

Director of Media and Community
Relations

SUFFOLK CITY COUNCIL
MEETING OF AUGUST 19, 2015



WORK SESSION

Begins at 5:00 p.m.

REGULAR SESSION

Begins at 7:00 p.m.

**SUFFOLK CITY COUNCIL
WORK SESSION
August 19, 2015
5:00 p.m.
City Council Chamber**

1. Utility Fund Overview and Proposed Financing

 - 2.* Economic Development Investment Program Proposal

 - 3.* Appointments
 - Performance and Salaries of the City Assessor, City Attorney and City Clerk

 - 4.* General Report for City Council
- * Proposed Items for Closed Session

AGENDA: **August 19, 2015, Work Session**

ITEM: **Utility Fund Overview and Proposed Financing**

The Director of Public Utilities will provide City Council a briefing on the Utility Fund's revenues, expenditures, debt service, rate influences, and utility financial policies. In addition, the City's Financial Advisor, Davenport & Company, LLC. will provide a briefing on the proposed Utility Fund Bond issuance.

SUFFOLK CITY COUNCIL AGENDA

August 19, 2015

7:00 p.m.

City Council Chamber

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentation**
5. **Removal of Items from the Consent Agenda and Adoption of the Agenda**
6. **Agenda Speakers**
7. **Consent Agenda** – An ordinance to accept and appropriate funds from the Congestion Mitigation and Air Quality Improvement Program from the Virginia Department of Transportation for the North Main Street Sidewalk Extension Project, Phase II (UPC 99172)
8. **Consent Agenda** – An ordinance to accept and appropriate funds from the Virginia Department of Transportation FY 2016 Primary Extension Paving Program for the installation of pavement improvements on Godwin Boulevard (UPC 107766) and Holland Road (UPC 107767)
9. **Consent Agenda** – An ordinance to accept and appropriate additional Commonwealth Transportation Funds from the Virginia Department of Rail and Public Transportation for operating and capital expenses related to public transit
10. **Consent Agenda** – An ordinance to accept and appropriate funds from the Commonwealth of Virginia Department of Aviation for the Suffolk Executive Airport
11. **Consent Agenda** – An ordinance to accept and appropriate funds from the Virginia Department of Criminal Justice Services for the Fifth Judicial District Community Corrections Program
12. **Consent Agenda** – An ordinance to accept and appropriate a Byrne Justice Assistance Grant from the Virginia Department of Criminal Justice Services in support of the Suffolk Police Department
13. **Consent Agenda** – An ordinance to appropriate a portion of the proceeds of the 2015 sale of bonds to fund Information Technology and Fleet capital needs for Fiscal Year 2015-2016

14. **Consent Agenda** – An ordinance conveying a 30-foot wide permanent access easement to be located on Tax Map Parcel 33*X to the Hampton Roads Sanitation District
15. **Consent Agenda** – A resolution to adopt the 2015 edition of the City of Suffolk Emergency Operations Plan, as revised
16. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a nightclub (live entertainment), on property located at 137 W. Washington Street, Zoning Map 34G18(2), Parcel 13; C10-15
17. **Public Hearing** – An ordinance to grant a variance from the Lot Layout Standards pertaining to Through Lots of the Unified Development Ordinance for property located at 5501 Bennett's Pasture Road, Zoning Map 11A, Parcels A, B, C and F; V01-15
18. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk, Grantor and Birdsong Corporation, Grantee for a portion of Mulberry Street that was vacated by the Council of the City of Suffolk, Virginia in Ordinance No. 85-94
19. **Ordinance** – An ordinance amending Chapter 82 of the Code of the City of Suffolk to clarify the application of real property tax exemptions for surviving spouses of veterans killed in action
20. **Resolution** – A resolution finding that the growth areas designated in Suffolk 2035: *A Vision for the Future, City of Suffolk Comprehensive Plan* are consistent with the intent of Commonwealth of Virginia Code: § 15.2-2223.1
21. **Staff Reports**
22. **Motion** – A motion to schedule a Work Session for September 2, 2015, at 4:00 p.m., unless cancelled
23. **Non-Agenda Speakers**
24. **New Business**
25. **Announcements and Comments**
26. **Adjournment**

Work Session of the Suffolk City Council was held in was held in the City Council Chamber, 442 West Washington Street, on Wednesday, July 15, 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

OVERVIEW OF RISK MANAGEMENT PROGRAMS AND COSTS

Human Resources Director Nancy Olivo introduced Risk Manager Donna Vogel. Utilizing a PowerPoint presentation, Risk Manager Vogel gave a report on the above referenced item.

CLOSED MEETING

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

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

2. Pursuant to Virginia Code Sections 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 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 6*11.

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

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

City Council convened in Closed Meeting at 5:18 p.m. The Closed Meeting concluded at 6:57 p.m.

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

Approved: _____
Linda T. Johnson, Mayor

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, July 15, 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 July 15, 2015, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

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

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

A RESOLUTION OF CERTIFICATION OF THE CLOSED MEETING OF JULY 15, 2015, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED

APPROVAL OF THE MINUTES

Council Member Milteer, on a motion seconded by Council Member Fawcett, moved to approve the minutes from the July 1, 2015, Work Session and Regular Meeting, as presented, by the following vote:

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

SPECIAL PRESENTATIONS

Special Presentation - 2015 National Night Out Invitation and Proclamation

Utilizing a video presentation, Police Chief Thomas Bennett and Media and Community Relations Director Diana Klink offered brief remarks. Mayor Johnson presented the above referenced proclamation.

