

Director of Media and Community  
Relations

**SUFFOLK CITY COUNCIL**  
**MEETING OF JUNE 17, 2015**



**WORK SESSION**

**Begins at 4:00 p.m.**

**REGULAR SESSION**

**Begins at 7:00 p.m.**

**SUFFOLK CITY COUNCIL  
WORK SESSION**

June 17, 2015

4:00 p.m.

City Council Chamber

1. Presentation to City Council regarding Legislative Changes

2\* Appointments

\* Proposed Items for Closed Session

**AGENDA: June 17, 2015, Work Session**

**ITEM: Presentation to City Council regarding Legislative Changes**

The City Attorney and staff will present changes to the Code of Virginia passed at the 2015 General Assembly Session that affects the Code of the City of Suffolk, Uniform Development Code (UDO) and/or City policy or practice.



**Boards and Commissions Vacancies  
June 17, 2015**

<b>BOARD OR COMMISSION</b>	<b>NAME</b>	<b>TERM EXPIRES</b>	<b>COMMENTS</b>
<b>Community Policy and Management Team</b>	Jewel Goodman	06-30-14	Interested in reappointment.
	Mary Brantley	06-30-15	Private Provider Organization or Association of Providers representative. Interested in reappointment.
<b>Fine Arts Commission</b>	Vacant	06-30-15	Vivian May resigned.
	Beatrice Reaves	06-30-15	No response. No attendance.
	Katie Stallings	06-30-15	Interested in reappointment.
	John Taylor	06-30-15	Not interested in reappointment.
<b>Historic Landmarks Commission</b>	Edward Lee King	06-30-15	Interested in reappointment.
	Amy L. Elliott	06-30-15	Interested in reappointment.
<b>Human Services Advisory Board</b>	Catherine Jones	06-30-15	Not eligible for reappointment.
	Gloria Colbert	06-30-15	Not eligible for reappointment.
	Simonee R. Thomas	06-30-15	Non-resident. Not eligible for reappointment.
	Mary W. Copeland	06-30-15	Not eligible for reappointment.



**Boards and Commissions Vacancies  
June 17, 2015**

<b>BOARD OR COMMISSION</b>	<b>NAME</b>	<b>TERM EXPIRES</b>	<b>COMMENTS</b>
<b>Library Advisory Board</b>	Nancy Creekmore	06-30-15	Interested in reappointment.
	Pam Hill	06-30-15	Not interested in reappointment.
	Sue Nichols	06-30-15	Interested in reappointment.
<b>Local Board of Building Code Appeals</b>	Randy Brock	06-30-13	
	Mitchell Wilcox	06-30-14	Interested in reappointment.
	Rebecca Habel	06-30-14	Not interested in reappointment.
<b>Parks and Recreation Advisory Commission</b>	Henry Buck, Jr.	06-30-13	Interested in reappointment.
	Ira Steingold	06-30-15	Interested in reappointment.
	Judson West	06-30-15	
	Jerry D. Canaday	06-30-15	Not interested in reappointment.
<b>Planning Commission</b>	James Vacalis	06-30-15	Interested in reappointment.
<b>Sister Cities Commission</b>	Monette Robinson Harrell	06-30-15	
<b>Suffolk Clean Community Commission</b>	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.



**Boards and Commissions Vacancies  
June 17, 2015**

<b>BOARD OR COMMISSION</b>	<b>NAME</b>	<b>TERM EXPIRES</b>	<b>COMMENTS</b>
Suffolk Clean Community Commission Keep Suffolk Beautiful Executive Board	Hugh Cross	06-30-13	
Suffolk Redevelopment and Housing Authority Board of Commissioners	M. Caroline Martin	06-30-15	Interested in reappointment.
	Regina Hall	06-30-15	Public housing representative.
Wetlands Board	Steven Barnum	12-31-14	Alternate. Interested in reappointment.
	David Thacker Joynes	12-31-14	Alternate. Interested in reappointment.

**SUFFOLK CITY COUNCIL AGENDA**  
**June 17, 2015**  
**7:00 p.m.**  
**City Council Chamber**

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentations**
5. **Removal of Items from the Consent Agenda and Adoption of the Agenda**
6. **Agenda Speakers**
7. **Consent Agenda** – An ordinance to accept and appropriate additional funds from the American Library Association’s Libraries Transforming Communities Grant for the City of Suffolk Public Library
8. **Consent Agenda** – A resolution of the City of Suffolk, Virginia certifying its concurrence with the Suffolk City School Board’s election to pay the Virginia Retirement System Board certified rate in the biennium beginning July 1, 2015 in accordance with the appropriation act item 468(H)
9. **Consent Agenda** – An ordinance to accept and appropriate funding from the Virginia Department of Aviation for the Suffolk Executive Airport
10. **Consent Agenda** – An ordinance to accept and appropriate excess General Fund Revenues received during Fiscal Year 2014-15, not to exceed \$1,300,000, for Fiscal Year 2014-15 approved obligations, building maintenance and generator lease expenses
11. **Public Hearing** – An ordinance authorizing the issuance and sale of bonds by the City of Suffolk, Virginia, and establishing the terms, details, and provisions for the payment thereof
12. **Public Hearing** – An ordinance to amend Chapter 31, Unified Development Ordinance of the Code of the City of Suffolk Section 31-406, Use Regulations and Table 406-1, Principal Uses Permitted in Zoning Districts Concerning Licensed Limited Distillers as a Permitted Use in the Agricultural Zoning District; Appendix A, Definitions Concerning the Definitions of “Animal Shelter, Private”, “Licensed Limited Distillers”, and “Variance”; Appendix B, Submission Requirements, B-6, Zoning Variance or Appeals Applications – OA4-15
13. **Ordinances**

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

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, May 20, 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 Closed Meeting of May 20, 2015, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

Council Member Duman, on a motion seconded by Council Member Fawcett, 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 CLOSED MEETING OF MAY 20, 2015, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED**

**APPROVAL OF THE MINUTES**

Council Member Fawcett, on a motion seconded by Vice Mayor Bennett, moved to approve the minutes from the May 6, 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 presented.

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

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

**AGENDA SPEAKERS**

There were no speakers under this portion of the agenda.

**CONSENT AGENDA**

City Clerk Dawley presented the following Consent Agenda items:

**Consent Agenda Item #7** – An ordinance to accept and appropriate funds from the Virginia Department of Environmental Quality for the 2015 Historical Data Cleanup for the Suffolk Department of Public Works

**Consent Agenda Item #8** – An ordinance to accept and appropriate excess General Fund Expenses and/or excess General Fund Revenues received during Fiscal Year 2014-15, not to exceed \$252,375, for the purchase of new voting equipment

Council Member Fawcett asked for a report on Consent Agenda Items #7 and #8 - an ordinance to accept and appropriate funds from the Virginia Department of Environmental Quality for the 2015 Historical Data Cleanup for the Suffolk Department of Public Works and an ordinance to accept and appropriate excess General Fund Expenses and/or excess General Fund Revenues received during Fiscal Year 2014-15, not to exceed \$252,375, for the purchase of new voting equipment.

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

Referring to Consent Agenda Item #8, Vice Mayor Bennett called for General Registrar Susan Saunders to provide information about the operation of the new voting equipment.

Referring to Consent Agenda Item #8, General Registrar Saunders offered additional information utilizing a PowerPoint presentation and the distributed handout.

Referring to the presentation, Mayor Johnson opined that the type of voting equipment referenced in the proposed ordinance is currently being used in certain precincts in the City. General Registrar Saunders replied in the affirmative.

Council Member Duman, on a motion seconded by Council Member Fawcett, 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**

**Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change the zoning from B-2, General Commercial zoning district, (Conditional), to MUD, Mixed Use Development Overlay zoning district, (Conditional) for property located at 1900 North Main Street, Zoning Map 25, Parcel 45; RZ09-14 (Conditional)

Council Member Fawcett announced that he would abstain from any action or discussion on the proposed ordinance as he has a personal interest in the transaction at issue, Rezoning Request RZ09-14.

Utilizing a PowerPoint presentation, Planning and Community Development Director D. Scott Mills submitted a summary of the background information as printed in the official agenda. Also utilizing a PowerPoint presentation, Traffic Engineer Robert Lewis and Parks and Recreation Director Lakita Watson submitted supplemental information related to the background information as printed in the official agenda.

Kevin Hughes, Director, Economic Development Department, 442 West Washington Street, representing the Economic Development Authority, property owners, spoke in support of the proposed ordinance.

John Wright, 4021 Seaboard Court, Portsmouth, Virginia, representing Waverton Associates, spoke in support of the proposed ordinance.

The following individuals spoke in opposition to the proposed ordinance:

Douglas Naismith, 4949 Exeter Drive, representing self.

Jeff Johnson, 709 Jones Street, representing self.

Cynthia Ferguson, 115 Pine Valley Drive, representing self.

Monette Harrell, 407 West Riverview Drive, representing self.

Vice Mayor Bennett, on a motion seconded by Council Member Johnson, moved to extend the public hearing granting an additional 30 minutes for the proponents and the opponents, by the following vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None	0
ABSTAIN:	Council Member Fawcett	1

The following individuals spoke in opposition to the proposed ordinance:

James Hogge, 106 Longwood Avenue, representing self.

Alan Clemons, 115 Katherine Street, representing self.

Sarah Askew Massey, 108 Longwood Avenue, representing self.

Larry Felton, 106 Northgate Lane, representing self.

Kerry Holmes, 230 Clay Street, representing self.

Denise Farris, 110 Northgate Lane, representing self.

Terri Brown, 213 Highland Avenue, representing self.

Stella Payne, 120 Northgate Lane, representing self.

Geoff Payne, 120 Northgate Lane, representing self.

Vice Mayor Bennett, on a motion seconded by Council Member Milteer, moved to extend the public hearing granting an additional 5 minutes for the proponents and the opponents, by the following vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None	0
ABSTAIN:	Council Member Fawcett	1

Mary Deberry, no address given, addressed public safety response times. Mayor Johnson advised the speaker her concerns could be addressed under Non Agenda Speakers, as the current public hearing is about Rezoning Request RZ09-14.

Gary Brown, 213 Highland Avenue, representing self, spoke in opposition to the proposed ordinance.

The following individuals spoke in support of the proposed ordinance:

Marion Flood, 4802 John T. Mullen Road, representing self.

John Wright, 4021 Seaboard Court, Portsmouth, Virginia, representing Waverton Associates.

Kevin Hughes, 442 West Washington Street, Director, Economic Development Department, representing the Economic Development Authority, property owners.

David France, no address given, Kimley-Horn and Associates, Incorporated, agent, representing Kevin Hughes, Director, Economic Development Department.

Hearing no additional speakers, the public hearing was closed.

Vice Mayor Bennett moved to continue consideration of the proposed ordinance to the August 19, 2015, City Council meeting. The motion failed to receive a second.

Referring to Agenda Item #17, Council Member Duman opined about the developer's preference as it related to the taxable bond products available from the Virginia Housing Development Authority for the Meridian at Obici Place Multi-Family Apartment Project. Mr. Wright advised that he plans to select the Authority's second product, which would require 20 percent of the apartments to be leased to families making no more than 80 percent of the area median income and the remaining 80 percent of the apartments to be leased with no maximum income limits for prospective residents.

Council Member Duman asked about the potential impact of continuing consideration of the proposed ordinance on the Virginia Housing Development Authority's financing. Mr. Wright explained that the documents for the financing must be returned to Virginia Housing Development Authority by June 15<sup>th</sup>.

Council Member Duman moved to continue consideration of the proposed ordinance to the June 3, 2015, City Council meeting and asked staff to research the following: to provide more information on the Mixed Use Development zoning designation; the potential relocation of the Virginia Department of Transportation's Hampton Roads District Office; information on the Phase 2 Environmental Study on the parcel; a status report on the Parks and Recreation Master Plan; a comparison of traffic generation of the B-2, General Commercial zoning district, versus the MUD, Mixed Use Development Overlay zoning district; student generation; and more information on the proposed apartment units, specifically the product quality, monthly rent ranges, and assurances that the development will be built and leased as proposed. The motion failed to receive a second.

Members of City Council opined about the matter of continuing the proposed ordinance.

Council Member Duman, on a motion seconded by Council Member Ward, moved to continue consideration of the proposed ordinance to the June 3, 2015, City Council meeting and asked staff to research the following: to provide more information on the Mixed Use Development zoning designation; the potential relocation of the Virginia Department of Transportation's Hampton Roads District Office; information on the Phase 2 Environmental Study on the parcel; a status report on the Parks and Recreation Master Plan; a comparison of traffic generation of the B-2, General Commercial zoning district, versus the MUD, Mixed Use Development Overlay zoning district; student generation; and more information on the proposed apartment units, specifically the product quality, monthly rent ranges, and assurances that the development will be built and leased as proposed.

Mayor Johnson indicated there were two motions on the floor for consideration.

