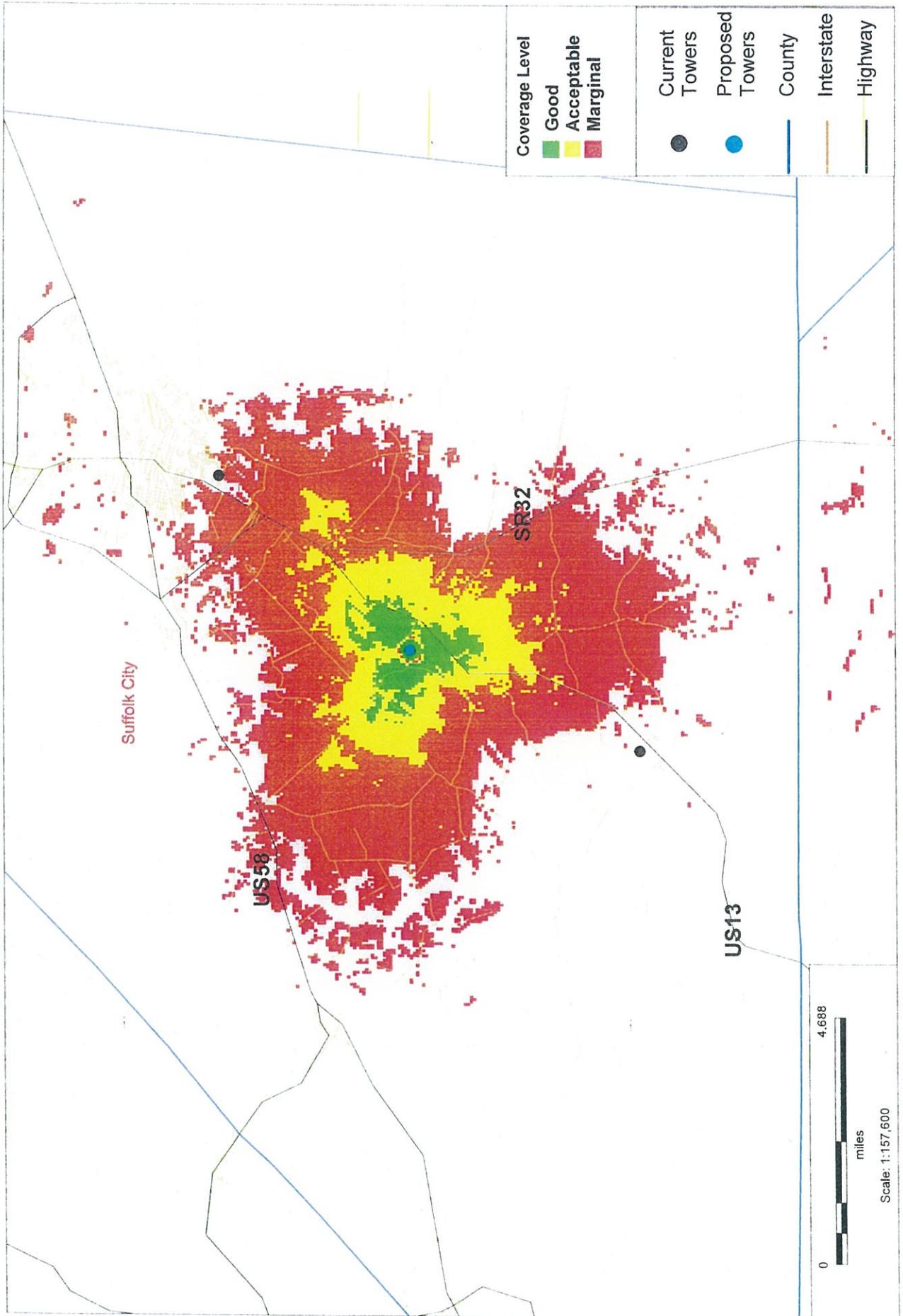
Frederick A. Womble, Zoning & Permits Manager
SBA Network Services, LLC

C07-15

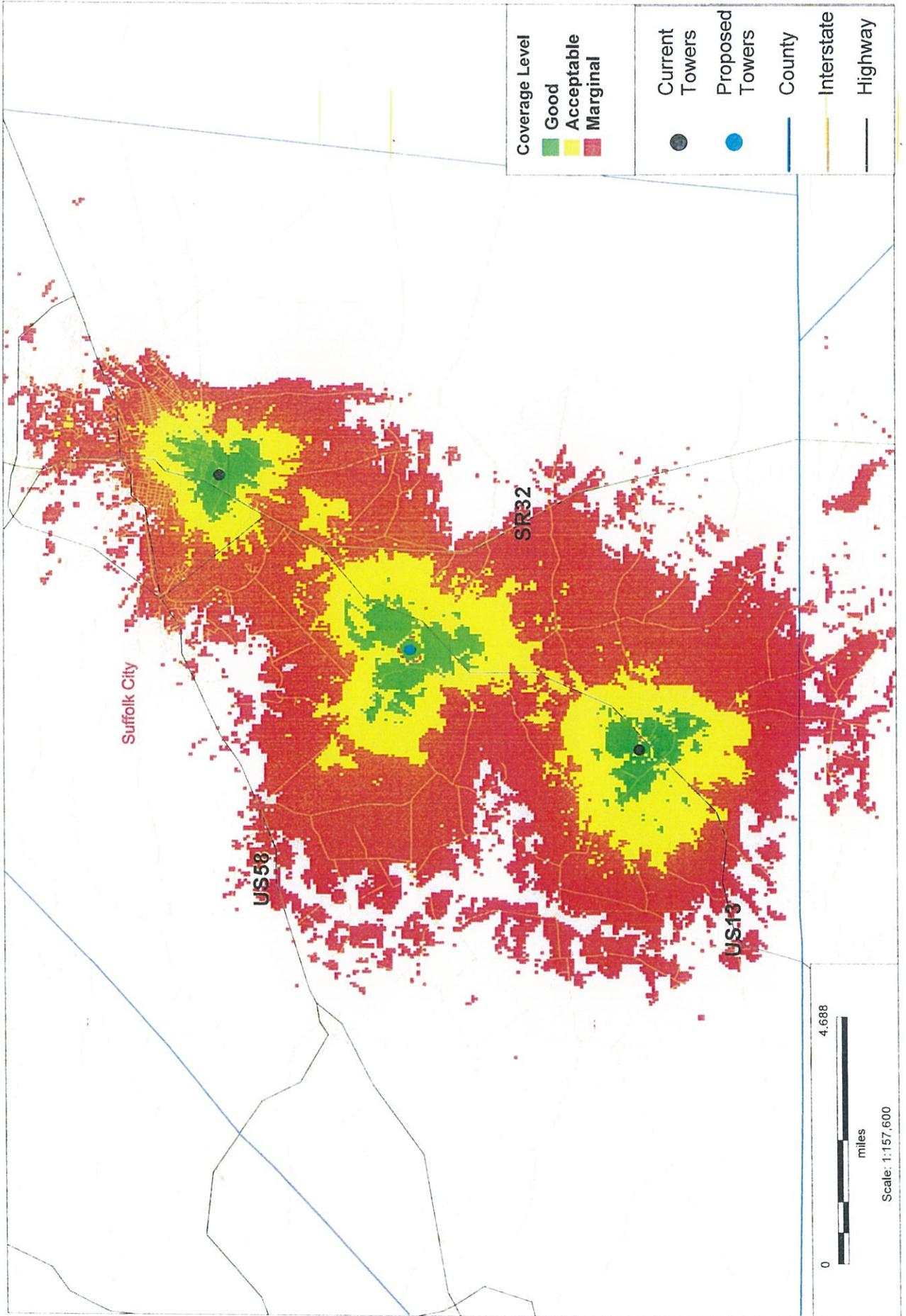
Existing Coverage - NO Carolina Road - 07/31/2014

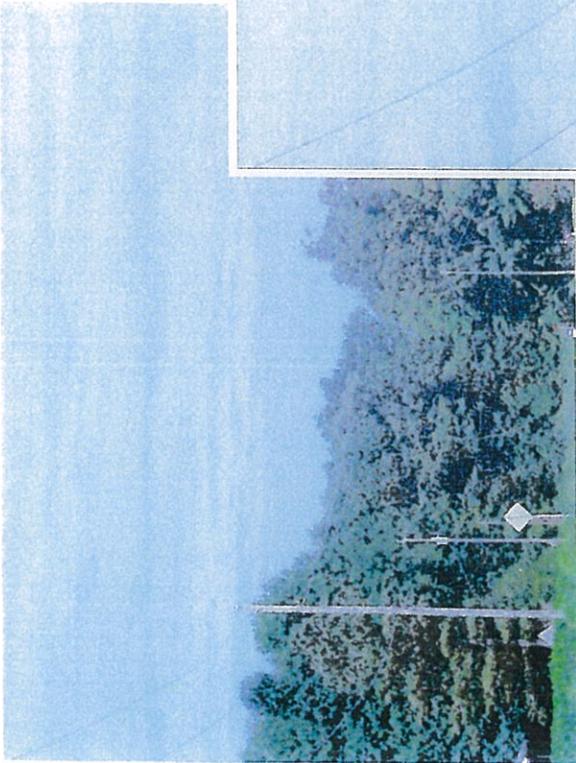


Proposed Coverage - ONLY Carolina Road @ 245' AGL



Proposed Coverage - WITH Carolina Road @ 245' AGL





before installation



after installation

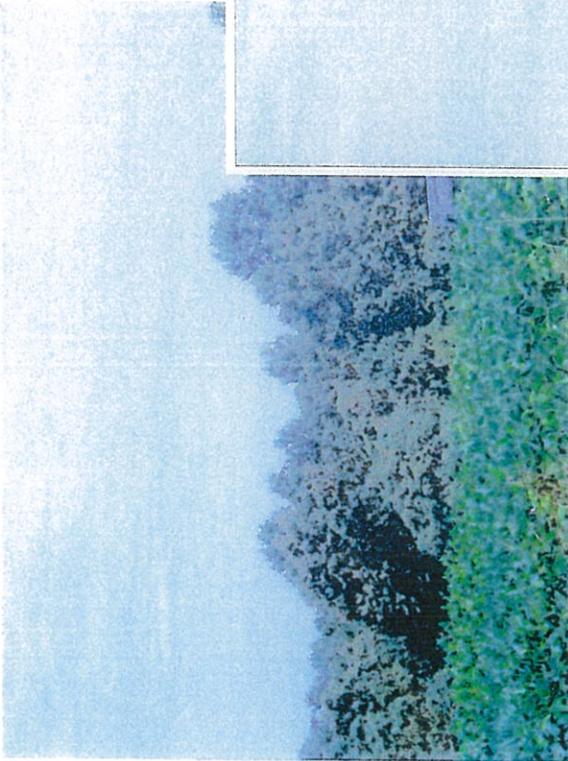
C07-15



View from Intersection of Copeland Rd & Whaleyville Blvd.

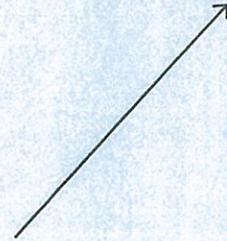
Carolina Road, 2133 Copeland Road, Suffolk, VA 23434





before installation

Proposed 195' monopole tower with antennas



after installation

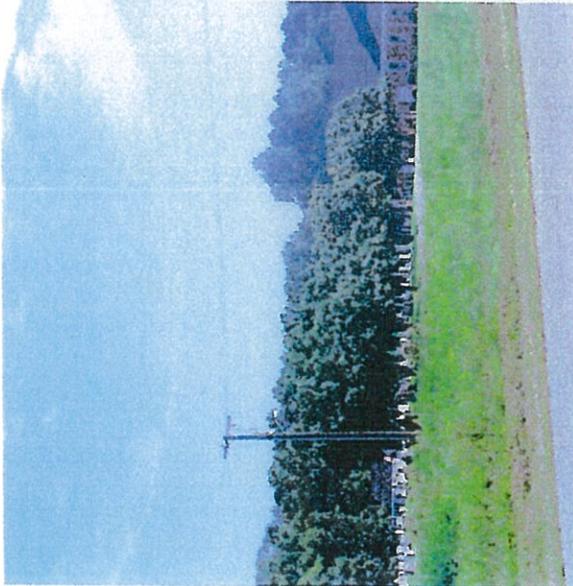
C07-15



View from Intersection of Babbtown Rd & Whaleyville Blvd.

Carolina Road, 2133 Copeland Road, Suffolk, VA 23434





before installation

Proposed 195' monopole
tower with antennas
(not visible)



after installation

C07-15



View from Intersection of Whaleyville Blvd & W Liberty Spring Rd

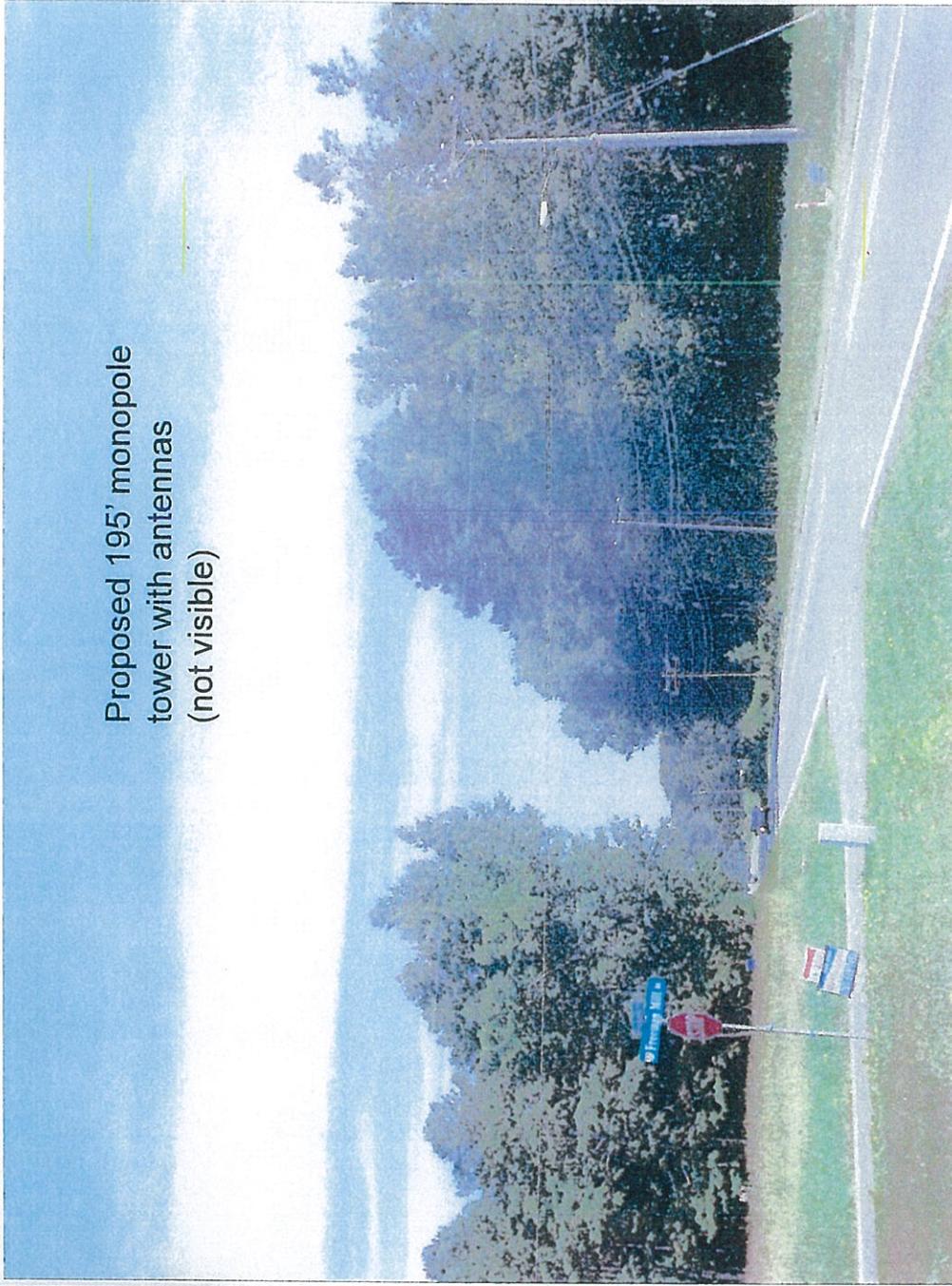
Carolina Road, 2133 Copeland Road, Suffolk, VA 23434