Special Presentation - Suffolk Fire and Rescue Department's "Fill the Boot Month" Proclamation

Mayor Johnson presented the above referenced proclamation to Fire Chief Cedric Scott. Fire Chief Scott introduced Angela Schaffer, Muscular Dystrophy Association, who offered brief remarks.

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. She advised there has been a request to remove Consent Agenda Item #11 for consideration at a later date - an ordinance amending Chapter 38 of the Code of the City of Suffolk pertaining to Smoke Detectors.

Hearing no additional requests for removal any of the items, Mayor Johnson advised that a motion was in order at this time to remove Consent Agenda Item #11 for consideration at a later date and to adopt the remainder of the agenda as presented.

Council Member Fawcett, on a motion seconded by Council Member Duman, moved to remove Consent Agenda Item #11 for consideration at a later date and to adopt the remainder of 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 amending Chapter 2, Sections 2-242 and 2-244 of the Code of the City of Suffolk concerning the Early Childhood Development Commission

Consent Agenda Item #8 - An ordinance to amend City Code, Chapter 74 – Streets and Sidewalks Sections 74-284, 74-286, 74-288, 74-290, 74-292, 74-296, and 74-297 concerning permitting and surety requirement for work performed in the City's right of way

Consent Agenda Item #9 - An ordinance to appropriate unassigned Stormwater Fund Balance, not to exceed \$325,000, to the Capital Fund to be used for the local match for the Old College Drive Ditch Piping project

Consent Agenda Item #10 - An ordinance amending Chapter 38 of the Code of the City of Suffolk to Incorporate the International Fire Code – 2012 Edition into the Fire Prevention Code of the City of Suffolk, Virginia

Consent Agenda Item #11 - An ordinance amending Chapter 38 of the Code of the City of Suffolk pertaining to Smoke Detectors (This item was removed from the Consent Agenda for consideration at a later date.)

Consent Agenda Item #12 - A resolution confirming the appointment of Holt W. Butt as Deputy City Assessor

Council Member Fawcett asked for a report on Consent Agenda Items #7 through #12 - an ordinance amending Chapter 2, Sections 2-242 and 2-244 of the Code of the City of Suffolk concerning the Early Childhood Development Commission; an ordinance to amend City Code, Chapter 74 – Streets and Sidewalks Sections 74-284, 74-286, 74-288, 74-290, 74-292, 74-296, and 74-297 concerning permitting and surety requirement for work performed in the City’s right of way; an ordinance to appropriate unassigned Stormwater Fund Balance, not to exceed \$325,000, to the Capital Fund to be used for the local match for the Old College Drive Ditch Piping project; an ordinance amending Chapter 38 of the Code of the City of Suffolk to Incorporate the International Fire Code – 2012 Edition into the Fire Prevention Code of the City of Suffolk, Virginia; and a resolution confirming the appointment of Holt W. Butt as Deputy City Assessor.

Referring to Consent Agenda Item #7, Interim City Manager Patrick Roberts submitted a summation of the background information as printed in the official agenda.

Referring to Consent Agenda Items #8 and #9, Public Works Director Eric Nielsen provided an overview of the background information as printed in the official agenda.

Referring to the Consent Agenda Item #10, Acting Deputy City Manager D. Scott Mills gave a report on the background information as printed in the official agenda.

Referring to the Consent Agenda Item #12, Interim City Manager Roberts summarized the background information as printed in the official agenda.

Council Member Goldberg, on a motion seconded by Council Member Fawcett, moved to approve the Consent Agenda Items #7 through 10 and #12, 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 grant a Conditional Use Permit to establish a place of worship, small, under 6,000 square feet in main sanctuary on property located at 430 North Main Street, Zoning Map 34G11(A), Parcel 137, C06-15

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

Annette Williams, 4027 Brians Lane, applicant, spoke in support of the proposed ordinance as presented.

Hearing no additional speakers, the public hearing was closed.

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

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

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

Fredrick Womble, 4400 Stuart Andrew Boulevard, Charlotte, North Carolina, agent, representing SBA Network Services, LLC and Verizon Wireless, applicants, spoke in support of the proposed ordinance as presented.

Hearing no additional speakers, the public hearing was closed.

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

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

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

Hearing no speakers, the public hearing was closed.

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

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH AN AMUSEMENT/ENTERTAINMENT/RECREATION CENTER, INDOOR, (INDOOR ATHLETIC AND FITNESS FACILITY) ON PROPERTY LOCATED AT 1000 BOWEN PARKWAY – SUITE D, ZONING MAP 20, PARCEL 2B*1; C08-15

ORDINANCES

There were no items under this portion of the agenda.

RESOLUTIONS

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

Utilizing a PowerPoint presentation, Jimmy Sanderson, Senior Vice President, Davenport and Company, the City’s financial advisors, submitted a review of the background information as printed in the official agenda.