City Clerk Dawley indicated that the motion by Vice Mayor Bennett failed to receive a second. Council Member Goldberg advised that he provided a second to Vice Mayor Bennett's motion to continue consideration of the proposed ordinance to the August 19, 2015, City Council meeting. With this clarification, Council Member Duman's motion to continue consideration of the proposed ordinance to the June 3, 2015, City Council meeting with the various requests for additional information from staff as outlined above and seconded by Council Member Ward stood as the substitute motion

Referring to the substitute motion, Mayor Johnson asked if the staff could provide the additional information as requested on the proposed ordinance by the June 3, 2015, City Council meeting. Planning and Community Development Director Mills replied in the affirmative.

Referring to the substitute motion, Vice Mayor Bennett asked Dr. Naismith if he could provide additional information regarding potential alternative uses for the parcel under consideration to City Council by the June 3, 2015, City Council meeting. Dr. Naismith indicated that he would prefer to continue consideration on the proposed ordinance for at least six months, but he could accept a continuance to the August 19, 2105, City Council meeting.

Referring to the presentation, Mayor Johnson asked for clarification of the item under consideration. City Attorney Holland reported that the proposed ordinance solely addresses the rezoning from B-2, General Commercial zoning district, (Conditional) to MUD, Mixed Use Development Overlay zoning district (Conditional).

Council Member Duman, on a motion seconded by Council Member Ward, moved to continue consideration of the proposed ordinance to the June 3, 2015, City Council meeting and asked staff to research the following: to provide more information on the Mixed Use Development zoning designation; the potential relocation of the Virginia Department of Transportation's Hampton Roads District Office; information on the Phase 2 Environmental Study on the parcel; a status report on the Parks and Recreation Master Plan; a comparison of traffic generation of the B-2, General Commercial zoning district, versus the MUD, Mixed Use Development Overlay zoning district; student generation; and more information on the proposed apartment units, specifically the product quality, monthly rent ranges, and assurances that the development will be built and leased as proposed, by the following vote:

AYES:	Mayor L. Johnson, and Council Members Duman, Milteer and Ward	4
NAYS:	Vice Mayor Bennett and Council Members Goldberg and T. Johnson	3
ABSTAIN:	Council Member Fawcett	1

City Council recessed at 9:59 p.m. and reconvened at 10:10 p.m.

**Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change zoning from CBD, Central Business District (Conditional), to CBD, Central Business District Zoning District for property located at 220 North Main Street, Tax Map 34G18(A) Parcel 95A; RZ01-15

Utilizing a PowerPoint presentation, Planning and Community Development Director Mills gave a review of the background information as printed in the official agenda.

Justin Sorensen, 3327 Mintonville Point Drive, applicant, spoke in support of the proposed ordinance as presented.

Andrew Damiani, no address given, spoke in support of the proposed ordinance as presented.

Hearing no additional speakers, the public hearing was closed.

Council Member Goldberg, on a motion seconded by Council Member Duman, moved to approve the ordinance, with conditions, 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 REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO CHANGE ZONING FROM CDB, CENTRAL BUSINESS DISTRICT (CONDITIONAL), TO CBD, CENTRAL BUSINESS DISTRICT ZONING DISTRICT FOR PROPERTY LOCATED AT 220 NORTH MAIN STREET, TAX MAP 34G18(A) PARCEL 95A; RZ 01-15**

**Public Hearing** – An ordinance to grant a Conditional Use Permit to establish an animal shelter on property located at 412 Kings Fork Road, Zoning Map 25, Parcel 18D\*1; C18-14

Utilizing a PowerPoint presentation, Planning and Community Development Director Mills offered a report on the background information as printed in the official agenda.

Council Member Duman announced that he would abstain from any action or discussion on the proposed ordinance as he has a personal interest in the transaction at issue, Conditional Use Permit C18-14.

Denis Confer, President, Suffolk Humane Society, no address given, spoke in support of the proposed ordinance.

Hearing no additional speakers, the public hearing was closed.

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

Referring to the presentation, Vice Mayor Bennett opined about condition number two, specifically the option to include dogs among the five household pets that could be boarded on the property. Mr. Confer advised that if this is an issue, the language regarding the dogs could be removed. He added that the language was added in the unusual event that a dog was brought to the property and required boarding in an emergency.

Referring to the presentation, Mayor Johnson called for clarification about issue of permitting dogs among the five household pets that could be boarded on the property. Planning and Community Development Director Mills explained that under the Unified Development Ordinance, a residence is permitted up to five household pets, which includes dogs; therefore, it was the recommendation of staff to remain consistent.

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

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None	0
ABSTAIN:	Council Member Duman	1

**AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH AN ANIMAL SHELTER ON PROPERTY LOCATED AT 412 KINGS FORK ROAD, ZONING MAP 25, PARCEL 18D\*1; C18-14**

**Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a day care (family day home, six to twelve children) on property located at 4724 Camellia Drive, Zoning Map 13C, Parcel 313; C03-15

Utilizing a PowerPoint presentation, Planning and Community Development Director Mills provided an overview on the background information as printed in the official agenda.

The following individuals spoke in support of the proposed ordinance:

Henry Dixon, no address given, property owner, spoke in support of the proposed ordinance.

Laura Brown, 913 Teton Circle, representing self.

Rachel Adams, 256 Holbrook Arch, representing self.

Hearing no additional speakers, the public hearing was closed.

Council Member Ward moved for approval of the ordinance, with conditions, as presented. The motion failed to receive a second.

Referring to the presentation, Council Member Fawcett opined about condition number three regarding the operation of the day care from 6:00 a.m. until 12:00 a.m. and the anticipated frequency that children will be at the day care until 12:00 a.m. Mr. Dixon indicated it is not anticipated children would be there that late very frequently; however, this condition is required by their insurance company since they cater to a number of military families.

Council Member Fawcett asked if the operators currently had any disabled children in their care. Mr. Dixon replied that they do not currently have any disabled children in their care.

Council Member Fawcett queried about whether the operators are equipped to care for disabled children. Mr. Dixon explained that they are not equipped to care for disabled children.

Council Member Ward, on a motion seconded by Council Member Milteer, moved to approve the ordinance, with conditions, 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 A CONDITIONAL USE PERMIT TO ESTABLISH A DAY CARE (FAMILY DAY HOME, SIX TO TWELVE CHILDREN) ON PROPERTY LOCATED AT 4724 CAMELLIA DRIVE, ZONING MAP 13C, PARCEL 313; C03-15**

**Public Hearing** – An ordinance to repeal Section 31-416.1, Floodplain Overlay District (F) of the Code of the City of Suffolk Unified Development Ordinance and to adopt Section 31-416.2 Floodplain Overlay District (F) – OA3-15

Utilizing a PowerPoint presentation, Planning and Community Development Director Mills summarized the background information as printed in the official agenda.

Hearing no speakers, the public hearing was closed.

Referring to the presentation, Council Member Goldberg asked whether any residents challenged the inclusion of their property in the Floodplain Overlay District and if so, how these challenges were addressed. Planning and Community Development Director Mills reported that the City sent notices to impacted property owners to attend an open house on the matter. He added that for a year City staff has also addressed concerns of all impacted property owners and explained that any appeals could be heard by the Federal Emergency Management Administration.

Council Member Duman, on a motion seconded by Council Member Fawcett, 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 REPEAL SECTION 31-416.1, FLOODPLAIN OVERLAY DISTRICT (F) OF THE CODE OF THE CITY OF SUFFOLK UNIFIED DEVELOPMENT ORDINANCE AND TO ADOPT SECTION 31-416.2 FLOODPLAIN OVERLAY DISTRICT (F) – OA3-15**

**ORDINANCES**

**Ordinance** – An ordinance amending Chapter 2, Section 2-460 of the Code of the City of Suffolk concerning the compensation for the Economic Development Authority

Utilizing a PowerPoint presentation, Economic Development Director Hughes gave a report on the background information as printed in the official agenda.

Council Member Fawcett, on a motion seconded by Council Member Ward, 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 AMENDING CHAPTER 2, SECTION 2-460 OF THE CODE OF THE CITY OF SUFFOLK CONCERNING THE COMPENSATION FOR THE ECONOMIC DEVELOPMENT AUTHORITY**

**Ordinance** – An ordinance to amend Section 86-604 of the Code of the City of Suffolk concerning designated public streets approved for golf cart use within the Holiday Point Estates community

Utilizing a PowerPoint presentation, Public Works Director Eric Nielsen supplied a synopsis 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 ordinance, as presented, by the following vote:

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

**AN ORDINANCE TO AMEND SECTION 86-604 OF THE CODE OF THE CITY OF SUFFOLK CONCERNING DESIGNATED PUBLIC STREETS APPROVED FOR GOLF CART USE WITHIN THE HOLIDAY POINT ESTATES COMMUNITY**

**Ordinance** – An ordinance to amend Section 86-291 of the Code of the City of Suffolk restricting through truck traffic on Manning Bridge Road, Manning Road (from Copeland Road to Holland Road), and within the Kingsboro neighborhood, on Katherine Street, Kingsboro Street, Lakeside Street, Nansemond Avenue, Highland Avenue, and Elizabeth Street, between East Constance Road and East Pinner Street

Utilizing a PowerPoint presentation, Public Works Director Nielsen furnished a summation of the background information as printed on the official agenda.

Council Member Johnson moved to approve the ordinance as presented. The motion failed to receive a second.

Referring to the presentation, Council Member Fawcett asked if there will be a weight limit for the truck traffic on the above referenced roads. Public Works Director Nielsen explained that the Department of Motor Vehicles has established the guidelines for weight limits in No Truck areas and generally refers to heavy commercial trucks.

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

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

**AN ORDINANCE TO AMEND SECTION 86-291 OF THE CODE OF THE CITY OF SUFFOLK RESTRICTING THROUGH TRUCK TRAFFIC ON MANNING BRIDGE ROAD, MANNING ROAD (FROM COPELAND ROAD TO HOLLAND ROAD), AND WITHIN THE KINGSBORO NEIGHBORHOOD, ON KATHERINE STREET, KINGSBORO STREET, LAKESIDE STREET, NANSEMOND AVENUE, HIGHLAND AVENUE, AND ELIZABETH STREET, BETWEEN EAST CONSTANCE ROAD AND EAST PINNER STREET**

**RESOLUTIONS**

**Resolution** – A resolution supporting the Virginia Housing Development Authorities financing of the Meridian at Obici Place Multi-Family Apartment Project

Council Member Fawcett announced that he would abstain from any action or discussion on the proposed resolution as he has a personal interest in the transaction at issue in the proposed resolution.

Council Member Goldberg, on a motion seconded by Council Member Duman, moved to continue consideration of the resolution to the June 3, 2015, City Council meeting, by the following vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None	0
ABSTAIN:	Council Member Fawcett	1

**STAFF REPORTS**

There were no items under this portion of the agenda.

**MOTIONS**

**Motion** – A motion to schedule a Work Session for June 3, 2015, at 4:00 p.m., unless cancelled

Council Member Duman, on motion seconded by Council Member Fawcett, moved to schedule a Work Session for June 3, 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**

Kay Hurley, 212 South Broad Street, representing the Suffolk Humane Society, spoke in support of rescinding the increase in pet adoption fees.

**NEW BUSINESS**

City Clerk Dawley presented the following boards and commissions for City Council’s consideration: Hampton Roads Planning District Commission – Interim City Manager Roberts and Western Tidewater Water Authority – Interim City Manager Roberts.

Council Member Fawcett, on a motion seconded by Vice Mayor Bennett, moved to appoint the above referenced individual 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 Director Diana Klink reported on the following: the State of the City; the American Cancer Society’s Relay for Life; the ribbon cutting for the Residences at October; the Great Dismal Swamp Safari; the observance of Memorial Day; an upcoming Suffolk Police Department Badge Pinning Ceremony; the upcoming Suffolk Culinary Crawl; and the City’s webpage to report roadway problems.

Council Member Ward reported he attended the following: a public meeting regarding the Route 460 project; the ribbon cutting for the Residences at October; and a meeting of the Harbourview Home Owners Association.

Council Member Duman advised he attended the following: the National Day of Prayer Breakfast; the ribbon cutting for the Residences at October; the National Police Officer Memorial Week ceremony; and the State of the City.

Council Member Duman announced there was a new publisher at the *Suffolk News Herald*, John Carr.

Council Member Duman opined about an email from a resident complimenting the City’s employees on their service.

Council Member Johnson thanked the Parks and Recreation Department, the Suffolk Fire Department and the Suffolk Police Department for their assistance with the Holland Ruritans Founders Day.

Council Member Milteer advised he attended the State of the City.

Council Member Milteer reported that there was high grass on Airport Road, Skeetertown Road and Jackson Road.

Council Member Duman called for a report on the fiscal impact of rescinding the increase of the pet adoption fee.

Council Member Fawcett reported he attended the following: the City Employee Service Awards Luncheon; the Youth Public Safety Academy Graduation; the National Day of Prayer Breakfast; the ribbon cutting for the Residence at October; and the State of the City.

Vice Mayor Bennett advised he attended the following: the National Day of Prayer Breakfast; National Police Officer Memorial Week ceremony; the Paul D. Camp Community College Graduation; the Hampton Roads Chamber of Commerce Leadership Luncheon featuring Admiral Philip Davidson; the State of the City; and the City Employee Service Awards Luncheon.