before installation

Proposed 195' monopole tower with antennas (not visible)



after installation

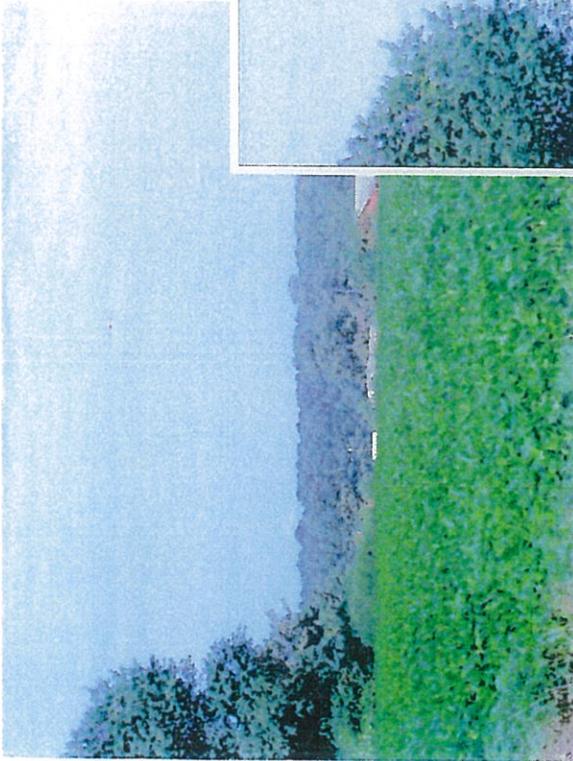
C07-15



View from Intersection of Whaleyville Blvd & Freeman Mill Rd

Carolina Road, 2133 Copeland Road, Suffolk, VA 23434





before installation

Proposed 195' monopole tower with antennas (not visible)



after installation

C07-15



View from Intersection of Carolina Rd & Babbtown Rd

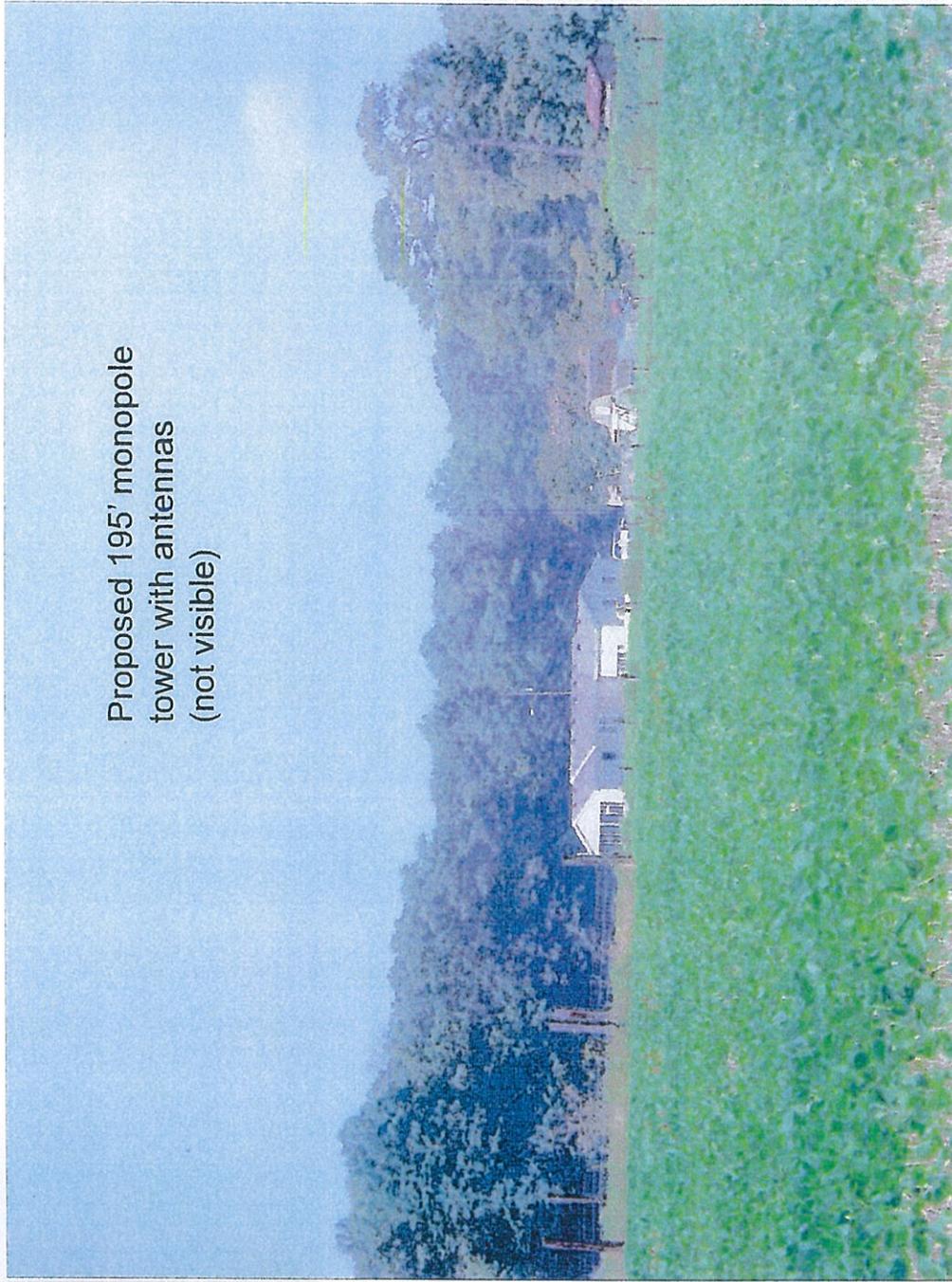
Carolina Road, 2133 Copeland Road, Suffolk, VA 23434





before installation

Proposed 195' monopole tower with antennas (not visible)



after installation

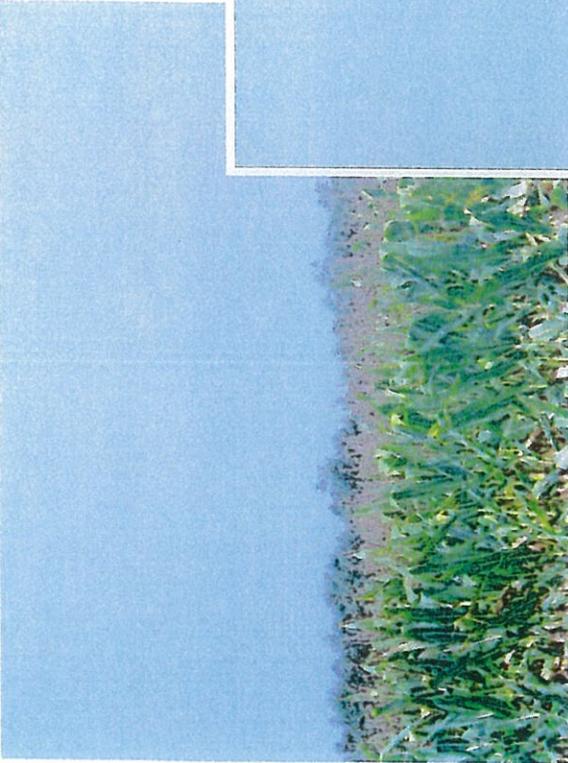
C07-15



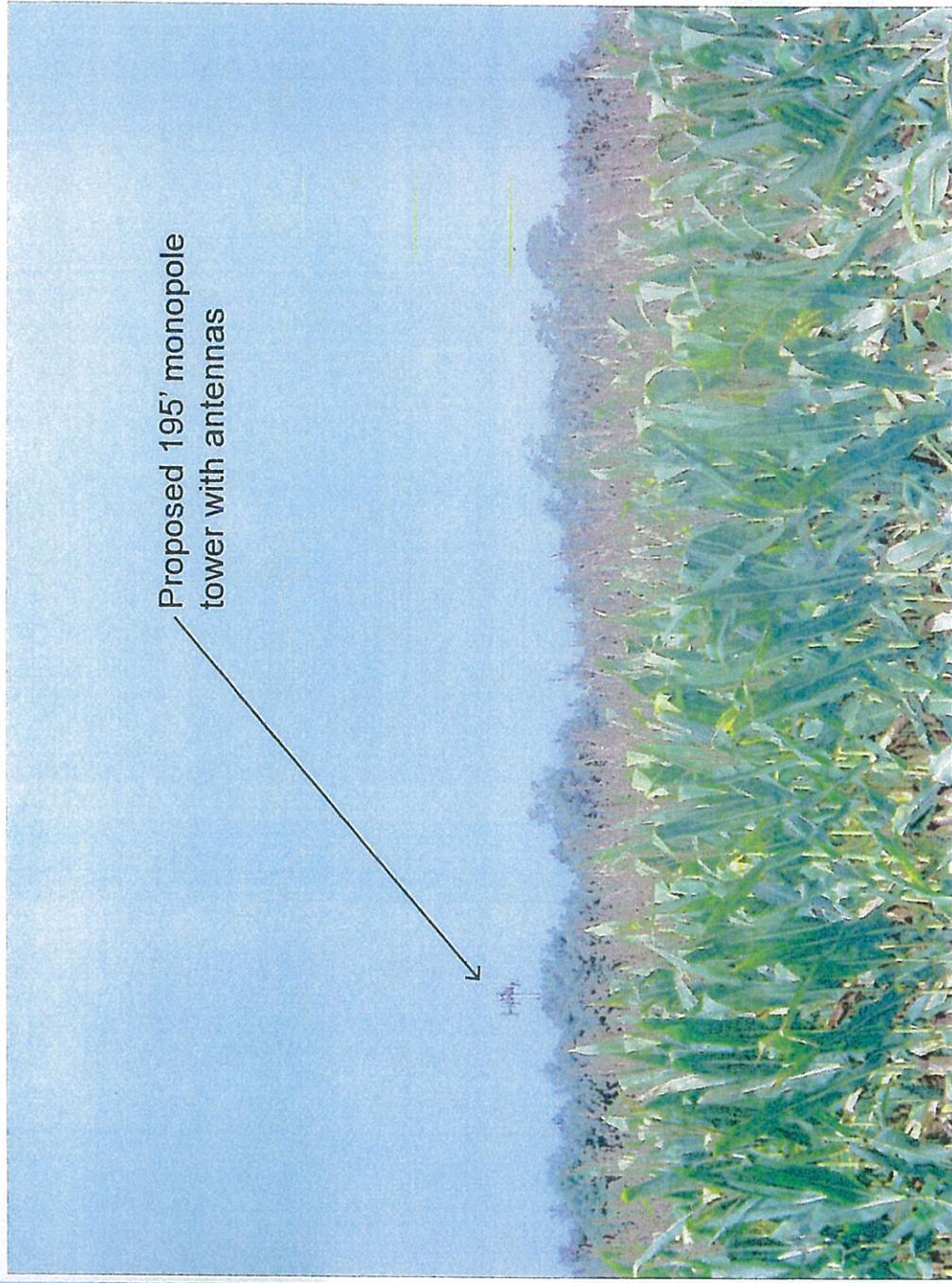
View from Intersection of Carolina Rd & Airport Rd

Carolina Road, 2133 Copeland Road, Suffolk, VA 23434





before installation



Proposed 195' monopole tower with antennas

after installation

C07-15



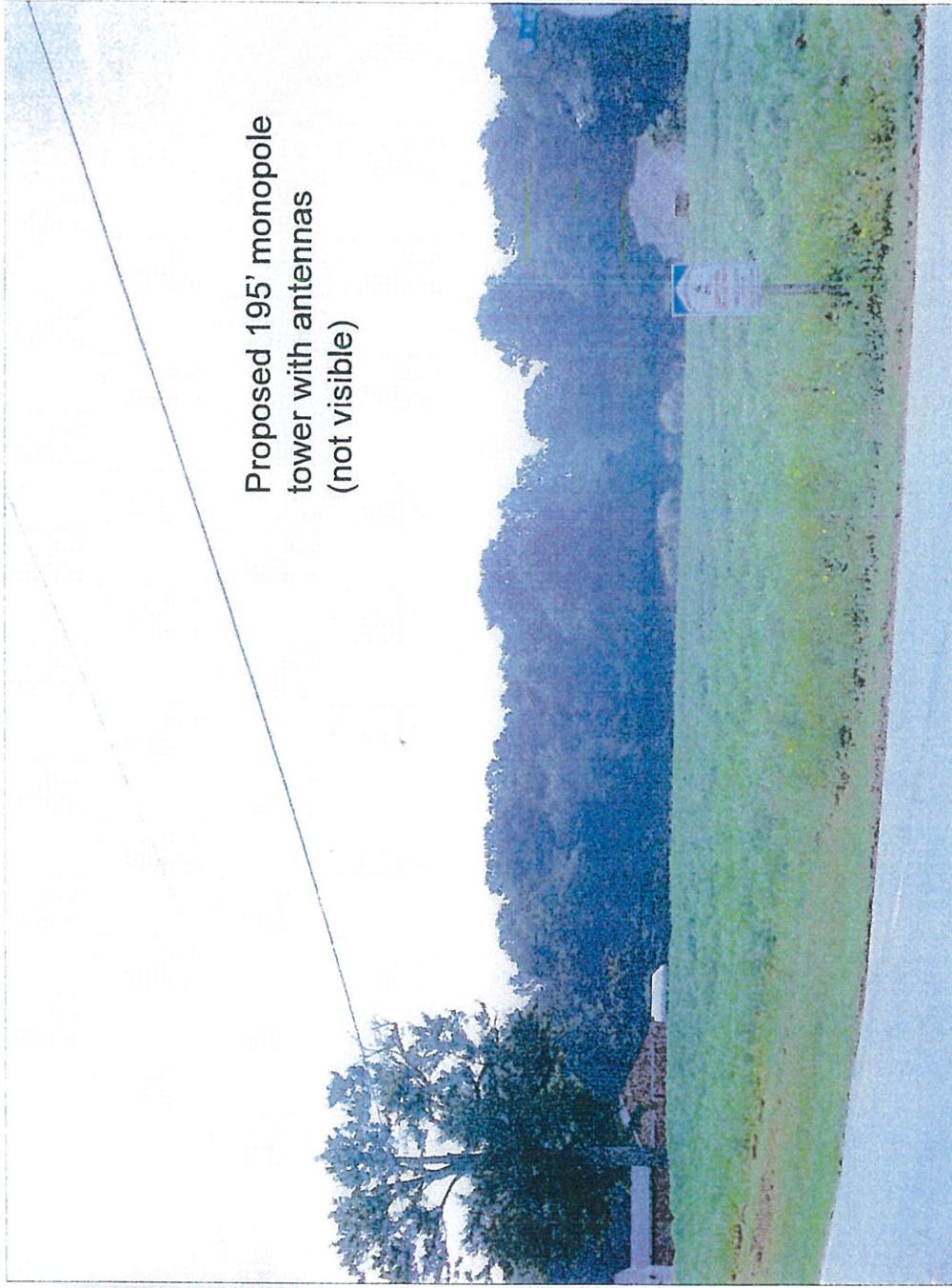
View from 2530 Whaleyville Blvd.