Council Member Duman, on a motion seconded by Council Member Ward, 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 APPROVING THE FINANCING OF ENERGY EFFICIENCY IMPROVEMENTS BY THE WESTERN TIDEWATER REGIONAL JAIL AUTHORITY

STAFF REPORTS

There were no items under this portion of the agenda.

MOTIONS

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

Council Member Fawcett, on motion seconded by Council Member Milteer, moved to schedule a public hearing to be held on August 19, 2015, to receive public comment on the conveyance of a previously vacated portion of Mulberry Street to the adjacent property owner via quitclaim deed, 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 August 19, 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 August 19, 2015, at 4:00 p.m. unless cancelled, by the following vote:

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

NON-AGENDA SPEAKERS

John Anderson, 5120 Hoffler Street, representing self, opined about a drainage issue.

NEW BUSINESS

City Clerk Dawley presented the boards and commissions nomination for City Council’s consideration: Parks and Recreation Advisory Commission – Henry Buck, Jr.

Council Member Fawcett, on a motion seconded by Council Member Duman, moved to appoint the above referenced individual to the aforementioned body, 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 Tim Kelley reported on the following: the City's receipt of the Outstanding Achievement in Popular Financial Reporting Award from the Government Finance Officers Association; the City's ranking as one of the top 20 cities in America for veterans in 2015 by Nerdwallet; upcoming community forums and ongoing online survey to receive citizen input regarding new City Manager; ribbon cutting for Navy Federal Credit Union; the upcoming Suffolk Police Department Dog Walker Watch kickoff; the upcoming National Night Out Duck Pluck; the upcoming National Night Out; and the City's roadway maintenance webpage.

Council Member Ward called on Public Works Director Nielsen to address the issues raised by Mr. Anderson under the Non-Agenda Speakers portion of tonight's meeting. Public Works Director Nielsen explained that staff has visited the site and there is an undersized pipe in the ditch. He added that there are no records regarding who installed the ditch, and he recommended a comprehensive study of the impacted area in the next Capital Improvement Plan.

Council Member Ward offered condolences to the family of the late Andrew Heidelberg.

Council Member Ward thanked Public Works Director Nielsen and Interim City Manager Roberts for meeting with residents in the Pughsville area.

Council Member Ward reported he attended a meeting of the Harbourview Homeowners Association and a meeting at Metropolitan Baptist Church.

Council Member Ward thanked City Council for their support of Consent Agenda Item #9 - an ordinance to appropriate unassigned Stormwater Fund Balance, not to exceed \$325,000, to the Capital Fund to be used for the local match for the Old College Drive Ditch Piping project.

Council Member Milteer advised he attended a prayer vigil at Westminster Reformed Presbyterian Church for the victims of the shooting at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.

Council Member Milteer reported that the railroad track on Wellons Street was in need of repair.

Council Member Milteer encouraged residents to attend an upcoming community meeting regarding the extension of City water and sewer services to the Turlington Road area.

Council Member Johnson reported on a tour of the USS Harry S. Truman.

Council Member Goldberg advised he attended a prayer vigil at Westminster Reformed Presbyterian Church for the victims of the shooting at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.

Council Member Fawcett opined about the City's recent awards.

Council Member Fawcett encouraged residents to support the upcoming Fill the Boot Fundraiser.

Council Member Fawcett opined about the City's ranking as one of the top 20 cities in America for veterans in 2015 by Nerdwallet.

Council Member Fawcett advised that he attended the Public Safety Standing Committee meeting.

Council Member Fawcett opined about National Night Out.

Council Member Fawcett advised he attended a prayer vigil at Westminster Reformed Presbyterian Church for the victims of the shooting at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.

Council Member Duman welcomed the new Deputy City Assessor Holt Butt.

Council Member Duman encouraged residents to participate in the Obici Place and new City Manager online surveys.

Council Member Duman thanked the Suffolk Police Department for their assistance with an incident at Walmart.

Council Member Duman advised he attended a prayer vigil at Westminster Reformed Presbyterian Church for the victims of the shooting at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.

Vice Mayor Bennett reported he attended the Navy Federal Credit Union ribbon cutting.

Vice Mayor Bennett advised he attended a prayer vigil at Westminster Reformed Presbyterian Church for the victims of the shooting at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.

Vice Mayor Bennett opined about the City's ranking as one of the top 20 cities in America for veterans in 2015 by Nerdwallet.

Vice Mayor Bennett thanked the Suffolk Police Department for their assistance.

Vice Mayor Bennett encouraged residents to support the upcoming Fill the Boot Fundraiser.

Vice Mayor Bennett opined about National Night Out.

Vice Mayor Bennett encouraged residents to participate in the Obici Place and new City Manager online surveys.

Mayor Johnson welcomed new Deputy City Assessor Holt Butt.

Mayor Johnson announced the City of Suffolk finished second in the United States in the American Heart Association HeartChase fundraiser.

Mayor Johnson advised she attended a prayer vigil at Westminster Reformed Presbyterian Church for the victims of the shooting at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.

Mayor Johnson encouraged residents to support the upcoming Fill the Boot Fundraiser and National Night Out.