Vice Mayor Bennett asked staff to post train schedule information on the City’s webpage and the Municipal Channel.

Vice Mayor Bennett advised that there were high bushes on the corner of Riddick Drive and Sixth Street, in the East Suffolk Gardens area.

Vice Mayor Bennett reported high grass at 201 Locust Street.

Mayor Johnson said she attended the American Cancer Society’s Relay for Life.

Mayor Johnson announced the upcoming events: American Heart Association’s HeartChase; the Hampton Roads Transportation Planning Organization Retreat; and the Hampton Roads Transportation Accountability Commission meeting.

Mayor Johnson advised she attended the Bettie S. Davis Apartments Ribbon Cutting Ceremony.

Mayor Johnson thanked the Media and Community Relations Department for their efforts in preparing the State of the City.

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 11:24 p.m.

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

Approved: \_\_\_\_\_  
Linda T. Johnson, Mayor



Work Session of the Suffolk City Council was held in was held in the City Council Chamber, 442 West Washington Street, on Wednesday, June 3, 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

**PARKS AND RECREATION MASTER PLAN UPDATE**

Parks and Recreation Director Lakita Watson introduced Neelay Bhatt, Vice President, Pros Consulting, LLC, the City's parks and recreation consultant. Utilizing a PowerPoint presentation, Mr. Bhatt gave a report on the above referenced item.

Referring to the presentation, Council Member Duman asked about the timeline to compile the data from the citizens' survey and present a follow up report. Mr. Bhatt reported that a follow up report would be presented in the next three months.

**HAMPTON ROADS SANITATION DISTRICT HOLLAND ROAD 24-INCH INTERCEPTOR FORCE MAIN PROJECT UPDATE**

Utilizing a PowerPoint presentation, Public Utilities Director Albert Moor supplied an update on the above referenced item.

Referring to the presentation, Council Member Johnson sought information about the timeframe for the beginning of Phase Two – West Constance Road/Prentis Street to East Constance Road. Public Utilities Director Moor said that the project is anticipated to start in August 2015, and it is anticipated that the project will be completed in Spring 2017.

Referring to the presentation, Council Member Johnson queried about the timeframe for the start of Phase One - Route 58 to West Constance Road and Prentis Street project. Public Utilities Director Moor explained that project is expected to start in August 2015, and it is estimated that the construction will be completed in Winter 2018.

Referring to the presentation, Council Member Johnson inquired if fire hydrants will be available in the Oak Ridge area after the completion of this project. Public Utilities Director Moor replied in the affirmative.

**CLOSED MEETING**

City Clerk Dawley presented the following Closed Session motion for City Council’s consideration:

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

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 and the City Attorney; 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 Community Policy and Management Team, Fine Arts Commission, Historic Landmarks Commission, Human Services Advisory Board, Library Advisory Board, Local Board of Building Code Appeals, Parks and Recreation Advisory Commission, Planning Commission, Sister Cities Commission, Suffolk Clean Community Commission, Suffolk Clean Community Commission Keep Suffolk Beautiful Executive Board, Suffolk Redevelopment and Housing Authority Board of Commissioners, and Wetlands Board; and
2. Pursuant to Virginia Code Section 2.2-3711(A) (3) and (7), the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and the consultation of 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 regarding Tax Map and Parcel 20\*43A, Tax Map and Parcel 20\*6, and Tax Map and Parcel 6\*11; and
3. Pursuant to Virginia Code Section 2.2-3711 (A)(7), the consultation of 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 Ainslie Group, Inc. vs. City of Suffolk.

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 5:47 p.m. The Closed Meeting concluded at 6:52 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, June 3, 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 Closed Meeting of June 3, 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 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 CLOSED MEETING OF JUNE 3, 2015, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED**

**APPROVAL OF THE MINUTES**

Council Member Fawcett, on a motion seconded by Council Member Duman, moved to approve the minutes from the May 20, 2015, Work Session, 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 Duman, on a motion seconded by Council Member Milteer, 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**

Geoff Payne, 120 Northgate Lane, representing self, opined about Item #17 - a resolution supporting the Virginia Housing Development Authority’s (VHDA) financing of the Meridian at Obici Place Multi-Family Apartment Project.

Stella Payne, 120 Northgate Lane, representing self, opined about Item #17 - a resolution supporting the Virginia Housing Development Authority’s (VHDA) financing of the Meridian at Obici Place Multi-Family Apartment Project.

J. Harold Faulk, 3282 Jackson Road, representing the Economic Development Authority, spoke in support of Item #17 - a resolution supporting the Virginia Housing Development Authority’s (VHDA) financing of the Meridian at Obici Place Multi-Family Apartment Project .

Kenneth Stout, 315 West Constance Road, Unit 303, was not present when called.

**CONSENT AGENDA**

City Clerk Dawley presented the following Consent Agenda items:

**Consent Agenda Item #7** – An ordinance to authorize the transfer of Urban Formula funds from the Bridge Road and Bennett’s Pasture Road Intersection Project to the Bridge Road and Lee Farm Lane Intersection Project

**Consent Agenda Item #8** – An ordinance to appropriate excess Risk Fund Revenues received during Fiscal Year 2014-2015 and/or funds from the Risk Fund Balance not to exceed \$510,000 for use in addressing additional contributions to Other Post-Employment Benefits (OPEB)

**Consent Agenda Item #9** - An ordinance amending Chapter 38, Article II of the Code of the City of Suffolk for the purpose of replacing the term “rescue” with “emergency medical services” in accordance with changes to the Code of Virginia

**Consent Agenda Item #10** - An ordinance amending Section 38-32 of the City Code concerning the Department of Fire and Rescue in reference to Departmental rules and regulations for the purpose of removing the language referencing the Fire and EMS Commission

**Consent Agenda Item #11** - An ordinance amending Section 38-38 of the City Code concerning the recognition of fire and rescue organizations as part of the safety program of the City

Council Member Milteer asked for an overview of Consent Agenda Items #7 through #11 - an ordinance to authorize the transfer of Urban Formula funds from the Bridge Road and Bennett’s Pasture Road Intersection Project to the Bridge Road and Lee Farm Lane Intersection Project; an ordinance to appropriate excess Risk Fund Revenues received during Fiscal Year 2014-2015 and/or funds from the Risk Fund Balance not to exceed \$510,000 for use in addressing additional contributions to Other Post-Employment Benefits (OPEB); an ordinance amending Chapter 38, Article II of the Code of the City of Suffolk for the purpose of replacing the term “rescue” with “emergency medical services” in accordance with changes to the Code of Virginia; an ordinance amending Section 38-32 of the City Code concerning the Department of Fire and Rescue in reference to Departmental rules and regulations for the purpose of removing the language referencing the Fire and EMS Commission; and an ordinance amending Section 38-38 of the City Code concerning the recognition of fire and rescue organizations as part of the safety program of the City.

Council Member Fawcett called for a summary on Consent Agenda Items #9 and #10 - an ordinance amending Chapter 38, Article II of the Code of the City of Suffolk for the purpose of replacing the term “rescue” with “emergency medical services” in accordance with changes to the Code of Virginia and an ordinance amending Section 38-32 of the City Code concerning the Department of Fire and Rescue in reference to Departmental rules and regulations for the purpose of removing the language referencing the Fire and EMS Commission

Referring to Consent Agenda Items #7 through #11, Interim City Manager Roberts submitted an overview of the background information as printed in the official agenda.

Referring to Consent Agenda Items #9 through #11, Deputy City Attorney William Hutchins gave a report on the background information as printed in the official agenda.

Referring to the presentation, Council Member Fawcett sought clarification about any potential impact on the City’s volunteer rescue squads. Deputy City Attorney Hutchins stated that the proposed ordinances only bring the City Code into conformity with the State Code, and the City cannot control the nomenclature used by volunteer rescue squads.

Referring to the presentation, Council Member Goldberg opined about any potential impact on the volunteer rescue squads. City Attorney Holland advised that the proposed ordinances do not have any impact on operational matters regarding fire and rescue services on the City side or on the volunteer rescue side.

Council Member Milteer, 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, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	Council Member Fawcett	1

**PUBLIC HEARINGS**

**Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk, Grantor, and Running in Clogs, LLC , et al., Grantees, for property located at 1928 Holland Road, Tax Map Parcel 33B\*18F

Mayor Johnson announced that announced that she would abstain from any action or discussion on the proposed ordinance as he has a personal interest in the transaction.

Vice Mayor Bennett presided over the meeting.

Utilizing a PowerPoint presentation, Acting Deputy City Manager D. Scott Mills offered a review of the background information as printed on the official agenda.

Steve Romine, 999 Waterside Drive, Norfolk, Virginia, representing Running in Clogs, LLC, spoke in support of the proposed ordinance.

Hearing no additional speakers, the public hearing was closed.

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

AYES:	Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None	0
ABSTAIN:	Mayor Johnson	1

**AN ORDINANCE TO AUTHORIZE A QUITCLAIM DEED BETWEEN THE CITY OF SUFFOLK, GRANTOR, AND RUNNING IN CLOGS, LLC , ET AL., GRANTEEES, FOR PROPERTY LOCATED AT 1928 HOLLAND ROAD, TAX MAP PARCEL 33B\*18F**

Mayor Johnson resumed presiding over the meeting.

**ORDINANCES**

**Ordinances** – An ordinance to rezone and amend the official zoning map of the City of Suffolk in order to amend the approved proffered conditions pertaining to the exterior architectural design and building material used for construction of the remaining residential units within the Prentis Place development for property located at 315 West Constance Road

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

Council Member Fawcett moved to approve the ordinance as presented. The motion failed to receive a second.

Council Member Goldberg opined about existing drainage issues on the parcel under consideration. Acting Deputy City Manager Mills replied that City staff can examine the site plan to address those issues and will work with the new owner of the parcel on this matter.

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

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, T. Johnson, Milteer and Ward	7
NAYS:	Council Member Goldberg	1

**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK IN ORDER TO AMEND THE APPROVED PROFFERED CONDITIONS PERTAINING TO THE EXTERIOR ARCHITECTURAL DESIGN AND BUILDING MATERIAL USED FOR CONSTRUCTION OF THE REMAINING RESIDENTIAL UNITS WITHIN THE PRENTIS PLACE DEVELOPMENT FOR PROPERTY LOCATED AT 315 WEST CONSTANCE ROAD**

**Ordinance** – An ordinance to grant relief from the ten (10) year post conveyance holding period for a parcel of land identified as Tax Map 78\*26\*3\*2 created through a family transfer conveyance in accordance with Section 31-514 of the Unified Development Ordinance

Utilizing a PowerPoint presentation, Acting Deputy City Manager Mills gave a report on the background information as printed in the official agenda.

Council Member Milteer, on a motion seconded by Council Member Duman, 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 TAX MAP 78\*26\*3\*2 CREATED THROUGH A FAMILY TRANSFER CONVEYANCE IN ACCORDANCE WITH SECTION 31-514 OF THE UNIFIED DEVELOPMENT ORDINANCE**

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

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

Referring to the presentation, Council Member Milteer asked about the expiration of the ten year post conveyance holding period for the parcel under consideration. Acting Deputy City Manager Mills advised that period expires on May 8, 2018.

Referring to the presentation, Council Member Milteer queried about the criteria to grant relief from the ten year post conveyance holding period for a family transfer conveyance. Acting Deputy City Manager Mills stated that the City’s Unified Development Ordinance requires specific hardships in order to grant relief from the ten year post conveyance period.

Council Member Duman, on a motion seconded by Council Member Ward, 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 TAX MAP 78\*26\*3\*3 CREATED THROUGH A FAMILY TRANSFER CONVEYANCE IN ACCORDANCE WITH SECTION 31-514 OF THE UNIFIED DEVELOPMENT ORDINANCE**

**Ordinance** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change the zoning from B-2, General Commercial zoning district, (Conditional), to MUD, Mixed Use Development Overlay zoning district, (Conditional) for property located at 1900 N. Main Street, Zoning Map 25, Parcel 45; RZ09-14 (Conditional) (The item was continued from the May 20, 2015, City Council meeting.)

Council Member Fawcett announced that he would abstain from any action or discussion on the proposed ordinance as he has a personal interest in the transaction at issue, Rezoning Request RZ09-14 and Item #17 - a resolution supporting the Virginia Housing Development Authority’s (VHDA) financing of the Meridian at Obici Place Multi-Family Apartment Project.

Utilizing a PowerPoint presentation, Acting Deputy City Manager Mills, Economic Development Director Kevin Hughes, and Traffic Engineer Robert Lewis summarized the background information as printed in the official agenda.

Council Member Goldberg asked resident Jeff Johnson about the feasibility of a study to explore the highest and best uses of the parcel under consideration. Mr. Johnson said a third-party comprehensive study of the highest and best uses of the parcel under consideration was warranted.

Council Member Goldberg asked resident Geoff Payne to address his concerns regarding traffic on North Main Street as it relates to the proposed ordinance. Mayor Johnson asked City Attorney Holland if this line of questions was akin to holding another public hearing on the proposed ordinance. City Attorney Holland advised that it was a matter to be determined by City Council but the public hearing on the proposed ordinance was closed. She added that if it was the will of City Council to conduct another public hearing on the proposed ordinance, a motion would be required, and the public hearing would require advertisement in accordance with the State Code.