Carolina Road, 2133 Copeland Road, Suffolk, VA 23434





before installation



Proposed 195' monopole tower with antennas (not visible)

after installation

C07-15



View from Intersection of Copeland Rd & N Liberty Spring Rd

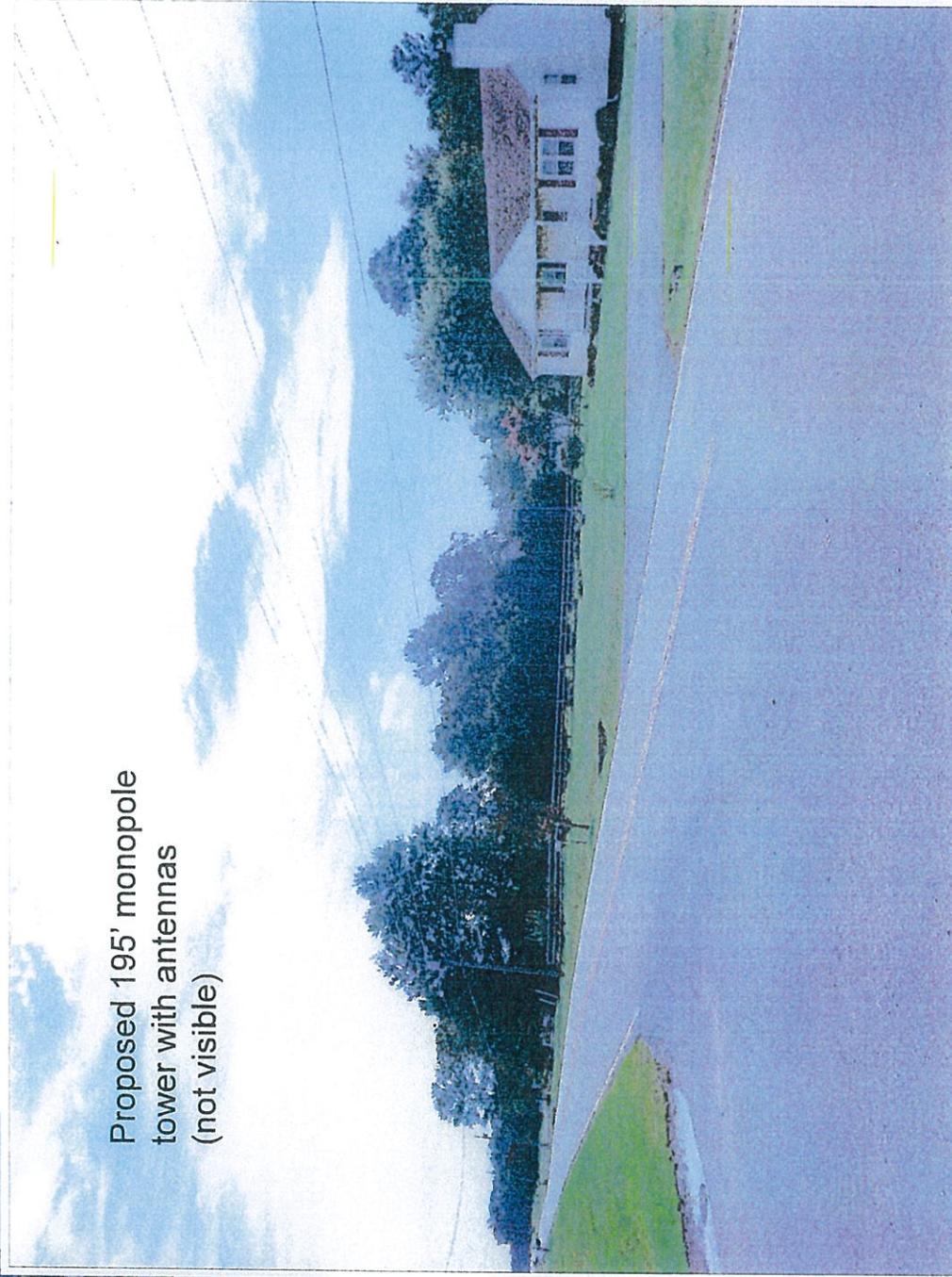
Carolina Road, 2133 Copeland Road, Suffolk, VA 23434





before installation

Proposed 195' monopole tower with antennas (not visible)



after installation

C07-15



View from Intersection of Copeland Rd & Jackson Rd

Carolina Road, 2133 Copeland Road, Suffolk, VA 23434





before installation

Proposed 195' monopole tower with antennas (not visible)



after installation

C07-15



View from 2510 Manning Rd

Carolina Road, 2133 Copeland Road, Suffolk, VA 23434





before installation



Proposed 195' monopole tower with antennas

after installation

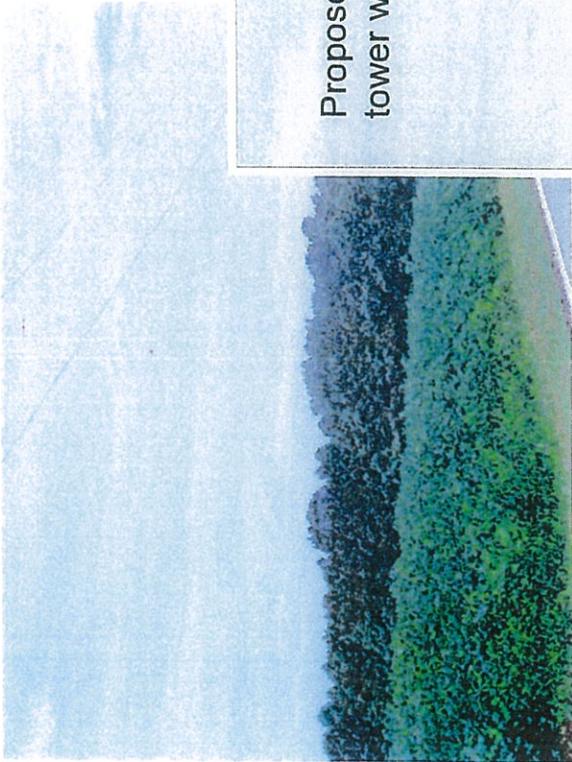
C07-15



View from 420 N Liberty Spring Rd

Carolina Road, 2133 Copeland Road, Suffolk, VA 23434





before installation



Proposed 195' monopole tower with antennas

after installation

C07-15



View from 2358 Copeland Rd

Carolina Road, 2133 Copeland Road, Suffolk, VA 23434



ORDINANCE NUMBER

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A 195-FOOT MONOPOLE TELECOMMUNICATIONS TOWER AND ASSOCIATED EQUIPMENT ON PROPERTY LOCATED AT 2133 COPELAND ROAD, ZONING MAP 54, PARCEL(S) 55, C07-15

WHEREAS, Frederick A Womble, agent, on behalf of SBA Network Services, LLC and Verizon Wireless, applicant(s), on behalf of S&M Farms, LLC, property owner(s), has requested a conditional use permit to establish a 195-foot monopole telecommunications tower 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 54, Parcel(s) 55, 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 permit a 195-foot monopole telecommunications tower and associated equipment 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 a 195-foot monopole telecommunications tower and associated equipment 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 allows a 195-foot monopole telecommunications tower and associated equipment in compliance with Exhibit "C" ("the Site Plan") and Sections 31-306, 31-406, and 31-716 of the Code of the City of Suffolk.

Conditions

1. This conditional use permit is granted to establish a 195' monopole telecommunications tower and associated equipment at 2133 Copeland Road, Zoning Map 54, Parcel 55 as shown on Exhibit "B", "Zoning and Land Use Map", the location of which is generally as shown on Exhibit "C", "Site Plan".
2. The tower shall be constructed in accordance with the site plan, Exhibit "C" submitted with the conditional use permit application.
3. Prior to construction of the tower, review and approval of a site plan is required in accordance with the applicable provisions of the Unified Development Ordinance.
4. Space shall be provided for at least three (3) or more additional users on the tower, so long as there is no interference from such use. The City of Suffolk shall be included as a user at no cost to the City, so long as there is no interference from such use, and such use is within the design limits of the tower structure.
5. Should the tower and associated equipment building not be used for wireless telecommunications for a period of one (1) year, the tower and associated equipment building shall be dismantled and removed from the site.
6. Prior to issuance of a building permit, the applicant must provide a performance surety, in a form approved by the City Attorney, to ensure removal of the tower when it is no longer used for wireless telecommunications.

7. The equipment buildings and associated structures shall be screened from view in accordance with the landscaping requirements of the Unified Development Ordinance.
8. Barbed wire shall not be used on the compound fence.
9. Aviation lighting shall be installed and maintained on the tower in accordance with FAA Advisory Circular 70/7460-1 K Change 2.

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 Frederick A Womble, agent, on behalf of SBA Network Services, LLC and Verizon Wireless, applicant(s), on behalf of S&M Farms, LLC, property owner(s), or their 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 Frederick A Womble, agent, on behalf of SBA Network Services, LLC and Verizon Wireless, applicant(s), on behalf of S&M Farms, LLC, property owner(s), 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.

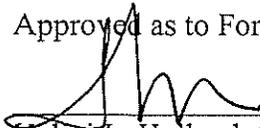
This ordinance shall be effective upon passage and shall not be published or codified. The conditional use authorized by this permit shall be implemented within two (2) years from the date of approval by the City Council and shall terminate if not initiated within that time period.

READ AND PASSED: _____

TESTE: _____

Erika Dawley, City Clerk

Approved as to Form:



Helvi 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
C07-15**

WHEREAS, Frederick A Womble, agent, on behalf of SBA Network Services, LLC and Verizon Wireless, applicant(s), on behalf of S&M Farms, LLC, property owner(s), 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 a 195-foot monopole telecommunications tower and associated equipment in accordance with Sections 31-306, 31-406, and 31-716 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.

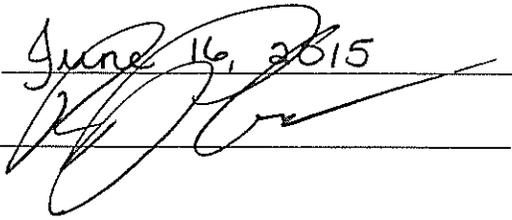
Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, C07-15, 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: June 16, 2015

TESTE: 

**CONDITIONAL USE PERMIT
C07-15**

CONDITIONS

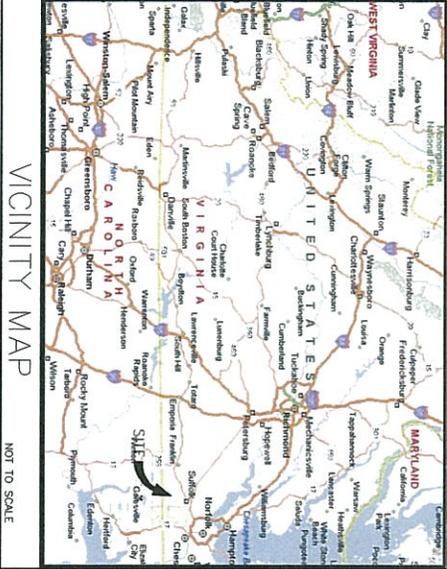
1. This conditional use permit is granted to establish a 195' monopole telecommunications tower and associated equipment at 2133 Copeland Road, Zoning Map 54, Parcel 55 as shown on Exhibit B, Zoning and Land Use Map, the location of which is generally as shown on Exhibit C, Site Plan.
2. The tower shall be constructed in accordance with the site plan, Exhibit "C" submitted with the conditional use permit application.
3. Prior to construction of the tower, review and approval of a site plan is required in accordance with the applicable provisions of the Unified Development Ordinance.
4. Space shall be provided for at least three (3) or more additional users on the tower, so long as there is no interference from such use. The City of Suffolk shall be included as a user at no cost to the City, so long as there is no interference from such use, and such use is within the design limits of the tower structure.
5. Should the tower and associated equipment building not be used for wireless telecommunications for a period of one (1) year, the tower and associated equipment building shall be dismantled and removed from the site.
6. Prior to issuance of a building permit, the applicant must provide a performance surety, in a form approved by the City Attorney, to ensure removal of the tower when it is no longer used for wireless telecommunications.
7. The equipment buildings and associated structures shall be screened from view in accordance with the landscaping requirements of the Unified Development Ordinance.
8. Barbed wire shall not be used on the compound fence.
9. Aviation lighting shall be installed and maintained on the tower in accordance with FAA Advisory Circular 70/7460-1 K Change 2.



PERMISSION TO SITE:
 TAKE I-64 TO I-295 TOWARD ROCKY MOUNT. TAKE EXIT 3A TO US-460 TOWARDS NORFOLK AND FOLLOW FOR APPROXIMATELY 51 MILES. MERGE ONTO US-135 FOR 3 MILES AND KEEP STRAIGHT ONTO US-58. TAKE ROAD ONTO US-13 FOR 2.6 MILES AND THEN TAKE US-13-58R FOR 3.8 MILES. TURN RIGHT ONTO COPELAND RD AND SITE WILL BE AHEAD ON LEFT.