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

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

There being no further business to come before City Council, the regular meeting was adjourned at 8:27 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: August 19, 2015, Regular Session

ITEM: Consent Agenda – An ordinance to accept and appropriate funds from the Congestion Mitigation and Air Quality Improvement Program from the Virginia Department of Transportation for the North Main Street Sidewalk Extension Project, Phase II (UPC 99172)

The Virginia Department of Transportation annually allocates Federal Highway Administration's Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds to the Hampton Roads Transportation Planning Organization (HRTPO) to be awarded to various projects throughout the Planning District. The HRTPO recently identified FY 2016 CMAQ reserve funds that are available for allocation on current CMAQ projects that may require additional funding. The City of Suffolk, in preparation for construction advertisement on the referenced project, identified an approximate \$20,000 funding shortfall and requested allocations from the FY 2016 CMAQ reserve funds. The allocation request was approved by the HRTPO at their meeting of July 16, 2015.

Adoption of the attached ordinance is necessary to accept and appropriate funds to the appropriate line item in the Capital Fund for Fiscal Year 2015-16.

BUDGET IMPACT:

Adoption of the attached ordinance will increase the planned revenues and expenditures of the Capital Fund budget by \$20,000 for the above noted purpose and requires no local fund support.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
HRTPO Letter

ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE NORTH MAIN STREET SIDEWALK EXTENSION PROJECT, PHASE II (UPC 99172)

WHEREAS, the Virginia Department of Transportation has allocated Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds to the Hampton Roads Transportation Planning Organization (HRTPO) to be awarded to various projects throughout the Planning District; and,

WHEREAS, the City has received \$20,000 from the CMAQ Program via allocations of FY16 CMAQ reserve funds for the North Main Street Sidewalk Extension Project, Phase II; and,

WHEREAS, the funds received need to be accepted and appropriated to the Capital Fund budget for Fiscal Year 2015-16 to assist with improvements for the aforementioned project.

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

1. The sum of \$20,000 shall be reflected as budget in the following accounts in the Fiscal Year 2015-16 Capital Fund budget:

<u>Revenue</u>		
310-41100-2165-424030.140	CMAQ-Main St. Pedestrian Improv	<u>\$20,000</u>
<u>Expense</u>		
310-41100-2165-53850.140	CMAQ-Main St. Pedestrian Improv	<u>\$20,000</u>

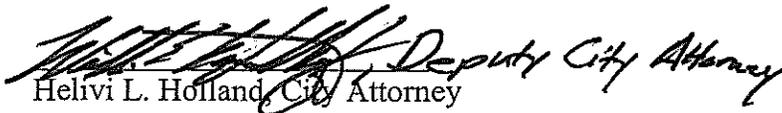
2. The fund amount totaling \$20,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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:


Helvi L. Holland, City Attorney

July 16, 2015

Mr. James S. Utterback, PMP
Hampton Roads District Administrator
Virginia Department of Transportation
1700 North Main Street
Suffolk, VA 23434

Re: Hampton Roads FY 2015-2018 TIP Amendment - UPC# 99172

Dear Mr. Utterback:

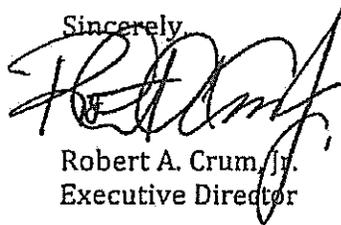
This is to certify that the Hampton Roads TPO Board, at its meeting on July 16, 2015, approved an amendment to the HRTPO FY 2015-2018 Transportation Improvement Program (TIP) to allocate CMAQ reserve funds to one project in the City of Suffolk. This amendment was made available for public review and comment from July 1, 2015 through July 15, 2015. The specific revision is described below:

- **North Main Street Multi-Use Trail - Phase II in Suffolk, UPC #99172**
 - Receive transfer allocation of \$20,000 FY 2016 CMAQ, including State Match, from FY 2016 CMAQ Reserve.

Attached is a copy of the page that has been revised in the FY 2015-2018 Transportation Improvement Program (TIP) to reflect this amendment. The complete TIP, as revised, may be accessed at www.hrtpotip.org.

Please advise me of any additional information you may need in regard to the foregoing.

Sincerely,



Robert A. Crum, Jr.
Executive Director

JP/kg

Attachment

Copy: Sherry B. Early ✓

North Main Street Multi-Use Trail - Phase II
UPC # 99172

OVERVIEW

Description: Construct a multi-use trail from the south entrance of the VDOT District Complex to the existing sidewalk on Wal-Mart property

Street (Route): North Main Street (460)

Length (mi): 0.3

Jurisdiction/Agency: Suffolk

System: Urban

Scope: Safety/Traffic Opers/TSM

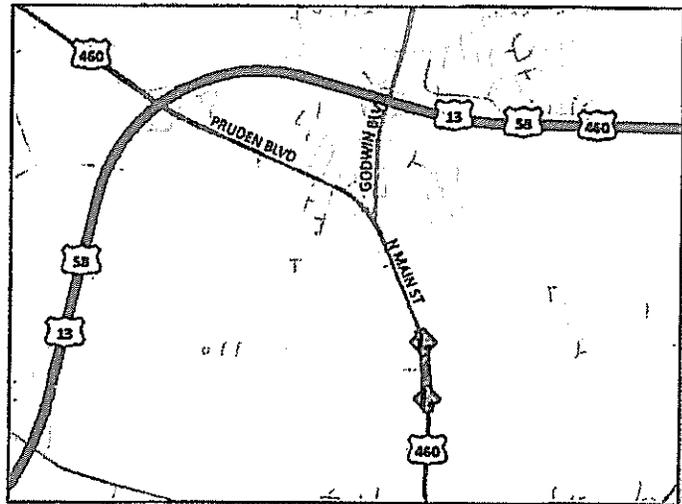
Oversight: Non-Federal Oversight

Administered By: Locality

Regionally Significant for Air Quality: No

CMAQ: Yes

RSTP: No



HRTPO Notes

Revised 7/16/2015: Amendment to receive transfer allocation of \$20,000 FY 2016 CMAQ, including State Match, from FY 2016 CMAQ Reserve.