Referring to the presentation, Council Member Goldberg called for information on the jobs to housing ratio as it relates to the retail and commercial uses of the mixed use development. Economic Development Director Hughes stated that approximately 97% of the jobs generated from the proposed project would come from the retail and commercial uses.

Members of City Council opined about the proposed ordinance.

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

AYES:	Mayor L. Johnson, and Council Members Duman, Milteer and Ward	4
NAYS:	Vice Mayor Bennett and Council Members Goldberg and T. Johnson	3
ABSTAIN:	Council Member Fawcett	1

**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO CHANGE THE ZONING FROM B-2, GENERAL COMMERCIAL ZONING DISTRICT, (CONDITIONAL), TO MUD, MIXED USE DEVELOPMENT OVERLAY ZONING DISTRICT, (CONDITIONAL), FOR PROPERTY LOCATED AT 1900 NORTH MAIN STREET, ZONING MAP 25, PARCEL 45; RZ09-14 (CONDITIONAL)**

**RESOLUTIONS**

**Resolution** – A resolution supporting the Virginia Housing Development Authority’s (VHDA) financing of the Meridian at Obici Place Multi-Family Apartment Project (This item was continued from the May 20, 2015, City Council meeting.)

Council Member Fawcett previously announced that he would abstain from any action or discussion on the proposed resolution as he has a personal interest in the transaction.

Utilizing a PowerPoint presentation, Acting Deputy City Manager Mills provided an overview of the background information as printed in the official agenda.

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

AYES:	Mayor L. Johnson, and Council Members Duman, Milteer and Ward	4
NAYS:	Vice Mayor Bennett and Council Members Goldberg and T. Johnson	3
ABSTAIN:	Council Member Fawcett	1

**A RESOLUTION SUPPORTING THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY’S (VHDA) FINANCING OF THE MERIDIAN AT OBICI PLACE MULTI-FAMILY APARTMENT PROJECT**

**STAFF REPORTS**

There were no items under this portion of the agenda.

**MOTIONS**

**Motion** – A motion to schedule a public hearing for the June 17, 2015, City Council meeting, regarding authorizing the issuance and sale of General Obligation Public Improvement Bonds, Series 2015

Council Member Fawcett, on a motion seconded by Council Milteer, moved to schedule a public hearing for the June 17, 2015, City Council meeting regarding authorizing the issuance and sale of General Obligation Public Improvement Bonds, Series 2015, by the following vote:

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

**Motion** – A motion to schedule a Work Session for June 17, 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 June 17, 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**

Andy Damani, 701 Dumville Avenue, was not present when called.

Charles Deberry, 4901 Buchanan Street, was not present when called.

Mary Deberry, 4901 Buchanan Street, was not present when called.

The following individuals opined about the Meridian at Obici Place Multi-Family Apartment Project:

Domeneck Epps, 2208 Georgia Avenue, representing self.

Monette Harrell, 407 West Riverview Drive, representing self.

Jeff Johnson, 709 Jones Street, representing self.

Cynthia Ferguson, 1115 Pine Valley Drive, representing self.

**NEW BUSINESS**

City Clerk Dawley presented the following boards and commissions for City Council’s consideration: Fine Arts Commission – Lynn Cross (effective July 1, 2015) and Katie Stallings; Historic Landmarks Commission –Merritt Draper and Vivian Turner; Library Advisory Board – Ernestine Langston; Parks and Recreation Advisory Commission – Ivery Knight; Planning Commission – Mills Staylor (effective July 1, 2015); Sister Cities Commission – Dorothy Brinkley, Mary Jane Naismith and Mary Anne Persons; Suffolk Redevelopment and Housing Authority Board of Commissioners – William Freeman (effective July 1, 2015), Ben Fitzgerald (effective July 1, 2015) and Roy Waller.

Council Member Fawcett, on a motion seconded by Vice Mayor Bennett, 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: the appointment of Acting Deputy City Manager D. Scott Mills; the Relay for Life Golf Tournament; the American Heart Association's HeartChase Challenge; the Suffolk Police Department Badge Pinning Ceremony; the Relay for Life Flag Football Game; the Youth Achievement Awards; the 7 Blocc Community Forum; the National Night Out Community Kickoff; the City's ranking as one of the Top 20 Best Cities for Young Families in Virginia for 2015 by NerdWallet; the City's mosquito control webpage and the City's e newsletter.

Council Member Johnson thanked City staff for their assistance.

Council Member Johnson extended his condolences to the family of the late Wayne Sawyer.

Council Member Milteer advised he attended the Memorial Day observance at the Albert G. Horton Veterans Cemetery.

Council Member Milteer reported on high grass on Copeland Road.

Council Member Fawcett acknowledged the appointment of Acting Deputy City Manager Mills.

Council Member Fawcett advised that he attended the American Heart Association's HeartChase and the Virginia Municipal League's Legislative Committee meeting.

Council Member Fawcett extended his condolences to the family of the late Wayne Sawyer.

Council Member Ward thanked City staff for their assistance.

Council Member Ward acknowledged public comments on the Meridian at Obici Place Multi-Family Apartment Project.

Council Member Ward advised he attended the Tabernacle Gardens Assisted Living Open House and a meeting of the Pughsville Civic League.

Council Member Ward called on Police Chief Thomas Bennett to address a recent increase in burglaries in the Harbourview area. Police Chief Bennett provided an overview of this matter.

Council Member Duman reported he attended the Relay for Life Golf Tournament and the City Employee Appreciation Luncheon.

Council Member Duman opined about the American Heart Association's HeartChase and the Meridian at Obici Place Multi-Family Apartment Project.

Vice Mayor Bennett recognized Pastor Darrell Wade from Macedonia African Methodist Episcopal Church.

Vice Mayor Bennett advised he attended the following; the Suffolk Police Department Badge Pinning; the funeral of the late Clifton Winborne; the Tabernacle Gardens Assisted Living Open House; the City Employee Appreciation Luncheon; and the Youth Achievement Awards.

Vice Mayor Bennett queried about the feasibility of opening the joint use recreation centers on weekends.

Vice Mayor Bennett opined about the Parks and Recreation Master Plan presentation at today's Work Session.

Vice Mayor Bennett acknowledged public comments on the Meridian at Obici Place Multi-Family Apartment Project.

Mayor Johnson congratulated those recognized at the recent Suffolk Police Department Badge Pinning.

Mayor Johnson reported on a recent meeting of the Hampton Roads Military and Federal Facilities Alliance and the upcoming United States Cyber Command Distinguished Visitor's Day Cyber Guard 2015.

Mayor Johnson acknowledged public comments on the Meridian at Obici Place Multi-Family Apartment Project.

Mayor Johnson said she participated in the American Heart Association's Heart Chase and offered condolences to the family of the late Wayne Sawyer.

Council Member Fawcett, on a motion seconded by Council Member Milteer, 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 10:01 p.m.

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

Approved: \_\_\_\_\_  
Linda T. Johnson, Mayor

# **Special Presentations**

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

# **Agenda Speakers**

**AGENDA: June 17, 2015, Regular Session**

**ITEM: Consent Agenda** – An ordinance to accept and appropriate additional funds from the American Library Association’s Libraries Transforming Communities Grant for the City of Suffolk Public Library

The City has received \$1,425 in additional funding from the American Library Association to assist with the City of Suffolk Public Libraries Transforming Communities Team. The funding will be used to continue the community engagement training and facilitation process.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the consolidated Grants Fund for Fiscal Year 2014-2015.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund by \$1,425 for the above noted purpose and requires no local fund support.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Award Notification

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

**AN ORDINANCE TO ACCEPT AND APPROPRIATE ADDITIONAL FUNDS FROM THE AMERICAN LIBRARY ASSOCIATION'S LIBRARIES TRANSFORMING COMMUNITIES GRANT FOR THE CITY OF SUFFOLK PUBLIC LIBRARY**

WHEREAS, the City has received additional funds in the amount of \$1,425 from the American Library Association in support of the City of Suffolk Public Library's Libraries Transforming Communities initiative; and

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund Budget for the fiscal year 2014-15 to assist with continuing engagement training and facilitation process for the City of Suffolk Public Library.

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

1. The sum of \$1,425 shall be reflected as budget in the following accounts in the Fiscal Year 2014-15 Consolidated Grants Fund Budget:

<u>Revenue</u>			
211-73100-1562_418990	AmericanLibraryAssoc;0715		<u>\$1,425</u>
<u>Expenditure</u>	AmericanLibraryAssoc;0715		
211-73100-1562-55500	Travel & Training		<u>\$1,425</u>

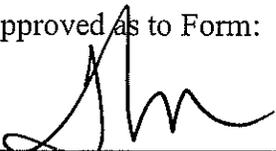
2. The fund amount totaling \$1,425 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 14-O-037, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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

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

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

Approved as to Form:

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

**From:** Mary Davis Fournier <[mfournier@ala.org](mailto:mfournier@ala.org)>  
**Date:** May 20, 2015 at 4:14:58 PM EDT  
**To:** "Clint S. Rudy" <[crudy@suffolkva.us](mailto:crudy@suffolkva.us)>  
**Cc:** Brian Russell <[brussell@ala.org](mailto:brussell@ala.org)>  
**Subject:** Libraries Transforming Communities additional stipend

Dear Clint,

The American Library Association is pleased to award an additional stipend of \$1,425.00 to the Suffolk Public Library. These supplemental funds are to support Suffolk Public Library's participation in the Libraries Transforming Communities initiative. We look forward to seeing you and the Suffolk PL team in person at the June 25, 2015 Libraries Transforming Communities In-person Work Space meeting in San Francisco.

Libraries Transforming Communities is an initiative of the American Library Association, made possible through a grant from the Bill & Melinda Gates Foundation.

Thank you and please let me know if you have any questions.

My best,

Mary

Mary Davis Fournier  
Deputy Director  
Public Programs Office  
American Library Association  
(312) 280-5056  
1-800-545-2433, ext 5056  
[www.ala.org/LTC](http://www.ala.org/LTC)  
[www.ala.org/publicprograms](http://www.ala.org/publicprograms)  
[www.ProgrammingLibrarian.org](http://www.ProgrammingLibrarian.org)

**AGENDA: June 17, 2015, Regular Session**

**ITEM: Consent Agenda** – A resolution of the City of Suffolk, Virginia certifying its concurrence with the Suffolk City School Board’s election to pay the Virginia Retirement System Board certified rate in the biennium beginning July 1, 2015 in accordance with the appropriation act item 468(H)

The Virginia Retirement System (VRS) requires employers participating in the VRS to approve resolutions to restate the employer’s policy on employee contributions to the pension plan and employer contributions rates. On May 14, 2015, the Suffolk City School Board approved a resolution certifying its contributions rate to VRS beginning July 1, 2015 [Appropriations Act Item 468 (H)] and a resolution certifying member contribution requirements [Chapter 822, 2012 Acts of Assembly (SB497)]. A copy of these resolutions is attached.

Further, to satisfy requirements of the Appropriation Action Item 468(H), a resolution indicating that the Suffolk City Council (the local governing body) concurs with the school division’s election to pay the VRS board-certified rate is being submitted for adoption.

**RECOMMENDATION:**

Adopt the attached resolution

**ATTACHMENTS:**

Resolution  
School Board Resolutions

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

**A RESOLUTION OF THE CITY OF SUFFOLK, VIRGINIA CERTIFYING ITS CONCURRENCE WITH THE SUFFOLK CITY SCHOOL BOARD'S ELECTION TO PAY THE VIRGINIA RETIREMENT SYSTEM BOARD CERTIFIED RATE IN THE BIENNIUM BEGINNING JULY 1, 2015 IN ACCORDANCE WITH THE APPROPRIATION ACT ITEM 468(H)**

NOW, THEREFORE, BE IT RESOLVED, that the City of Suffolk (55220) does hereby acknowledge that the Suffolk City School Board has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code §51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT FURTHER RESOLVED, that the City of Suffolk (55220) does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Suffolk City School Board to pay the Certified Rate, as required by Item 468(H) of the Appropriation Act; and

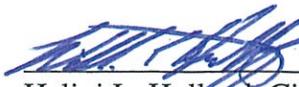
BE IT FURTHER RESOLVED, that the Council of the City of Suffolk, Virginia (55220) is hereby authorized and directed in the name of the City of Suffolk, Virginia, to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may require the seal of the City of Suffolk, Virginia, such seal shall be affixed and attested to by the Clerk.

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

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

Erika S. Dawley, City Clerk

Approved as to Form:

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

**A RESOLUTION OF THE SCHOOL BOARD FOR THE CITY OF SUFFOLK, VIRGINIA REGARDING VIRGINIA RETIREMENT SYSTEM MEMBER CONTRIBUTIONS BY SALARY REDUCTION FOR SCHOOL BOARD EMPLOYEES WHO COMMENCE OR RECOMMENCE EMPLOYMENT ON OR AFTER JULY 1, 2015 IN ACCORDANCE WITH CHAPTER 822 OF THE 2012 ACTS OF ASSEMBLY (SB497)**

**WHEREAS**, the Suffolk City School Board employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 ("FY2013 Employees" for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

**WHEREAS**, the Suffolk City School Board employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

**WHEREAS**, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

**WHEREAS**, the Suffolk City School Board may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

**WHEREAS**, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2015, to each such employee in service on June 30, 2015, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the percentage increase of the member contribution paid by such employee pursuant to this resolution (For example, if the member contribution paid by the employee increases from two to three percent pursuant to this resolution, the employee must receive a one percent increase in creditable compensation.)