LOCAL MAP
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

CAROLINA ROAD

2133 COPELAND ROAD
SUFFOLK, VA 23434

PROJECT DESCRIPTION:

INSTALLATION AND OPERATION OF
ANTENNAS AND ASSOCIATED EQUIPMENT
ON NEW 195' MONOPOLE TOWER



2 WORKING DAYS
1:00PM-4:52-7:00
TOLL FREE
MISS UTILITY

APPROVAL	
SBA SITE ACQUISITION:	SIGNATURE: _____ DATE: _____
SBA ZONING:	SIGNATURE: _____ DATE: _____
SBA CONTRIBUTOR:	SIGNATURE: _____ DATE: _____

REV. NO.	DESCRIPTION	BY	DATE	REV. NO.	DESCRIPTION	BY	DATE
1	PRELIMINARY ZONING DRAWINGS	OWW	6/23/14				

CONSULTING TEAM

ARCHITECTURE AND ENGINEERING:
 WARREN WILLIAMS & ASSOCIATES
 726 CARRIAGES CIRCLE
 ROCKY MOUNT, NC 27785
 PHONE: (757) 450-2288
 TELEPHONE: (757) 450-2288

SURVEY:
 JANEY L. PARKS, INC.
 1000 W. BROAD ST.
 CHESTER, VA 23831
 CONTACT: (804) 748-8941
 PHONE: (804) 748-5742
 FAX: (804) 748-5742

SOIL ENGINEER:
 GEGENSONS/ENVIRONMENTAL RESOURCES, INC. (GER)
 CONTACT: CHARLES CRAWLEY, PE
 TELEPHONE: (757) 453-3200

STRUCTURAL ENGINEERING:
 JASON CAMPBELL, P.E.
 726 CARRIAGES CIRCLE
 ROCKY MOUNT, NC 27785
 PHONE: (757) 450-2288
 TELEPHONE: (757) 450-2288

UTILITY:
 DOMINION VIRGINIA POWER
 CONTACT: CUSTOMER SERVICE
 TELEPHONE: 1-888-566-4337

TELEPHONE COMPANY:
 CONTACT: CUSTOMER SERVICE
 TELEPHONE: 1-800-877-4966

PROJECT SUMMARY

SITE INFORMATION:
 GENERAL ROAD: 2133 COPELAND ROAD
 ADDRESS: SUFFOLK, VA 23434

LANDLORD INFORMATION:
 LEAN FARMS, LLC
 1000 W. BROAD ST.
 SUDBURY, NC 27979

APPLICANT INFORMATION:
 SBA COMMUNICATIONS PARTNERSHIP INC
 BOCA BROTON, VA 23087
 800-487-5112

PROJECT DATA:
 CITY OF SUFFOLK
 ZONING: 4-1
 TAX MAP NO.: 514-550
 PROJECT NO.: 195
 TOWER TYPE: MONOPOLE
 TOWER HEIGHT: 195'
 AREA OF LAND: 100X100'
 DISTURBANCE: 6400 SF

APPLICANT COORDINATES:
 37 34.0997' N
 76 38 49.643' W
 GROUND ELEV. (AMSL): 64.7'

DECLARATION:
 I/WE HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND NOT FOR HUMAN HABITATION. SITE WILL NOT BE SERVED BY CITY SEWER OR WATER.

SHEET INDEX

SHEET:	DESCRIPTION:
1-1	TITLE SHEET
1-2	LEGEND AND ABBREVIATIONS
M-1	GENERAL NOTES
M-2	CONTRACTOR SAFETY
SP-1	SURVEY PLAN
SP-2	SURVEY PLAN
C-1	ENLARGED SITE PLAN
C-2	ELEVATION VIEW
C-3	FENCE NOTES AND DETAILS
C-4	CIVIL DETAILS

SHEET TOTAL:
10

SBA
Building Better Wireless®
5800 BRANCH ROAD, SUITE 100
ROCKY MOUNT, VA 27785
800-487-5112
(757) 450-2288

WMW&A
WARREN WILLIAMS & ASSOCIATES
726 CARRIAGES CIRCLE
ROCKY MOUNT, VA 27785
(757) 450-2288

NO.	DATE	DESCRIPTION
1	6/23/14	PRELIMINARY ZONING DRGS.
2	7/1/14	FINAL ZONING DRGS.
3		
4		
5		
6		

CAROLINA ROAD
RAWLAND MONOPOLE
2133 COPELAND RD
SUFFOLK, VA 23434
CITY OF SUFFOLK

DRAMA: _____ DATE: 5/20/14
 CHECKED BY: _____
 TITLE SHEET
 SHEET NUMBER: T-1

C07-15

EXHIBIT C



New Build and Site Optimization Contractor's

Minimum Safety Requirements

This document is a guide for the SBA's New Builds team and the Site Optimization team to ensure contractor safety compliance with the minimum Federal, State, Local and Consensus Standards while working on SBA sites. This is not an all-inclusive list of safety requirements and the contractor shall be responsible for complying with all other regulatory requirements.

Training

Required Safety Training (All Training Must Be Documented and Certified)

- OSHA 10 or Equivalent (Documented)
- RF Safety Awareness (If On Site With Active Network)
- First Aid CPR (Minimum 2 Persons Per Site)
- Competent Climber and Rescuer (Training must be within the previous 2 years. In order to satisfy the ANSI/ASSE Z359.2-2007 requirement for Competent Rescuers (Section 3.3.5.5), workers must have documented tower rescue training annually. Proof of this annual training must be documented and maintained within the employee training records and on site)
- Competent Rigger (If Using Crane)
- Competent Signaler (If Using Crane)

Safety Equipment and Documentation

Required Safety Equipment and Documentation

- First Aid Kit
- 10 Pound ABC Fire Extinguisher
- RF Monitor (Minimum 1 Per Crew If On Site With Active Network)
- Tower Rescue Kit with Rescue Descender (Descender must meet the ANSI Z359 requirements including an automatic brake and panic grip. Rescue Rope must be kernmantel and designed for rescue operations only.)

NOTE: The following Personal Fall Arrest Equipment must meet the ANSI Z359 requirements

- Full Body Fall Protection Harness
 - Double Leg Fall Arrest Lanyard
 - Positioning Device/Lanyard
 - Carabiners/Strap Hooks
 - Anchor Straps/Cross Arm Straps
 - Vertical Lifeline with Rope Grab and Shock Absorbing Lanyard (Max lanyard length 3ft)
- Cable Grab (For Metal Vertical Safety Climb Cable, ANSI A14.3)
- Class E Hard Hat (ANSI Z89.1)
- Safety Glasses (ANSI Z87)
- Face Shield
- Gloves
- Work Boots
- Long Pants
- Shirt with minimum 4inch sleeve
- Pre-work Assessment Form or Job Safety Analysis (JSA)
- Personal Fall Arrest System Checklist
- Chemical Inventory including MSDS/SDS Sheets



Gin Poles

Gin Poles are not authorized for use on any SBA site without written authorization from the SBA Safety Dept. The following is a list of items that need to be discussed or presented in the contractor's MOP when requesting authorization.

- Can a crane be used? If not, why?
 - Type and condition of structure to be built or decommissioned.
 - Photos and latest inspections of the tower structure.
 - Special Circumstances.
 - Photo of the Gin Pole
 - Gin Pole Manufacturer Certification
 - Gin Pole Annual Inspection Certification
 - Gin Pole Lead Chart
 - Photo of Gin Pole ID Plate with Individual Identification Number
 - Photo of Hoist
 - Hoist Manufacturer Certification
 - Photo of Hoist ID Plate with Capacity
 - Hoist Annual Inspection
 - Photo of all Rigging Hardware with Inspections including New Connecting Bolts for Gin Pole
 - Training certification for Gin Pole use for each employee conducting the operation
 - Full lift plan with diagrams showing rigging points etc.
- ALL GIN POLE OPERATIONS MUST BE IN COMPLIANCE WITH THE LATEST REVISIONS OF ANSI 1019A AND THE OSHA CPL 2-1.39 IF WRITTEN AUTHORIZATION IS GIVEN.**

References:

- OSHA 1926 Construction
- OSHA 1910 General Industry
- OSHA 1910.1200 (Hazard Communications)
- OSHA CPL 2-1.36 (Hoisting Employees)
- OSHA 1926 Subpart E (Personal Protective Equipment)
- OSHA 1926 Subpart M (Fall Protection)
- OSHA 1926 Subpart CC (Cranes, Rigger, Signaler)
- ANSI Z359 Fall Protection Code (Rescue)
- ANSI T14.1019A Installation, Alteration and Maintenance of Antenna Supporting Structures (Gin Pole)
- ANSI A14.3 (Cable Grab and Safety Climb)
- ANSI Z89.1 (Hard Hats)
- ANSI Z87 (Safety Glasses)
- SBA Site Safety Handbook
- www.sbasite.com



5000
BOCA ARLINGTON, VA 22203
800-465-5912

WW&A
warren williams & associates
216 DANVILLE CENTER
NORTH CAROLINA
(757) 455-2282

NO.	DATE	REVISIONS
1	4/23/24	Initial drawing issue
2	5/17/24	PERK. COMM. REVISED. 200%
3		
4		
5		
6		

CAROLINA
ROAD
RAWLAND
MONOPOLE
2133 COPELAND RD
SUFFOLK, VA
23434
CITY OF SUFFOLK

DESIGNED BY: AWB
CHECKED BY: JMW
DATE: 4/20/24
DRAWN BY: CASH/MLM

SHEET TITLE:
CONTRACTOR
SAFETY

SHEET NUMBER:
N-2

SBA
Building Better WorkplacesSM
5000 REPUBLIC SQUARE PARKWAY, NW
ROCKVILLE, MD 20850
800-491-5912

WM|R&A
WARREN WILLIAMS & ASSOCIATES
326 CANTONERS CIRCLE
NORTH CHARLOTTE, NC 28205
(703) 452-2285

NO.	DESCRIPTION
1	4/23/14 PERMITS ZONING DIST.
2	1/27/14 PERM. ZONING DIST.
3	
4	
5	
6	

CAROLINA
ROAD
RAWLAND
MONOPOLE
2133 COPELAND RD
SUFFOLK, VA
23434
CITY OF SUFFOLK

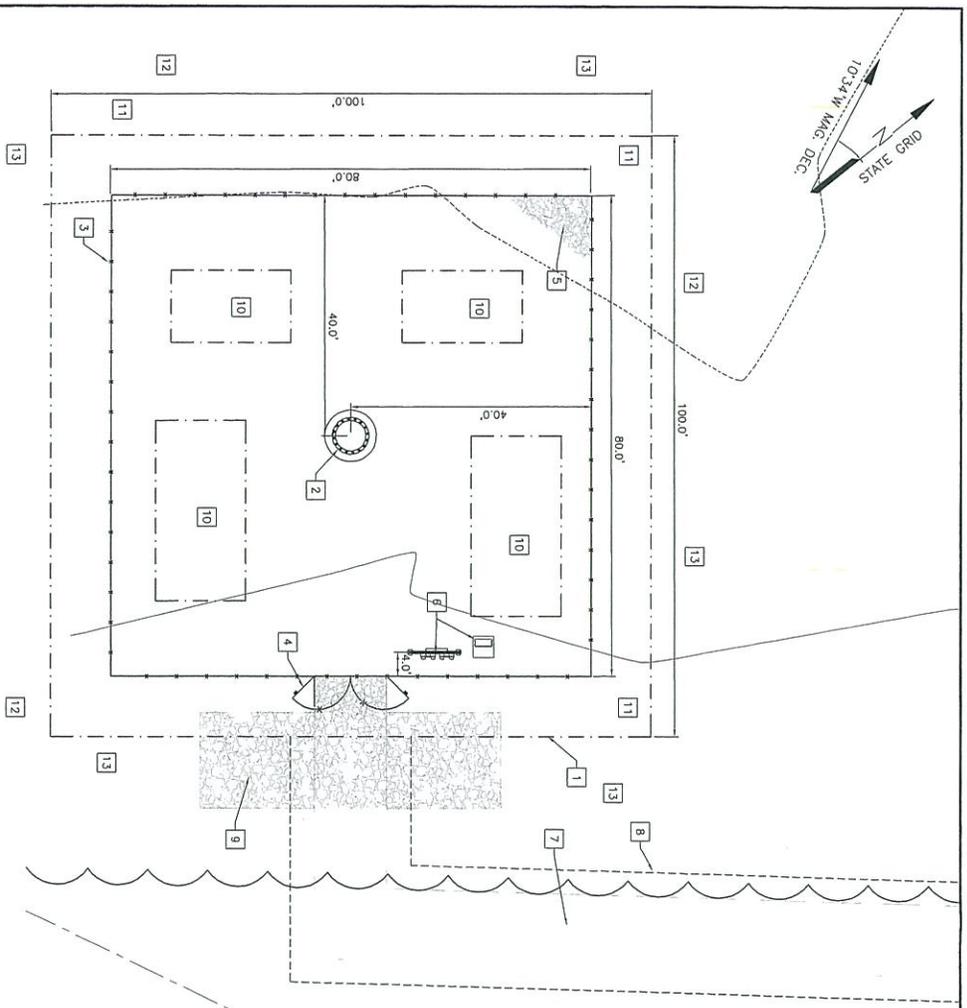
DRAMA BR. A18
CHECKED BY: GJM
DATE: 6/20/14
SCALE: AS SHOWN
SHEET TITLE: ENLARGED SITE PLAN
SHEET NUMBER: C-1

SITE NOTES

1. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL ASSUME THE RESPONSIBILITY OF LOCATING ANY UNDERGROUND UTILITIES (PUBLIC OR PRIVATE) THAT MAY EXIST AND CROSS THROUGH THE AREA OF CONSTRUCTION THAT ARE NOT SHOWN ON THESE PLANS. BEFORE YOU DIG, CALL "MISS UTILITY" AT 1-800-552-7001. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING, AT HIS EXPENSE, ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION.
2. ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK AT THE FIRST PHASE OF CONSTRUCTION AND CHECKED PERIODICALLY TO ENSURE THEY ARE FUNCTIONING AS INDICATED.
3. THE STOCKPILING OF EXCESS MATERIAL ON SITE WILL NOT BE ALLOWED.
4. ANY VEGETATED AREA DISTURBED BY CONSTRUCTION SHALL BE TOPSOILED AND SEEDED TO RESTORE A PERMANENT VEGETATIVE COVER.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING WITH MATCHING MATERIALS ANY PAVEMENT, DRIVEWAYS, WALKS, CURBS, ETC. THAT MAY BE CUT, OR THAT ARE DAMAGED DURING CONSTRUCTION.
6. THE INDICATED DIRECTION OF NORTH WILL HAVE TO BE VERIFIED IN THE FIELD. THE MAGNETIC DECLINATION INDICATED IS CALCULATED BASED ON THE LONGITUDINAL AND LONGITUDINAL COORDINATE GIVEN BY HARVEY L. PARKS, INC.