SCHEDULE

	Start	End	Status
Preliminary Engineering	4/26/2012	12/1/2013	Complete
Right of Way	12/1/2013	5/1/2015	Complete
Construction	5/1/2015	12/1/2016	Underway

COSTS AND EXPENDITURES

	Cost Estimates	Total		Recent Expenditures			
		Expenditures	Percent Expended	Latest Quarter	3	2	1
Preliminary Engineering	\$83,332	\$80,213	96%	\$0	\$26,459	\$1,792	\$2,208
Right of Way	\$75,000	\$2,390	3%	\$0	\$2,390	-	-
Construction	\$294,384	\$0	0%	\$0			
TOTAL	\$452,716	\$82,603	18%				

ALLOCATIONS

Fund Source(s)	Previous	FY 2015	FY 2016	FY 2017	FY 2018	TOTAL
STM	\$0	\$0	\$4,000	\$0	\$0	\$4,000
MIX	\$86,240	\$0	\$0	\$0	\$0	\$86,240
LOM	\$2,115	\$0	\$0	\$0	\$0	\$2,115
CMAQ	\$423,098	\$0	\$16,000	\$0	\$0	\$439,098
BOM	\$17,419	\$0	\$0	\$0	\$0	\$17,419
TOTAL	\$528,872	\$0	\$20,000	\$0	\$0	\$548,872

SCHEDULED OBLIGATIONS

Phase	Fund Source(s)	Previous	FY 2015	FY 2016	FY 2017	FY 2018	Match
CN	CM	\$0	\$240,000	\$0	\$0	\$0	\$60,000
	Subtotal	\$0	\$240,000	\$0	\$0	\$0	\$60,000
	TOTAL	\$0	\$240,000	\$0	\$0	\$0	\$60,000

Source of Project Data: Virginia Department of Transportation.



AGENDA: August 19, 2015, Regular Session

ITEM: Consent Agenda - An ordinance to accept and appropriate funds from the Virginia Department of Transportation FY 2016 Primary Extension Paving Program for the installation of pavement improvements on Godwin Boulevard (UPC 107766) and Holland Road (UPC 107767)

The City of Suffolk was recently notified that the Commonwealth Transportation Board approved funding for the Primary Extension Paving Program to include two Suffolk projects. The projects will provide for pavement improvements to Godwin Boulevard from the intersection of Kings Highway to the Isle of Wight County line in the amount of \$520,330 and for pavement improvements to Holland Road to extend from Pruden Boulevard to the Route 58 bridge in the amount of \$467,287.

Adoption of the attached ordinance is necessary to accept and appropriate funds to the appropriate line item in the Capital Fund for Fiscal Year 2015-16.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Capital Fund budget by \$987,626 for the above noted purpose and requires no local fund support.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
VDOT Letter
Administration Agreement
Appendix A (2)

ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION FY 2016 PRIMARY EXTENSION PAVING PROGRAM FOR THE INSTALLATION OF PAVEMENT IMPROVEMENTS ON GODWIN BOULEVARD (UPC 107766) AND HOLLAND ROAD (UPC 107767)

WHEREAS, the City of Suffolk made application and was approved to receive Primary Extension Paving Program funding for improvements to Godwin Boulevard (UPC 107766) to extend from Kings Highway intersection to the Isle of Wight County Line, and for improvements to Holland Road (UPC 107767) to extend from Pruden Boulevard to the Route 58 bridge; and,

WHEREAS, the funds received need to be accepted and appropriated to the Capital Fund budget for Fiscal Year 2015-16 for paving improvements.

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

1. The sum of \$987,626 shall be reflected as budget in the following accounts in the Fiscal Year 2015-16 Capital Fund budget:

Revenue

310-41100-3078_424030.140	Primary Ext. Paving Holland Rd	\$467,287
310-41100-3079_424030.140	Primary Ext. Paving Godwin Blvd	\$520,339
		<u>\$987,626</u>

Expense

310-41100-3078_53850.140	Construction Contracts VDOT	\$467,287
310-41100-3079_53850.140	Construction Contracts VDOT	\$520,339
		<u>\$987,626</u>

2. The fund amount totaling \$987,626 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036, as amended. The City Manager shall 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.