**BE IT THEREFORE RESOLVED** that the Suffolk City School Board does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2015:

Professional Employees 40220:

Type of Employee	Employer Paid Member Contribution	Employee Paid Member Contribution
Plan 1	1 %	4%
Plan 2	1 %	4 %
FY2013 Employees	5 %	5 %

Non-professional Employees 55620:

Type of Employee	Employer Paid Member Contribution	Employee Paid Member Contribution
Plan 1	1 %	4 %
Plan 2	1 %	4 %
FY2013 Employees	5 %	5 %

and

**BE IT FURTHER RESOLVED**, that such contributions, although designated as member contributions, are to be made by the Suffolk City School Board in lieu of member contributions; and

**BE IT FURTHER RESOLVED**, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

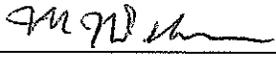
**BE IT FURTHER RESOLVED**, that member contributions made by the Suffolk City School Board under the pick-up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick-up arrangement; and

**BE IT FURTHER RESOLVED**, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick-up contributions made by the Suffolk City School Board directly instead of having them paid to VRS; and

**BE IT FURTHER RESOLVED**, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Suffolk City School Board shall be reduced by the amount of member contributions picked up by the Suffolk City School Board on behalf of such employee pursuant to the foregoing resolutions; and

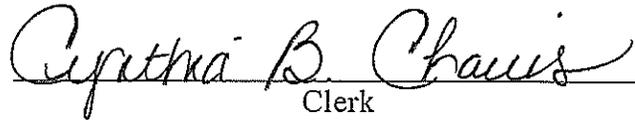
**BE IT FURTHER RESOLVED**, that in accordance with the Appropriation Act, no salary increases that were provided solely to offset the cost of required member contributions to the Virginia Retirement System under §51.1-144 of the Code of Virginia will be used to certify that the salary increases required by the Appropriation Act have been provided.

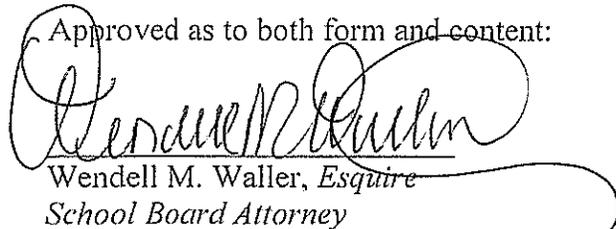
NOW, THEREFORE, the officers of Suffolk City School Board are hereby authorized and directed in the name of the Suffolk City School Board to carry out the provisions of this resolution, and said officers of the Suffolk City School Board are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Suffolk City School Board for this purpose.

  
\_\_\_\_\_  
School Board Chairman

**CERTIFICATE**

I, Cynthia B. Chavis, Clerk of the Suffolk City School Board, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Suffolk City School Board held at Suffolk, Virginia at 7:30 pm o'clock on May 14, 2015. Given under my hand and seal of the \_\_\_\_\_ Suffolk City School Board this 14<sup>th</sup> day of May, 2015.

  
\_\_\_\_\_  
Clerk

Approved as to both form and content:  
  
Wendell M. Waller, *Esquire*  
School Board Attorney

**A RESOLUTION OF THE SCHOOL BOARD FOR THE CITY OF SUFFOLK,  
VIRGINIA CERTIFYING TO THE VIRGINIA RETIREMENT SYSTEM  
CONTRIBUTION RATES EFFECTIVE JULY 1, 2015**

**BE IT RESOLVED**, that the Suffolk City School Board 55620 does hereby acknowledge that its contribution rates effective July 1, 2015 shall be based on the higher of a) the contribution rate in effect for FY 2015, or b) seventy percent of the results of the June 30, 2014 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2014 actuarial value of assets and liabilities (the "Certified Rate"); and

**BE IT ALSO RESOLVED**, that the Suffolk City School Board 55620 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2015:

(Check only one box)

- The Certified Rate of 7.62%                       The Alternate Rate of 6.51%; and

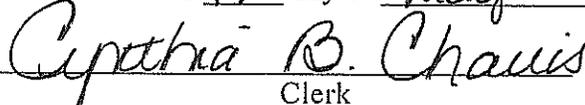
**BE IT ALSO RESOLVED**, that the Suffolk City School Board 55620 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

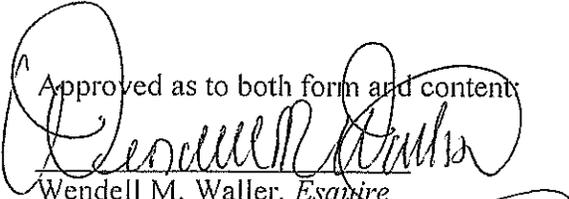
**NOW, THEREFORE**, the officers of Suffolk City School Board 55620 are hereby authorized and directed in the name of the Suffolk City School Board to carry out the provisions of this resolution, and said officers of the Suffolk City School Board are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Suffolk City School Board for this purpose.

  
\_\_\_\_\_  
School Board Chairman

**CERTIFICATE**

I Cynthia B. Charis, Clerk of the Suffolk City School Board certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Suffolk City School Board held at Suffolk, Virginia at 7:30pm o'clock on May 14, 2015. Given under my hand and seal of the Suffolk City School Board this 14<sup>th</sup> day of May, 2015.

  
\_\_\_\_\_  
Clerk

Approved as to both form and content  
  
Wendell M. Waller, Esquire  
School Board Attorney

**AGENDA: June 17, 2015, Regular Session**

**ITEM: Consent Agenda** – An ordinance to accept and appropriate funding from the Virginia Department of Aviation for the Suffolk Executive Airport

The City has received \$10,000 in funding from the Virginia Department of Aviation in support of the advertising and promotional activities of the Suffolk Executive Airport including printing and advertising costs associated with the promotion of the airport.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Aviation Facilities Fund budget for Fiscal Year 2014-15.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Aviation Facilities Fund by \$10,000 for the above noted purpose. The required \$10,000 local match is available in the FY 15' Aviation Facilities Fund budget.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Award Letter

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

**AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDING FROM THE VIRGINIA DEPARTMENT OF AVIATION FOR THE SUFFOLK EXECUTIVE AIRPORT**

WHEREAS, the City has received funds in the amount of \$10,000 from the Virginia Department of Aviation in support of the Suffolk Executive Airport; and,

WHEREAS, the funds received need to be accepted and appropriated to the Aviation Facilities Fund Budget for Fiscal Year 2014-15 to assist with advertising and promotional activities of the Suffolk Executive Airport.

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

1. The sum of \$10,000 shall be reflected as budget in the following accounts in the Fiscal Year 2014-15 Aviation Facilities Fund Budget:

<u>Revenue</u>		
220_424140.29	Aviation-Categorical Aid State Promotion & Advertising	<u>\$7,500</u>
 <u>Expenditure</u>		
220-150000_53600.110	Advertising State Funds	<u>\$7,500</u>

2. The fund amount totaling \$10,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 14-O-037, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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

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

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

Approved as to Form:

  
Helivi L. Holland, City Attorney



Commonwealth of Virginia  
Department of Aviation  
5702 Gulfstream Road  
Richmond, Virginia 23250-2422

**Grant Agreement**

Part I - Offer

Project Number: **P00050-19**  
Date of Approval: **August 19, 2014**  
Date of Offer: **August 19, 2014**  
Date of Offer Expiration: **October 19, 2014**

WHEREAS, by executing a *Master Agreement on Terms and Conditions for Accepting State Aviation Funding Resources* (hereinafter referred to as the "Master Agreement"), effective on October 21, 2010, the City of Suffolk (hereinafter referred to as the "Sponsor") agreed to the terms and conditions for accepting state aviation funding from the Commonwealth of Virginia (hereinafter referred to as the "Commonwealth"); and

WHEREAS, the Sponsor has submitted a request for a grant of state funds to assist in the development of Suffolk Executive Airport (hereinafter referred to as the "Airport") together with the appropriate supporting documentation; and

WHEREAS, the Commonwealth acting by and through the Virginia Aviation Board (hereinafter referred to as the "Board") and/or the Department of Aviation (hereinafter referred to as the "Department"), has approved a project for development of the Airport which consists of the following (hereafter referred to as the "Project"):

Public relations activities; educational activities; advertising; publications; development of business, financial, and marketing plans and similar projects to promote airport programs and services provided and economic benefits generated by Virginia's airports in accordance with criteria established by the Department of Aviation to include:

**Special Events, Printing and Electronic Media**

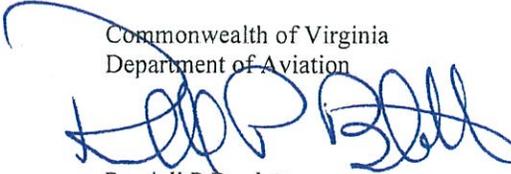
NOW, THEREFORE, pursuant to the authority granted to the Department by §5.1-2.2 of the *Code of Virginia* (1950), as amended, and in consideration of: (a) the authority granted to the Sponsor to operate and maintain the Airport, (b) the Sponsor's adoption and ratification of the assurances provided in the Master Agreement, and (c) the benefits to accrue to the Commonwealth and the public from the accomplishment of this Project, the Department offers to pay, as the Commonwealth's share, Fifty (50) percent of all eligible Project costs.

This offer is made on and subject to the following terms and conditions:

1. The Master Agreement is incorporated by reference herein, and this offer is subject to the terms and conditions of said Master Agreement.
2. The maximum obligation of the Commonwealth payable under this Grant Agreement shall not exceed **\$10,000.00**.
3. If the Federal Aviation Administration (hereinafter referred to as the "FAA") will be participating in the funding of this Project, the Sponsor has, at the time of the execution of this Grant Agreement, a commitment from FAA for federal funds in the amount of \$ NA.
4. This Grant Payment Term will expire on **July 31, 2015**.
5. The Grant Obligation Term is **5 years**.

**Grant Agreement, Project Number P00050-19**

The Sponsor's acceptance of this Grant Offer with its terms and conditions shall be evidenced by execution of this Grant Offer by, or on behalf of, the Sponsor, as hereinafter provided, and said Grant Offer and acceptance shall comprise a Grant Agreement for the distribution of funds by the Department as authorized under §5.1-2.2 *Code of Virginia* (1950), as amended. This Grant Agreement shall become effective upon the Sponsor's acceptance and shall remain in full force as provided herein.

Commonwealth of Virginia  
Department of Aviation  


Randall P Burdette  
Director

Date \_\_\_\_\_

**Part II - Acceptance**

The **City of Suffolk** does hereby accept and agree all the terms, conditions and assurances contained in this Grant Agreement.

Executed this 27<sup>th</sup> day of August, 20 14

City of Suffolk

By Selma Luffe Bleum

Title City Manager

Attest \_\_\_\_\_

Title \_\_\_\_\_

**Certification of Sponsor's Attorney**

I, Solomon H. Ashby Jr, acting as Attorney for the Sponsor do hereby certify that I have examined the foregoing Grant Agreement and find that the Sponsor has been duly authorized and is fully capable under the laws of the Commonwealth of Virginia of fulfilling all obligations under this Grant Agreement and that this Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms and conditions thereof.

Dated at Suffolk, Virginia this 29<sup>th</sup> day of August, 20 14

By SHA

Title ASSISTANT CITY ATTORNEY

**AGENDA: June 17, 2015, Regular Session**

**ITEM: Consent Agenda** – An ordinance to accept and appropriate excess General Fund Revenues received during Fiscal Year 2014-15, not to exceed \$1,300,000, for Fiscal Year 2014-15 approved obligations, building maintenance and generator lease expenses

Attached for Council's consideration is an ordinance to accept and appropriate excess General Fund Revenues received during Fiscal Year 2014-15 for Fiscal Year 2014-15 approved obligations, building maintenance and generators leases in the amount of \$1,300,000. The Fiscal Year 2014-15 budget was approved by City Council on May 7, 2014 with the following amendments: eliminate the proposed one and a half percent bonus for all City employees and replace with the implementation of Phase 2 of the pay and classification study effective January 1, 2015 and a one percent cost of living adjustment for all full-time, permanent, part-time, Constitutional officers, City Council appointees and grant funded positions effective December 1, 2014. Excess General Fund Revenues will be used to meet these obligations in various departments in the General Fund along with building maintenance and generators lease expenses.