CONSTRUCTION NOTES

- 1 NEW SBA 100'X100' LEASE AREA.
- 2 NEW SBA 195' MONOPOLE TOWER. SEE ELEVATION VIEW, SHEET C-2.
- 3 NEW SBA 80'X80' FENCED COMPOUND. SEE SHEET C-3 FOR DETAIL.
- 4 NEW SBA 12' WIDE DOUBLE GATE. SEE SHEET C-3 FOR DETAIL.
- 5 INSTALL NEW GRAVEL WITHIN COMPOUND AS NEEDED. SEE SHEET C-4 FOR DETAIL.
- 6 NEW 8' UTILITY SERVICE STAND AND FIBER CABINET.
- 7 NEW 12' WIDE GRAVEL ACCESS ROAD. SEE SHEET C-4 FOR DETAILS.
- 8 NEW 20' WIDE SBA ACCESS/UTILITY EASEMENT. SEE SHEET SP-1, DETAILS.
- 9 NEW GRAVEL PARKING/TURNAROUND. SEE SHEET C-4 FOR DETAILS.
- 10 FUTURE CARRIERS.
- 11 CLEAR TREES AND GRADE AS NECESSARY FOR COMPOUND INSTALLATION.
- 12 INSTALL SILT FENCE AS NECESSARY.
- 13 INSTALL TREE PROTECTION AS NECESSARY.



ENLARGED SITE PLAN

FOR 24' X 36' PLOT - 1" = 10' 0"
FOR 11' X 17' PLOT - 1" = 20'

1
C-1

C07-15



5800 BRONX SOUND PARKWAY NW
 ROCKY MOUNTAIN, FL 33447
 800-491-5121 - SITE



WM&A
 Warren Williams & Associates
 738 CRAWFORDS CIRCLE
 NORTH CAROLINA
 (757) 458-2888

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	05/20/15
2	REVISED	05/20/15
3		
4		
5		
6		

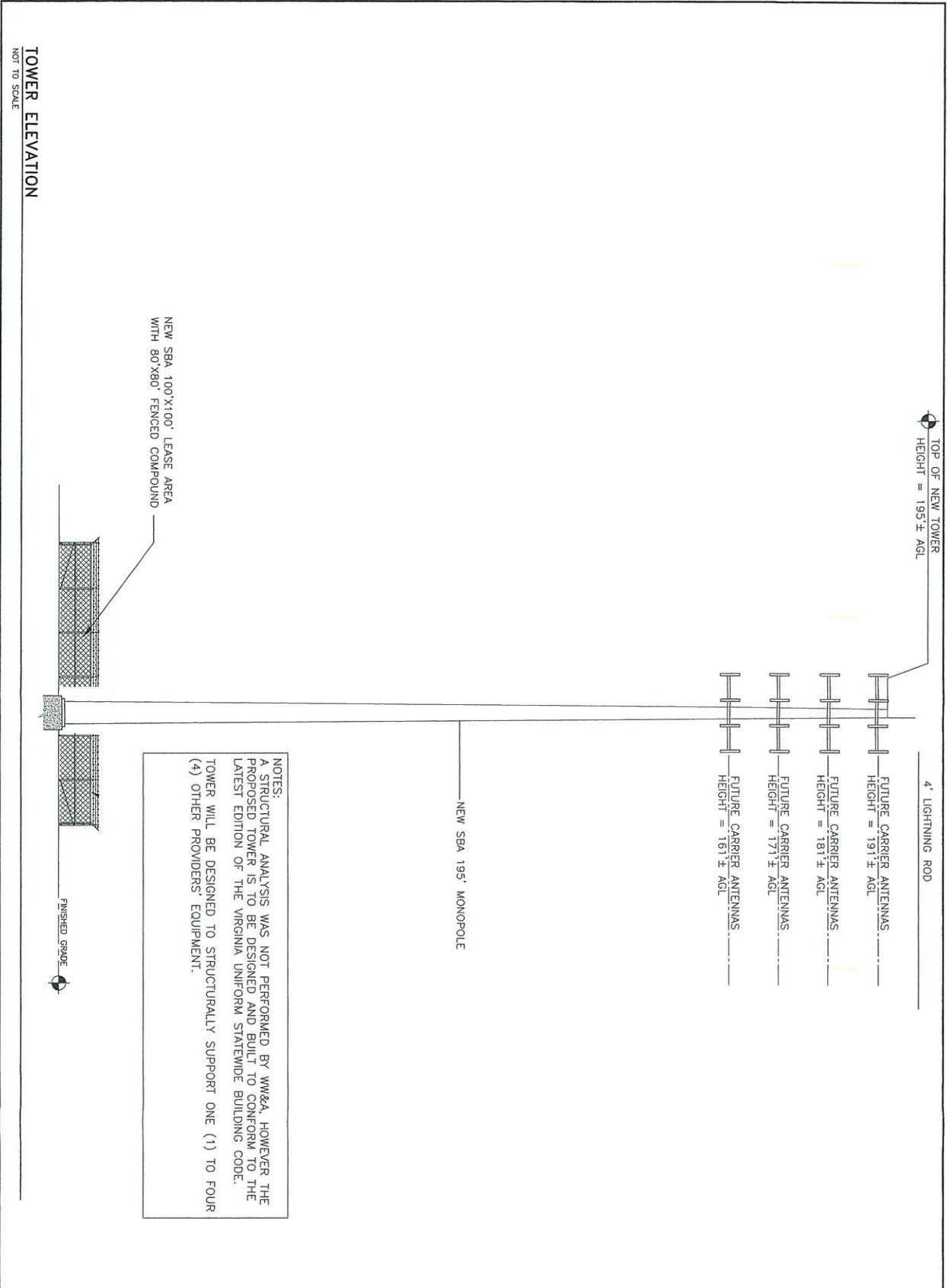
CAROLINA
 ROAD
 RAWLAND
 MONOPOLE

2133 COPELAND RD
 SUFFOLK, VA
 23434
 CITY OF SUFFOLK

DATE: 5/20/15
 CHECKED BY: [Signature]
 DRAWN BY: [Signature]

SHEET TITLE:
ELEVATION VIEW

SHEET NUMBER:
C-2



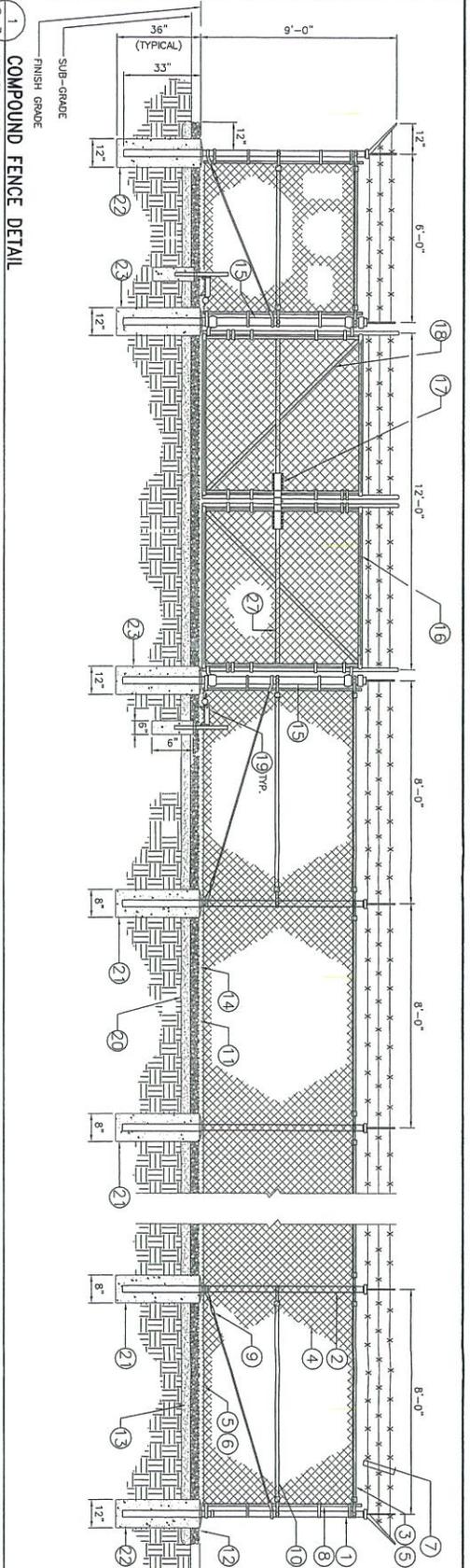
NOTES:
 A STRUCTURAL ANALYSIS WAS NOT PERFORMED BY WW&A. HOWEVER, THE PROPOSED TOWER IS TO BE DESIGNED AND BUILT TO CONFORM TO THE LATEST EDITION OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE. TOWER WILL BE DESIGNED TO STRUCTURALLY SUPPORT ONE (1) TO FOUR (4) OTHER PROVIDERS' EQUIPMENT.

TOWER ELEVATION
 NOT TO SCALE

SBA
Building Better WorkplacesSM
5000 ROBERTSON ROAD, SUITE 13442
ROCK HILL, SOUTH CAROLINA 29730
800-481-5012

WWR&A
Warrren Williams & Associates
736 CRAWFORD CIRCLE
NORTH CHARLOTTE, NC 28215
(771) 459-2289

NO.	DESCRIPTION	QUANTITY	UNIT
1	6" COMPACTED 95% BASE MATERIAL		SQ. YD.
2	FINISH GRADE		SQ. YD.
3	CONCRETE FOUNDATION (2000 PSI)		LINEAL FT.
4	CONCRETE FOUNDATION (2000 PSI)		LINEAL FT.
5	CONCRETE FOUNDATION (2000 PSI)		LINEAL FT.
6	CONCRETE FOUNDATION (2000 PSI)		LINEAL FT.



COMPOUND FENCE DETAIL
NOT TO SCALE

- REFERENCE NOTES:**
- 1 CORNER END OR RAIL POST 3" OD SCHEDULE 40 PIPE.
 - 2 LINE POST: 2 1/2" OD SCHEDULE 40 PIPE, PER ASTM-F1083. LINE POSTS SHALL BE EQUALLY SPACED AT MAXIMUM 10'-0" OC.
 - 3 TOP RAIL & BRACE RAIL: 1 5/8" OD PIPE, PER ASTM-F1083.
 - 4 FABRIC: 9 GA WIRE SIZE 2" MESH.
 - 5 THE WIRE MINIMUM 9 GA ALUMINUM AT POSTS AND RAILS A SINGLE WRAP OF FABRIC THE END AT TENSION WIRE BY HOG RINGS SPACED MAX. 24" INTERVALS.
 - 6 TENSION WIRE: 7 GA GALVANIZED STEEL.
 - 7 BARBED WIRE: DOUBLE STRAND 12-1/2" TWISTED WIRE TO MATCH WITH FABRIC 14 GA, 4 POINT BARBS SPACED AT APPROXIMATELY 5" CENTERS.
 - 8 STRETCHER BAR.
 - 9 3/8" DIAGONAL ROD WITH GALVANIZED STEEL TURNBUCKLE OR DIAGONAL THREADED ROD.
 - 10 FENCE CORNER POST BRACE: 1 5/8" OD EACH CORNER EACH WAY.
 - 11 1 1/2" MAXIMUM CLEARANCE FROM GRADE.
 - 12 4" FINISH OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK.
 - 13 6" COMPACTED 95% BASE MATERIAL OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK.
 - 14 FINISH GRADE SHALL BE UNIFORM AND LEVEL.
 - 15 GATE POST: 4" SCHEDULE 40 PIPE FOR GATE WIPES UP THRU 7 FEET OR 14 FEET FOR DOUBLE SWING GATE. PER ASTM-F1083.
 - 16 GATE FRAME: PIPE, PER ASTM-F1083.
 - 17 STAINLESS MULTI TENSILE LOCKING DEVICE. PATENT # 5880015 SEE DRAWING INFORMATION ON THIS SHEET

- 18 1 PAIR INDUSTRIAL PIN HINGE
 - 19 NOT USED
 - 20 GEOTEXTILE FABRIC
 - 21 LINE POST: CONCRETE FOUNDATION (2000 PSI)
 - 22 CORNER POST: CONCRETE FOUNDATION (2000 PSI)
 - 23 GATE POST: CONCRETE FOUNDATION (2000 PSI)
- GENERAL NOTES:**
1. INSTALL FENCING PER ASTM F-567
 2. INSTALL SWING GATES PER ASTM F- 900
 3. LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED IF REQUIRED.
 4. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE GALV. (HOT DIP, ASTM A120 GRADE "A" STEEL). ALL GATE FRAMES SHALL BE WELDED. ALL SPRINGS SHALL BE COATED WITH (3) COATS OF COLD GALV. (OR EQUIV.)
 5. ALL OPEN POSTS SHALL HAVE END-CAPS.
 6. USE GALVANIZED HOG-RING WIRE TO MOUNT ALL SIGNS.
 7. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC.

CAROLINA ROAD RAWLAND MONOPOLE
2133 COPELAND RD
SUFFOLK, VA 23434
CITY OF SUFFOLK

DATE: 5/20/14
DRAWN: G. SHERMAN
CHECKED BY: G. SHERMAN
SCALE: AS SHOWN

SHEET TITLE: FENCE NOTES AND DETAILS
SHEET NUMBER: C-3

SBA
 Building Better Workplaces[®]
 5000 ROCKY SOUND PARKWAY NW
 ROCKY MOUNT, VA 24147
 800-35-5116

WWR&A
 Warren Williams & Associates
 738 CANTON ROAD
 NORTH CAROLINA
 (733) 450-2289

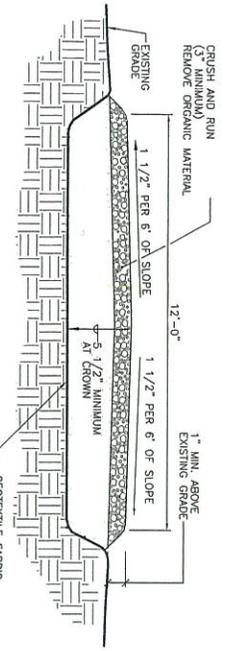
NO. 5/23/14 FEDERAL ZONING DIST.
 1 REV. A18 CDR. OMM. 48972. OMM.
 2
 3
 4
 5
 6

CAROLINA
 ROAD
 RAWLAND
 MONOPOLE
 2133 COPELAND RD
 SUFFOLK, VA
 23434
 CITY OF SUFFOLK

DESIGNED BY: A18
 DRAWN BY: OMM
 CHECKED BY: S
 CANCELLED BY:
 COMM. NO.