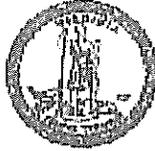
READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

Charles A. Kilpatrick, P.E.
Commissioner

June 18, 2015

To: City/ Town Managers

Subject: FY 2016 Primary Extension Paving Program

At their June 17th meeting, the Commonwealth Transportation Board (CTB) approved allocations for the Fiscal Year 2016 Primary Extension Paving Program, and your locality has received funding for one or more projects. The list of approved projects can be found on our website at: http://www.ctb.virginia.gov/resources/2015/june/pre/reso/Resolution_Agenda_Item_7_Attachment_B.xlsx. Your local VDOT representative will be contacting you regarding the next steps to ensure that these projects begin moving forward successfully.

Please note that in accordance with CTB policy, these projects must be advertised within 6 months of the date of this letter. Projects that have received funding and do not meet this requirement may be subject to deallocation by the CTB. This policy is intended to ensure funds are utilized in a timely manner.

The Department looks forward to working with you on the Primary Extension Paving Program during the upcoming months. If you have any questions about the program, please consult your local VDOT representative or contact Todd Halacy, P.E., at (804) 786-3438 or by email at Todd.Halacy@VDOT.Virginia.gov. I can also be reached at (804) 786-6663 or by email at Russ.Dudley@VDOT.Virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell A. Dudley".

Russell A. Dudley

Assistant Director, Local Assistance Division

cc: Commonwealth Transportation Board
Charlie A. Kilpatrick, P.E.
Virginia Municipal League

STANDARD PROJECT ADMINISTRATION AGREEMENT
State-aid Projects

Project Number	UPC	Local Government
0010-133-395	107766	City of Suffolk
0058-133-396	107767	

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20__, by and between the City of Suffolk, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance the Project(s) and the funding currently allocated or proposed for the project(s) does not include Federal-aid Highway funds; and

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state and local laws and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
 - b. Receive prior written authorization from the DEPARTMENT to proceed with the project.
 - c. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
 - d. Provide certification by a LOCALITY official of compliance with applicable laws and regulations on the **State Certification Form for State Funded Projects** or in another manner as prescribed by the DEPARTMENT.
 - e. Maintain accurate and complete records of each Project's development of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement

will be requested shall be maintained for not less than three (3) years following acceptance of the final voucher on each Project.

- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and also include an up-to-date project summary and schedule tracking payment requests and adjustments.
 - g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if due to action or inaction solely by the LOCALITY the project becomes ineligible for state reimbursement, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of state law or regulations require such reimbursement.
 - h. On Projects that the LOCALITY is providing the required match to state funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
 - i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of state-aid reimbursements
 - j. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - k. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.

- d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with applicable laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its cost exceeds the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

9. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination and unless otherwise agreed to, the DEPARTMENT shall retain ownership of plans, specifications, and right of way for which state funds have been provided, unless all state funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THE LOCALITY and the DEPARTMENT further agree that should Federal-aid Highway funds be added to the project, this agreement is no longer applicable and shall be terminated. The LOCALITY and the DEPARTMENT mutually agree that they shall then enter into a Standard Project Administration Agreement for Federal-aid Projects.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

The remainder of this page is BLANK

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

SUFFOLK, VIRGINIA:

Typed or printed name of signatory

Title

Date

Signature of Witness

Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Chief of Policy
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachment

Appendix A UPCs 107766, 107767

Appendix A

Project Number: 0010-133-395	UPC: UPC 107766	ICFDA # N/A	Locality: City of Suffolk
Project Location ZIP+4: 23434-6999	Locality DUNS#: N/A		Locality Address (incl ZIP+4): 440 Market Street Suffolk, Virginia 23434

Project Narrative	
Scope:	Primary Extension Pavement Improvement - Godwin Boulevard
From:	Kings Highway Intersection
To:	Isle of Wight County Line
Locality Project Manager Contact Info:	Sherry Earley Phone: 757-514-7703 email: searley@suffolkva.us
Department Project Coordinator Contact Info:	Bruce Vana, Phone: 757-925-2235 email: bruce.vana@vdot.virginia.gov

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$0	\$0	\$518,839	\$518,839
Estimated VDOT Project Expenses	\$0	\$0	\$1,500	\$1,500
Estimated Total Project Costs	\$0	\$0	\$520,339	\$520,339

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max Reimbursement - Est. VDOT Expenses)
Preliminary Engineering						
Total PE						\$0
Right of Way & Utilities						
Total RW						\$0
Construction	\$520,339	State Funds	0%	\$0	\$520,339	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total CN	\$520,339			\$0	\$520,339	\$518,839
Total Estimated Cost	\$520,339			\$0	\$520,339	\$518,839

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$520,339
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$518,839

Project Financing						
State Funds						Aggregate Allocations
\$520,339						\$520,339

Program and project Specific Funding Requirements	
• This project shall be administered in accordance with VDOT's Urban Manual	
• This project shall be administered in accordance with VDOT's Locally Administered Projects Manual	
• This project shall meet all applicable ADA requirements	
• The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.	
• Funds for this project are not available until July 1, 2015	
• This project must be advertised within six months of award funding or be subject to deallocation	
• This is a limited funds project. The Locality shall be responsible for any additional funding in excess of \$520,339	\$520,339
• Total project allocations:	\$520,339

Authorized Locality Official and date

Authorized VDOT Official
Recommendation and Date

Typed or printed name of person signing

Typed or printed name of person signing

Appendix A

Project Number: 0058-133-396 UPC: UPC 107767 CFDA # N/A Locality: City of Suffolk
 Project Location ZIP+4: 23434-7564 Locality DUNS# N/A Locality Address (incl ZIP+4): 440 Market Street
 Suffolk, Virginia 23434