**BUDGET IMPACT:**

Adoption of the attached ordinance will increase the appropriated revenues and expenditures of the General Fund by \$1,300,000 for designation and appropriation to the various departments for Fiscal Year 2014-15 for the above noted purpose.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENT:**

Ordinance

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

**AN ORDINANCE TO ACCEPT AND APPROPRIATE EXCESS GENERAL FUND REVENUES RECEIVED DURING FISCAL YEAR 2014-15, NOT TO EXCEED \$1,300,000, FOR FISCAL YEAR 2014-15 APPROVED OBLIGATIONS, BUILDING MAINTENANCE AND GENERATOR LEASE EXPENSES**

WHEREAS, it is anticipated that there will be excess General Fund Revenues received during Fiscal Year 2014-2015; and,

WHEREAS, any excess General Fund Revenues will be available for utilization by the City; and,

WHEREAS, funds in the amount of \$1,300,000 need to be appropriated from the excess revenues for the Fiscal Year 2014-15 in order to meet the Fiscal Year 2014-15 approved obligations, building maintenance and generator leases; and,

WHEREAS, the General Fund Budget of the City of Suffolk is projected to end the Fiscal Year 2014-15 with revenue receipts in excess of budget.

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

1. The fund amount totaling \$1,300,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 14-O-037, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

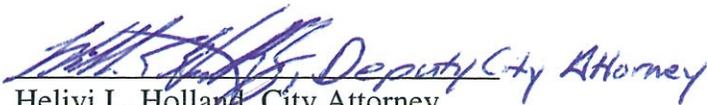
2. This ordinance shall be effective upon passage and shall not be published.

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

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

Erika S. Dawley, City Clerk

Approved as to Form:

  
Helivi L. Holland, City Attorney

**AGENDA: June 17, 2015, Regular Session**

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

Attached for Council's consideration is an ordinance to provide authorization for the issue and sale of bonds to finance the cost of various approved capital projects not to exceed \$36,000,000 and to include the refunding of prior bonds.

This public hearing was properly advertised on June 4, 2015 and June 11, 2015.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Public Hearing Notice

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

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

WHEREAS, the City Council (the "Council") of the City of Suffolk, Virginia (the "City"), has determined that it is necessary to finance the costs of various approved City capital projects for which bond proceeds have been appropriated (collectively, the "Projects"), and to issue and sell bonds of the City in the maximum aggregate principal amount of \$36,000,000 (the "New Money Bonds") to provide funds to pay the costs of the Projects and the issuance costs of the New Money Bonds;

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

WHEREAS, in order to achieve debt service savings on the City's outstanding bonds and other general obligation debt (collectively, the "Prior Bonds"), the Council has determined that it is advisable to issue and sell bonds of the City (the "Refunding Bonds" and together with the New Money Bonds, the "Bonds") in order to refund, redeem, or defease, as applicable, certain of the Prior Bonds and to pay the issuance costs of the Refunding Bonds; and

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

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

1. Authorization of Issuance of Bonds. The Council hereby determines that it is necessary and advisable (i) to contract a debt and to issue and sell the New Money Bonds in an aggregate principal amount not to exceed \$36,000,000 and (ii) to contract a debt and to issue and sell the Refunding Bonds. The issuance and sale of the Bonds is hereby authorized on the terms and conditions set forth herein, and in accordance with Section 15.2-2601 of the Virginia Code, the Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991, as amended (the "Public Finance Act"); provided, however, that the debt limit set forth in Section 6.05 of the Charter of the City shall control over the provisions of the Public Finance Act. Such debt limit provides that on or after January 1, 1980, no bonds or notes of the City shall be issued which together with existing indebtedness of the City, as determined in the manner set forth in Section 10(a) of Section VII of the Constitution of Virginia, exceeds 7% of the assessed valuation of real estate in the City subject to taxation, as shown by the last preceding assessment of taxes, until their issuance shall have been authorized by a majority of the qualified voters of the City voting on the question at an election held for the purpose in the manner provided by general law. The proceeds from the issuance and sale of the New Money Bonds

shall be used to pay all or a portion of the costs of the Projects and to pay issuance costs of the New Money Bonds. The proceeds from the issuance and sale of the Refunding Bonds shall be used to refund, redeem, or defease the Prior Bonds and to pay the costs of issuing the Refunding Bonds. The Bonds shall be issued in one or more series with appropriate nomenclature and series designations, as determined by the City Manager (the "City Representative"). For purposes of issuance, any of the Bonds may be aggregated with other bonds with the same security that have been or may be authorized by Council, with such appropriate designation as the City Representative may determine.

2. Pledge of Full Faith and Credit to Bonds. The Bonds shall be general obligations of the City to which the full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest thereon. The Council is hereby authorized to and shall levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes authorized or limited by law, and without limitation as to rate or amount, sufficient to pay when due the principal of, premium, if any, and interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

3. [Intentionally Omitted].

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

(a) the Council hereby authorizes and directs the City Representative to select the particular Prior Bonds to be refunded provided that the refunding of the Prior Bonds selected shall result in an aggregate net present value debt service savings of not less than 2.75% of the par amount of the Prior Bonds to be refunded;

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

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

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

5. Sale of Bonds; Terms and Conditions. The Council hereby authorizes the sale of the Bonds to an underwriter or group of underwriters with demonstrated experience in underwriting municipal securities ("Underwriter") to be selected by the City Representative or, if

the City Representative so elects, at public bid to the bidder with the lowest true interest cost to the City; provided however, that the City Representative is hereby authorized to reject any or all bids.

The City Representative is hereby authorized and directed to execute and deliver a Bond Purchase Agreement with the Underwriter, or, if sold at public bid, other appropriate documents with the successful bidder (the "Bid Documents") providing for the sale and delivery of the Bonds upon terms and conditions to be approved by the City Representative including, without limitation, their original principal amounts and series, their maturity dates and amounts, redemption provisions, make-whole provisions, prices, interest rates and interest provisions, and any elections under the Internal Revenue Code of 1986, as amended (the "Code"), provided that (i) for any series of New Money Bonds issued as "tax-exempt" bonds, the "true" interest cost shall not exceed 5.00% per annum (taking into account any original issue discount or premium); (ii) for any series of New Money Bonds issued as "taxable" bonds, the "true" interest cost shall not exceed 6.00% per annum (taking into account any original issue discount of premium); (iii) the final maturity of any series of New Money Bonds shall be not more than 31 years from the date of issuance of the Bonds; and (iv) the sale price of any series of Bonds to the Underwriter or to the successful bidder, excluding original issue discount, if any, shall not be less than 97% of the aggregate principal amount thereof. The approval of the final terms and conditions of each series of Bonds subject to the foregoing parameters shall be evidenced conclusively by the execution and delivery of the Bond Purchase Agreement by the City Representative and the Underwriter or, if sold by public bid, the Bid Documents.

The Council hereby authorizes the sale of all or any series of the Bonds by private placement or direct loan to one or more purchasers or banks, or both, selected by the City Representative after consultation with the City's financial advisor. The City Representative is hereby authorized and directed to execute and deliver such private placement or direct loan documents as may be necessary or desirable in connection with the sales and loans authorized hereby (the "Direct Purchase Documents"). The approval of the final terms and conditions of such Bonds, subject to the parameters herein shall be evidenced conclusively by the execution and delivery of the Direct Purchase Documents by the City Representative.

6. Details of Bonds. Each series of Bonds shall be issued upon the terms established pursuant to this Ordinance and the Bond Purchase Agreement, the Bid Documents or the Direct Purchase Documents, as applicable. The Bonds shall be issued in fully registered form, shall be in denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively with the appropriate series designation. The Bonds shall mature in the years and amounts, shall bear interest payable semi-annually at such rates and shall be subject to redemption prior to maturity on such terms all as set forth in the Bond Purchase Agreement, the Bid Documents or the Direct Purchase Documents, as applicable.

Principal and premium, if any, shall be payable to the registered owners upon surrender of Bonds as they become due at the office of the Bond Registrar, as defined below. Interest shall be payable by wire transfer to any registered owner of \$1,000,000 or more in principal amount of Bonds or by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Bond Registrar on the date prior to each interest payment date

that shall be determined by the City Representative. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

7. Form of Bonds. The Bonds shall be in substantially the form attached to this Ordinance as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance or any subsequent ordinance or resolution of the Council. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

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

9. Book-Entry-Only Form. Bonds sold to the public shall be issued in fully registered form and registered in the name of Cede & Co., a nominee of The Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, and immobilized in the custody of DTC in accordance with the provisions of this paragraph 9. One fully registered Bond in typewritten or printed form for the principal amount of each maturity shall be registered to Cede & Co. Beneficial owners of such Bonds shall not receive physical delivery of such Bonds. Principal, premium, if any, and interest payments on such Bonds shall be made to DTC or its nominee as registered owner of such Bonds on the applicable payment date.

Transfer of ownership interest in such Bonds shall be made by DTC and its participants ("Participants"), acting as nominees of the beneficial owners of such Bonds, in accordance with rules specified by DTC and its Participants. The City shall notify DTC of any notice required to be given pursuant to this Ordinance or the Bonds not less than 15 calendar days prior to the date upon which such notice is required to be given. The City shall also comply with the agreements set forth in the City's letter of representations to DTC.

Replacement Bonds (the "Replacement Bonds") shall be issued directly to beneficial owners of such Bonds rather than to DTC, or its nominee, but only in the event that:

- (a) DTC determines not to continue to act as securities depository for such Bonds;
- (b) The City has advised DTC of its determination that DTC is incapable of discharging its duties; or
- (c) The City has determined that it is in the best interest of the beneficial owners of such Bonds not to continue the book-entry system of transfer.

Upon occurrence of the events described in (a) or (b) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified

securities depository to replace DTC, the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A attached hereto to the Participants in accordance with their requests. In the event the Council, in its discretion, makes the determination noted in (b) or (c) above and has made provisions to notify the beneficial owners of Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A attached hereto to any Participants requesting such Bonds. Principal of, premium, if any, and interest on the Replacement Bonds shall be payable as provided in the Bonds, and such Replacement Bonds will be transferable in accordance with the provisions of paragraphs 12 and 13 of this Ordinance and the Bonds.

If any Bonds are sold pursuant to Direct Purchase Documents, such Bonds may be registered in the name of the purchaser or bank, as applicable, or such name as the purchase or bank may designate and may be delivered to the registered owner. If any Bonds are sold to pursuant to Direct Purchase Documents, principal of, premium, if any, and interest on such Bonds may be payable pursuant to payment instructions provided by the registered owner and approved by the City Representative. No CUSIP identification shall be included on any Bonds that are sold pursuant to Direct Purchase Documents unless the City Representative determines such identification is necessary.

10. Execution of Bonds. The City Representative and the Clerk of the Council (the "Clerk") are hereby authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto. The manner of execution and affixation of the seal may be by facsimile; provided, however, that if the signatures of the City Representative and the Clerk are both by facsimile, the Bonds shall not be valid until signed by the manual signature of the Bond Registrar.

11. CUSIP Numbers. Except as herein provided, the Bonds shall have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use made by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

12. Registration, Transfer and Exchange. Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the City shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the City and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this Ordinance and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

13. Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

14. Tax Covenants. The City hereby covenants that, in order to maintain the excludability from gross income for Federal income tax purposes of the interest on the Bonds, or any portion thereof issued on a tax-exempt basis, the City will satisfy, or take such actions as are necessary to cause to be satisfied, each provision of the Code, necessary to maintain such status. In furtherance of this covenant, the City agrees to comply with such written instructions as may be provided by the City's bond counsel. In furtherance of the covenant contained in the preceding sentence, the City agrees to comply continuously with the provisions of the federal tax certificate or compliance agreement to be executed by the City in connection with the execution and delivery of the Bonds, as amended from time to time.

The City covenants that no part of the proceeds of any of the Bonds issued on a tax-exempt basis shall be used, directly or indirectly, to acquire any "investment property", as defined in Section 148 of the Code, which would cause the Bonds to become "arbitrage bonds" within the meaning of Section 148 of the Code or under applicable Treasury regulations promulgated thereunder. In order to assure compliance with the rebate requirement of Section 148 of the Code, the City further covenants that it will pay or cause to be paid to the United States Treasury Department the amounts necessary to satisfy the requirements of Section 148(f) of the Code, and that it will establish such accounting procedures as are necessary to adequately determine, account for and pay over any such amount or amounts required to be paid to the United States in a manner consistent with the requirements of Section 148 of the Code.

15. Disclosure Documents. The City Representative, and such officers and agents of the City as the City Representative may designate, are hereby authorized and directed to prepare, execute and deliver, as appropriate, a preliminary official statement, an official statement and such other disclosure documents as may be necessary to expedite the sale of the Bonds. The preliminary official statement, the official statement or other disclosure documents shall be published and distributed in such manner and at such times as the City Representative, or such officers or agents of the City as the City Representative may designate, shall determine. The City Representative is authorized and directed to deem the preliminary official statement final prior to delivery to the Underwriter pursuant to Rule 15c2-12 (the "SEC Rule") of the Securities and Exchange Commission.