SHEET TITLE:
 CIVIL DETAILS

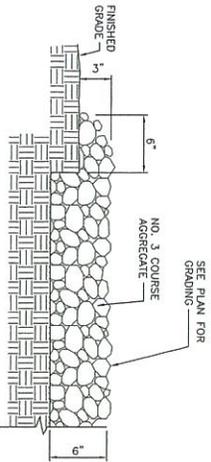
SHEET NUMBER:
C-4



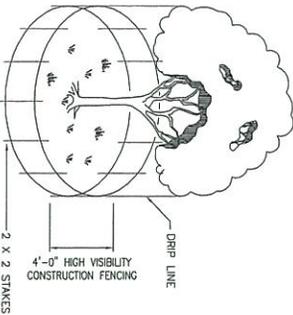
① CONTRACTOR SHALL BE RESPONSIBLE FOR CLEARING & GRUBBING THE EXISTING SITE AND SHALL COMPLY WITH THE RECOMMENDATIONS CONTAINED WITHIN THE GEOTECHNICAL REPORT WHEN NECESSARY PREPARED FOR THIS SITE FOR SITE PREPARATION & FOUNDATION WORK. AS A MINIMUM THE TOP 3\"/>

② ALL SELECT GRANULAR FILL SHALL BE COMPACTED TO A 95% COMPACTION AT A MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D-1557 OR WITHIN 1.5S OR MINUS 3% OF OPTIMUM MOISTURE CONTENT.

1 TYPICAL ACCESS ROAD CROSS SECTION
 C-4 NOT TO SCALE

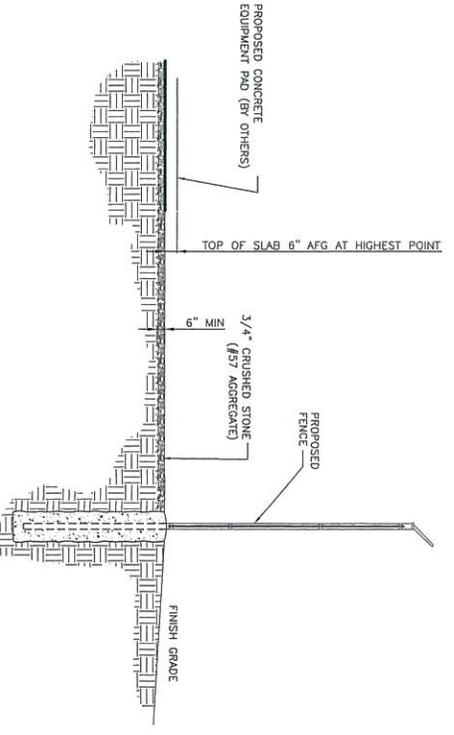
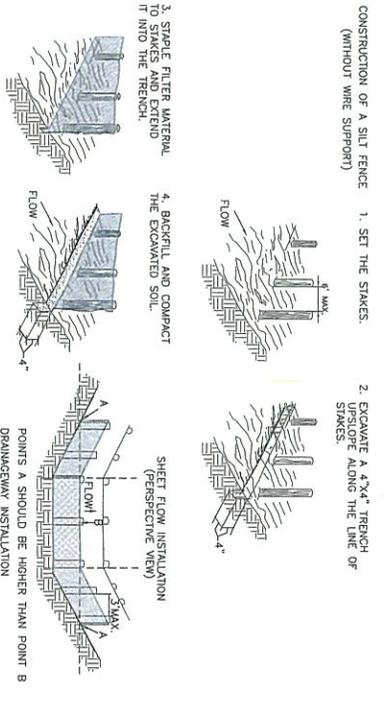


3 SECTION - GRAVEL PARKING/TURN AROUND
 (OUTSIDE OF FENCED COMPOUND)
 C-4 NOT TO SCALE



4 TREE PROTECTION
 C-4 NOT TO SCALE

2 SILT FENCE
 C-4 NOT TO SCALE



5 TYPICAL SITE COMPOUND CROSS SECTION
 C-4 NOT TO SCALE

AGENDA: July 15, 2015, Regular Session

ITEM: Public Hearing – An ordinance to grant a Conditional Use Permit to establish an amusement/entertainment/recreation center, indoor, (indoor athletic and fitness facility), on property located at 1000 Bowen Parkway – Suite D, Zoning Map 20, Parcel 22B*1: C08-15

Attached for your consideration is information pertaining to Conditional Use Permit Request C08-15, SOL Futbol Club, Incorporated at Northgate Commons, submitted by Pablo Ortiz, agent, on the behalf of SOL Futbol Club, Inc., applicant(s), on behalf of Northgate Commons, LLC, property owner(s), in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish an amusement/entertainment/recreation center, (indoor athletic and fitness facility), on property located at 1000 Bowen Parkway - Suite D, Zoning Map 20, Parcel(s) 22B*1. The affected area is further identified as being located in the Cypress Voting Borough, zoned M-2, Heavy Industrial zoning district. The 2035 Comprehensive Plan designates this area as a part of Northern Growth Area, Suburban Use District.

The Planning Commission, at their meeting of June 16, 2015, voted 7 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 C08-15, SOL Futbol Club, Incorporated at Northgate Commons, submitted by Pablo Ortiz, agent, on the behalf of SOL Futbol Club, Inc., applicant(s), on behalf of Northgate Commons, LLC, property owner(s), in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance.

APPLICANT: Pablo Ortiz, agent, on the behalf of SOL Futbol Club, Inc., applicant(s), on behalf of Northgate Commons, LLC, property owner(s).

LOCATION: The affected property located at 1000 Bowen Parkway - Suite D, Zoning Map 20, Parcel(s) 22B*1.

PRESENT ZONING: M-2, Heavy Industrial District, and SCOD, Special Corridor Overlay District.

EXISTING LAND USE: The property contains two (2) multiple tenant industrial buildings.

PROPOSED LAND USE: Indoor athletic and fitness facility (amusement/entertainment/recreation center, indoor) for SOL Futbol Club.

SURROUNDING LAND USES:

North – RLM district, Single-family residential;
South – M-2 district, industrial (freight shipping);
East – M-2 district, industrial (84 Lumber);
West – RR district, Single-family residential.

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan identifies this property as being located within the Northern Growth Area, Suburban Use District.

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

CASE HISTORY: In August 2009, a Conditional Use Permit was approved with conditions granting the establishment of a gymnastics facility.

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 a 12,000 square-foot indoor athletic and fitness facility (amusement/entertainment/recreation center, indoor) within an existing multi-unit building. The applicant is proposing the facility to operate year-round. The

facility will serve students ranging from beginner (pre-school – 3 years old) to college/university level players. The facility is proposed to operate Monday through Thursday from 9am to 10pm and on Saturday/Sunday from 8:00am to 8:00pm. Daycare is not proposed to be associated with this use. Off-street parking will be provided on-site directly adjacent to the building. Individual classes, team/group training, semi-private, and private lessons will be provided. Typical instruction sessions run 1.5 hours and have no more than 20 participants in the class.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for an indoor recreation center within the M-2, Heavy Industrial District. A soccer instruction facility is included as part of an indoor recreation center.

The facility is proposed to operate Monday through Thursday from 9am to 10pm and on Saturday/Sunday from 8:00am to 8:00pm.

2. The facility will be accessed by an existing full access entrance off of Bowen Parkway.
3. The off-street parking requirements outlined in the UDO require a minimum of one and a half spaces per 1000 square-foot of gross floor area (GFA) and a maximum of ten spaces per 1000 square-foot of gross floor area (GFA). There are a total of two buildings within this section of Northgate Commons. With an existing GFA of 12,000 square feet, a minimum of 18 (120 maximum) off-street parking spaces are necessary to serve the proposed use. The site layout plan indicates that a total of 45 spaces currently exist to meet the off-street parking requirement for this building. Since many participants will be dropped off and picked up the minimum of 18 spaces should accommodate vehicles during instructional hours, therefore the provided parking is adequate for the proposed use per the UDO.
4. Public water and sewer is available to serve the proposed facility. The Department of Public Utilities has indicated no objections to the proposal.
5. Pursuant to Section 31-306 of the 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 indoor athletic and fitness facility is a listed conditional use in

the M-2 zoning district per the City's Unified Development Ordinance (UDO). The existing facility complies with the development requirements of the UDO. There are no supplemental standards established for this specific use in the UDO.

- 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 indoor recreation center will conform to the character of the development established in the immediate proximity as it is not out of character as to what is allowed in the M-2 district. The general intensity of the indoor recreation center is similar to other commercial and industrial uses permitted in the M-2 District. The use will be conducted in a 12,000 square-foot space with associated off-street parking which located on the perimeter of the commerce park along a high volume minor arterial roadway. The proposed use will take place entirely within the 12,000 square-foot space, further mitigating the potential for any negative impact. Additionally, this use is similar to the gymnastics facility which operated out of the subject building successfully for five (5) years.

- 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 an indoor recreation center has been reviewed by the City's Traffic Engineering Department and approval is recommended.

- 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 indoor recreation center and should not produce excess vibration, noise, odor, dust, smoke or gas. It is not anticipated that there will be any uses associated with the indoor recreation center 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 indoor recreation center use will occur entirely within an existing commercial building. The proposed use should not diminish or impair the existing uses that surround the site or the operation of neighboring businesses.

- 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 an indoor recreation center 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 operation of an indoor recreation center 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 an indoor recreation center.

RECOMMENDATION

The request to allow an amusement/entertainment/recreation center, (indoor recreation center), for SOL Futbol Club, Inc. at 1000 Bowen Parkway - Suite D should not adversely impact the adjacent neighborhood and surrounding area. It is staff's conclusion that the site in question is appropriate for the proposed use of the facility with specific conditions that would serve to mitigate potential adverse impacts. Therefore, staff recommends **approval** of Conditional Use Permit request C08-15 with the following conditions.

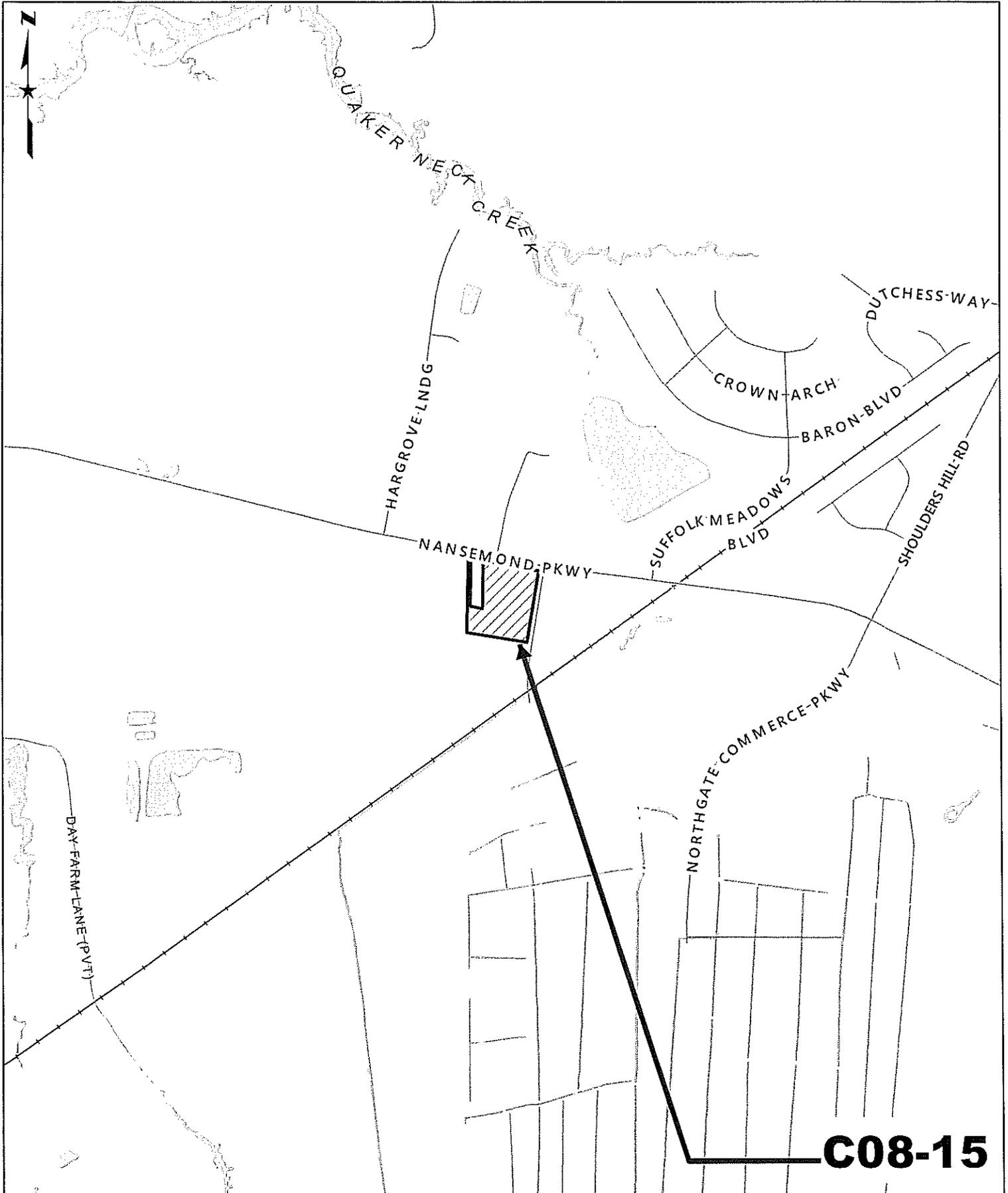
1. This permit is granted to establish an amusement/entertainment/recreation center, indoor as defined in the Unified Development Ordinance at 1000 Bowen Parkway and, as shown on Exhibit B, Zoning/Land Use Map and Exhibit C, Site Plan.
2. All activities related to the use of the indoor recreation center shall be limited to the interior of the building.
3. No parking outside of approved designated parking areas shall be permitted.
4. Concessions shall not be served unless all necessary approvals are obtained from the Suffolk Health Department and Community Development Division.

The Planning Commission, at their meeting of June 16, 2015, voted 7 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



April 20,2015

City of Suffolk, VA
Department of Planning
442 West Washington Street
PO Box, 1858 Suffolk VA 23439
(757) 514-4060

Proposed use:

The non profit business known as SOL Futbol Club Inc. intends to utilize the property located in 1000 Bowen At Nansemond Parkway ,Suffolk, VA., for soccer instruction & activities.

Our Instruction programs are for parents who seek professional soccer instruction for their child. The classes are designed to help the students develop motor skills, focus for concentration, discipline and confidence using the techniques used in professional academies around the world.