Project Narrative
 Scope: Primary Extension Pavement Improvement - Holland Road
 From: Pruden Boulevard
 To: Route 58 Bridge
 Locality Project Manager Contact Info: Sherry Earley Phone: 757-514-7703 email: searley@suffolkva.us
 Department Project Coordinator Contact Info: Bruce Vana, Phone: 757-925-2235 email: bruce.vana@vdot.virginia.gov

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$0	\$0	\$465,787	\$465,787
Estimated VDOT Project Expenses	\$0	\$0	\$1,500	\$1,500
Estimated Total Project Costs	\$0	\$0	\$467,287	\$467,287

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering						
Total PE						\$0
Right of Way & Utilities						
Total RW						\$0
Construction	\$467,287	State Funds	0%	\$0	\$467,287	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total CN	\$467,287			\$0	\$467,287	\$465,787
Total Estimated Cost	\$467,287			\$0	\$467,287	\$465,787

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$467,287
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$465,787

Project Financing						
State Funds						Aggregate Allocations
\$467,287						\$467,287

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Urban Manual
- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- This project shall meet all applicable ADA requirements
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- Funds for this project are not available until July 1, 2015
- This project must be advertised within six months of award funding or be subject to deallocation
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of \$467,287

Total project allocations: \$467,287

Authorized Locality Official and date

Authorized VDOT Official
 Recommendation and Date

Typed or printed name of person signing

Typed or printed name of person signing

AGENDA: August 19, 2015, Regular Session

ITEM: Consent Agenda – An ordinance to accept and appropriate additional Commonwealth Transportation Funds from the Virginia Department of Rail and Public Transportation for operating and capital expenses related to public transit

The City has received notification of adoption of the Six Year Improvement Plan from the Virginia Department of Rail and Public Transportation (DRPT) and has been furnished Project Agreements containing FY 2015-2016 funding levels for the City's approval. The adopted plan provides an allocation for the City of Suffolk's transit expenditures that is different than what was initially projected in the City's FY 2015-2016 Operating & Capital Budget.

DRPT's operating assistance increased by \$3,693 to \$141,002 from the budgeted amount of \$137,309 and their capital assistance increased by \$2,250 to \$51,000 from the budgeted amount of \$48,750. DRPT also approved a technical assistance grant for the amount of \$15,000 to help the City seek federal funding assistance. A match is required for each of these grants; however, sufficient funding was provided in the City's adopted FY 2015-2016 Operating & Capital Budget. No increase to the local contribution is required to receive these funds.

The funding levels identified in the agreement represent the maximum contributions that will be made by DRPT to offset qualifying costs. The funding levels are based upon transit service with varying service levels along six routes.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Transit Systems Fund for Fiscal Year 2015-16.

BUDGET IMPACT:

Adoption of the attached ordinance will increase the appropriated revenues and expenditures of the Transit Systems Fund by \$20,943 for the above noted purposes and requires matching funds that are provided for in the adopted FY 2015-2016 Transit Fund budget.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Project Agreements

ORDINANCE NUMBER _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE ADDITIONAL COMMONWEALTH TRANSPORTATION FUNDS FROM THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR OPERATING AND CAPITAL EXPENSES RELATED TO PUBLIC TRANSIT

WHEREAS, \$137,309 in Commonwealth Transportation funds were included in the Transit Systems Fund for operating assistance and \$48,750 in Commonwealth Transportation grant funds were included in the Transit Systems Fund for capital assistance as part of the adopted FY 2015-2016 Operating & Capital Budget; and,

WHEREAS, the Virginia Department of Rail and Public Transportation has since notified the City that its combined operating and technical assistance grant allocation for FY 2015–2016 will be \$156,002 and that its capital grant allocation for FY 2015–2016 will be \$51,000; and,

WHEREAS, the amount of this allocation represents an increase of \$20,943 in Commonwealth Transportation grant funds; and,

WHEREAS, these funds need to be accepted and appropriated to the FY 2015-2016 Transit Systems Fund budget to assist with public transit operations.

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

1. The sum of \$20,943 shall be reflected as budget in the following accounts in the Fiscal Year 2015-2016 Transit Systems Fund budget:

<u>Revenue</u>		
212_424090.01	Community Development VRPT Operating Revenue	18,693
212_424090.02	Community Development VRPT Capital Revenue	<u>2,250</u>
		<u>\$20,943</u>

<u>Expenditure</u>		
212-88000_53100	Professional Services	18,693
212-88000_58200	Capital Outlay	<u>2,250</u>
		<u>\$20,943</u>

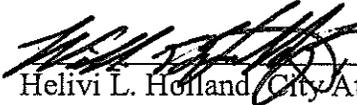
2. The fund amount totaling \$20,943 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036, as amended. The City Manager is hereby authorized and directed to do all things necessary to effectuate this action.

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:

 Deputy City Attorney
Helivi L. Holland, City Attorney

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2016
Six Year Improvement Program Approved Project
Grant Number 72016-10**

This Project Agreement (“Agreement”), effective July 1, 2015, by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and the City of Suffolk (“Grantee”) (collectively the “Parties”), is for the provision of funding for Fiscal Year 2016 Operating Assistance (“Project”).