16. Continuing Disclosure. The City desires to comply with the provisions of Section (b)(5)(i) of the SEC Rule providing for continuing disclosure and therefore covenants in accordance with the SEC Rule, as it may be modified or amended, to provide: (a) certain annual financial information, including audited financial statements, prepared in accordance with generally accepted accounting principles; (b) annual operating data with respect to the City as determined by the City Representative; and (c) notice as required of the occurrence of certain

specified events with respect to the Bonds. The City Representative is hereby authorized to execute a Continuing Disclosure Certificate or execute and enter into a Continuing Disclosure Agreement with one or more parties, including an entity selected by the City Representative to serve as the City's information dissemination agent, in order to comply with the SEC Rule.

17. Notes in Anticipation of the Issuance of New Money Bonds. If prior to the offering of any series of the New Money Bonds, conditions are such that the City Representative, after consultation with the City's Financial Advisor, determines that it is not advisable to enter into a long-term financing for all or any portion of the costs of the Projects, the City Representative, without further approval of Council as to documentation or otherwise, is hereby authorized to execute, deliver and issue short-term notes or other interim financing of the City (the "Notes") as provided in Section 15.2-2628 of the Virginia Code in anticipation of the issuance of any or all series of the New Money Bonds.

The Notes must comply with the parameters established in this Ordinance for the New Money Bonds and otherwise consistent with the other terms and conditions contained in this Ordinance to the extent not inconsistent with the specific parameters, terms and conditions for the Notes established in this paragraph 17. Further, the City may issue and sell the Notes in any manner authorized in this Ordinance. The specific parameters, term and conditions for the Notes are as follows: (i) the term to maturity of the Notes shall not exceed five years, (ii) the City may issue Notes that bear interest at a variable rate that the City Representative, after consultation with the City's financial advisor, determines to be reasonable and (iii) the interest rate (exclusive of default interest or similar penalties) shall not exceed 10% per annum.

Any of the Notes may be extended or refinanced from time to time by or at the direction of the City Manager, provided that no extension or refinancing matures later than five years from the date of the original issuance of such Note. The Clerk is hereby authorized and directed to affix the seal of the City to such Notes and to attest to the seal. The interest component of the Notes shall be secured in the same manner as the New Money Bonds authorized hereunder. The principal component of the Notes shall be secured by the proceeds of the New Money Bonds authorized hereunder and if the City Representative elects (after consultation with the City's financial advisor) in the same manner as the New Money Bonds authorized hereunder. The Notes may be retired, in the discretion of the Council, from the proceeds of the corresponding New Money Bonds, any revenue bonds of the City or by means of current revenues, special assessments or other funds, provided that the maximum amount of the New Money Bonds or revenue bonds of the City authorized will be reduced by the amount of Notes retired by means of such current revenues, special assessments or other funds.

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

Acting City Manager and any Assistant or Deputy Clerk, respectively, in the absence of the primary officers.

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

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

21. Effective Date; Expiration of Authorization. This Ordinance shall take effect immediately upon passage. Except as set forth in the following sentence, the authorization to issue and sell the Bonds shall expire on June 30, 2016, but all other provisions of this Ordinance shall remain in full force and effect. The authorization to issue and sell any New Money Bonds to retire any Notes issued hereunder shall expire on June 30, 2021.

22. Revocation of Authority to Issue Authorized and Unissued Bonds. In years prior to 2015, the Council passed ordinances authorizing the issuance and sale of bonds of the City. To the extent that there remain bonds authorized and unissued under such ordinances, the authorization to issue and sell such bonds is hereby revoked.

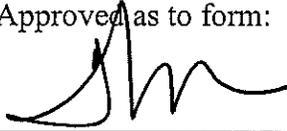
[Remainder of Page Intentionally Left Blank]

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

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

Erika S. Dawley, City Clerk

Approved as to form:



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

UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA

No. R- \_\_\_\_\_

CITY OF SUFFOLK

GENERAL OBLIGATION [PUBLIC IMPROVEMENT/UTILITY][REFUNDING] BOND  
SERIES 2015\_\_

<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>INTEREST RATE</u>	<u>CUSIP</u>
_____, 20__	_____, 20__	_____%	_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

THE CITY OF SUFFOLK, VIRGINIA (the "City"), for value received, acknowledges itself indebted and promises to pay to the registered owner of this Bond or legal representative, the principal amount stated above on the maturity date set forth above and to pay interest on the principal amount of this Bond at the rate specified above per annum, payable semiannually on \_\_\_\_\_ and \_\_\_\_\_, beginning on \_\_\_\_\_, 20\_\_. This Bond shall bear interest (a) from \_\_\_\_\_, 20\_\_, if this Bond is authenticated before \_\_\_\_\_, 20\_\_ or (b) otherwise from the \_\_\_\_\_ or \_\_\_\_\_ that is, or immediately precedes, the date on which this Bond is authenticated; provided that, if at the time of authentication of this Bond, interest on this Bond is in default, this Bond shall bear interest from the date to which interest has been paid. Both principal of and interest on this Bond are payable in lawful money of the United States of America, upon presentation and surrender hereof at the office of \_\_\_\_\_, as Bond Registrar and Paying Agent ("Bond Registrar"). Interest on this Bond is payable by wire transfer to any registered owner of \$1,000,000 or more in principal amount of Bonds or by check or draft mailed to the registered owner hereof at its address as it appears on the registration books maintained by the Bond Registrar without presentation of this Bond. All interest payments shall be made to the registered owner as it appears on the registration books kept by the Bond Registrar on the fifteenth day of the month preceding each interest payment date.

Notwithstanding any other provision hereof, this bond is subject to a book-entry system maintained by The Depository Trust Company ("DTC"), and the payment of principal, premium, if any, and interest, the providing of notices and other matters shall be made as described in the City's Letter of Representation to DTC.

This Bond has been duly authorized by the City Council of the City (the "Council") and is issued for the purpose of providing funds for [certain public improvements in the City and refunding certain bonds of the City]. The full faith and credit of the City are irrevocably pledged for the payment of the principal of, premium, if any, and interest on this Bond in accordance with its terms. [This Bond shall be payable from the Net Revenues of the System (as such terms are defined in the hereinafter defined Indenture), for which purpose such Net Revenues are hereby pledged and made subject to a lien on terms set forth in the Master Indenture of Trust dated as of December 1, 1996, between the City and U.S. Bank National Association, as successor trustee, as supplemented and amended (the "Indenture"). This Bond is "Subordinate Debt" as defined in the Indenture and shall be secured by Net Revenues of the System

subordinate to the pledge of Net Revenues securing Bonds (as defined in the Indenture) and Parity Indebtedness (as defined in the Indenture) issued under the Indenture.]

This Bond shall not be valid or obligatory for any purpose unless and until authenticated by the Bond Registrar.

This Bond is one of a series of \$\_\_\_\_\_ General Obligation Public [Improvement/Utility][Refunding] Bonds, Series 2015\_\_ of the City ("Bonds"), of like date and tenor, except as to number, denomination, rate of interest and maturity, issued under the authority of and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, and, more particularly, issued pursuant to the Public Finance Act of 1991, as amended, Chapter 26 of Title 15.2 of the Code of Virginia of 1950, as amended, and Ordinance No. \_\_\_\_\_ passed by the Council on June 17, 2015 (the "Ordinance").

The Bonds maturing on and after \_\_\_\_\_, 20\_\_ will be subject to redemption before maturity at the option of the City on or after \_\_\_\_\_, 20\_\_, from any moneys available for such purposes, in whole or in part (in installments of \$5,000) at any time or from time to time during the following redemption periods upon payment of the following redemption prices (expressed as a percentage of the principal amount to be redeemed) together with the interest accrued thereon to the date fixed for redemption:

<u>Redemption Period (both dates inclusive)</u>	<u>Redemption Price</u>
_____, 20__ - _____, 20__	%
_____, 20__ - _____, 20__	%
_____, 20__ and thereafter	%

Bonds maturing on \_\_\_\_\_, 20\_\_ are subject to mandatory redemption in part prior to maturity by the City, at a redemption price equal to 100% principal amount redeemed, plus accrued interest to the redemption date without premium, in the amounts and on the dates as follows:

<u>Year</u>	<u>Amount</u>
-------------	---------------

(final maturity)

If less than all of the Bonds are called for redemption, the maturities of the Bonds to be redeemed shall be selected by the Director of Finance of the City in such officer's discretion. If less than all of the Bonds of any maturity are called for redemption, the Bonds or portions thereof to be redeemed within a maturity shall be selected by lot, each portion of \$5,000 principal amount being counted as one Bond for such purpose.

If any of the Bonds or portions thereof are called for redemption, the Bond Registrar shall send notice of the call for redemption identifying the Bonds by serial or CUSIP numbers, and in the case of partial redemption, identifying the principal amount to be redeemed, and identifying the redemption date and price and the place where Bonds are to be surrendered for payment, by first class mail not less than 30 nor more than 60 days before the redemption date to the registered owner of each Bond to be redeemed at such owner's address as it appears on the registration books maintained by the Bond Registrar, but failure to mail such notice shall not affect the validity of the proceedings for redemption. Provided funds for their redemption are on deposit at the place of payment on the redemption date, all Bonds or portions thereof so called for redemption shall cease to bear interest on such date and shall not be deemed to be outstanding. If a portion of this Bond shall be called for redemption, a new Bond in

principal amount equal to the unredeemed portion hereof will be issued to the registered owner upon the surrender of this Bond.

If, at the time of mailing of the notice of any optional redemption, there has not been deposited with the Paying Agent moneys sufficient to redeem all of the Bonds called for redemption, the notice may state that it is conditional on the deposit of redemption moneys with the Paying Agent not later than the opening of business on the redemption date.

The Bonds are issuable as fully registered bonds in denominations of \$5,000 and integral multiples thereof. Any Bond may be exchanged for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations at the principal office of the Bond Registrar.

This Bond may be transferred only by an assignment duly executed by the registered owner hereof or such owner's attorney or legal representative in a form satisfactory to the Bond Registrar. Such transfer shall be made in the registration books kept by the Bond Registrar upon presentation and surrender hereof and the City shall execute, and the Bond Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner hereof or such owner's attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Bond Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The City may designate a successor Bond Registrar and/or paying agent, provided that written notice specifying the name and location of the principal office of any such successor shall be given to the registered owners of the Bonds. Upon registration of transfer of this Bond, the Bond Registrar shall furnish written notice to the transferee of the name and location of the principal office of the Bond Registrar and/or the paying agent.

The Bond Registrar shall treat the registered owner as the person exclusively entitled to receive payment of principal of, premium, if any, and interest on the Bonds and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the 15th day of the month preceding each interest payment date.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to the issuance of this Bond have happened, exist or been performed in due time, form and manner as so required and that the indebtedness evidenced by this Bond is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia and the Charter of the City.

IN WITNESS WHEREOF, the City Council of the City of Suffolk, Virginia, has caused this Bond to be signed by the original or facsimile signature of its City Manager, an original or facsimile of its seal to be affixed and attested by the original or facsimile signature of its Clerk and this Bond to be dated \_\_\_\_\_, 2015.

CITY OF SUFFOLK, VIRGINIA

By: \_\_\_\_\_

\_\_\_\_\_  
[Deputy] City Manager  
City of Suffolk, Virginia

[SEAL]

ATTEST:

By: \_\_\_\_\_

Erika S. Dawley  
Clerk, City Council  
City of Suffolk, Virginia

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_

\_\_\_\_\_  
(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE:

\_\_\_\_\_

the within Bond and does hereby irrevocably constitute and appoint \_\_\_\_\_, attorney, to transfer said Bond on the books kept for registration of said Bond, with full power of substitution in the premises.

Dated \_\_\_\_\_

\_\_\_\_\_

Signature Guaranteed:  
(NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.)

Registered Owner  
(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the books kept for registration of the Bond in every particular, without alternation or change.)

CERTIFICATE OF AUTHENTICATION

The undersigned Bond Registrar hereby certifies that this is one of a series of General Obligation Bonds of the City of Suffolk, Virginia, described in the within-mentioned Ordinance.

Authentication Date: \_\_\_\_\_, 2015

\_\_\_\_\_ BANK  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

The undersigned Clerk of the City Council of the City of Suffolk, Virginia, certifies that the foregoing constitutes a true, complete and correct copy of the Ordinance read and passed at a regularly scheduled meeting of the City Council of the City of Suffolk, Virginia, held on the following date with the following Council members present or absent and voting:

<u>Council member</u>	<u>Present/Absent</u>	<u>Vote</u>
-----------------------	-----------------------	-------------

READ AND PASSED: \_\_\_\_\_, 2015

[SEAL]

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

**NOTICE OF PUBLIC HEARING  
ON THE PROPOSED ISSUANCE OF GENERAL OBLIGATION BONDS  
BY THE CITY OF SUFFOLK, VIRGINIA**

NOTICE IS HEREBY GIVEN that the City Council (the "City Council") of the City of Suffolk, Virginia (the "City"), will hold a public hearing in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, on the proposed issuance of general obligation bonds in the estimated maximum amount of \$36,000,000. The City proposes to issue the bonds and use the bond proceeds to finance the costs of capital projects for which bond proceeds have been appropriated. The City expects to use more than ten percent of the total bond proceeds to finance all or a portion of the costs of (1) school construction and improvements, (2) information technology improvements, (3) City vehicle and equipment replacement and upgrades and (4) a solid waste transfer station. All expected uses of bond proceeds are subject to change in accordance with the City's capital expenditure cash flow needs and Virginia law.