Hours of operation will be:

- Monday- Thursday 9am -10pm
- Saturday - Sunday 10am- 9pm

- The typical instruction sessions run 1.5 hours and have no more than 20 children in the class.
- Staff to student ratio is one instructor for every 10 students. Instructors are licensed and have all gone through KidsSafe background checks endorsed by the Virginia Sate Soccer Association.
- Games will be played in the facility- games are 5 v 5 and typically last 40 mins, spectators will have a lobby that will contain movie theater type seating with free wifi and tables to allow siblings to do homework.
- We will offer Team sessions, group sessions, semi private and private sessions during operating hours.

Morning sessions are intended for children 3-6 years of age and are also used to schedule our players who participate Home School throughout the year.

Afternoon sessions starting at 6pm are usually used for our middle school aged boys and girls.

The 7:30 time slots and later are typically used for our High School aged players and College/University level players.

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH AN AMUSEMENT/ENTERTAINMENT/RECREATION CENTER, INDOOR, (INDOOR ATHLETIC AND FITNESS FACILITY) ON PROPERTY LOCATED AT 1000 BOWEN PARKWAY – SUITE D, ZONING MAP 20, PARCEL 22B*1; C08-15

WHEREAS, Pablo Ortiz, agent, on the behalf of SOL Futbol Club, Inc., applicant(s), on behalf of Northgate Commons, LLC, property owner(s) has requested a conditional use permit for an amusement/entertainment/recreation center, indoor, (indoor athletic and fitness facility), 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 20, Parcel 22B*1, 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 permit an amusement/entertainment/recreation center, indoor, (indoor athletic and fitness facility), 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 amusement/entertainment/recreation center, indoor, (indoor athletic and fitness facility), 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 is specifically for an amusement/entertainment/recreation center, indoor, (indoor athletic and fitness facility), in compliance with Exhibit "C" (the "Site Plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This permit is granted to establish an amusement/entertainment/recreation center, indoor as defined in the Unified Development Ordinance at 1000 Bowen Parkway and, as shown on Exhibit "B", "Zoning/Land Use Map" and Exhibit "C", "Site Plan".
2. All activities related to the use of the indoor recreation center shall be limited to the interior of the building.
3. No parking outside of approved designated parking areas shall be permitted.
4. Concessions shall not be served unless all necessary approvals are obtained from the Suffolk Health Department and Community Development Division.

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 SOL Futbol Club, Inc., applicant(s), and Northgate Commons, LLC, property owner(s), or there successor 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 SOL Futbol Club, Inc., applicant(s), and Northgate Commons, LLC, property owner(s), 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
C08-15**

WHEREAS, Pablo Ortiz, agent, on the behalf of SOL Futbol Club, Inc., applicant(s), on behalf of Northgate Commons, LLC, property owner(s), 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 amusement/entertainment/recreation center, indoor in accordance with Sections 31-306 and 31-406, and 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.

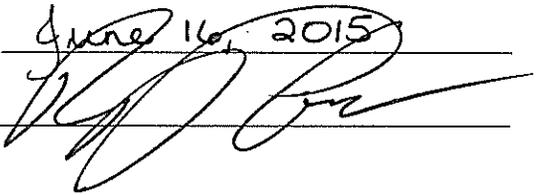
Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, C08-15, 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: June 16, 2015

TESTE: 

**CONDITIONAL USE PERMIT
C08-15**

CONDITIONS

1. This permit is granted to establish an amusement/entertainment/recreation center, indoor as defined in the Unified Development Ordinance at 1000 Bowen Parkway and, as shown on Exhibit B, Zoning/Land Use Map and Exhibit C, Site Plan.
2. All activities related to the use of the indoor recreation center shall be limited to the interior of the building.
3. No parking outside of approved designated parking areas shall be permitted.
4. Concessions shall not be served unless all necessary approvals are obtained from the Suffolk Health Department and Community Development Division.

C08-15 ZONING / LAND USE MAP

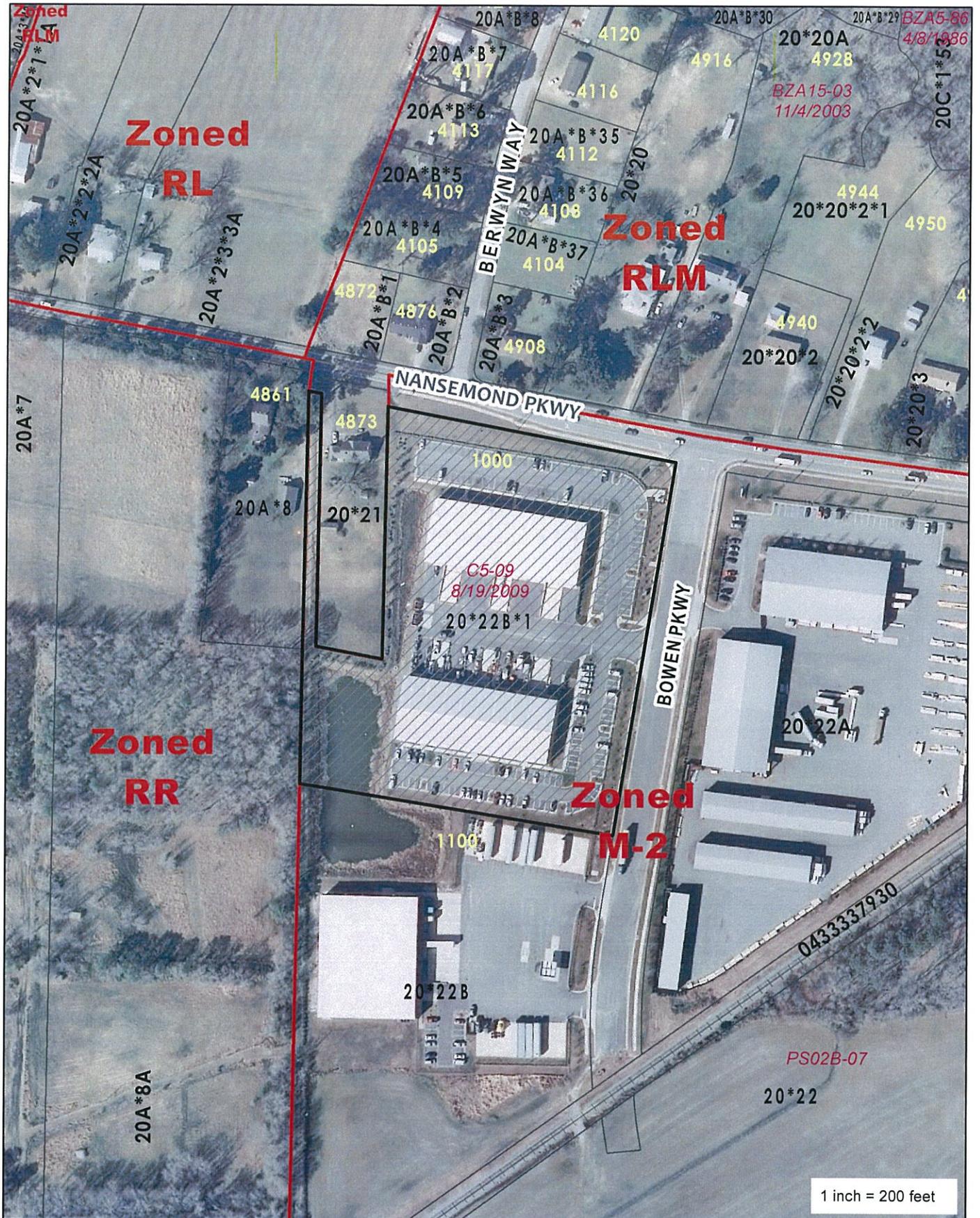


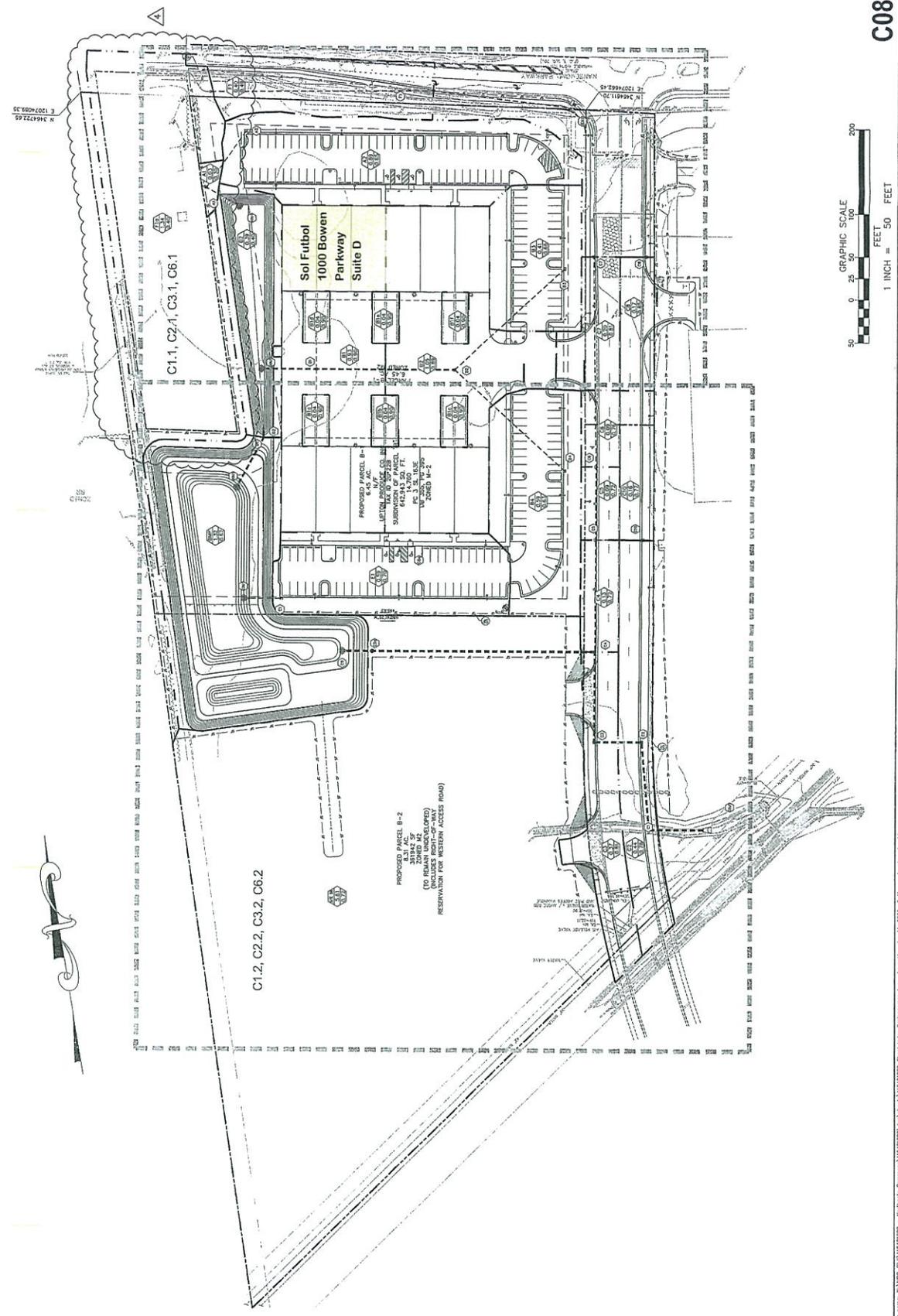
EXHIBIT C

©2008 Kimley-Horn and Associates, Inc.
 VIRGINIA
 NORTHGATE COMMERCE PARK
 NORTHGATE COMMONS AT
 SUITE 500
 501 Independence Parkway
 Chesapeake, Virginia 23320
 Tel: (757) 548-7300
 Fax: (757) 548-7301
 Kimley-Horn
 and Associates, Inc.

SHEET INDEX AND PROPOSED
 DRAINAGE AREA MAP



DATE:	11/17/08
DESIGNED BY:	WTF
DRAWN BY:	CCC
CHECKED BY:	WTF
DATE:	FEBRUARY 15, 2009
PROJECT NO.:	08-15-0000
SHEET NUMBER:	C04



THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGN PRESENTED THEREIN, IS PREPARED ONLY FOR THE SPECIFIC PROJECT AND SHALL BE VOID IF THE PROJECT IS MODIFIED OR THE DESIGN IS CHANGED WITHOUT WRITTEN AUTHORIZATION AND ACCEPTANCE BY KIMLEY-HORN AND ASSOCIATES, INC. UNDER NO CIRCUMSTANCES SHALL THE INTELLECTUAL PROPERTY OF KIMLEY-HORN AND ASSOCIATES, INC. BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KIMLEY-HORN AND ASSOCIATES, INC.

Project: 08-15-0000 - Northgate Commons/11842500 - User: User01/11842500 - Date: 02/15/2009 08:41:08 AM - By: bmcgough

Ordinances

AGENDA: July 15, 2015, Regular Session

ITEM: Resolution - A resolution approving the financing of Energy Efficiency Improvements by the Western Tidewater Regional Jail Authority

The Board of Directors of the Western Tidewater Regional Jail Authority (the Authority) has authorized the proposed financing for the acquisition, construction and installation of certain energy efficiency improvements, which are expected to generate operating cost savings for the Authority.

The City hereby acknowledges and reaffirms its obligation to pay operating and debt service expenses of the Authority as provided in this service agreement. Any such payment will be subject to the appropriation of funds by the City Council of the City of Suffolk and shall constitute a moral, non-binding payment obligation. In no event shall the obligation of the City under Sections 4.5 and 4.1 of the Service Agreement be deemed to constitute a debt within the meaning of the Constitution and the laws of Virginia.

Adoption of the attached resolution is requested of Council to facilitate the Authority's financing.

RECOMMENDATION:

Adopt the attached resolution.

ATTACHMENTS:

Resolution
Western Tidewater Regional Jail Authority Resolution

RESOLUTION NUMBER _____

RESOLUTION APPROVING THE FINANCING OF ENERGY EFFICIENCY IMPROVEMENTS BY THE WESTERN TIDEWATER REGIONAL JAIL AUTHORITY

WHEREAS, the Western Tidewater Regional Jail Authority (the "Authority") was created pursuant to Article 3.1, Chapter 3, Title 53.1 of the Code of Virginia of 1950, as amended, by the City of Franklin, Virginia, the County of Isle of Wight, Virginia, and the City of Suffolk, Virginia (collectively, the "Member Jurisdictions").

WHEREAS, as authorized by a resolution adopted by the board of directors of the Authority on June 23, 2015 (the "Authority Resolution"), the Authority proposes to finance the acquisition, construction and installation of certain energy efficiency improvements (collectively, the "Equipment"), which Equipment is expected to generate operating cost savings for the Authority, and the related closing costs (collectively, the "Financing") in an amount not to exceed \$5,000,000.