An ordinance authorizing the issuance of the bonds will be considered by the City Council at its meeting on Wednesday, June 17, 2015, following the public hearing on the issuance of the bonds. The public hearing, at which persons may appear and present their views, and which may be continued or adjourned, will be held at a meeting that will begin at **7:00 p.m. on Wednesday, June 17, 2015**, before the City Council in the Council Chambers, City Hall, 442 West Washington Street in Suffolk, Virginia.

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

[PUBLISH ON JUNE 4, 2015 AND JUNE 11, 2015]

**AGENDA: June 17, 2015, Regular Session**

**ITEM: Public Hearing** – An ordinance to amend Chapter 31, Unified Development Ordinance of the Code of the City of Suffolk Section 31-406, Use Regulations and Table 406-1, Principal Uses Permitted in Zoning Districts Concerning Licensed Limited Distillers as a Permitted Use in the Agricultural Zoning District; Appendix A, Definitions Concerning the Definitions of “Animal Shelter, Private”, “Licensed Limited Distillers”, and “Variance”; Appendix B, Submission Requirements, B-6, Zoning Variance or Appeals Applications – OA4-15

Attached for your consideration is information pertaining to Ordinance Text Amendment OA4-15, to amend the Code of the City of Suffolk, Chapter 31, Unified Development Ordinance Section 31-406, Use Regulations and Table 406-1, Principal Uses Permitted in Zoning Districts concerning licensed limited distilleries as a permitted use in the agricultural zoning district; Appendix A, Definitions concerning the definitions of “animal shelter, private”, “licensed limited distillers” and “variance”; Appendix B, Submission Requirements, B-6, Zoning Variance or Appeals Applications. The purpose for amending the aforementioned sections is to be in compliance with changes made to the Code of Virginia, as amended by the General Assembly and effective July 1, 2015.

- Section 31-406, Use Regulations, Table 406-1, Principal Uses Permitted in Zoning District by adding a new use to Table 406-1 for a Licensed limited distiller, which would be permitted by right in the A, Agricultural zoning district.
- Appendix A, Definitions by deleting the definition of “Animal Shelter” and replacing it with a new definition “Animal Shelter, Private”; adding a definition for “Licensed Limited Distillers”; and amending the definition of “Variance”.
- Appendix B, B-6, Zoning Variance or Appeals Applications by amending the submission requirements of subsection (e).

Staff recommends approval of the ordinance text amendments as proposed. Due to the fact the ordinance text amendments must be made prior to July 1, 2015 to coincide with the effective date of the changes to the Code of Virginia, this item is being fast tracked from the Planning Commission’s meeting of June 16, 2015 to City Council’s meeting of June 17, 2015. In that regard, the Director of Planning and Community Development will advise City Council of the Planning Commission’s recommendation.

**ATTACHMENTS:**

- Proposed Ordinance
- Planning Commission Recommendation – Exhibit A
- Ordinance Text Amendments – Exhibit A-1

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

**AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF THE CITY OF SUFFOLK SECTION 31-406, USE REGULATIONS AND TABLE 406-1, PRINCIPAL USES PERMITTED IN ZONING DISTRICTS CONCERNING LICENSED LIMITED DISTILLERS AS A PERMITTED USE IN THE AGRICULTURAL ZONING DISTRICT; APPENDIX A, DEFINITIONS CONCERNING THE DEFINITIONS OF "ANIMAL SHELTER, PRIVATE", "LICENSED LIMITED DISTILLERS", AND "VARIANCE"; APPENDIX B, SUBMISSION REQUIREMENTS, B-6, ZONING VARIANCE OR APPEALS APPLICATIONS – OA4-15**

BE IT ORDAINED, by the Council of the City of Suffolk, Virginia, that Chapter 31, Section 31-406, Use Regulations and Table 406-1, Principal Uses Permitted in Zoning Districts concerning licensed limited distillers as a permitted use in the Agricultural zoning district; Appendix A, Definitions concerning the definitions of "Animal Shelter, Private", "Licensed Limited Distillers", and "Variance"; Appendix B, Submission Requirements, B-6, Zoning Variance or Appeals Applications, of the Unified Development Ordinance of the Code of the City of Suffolk, Virginia, be and is hereby amended to read as follows:

**SEC. 31-406. USE REGULATION.**

Table 406-1: Principal Uses Permitted in Zoning Districts, is hereby amended to add Licensed Limited Distiller as a permitted use in the A, Agricultural zoning district, as referenced on the attached Exhibit 1.

**APPENDIX "A" DEFINITIONS**

.....

**ANIMAL POUND:** A facility operated by the Commonwealth, or any political subdivision, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, City, town, or incorporated society for the prevention of cruelty to animals.

~~**ANIMAL SHELTER:** A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.~~

**ANIMAL SHELTER, PRIVATE:** A facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane

society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization

...

**LICENSED LIMITED BREWERY:** Breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. Reference Section 4.1-208 and 15.2-2288.3:1 of the Code of Virginia, as amended.

**LICENSED LIMITED DISTILLERS:** Distillers that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Reference section 4.1-206 and 15.2-2288.3:2 of the Code of Virginia, as amended.

LIGHTING STANDARDS: See Section 31-604 of this Ordinance.

....

**VDOT:** The Virginia Department of Transportation. (Source: Virginia Administrative Code)

~~VARIANCE: In the application of this chapter, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk, or location of a building or structure when the strict application of the chapter would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of this chapter, and, if granted, would result in substantial justice being done.~~ In the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional rezoning.

**VEGETATIVE GROUND COVER:** Wood bark, shredded or chipped wood (installed over an adequate mat of fabric weed barrier), sod, or live plants.

...

## APPENDIX "B" SUBMISSION REQUIREMENTS

### B-6. - ZONING VARIANCE OR APPEALS APPLICATIONS.

An application to the Board of Zoning Appeals for a variance, or for an appeal from a determination of an administrative official, filed pursuant to Section 31-309 of this Ordinance and Code of Virginia, §§ 15.2-2309 to 15.2-2312, shall include the following information:

- (a) The name and address of the Applicant.
- (b) The application number, and a copy of any underlying Application for Development approval from which an action subject to the variance or appeal has arisen.
- (c) A Plot Plan.
- (d) In the case of an appeal:
  - (1) A statement of the specific provisions of this Ordinance, with citations to the Article and Section numbers, that the applicant believes were misinterpreted or misapplied by the administrative official or agency.
  - (2) A statement of the reasons why the interpretation or action of the administrative official or decisionmaker was in error, with specific citations to any relevant statutes, Ordinances, or case law.
  - (3) Any other errors of law which the applicant feels were misconstrued or misapplied by the agency or official.
- (e) In the case of a variance:
  - (1) A statement of the specific provisions of this Ordinance, with citations to the Article and Section numbers, which the applicant is seeking to vary.
  - (2) Any evidence of undue hardship required by law, including financial loss, the market value of the property resulting from the regulations proposed to be varied, and any additional factors required by state or federal law. Mere evidence of financial loss shall not be considered sufficient grounds to authorize a variance.
  - (3) Evidence of unique topographical conditions, or other relevant circumstances not shared by other properties in the same zoning district and the same vicinity. Any evidence that shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for

modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

- ~~(4) Evidence that the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.~~
- ~~(5) Any other evidence which the applicant feels is relevant to any unique and undue hardship imposed by the regulation sought to be varied.~~

This ordinance shall be effective July 1, 2015 and shall not be published.

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

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

Approved as to Form:

  
Helivi Holland, City Attorney

# EXHIBIT 1

TABLE 406-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

Specific Use Type	Zoning Districts																		
	C	A	RR	RE	RL	RLM	RM	RC	RU	B-1	B-2	VC	CBD	O-I	CP	M-1	M-2	FRRD	
<b>AGRICULTURAL AND EXTRACTIVE USES:</b>																			
General agricultural uses, farming	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Licensed limited brewery	—	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<u>Licensed limited distiller</u>	—	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Production agriculture and silviculture (see Code of Virginia § 15.2-2288)	—	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Exhibit A

RESOLUTION NO. 14-06-5

CITY OF SUFFOLK PLANNING COMMISSION

A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO CITY COUNCIL RELATING TO AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF THE CITY OF SUFFOLK SECTION 31-406, USE REGULATIONS AND TABLE 406-1, PRINCIPAL USES PERMITTED IN ZONING DISTRICTS CONCERNING LICENSED LIMITED DISTILLERS; APPENDIX A, DEFINITIONS CONCERNING THE DEFINITIONS OF “ANIMAL SHELTER, PRIVATE”, “LICENSED LIMITED DISTILLERS”, AND “VARIANCE”, APPENDIX B, SUBMISSION REQUIREMENTS, B-6, ZONING VARIANCE OR APPEALS APPLICATIONS – OA4-15

WHEREAS, the City of Suffolk has initiated amendments to the Unified Development Ordinance; and

WHEREAS, the specific request is that Section 31-406, Use Regulations and Table 406-1, Principal Uses Permitted in Zoning Districts concerning licensed limited distillers; Appendix A, Definitions concerning the definitions of “Animal Shelter, Private”, “Licensed Limited Distillers”, and “Variance”, Appendix B, Submission Requirements, B-6, Zoning Variance or Appeals Applications, be amended as referenced on the attached Exhibit A-1; and

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

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

Section 1. Findings

The Suffolk Planning Commission finds that the proposed ordinance amendments are reasonable and warranted.

Section 2. Recommendation to Council

The Planning Commission recommends to City Council that the ordinance amendments be:

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

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

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

# EXHIBIT A-1

TABLE 406-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

Specific Use Type	Zoning Districts																		
	C	A	RR	RE	RL	RLM	RM	RC	RU	B-1	B-2	VC	CBD	O-I	CP	M-1	M-2	FRRD	
<b>AGRICULTURAL AND EXTRACTIVE USES:</b>																			
General agricultural uses, farming	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Licensed limited brewery	—	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Licensed limited distiller	—	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Production agriculture and silviculture (see Code of Virginia § 15.2-2288)	—	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

## APPENDIX A - DEFINITIONS

....

**ANIMAL POUND:** A facility operated by the Commonwealth, or any political subdivision, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, City, town, or incorporated society for the prevention of cruelty to animals.

~~**ANIMAL SHELTER:** A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.~~

**ANIMAL SHELTER, PRIVATE:** A facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization

...

**LICENSED LIMITED BREWERY:** Breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. Reference Section 4.1-208 and 15.2-2288.3:1 of the Code of Virginia, as amended.

**LICENSED LIMITED DISTILLERS:** Distillers that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Reference section 4.1-206 and 15.2-2288-3:2 of the Code of Virginia, as amended.

**LIGHTING STANDARDS:** See Section 31-604 of this Ordinance.

....

**VDOT:** The Virginia Department of Transportation. (Source: Virginia Administrative Code)

**VARIANCE:** ~~In the application of this chapter, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk, or location of a building or structure when the strict application of the chapter would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared~~

~~generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of this chapter, and, if granted, would result in substantial justice being done.~~ In the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land; or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional rezoning.

**VEGETATIVE GROUND COVER:** Wood bark, shredded or chipped wood (installed over an adequate mat of fabric weed barrier), sod, or live plants.

...

## **B-6. - ZONING VARIANCE OR APPEALS APPLICATIONS.**

An application to the Board of Zoning Appeals for a variance, or for an appeal from a determination of an administrative official, filed pursuant to Section 31-309 of this Ordinance and Code of Virginia, §§ 15.2-2309 to 15.2-2312, shall include the following information:

- (a) The name and address of the Applicant.
- (b) The application number, and a copy of any underlying Application for Development approval from which an action subject to the variance or appeal has arisen.
- (c) A Plot Plan.
- (d) In the case of an appeal:
  - (1) A statement of the specific provisions of this Ordinance, with citations to the Article and Section numbers, that the applicant believes were misinterpreted or misapplied by the administrative official or agency.
  - (2) A statement of the reasons why the interpretation or action of the administrative official or decisionmaker was in error, with specific citations to any relevant statutes, Ordinances, or case law.
  - (3) Any other errors of law which the applicant feels were misconstrued or misapplied by the agency or official.
- (e) In the case of a variance:
  - (1) A statement of the specific provisions of this Ordinance, with citations to the Article and Section numbers, which the applicant is seeking to vary.
  - (2) Any evidence of undue hardship required by law, including financial loss, the market value of the property resulting from the regulations proposed to be varied, and any additional factors required by state or federal law. Mere evidence of financial loss shall not be considered sufficient grounds to authorize a variance.
  - (3) Evidence of unique topographical conditions, or other relevant circumstances not shared by other properties in the same zoning district and the same vicinity. Any evidence that shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in

the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

- ~~(4) Evidence that the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.~~
- ~~(5) Any other evidence which the applicant feels is relevant to any unique and undue hardship imposed by the regulation sought to be varied.~~

# **Ordinances**

# Resolutions

# **Staff Reports**

## **Motion to Schedule a Work Session**

## **Non-Agenda Speakers**

# **New Business**

## **Announcements and Comments**