WHEREAS, the City Council of the City of Suffolk, Virginia (the "City Council") has received a presentation regarding the proposed terms of the financing and has been informed that the goal of the Authority in approving the Financing is to secure financing for the Equipment that generates cost savings over the life of the expected operating cost savings for the Authority and the Member Jurisdictions.

WHEREAS, the Authority approved the Financing as either a lease/purchase transaction (a "Lease Financing") or a revenue bond transaction ("Bond Financing").

WHEREAS, the Authority has entered in an Amended and Restated Service Agreement dated as of April 5, 2011 (the "Service Agreement"), with the Member jurisdictions.

WHEREAS, under Sections 4.5 and 4.1 of the Service Agreement, each Member Jurisdiction provides a moral obligation pledge to fund operating and debt service expenses of the Authority based on its pro rata share of the Authority's expenses as set forth in the Service Agreement.

WHEREAS, if the Financing is structured as a Lease Financing, an amendment to the Service Agreement will be required (among other closing items) to permit the lease of the Equipment and the granting of a security interest therein. If the Financing is structured as a Bond Financing, the Service Agreement requires an update to the amount of debt service payable by the Authority (among other closing items).

WHEREAS, the City Council desires (i) to consent to the Financing within the parameters established by the Authority Resolution and in either proposed structure and (ii) to authorize officers of the City to take such actions as may be necessary to close the Financing.

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

1. The City of Suffolk, Virginia (the "City"), hereby consents to the Financing in an amount not to exceed \$5,000,000 and otherwise in accordance with the parameters established under the Authority Resolution and in either of the proposed structures for the purposes described in Recitals B and C above. Notwithstanding the foregoing, the City's consent is subject to the adoption of similar resolutions by the governing bodies of the other Member Jurisdictions.

2. The City hereby acknowledges and reaffirms its obligation to pay operating and debt service expenses of the Authority as provided in the Service Agreement. Any such payment will be subject to the appropriation of funds by the City Council of the City and shall constitute a moral, non-binding payment obligation. In no event shall the obligation of the City under Sections 4.5 and 4.1 of the Service Agreement be deemed to constitute a debt within the meaning of the Constitution and the laws of Virginia.

3. If the Financing is structured as a Lease Financing, the Interim City Manager and such other officers of the City as he may designate are hereby authorized and directed to execute and deliver an amendment to the Service Agreement to permit the Lease Financing. If the Financing is structured as a Bond Financing, the City approves of the updating of the debt service information attached to the Service Agreement.

4. Regardless of the final structure of the Financing, the Interim City Manager and such other officers of the City as he may designate are hereby further authorized to execute and deliver such other documents as any such officer deems necessary or appropriate in connection with the Financing and take such further actions as any such officer deems appropriate in connection with such Financing. All actions taken by an officer of the City within the authority of this Resolution are hereby ratified and approved.

5. This resolution shall take effect immediately.

READ AND ADOPTED: JULY 15, 2015

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to form:



Helvi L. Holland, City Attorney

**RESOLUTION AUTHORIZING AND APPROVING THE
FINANCING OF ENERGY EFFICIENCY
IMPROVEMENTS, IN AN AGGREGATE PRINCIPAL
AMOUNT OF UP TO \$5,000,000 AND SETTING FORTH
THE FORM, DETAILS AND PROVISIONS THEREOF**

A. The Western Tidewater Regional Jail Authority (the "Authority") has been duly created pursuant to Article 3.1, Chapter 3, Title 53.1 of the Code of Virginia of 1950, as amended (the "Act").

B. The Authority has determined that there is a need for the Authority to undertake the acquisition, construction and installation of certain energy efficiency improvements (collectively, the "Equipment"), which Equipment is expected to generate operating cost savings for the Authority.

C. The Authority has determined it is advisable to authorize the financing of the Equipment through a loan to the Authority, in an aggregate principal amount of up to \$5,000,000 for the purpose of (i) financing the acquisition, construction and installation of the Equipment and (ii) paying the related closing costs of the financing (collectively, the "Financing").

D. The goal of the Authority in pursuing the Financing is to generate cost savings over the life of the expected operating cost savings and the term of the financing for the City of Franklin, Virginia, the County of Isle of Wight, Virginia, and the City of Suffolk, Virginia (collectively, the "Member Jurisdictions") and the Authority.

E. The Authority's staff solicited proposals for the Financing, and the staff along with Davenport & Company LLC, the Authority's financial advisor (the "Financial Advisor"), have reviewed the proposals for the Financing, which proposals the Financial Advisor summarized and presented at a previous meeting.

F. The Authority's staff and McGuireWoods LLP ("Bond Counsel") have reviewed the Authority's outstanding bond documents and the Cooperation Agreement dated November 1, 1990 (the "Cooperation Agreement") by and among the Member Jurisdictions, which created and organized the Authority, and the Amended and Restated Service Agreement dated as of April 15, 2011 (the "Service Agreement"), by and among the Authority and the Member Jurisdictions, which relates to the Authority's outstanding revenue bond, and have summarized two potential structures for the Financing: an equipment lease (a "Lease Financing") and a revenue bond (a "Bond Financing").

NOW, THEREFORE, after due consideration, be it resolved that:

1. **Authorization of the Financing.** (a) The Authority hereby finds and determines that it will be in furtherance of the public purposes for which the Authority was created under the Act and will promote the safety, health, welfare and prosperity of the inhabitants of the Member Jurisdictions to contract for the Financing and to use the proceeds of the Financing as described in Recital C above.

(b) Each of the Chairman of the Authority (the "Chairman") and the Superintendent of the Authority (the "Superintendent") is hereby authorized and directed to determine and approve the final details of the Financing, including, without limitation, the final principal amount of the Financing and the prepayment provisions, provided that (i) the interest rate on the Financing must not exceed 4.0% per annum, (ii) the aggregate principal amount of the Financing must not exceed \$5,000,000, (iii) the term of the Financing must not exceed the term of the expected operating cost savings and (iv) the Financing must generate a net savings for the Authority (relative to the operating cost savings) over the term of the expected operating cost savings.

2. **Determining Security for the Financing.** The Superintendent, after consulting with the Financial Advisor and Bond Counsel, is hereby authorized to determine whether the Financing will be structured as a Lease Financing or Bond Financing, or some combination of both. If the Financing includes a Bond Financing then any such bond shall be styled the "Western Tidewater Regional Jail Authority, Revenue Bond" with an appropriate series designation.

3. **Award.** The award of the Financing to a lender or lenders (each, a "Lender") to be selected by the Chairman or Superintendent, after consulting with the Financial Advisor, is hereby authorized and approved. The Chairman and Superintendent are each authorized and directed to execute and deliver the documents evidencing and securing the Financing, including lease documents and bond documents (collectively, the "Financing Documents"), as applicable. The Financing Documents will provide for the Financing upon terms and conditions to be approved by either including, without limitation, the final principal amount, the term, amortization schedule, prepayment provisions, make-whole provisions, prices and interest provisions, and any elections under the Internal Revenue Code of 1986, as amended (the "Code"), provided that the terms of the Financing are within the parameters set forth in paragraph 1.

4. **Preparation, Execution and Delivery of Financing Documents.** The Financing Documents shall be in substantially the forms approved by the Chairman or the Superintendent, after consulting with the Financial Advisor and Bond Counsel, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution or any subsequent authorization. There may be endorsed on the Financing Documents such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto. The Chairman and the Superintendent are each hereby authorized to execute and deliver the Financing Documents, subject to the parameters set forth in this Resolution. Any bond of the Authority delivered in connection with a Bond Financing may be registered in the name of the Lender, or, subject to approval by the Chairman or Superintendent, such name as the Lender may designate and may be delivered to the registered owner.

5. **Limited Obligations and Authorization for Revenue Pledge.** (a) The Financing shall be a limited obligation of the Authority either as a Lease Financing that is subject to appropriation or as a Bond Financing that is exclusively payable from and secured by the net revenues of the Authority.

(b) The Equipment is hereby declared to be essential to the efficient operation of the Authority, and it is anticipated that the Equipment will continue to be essential to the operation of the Authority during the term of the Financing. While recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, the Authority hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to permit the Authority to make all payments under any Lease Financing and hereby recommends that in each future year the Authority does the same during the term of any Lease Financing. If the Authority exercises its right not to appropriate money for any payments under a Lease Financing, the Authority understands that the Lender may terminate the Lease Financing, take possession of the Equipment and exercise such other remedies that may be available to a Lender under the Lease Documents.

(c) If a Bond Financing structured is selected the Authority hereby pledges its net revenues as security for such purpose under the terms of the Financing Documents on a parity with all other revenue bonds of the Authority now outstanding or hereafter issued.

6. **Evidence of Approval.** The approval or determination by the Chairman or the Superintendent of the final terms, form, details and provisions of the Financing, the Financing Documents and all other matters that each has been authorized or directed to approve or determine under this Resolution, subject to the parameters set forth in this Resolution, shall be evidenced conclusively by the execution and delivery of the Financing Documents and such related documents on the Authority's behalf. It shall be sufficient that either the Chairman or the Superintendent act with respect to the authorizations that permit action by either the Chairman or the Superintendent and no action by the other party shall be necessary to fulfill the authorizations granted by this Resolution. In the absence or unavailability of the Chairman, the Vice Chairman is hereby authorized to act on the Chairman's behalf pursuant to the authorizations granted in this Resolution.

7. **Actions Regarding the Cooperation Agreement, Service Agreement and any Existing Bond Documents.** (a) The Chairman and Superintendent, after consulting with the Financial Advisor and Bond Counsel, are each hereby authorized to take such actions as either deems necessary or appropriate regarding the Cooperation Agreement, the Service Agreement and the Member Jurisdictions to facilitate the Financing and ensure that the terms of the Cooperation Agreement and the Service Agreement and the terms of the Financing Documents do not conflict with one another, which actions may include requesting Member Jurisdiction consent to the Financing or an amendment to the Service Agreement to provide for any additional debt service payments.

(b) The Chairman and Superintendent, after consulting with the Financial Advisor and Bond Counsel, are each hereby authorized to take such actions as either deems necessary or appropriate regarding any existing bond documents affecting the Authority in order to facilitate the Financing ensure that the terms of any such documents do not conflict with the terms of the Financing Documents, which actions may include the requesting of existing lender consent to the Financing, the Financing Documents or certain terms thereof.

8. **Federal Tax Matters.** The Chairman, the Superintendent and such other appropriate officers of the Authority as either may designate are hereby authorized to execute and deliver a federal tax certificate or agreement (the "Tax Document") setting forth the expected use and investment of the proceeds of the Financing and containing such covenants and elections as may be necessary or convenient in order to cause the Financing to comply with the provisions of the Code, including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The Authority covenants that the proceeds from the Financing shall be invested and expended as set forth in the Tax Document and that the Authority shall comply with the other covenants and representations contained therein.

9. **Bank Qualification.** The Authority hereby authorizes the Chairman or the Superintendent to designate all or such portion of the Financing as a "qualified tax-exempt obligation" eligible for the exception from the total disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Code to the extent the Chairman and the Superintendent, after consultation with Bond Counsel, deems it necessary or appropriate. The Authority does not reasonably anticipate that it will issue more than \$10,000,000 in tax-exempt obligations during calendar year 2015 and the Authority will not designate more than \$10,000,000 of qualified tax-exempt obligations in calendar year 2015. The Authority has no subordinate entities or entities which issue obligations on its behalf.

10. **SNAP Investment Authorization.** The Authority is hereby authorized to invest the net proceeds of the Financing in the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP"). The Authority intends that the custodian of the SNAP investment program pool, which Bond Counsel has advised is a bank having the powers of a trust company within the Commonwealth of Virginia, shall constitute the "trustee" for the net proceeds of the Financing for purposes of Section 53.1-95.13 of the Act. The Authority acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the Authority in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

11. **Further Actions.** The Chairman, the Superintendent, the Secretary and such other officers, employees and agents of the Authority as the Chairman may designate are authorized and directed to take such further actions as they deem necessary regarding the Financing, including, determining the appropriate structure for the Financing, executing, delivering and performing the Financing Documents and other closing documents and certificates, and documents and certificates necessary or appropriate to establish or maintain the tax-exempt status of the Financing and any other obligations of the Authority. All such actions previously taken by such officers, employees and agents are ratified and confirmed.

12. **Effective Date.** This Resolution shall take effect immediately.

CERTIFICATE OF THE SECRETARY

The undersigned Secretary of the Western Tidewater Regional Jail Authority (the "Authority"), hereby certifies that:

1. A special meeting of the Authority was duly called and held on June 23, 2015 (the "Meeting"), at which the following members were present and absent:

<u>Member</u>	<u>Present</u>	<u>Absent</u>
Rex W. Alphin	✓	
Barry W. Cheatham	✓	
Michael D. Duman	✓	
Raleigh H. Issacs	✓	
Rudolph Jefferson	✓	
Mark A. Marshall		✓
Robert Randolph Martin (alt)	✓	
Mona Murphy		✓
Lenora E. Reid (alt)		✓
Anne F. Seward (alt)		✓
John B. Stutts		✓
Lue Ward		✓

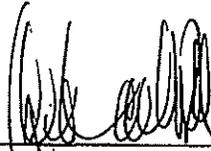
2. A resolution (the "Resolution") of the Authority entitled "RESOLUTION AUTHORIZING AND APPROVING THE FINANCING OF ENERGY EFFICIENCY IMPROVEMENTS, IN AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,000,000 AND SETTING FORTH THE FORM, DETAILS AND PROVISIONS THEREOF," was duly adopted at the Meeting by the recorded affirmative vote of at least a majority of all of the members of the Authority, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Rex W. Alphin	✓	
Barry W. Cheatham	✓	
Michael D. Duman	✓	
Raleigh H. Issacs		✓
Rudolph Jefferson	✓	
Mark A. Marshall		
Robert Randolph Martin (alt)	✓	
Mona Murphy		
Lenora E. Reid (alt)		
Anne F. Seward (alt)		
John B. Stutts		
Lue Ward		

3. Attached is a true and correct copy of the Resolution.

WITNESS my signature as Secretary of the Western Tidewater Regional Jail Authority
as of June 23, 2015.

Mike Duman



Rex W. Alphin, Secretary
Western Tidewater Regional Jail Authority

Staff Reports

AGENDA: July 15, 2015, Regular Session

ITEM: Motion - A motion to schedule a public hearing to be held on August 19, 2015, to receive public comment on the conveyance of a previously vacated portion of Mulberry Street to the adjacent property owner via quitclaim deed

A public hearing is necessary to receive public comment on the conveyance of a previously vacated portion of Mulberry Street to the adjacent property owner via quitclaim deed.

RECOMMENDATION:

Schedule a public hearing for August 19, 2015.

Motion to Schedule a Work Session

Non-Agenda Speakers

New Business

Announcements and Comments