WHEREAS, the Grantee submitted an application to the Department for funding in the Fiscal Year 2016 Six Year Improvement Program for the Operating Assistance Program; and

WHEREAS, the Department has approved funding for the Project; and

WHEREAS, on June 17, 2015, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of each Party, the manner of performing the necessary Work, the method and time of payment, and to set out additional conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. The Work under the terms of this Agreement is as follows:
 - a. Fiscal Year 2016 Operating Assistance.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$141,002 for the Project approved in the Fiscal Year 2016 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Agreement.
3. The Grantee hereby acknowledges that state grant funding for this grant cannot exceed the amount allocated by the CTB and that state grant funding is contingent upon appropriation by the General Assembly of Virginia.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH FUNDS**

The Parties agree to incorporate the Master Agreement for Use of Commonwealth Transportation Funds, dated May 30, 2012, as if set out in full herein.

This space intentionally left blank

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: City of Suffolk

Project: Fiscal Year 2016 Operating Assistance

State Project Agreement

Project Number: 72016-10

Project Start Date: July 1, 2015

Project Expiration Date: June 30, 2016

Operating Assistance Payment Schedule

Payment No.	Estimated Payment Date	Payment Amount
1	August 15, 2015	\$ 35,251
2	November 15, 2015	\$ 35,251
3	February 15, 2016	\$ 35,251
4	May 15, 2016	\$ 35,249
TOTAL GRANT AMOUNT		\$141,002

In no event shall this grant exceed \$141,002.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2016
Six Year Improvement Program Approved Project
Grant Number 73016-10**

This Project Agreement (“Agreement”), effective July 1, 2015, by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and the City of Suffolk (“Grantee”) (collectively, the “Parties”) is for the provision of funding for the purchase of one expansion 19-passenger body-on-chassis vehicle with wheelchair lift (“Project”).

WHEREAS, the Grantee submitted an application to the Department for capital program funding in the Fiscal Year 2016 Six Year Improvement Program for the purchase of one expansion 19-passenger body-on-chassis vehicle with wheelchair lift; and

WHEREAS, the Department has approved funding for the Project; and

WHEREAS, on June 17, 2015, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of each Party, the manner of performing the necessary Work, the method and time of payment, and to set out additional conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. The Work under the terms of this Agreement is as follows:
 - a. Purchase of one expansion 19-passenger body-on-chassis vehicle with wheelchair lift.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$51,000 for the Project approved in the Fiscal Year 2016 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Agreement.
3. The Grantee acknowledges that state grant funding for this grant cannot exceed the amount allocated by the CTB and that state grant funding is contingent upon appropriation by the General Assembly of Virginia.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH FUNDS**

The Parties agree to incorporate the Master Agreement for Use of Commonwealth Transportation Funds, dated May 30, 2012, as if set out in full herein.

This space intentionally left blank

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: City of Suffolk

**Project: Purchase of One Expansion 19-Passenger
Body-On-Chassis Vehicle with Wheelchair Lift**

State Project Agreement

Project Number: 73016-10

Project Start Date: July 1, 2015

Project Expiration Date: December 31, 2016

Fund Code		Item Amount
478	Grant Amount (State share of Project cost - 68%)	\$51,000
1400	Local expense (share of Project cost - 32%)	\$24,000
	Total Project Expense	\$75,000

In no event shall this grant exceed \$51,000. The Department shall have a contingent interest in this capital item commensurate with the investment of grant funding.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2016
Six Year Improvement Program Approved Project
Grant Number 71316-01**

This Project Agreement (“Agreement”), effective July 1, 2015, by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and the City of Suffolk (“Grantee”) (collectively, the “Parties”), is for the provision of funding exploration of Federal Transit Authority eligibility for future capital and operating grants (“Project”).

WHEREAS, the Grantee submitted an application to the Department for funding in the Fiscal Year 2016 Six Year Improvement Program for the Technical Assistance Program; and

WHEREAS, the Department has approved funding for the Project; and

WHEREAS, on June 17, 2015, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of each Party, the manner of performing the necessary Work, the method and time of payment, and to set out additional conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. The Work under the terms of this Agreement is as follows:
 - a. Explore Federal Transit Authority eligibility for future capital and operating grants.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$15,000 for the Project approved in the Fiscal Year 2016 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Agreement.
3. The Grantee acknowledges that state grant funding for this grant cannot exceed the amount allocated by the CTB and that state grant funding is contingent upon appropriation by the General Assembly of Virginia.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH FUNDS**

The Parties agree to incorporate the Master Agreement for Use of Commonwealth Transportation Funds, dated May 30, 2012, as if set out in full herein.

This space intentionally left blank

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: City of Suffolk

**Project: Exploration of Federal Transit Authority
Eligibility for Future Capital and Operating Grants**

State Project Agreement

Project Number: 71316-01

Project Start Date: July 1, 2015

Project Expiration Date: June 30, 2017

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 50%)	\$15,000
1400	Local expense (share of Project cost - 50%)	\$15,000
	Total Project Expense	\$30,000

In no event shall this grant exceed \$15,000.

AGENDA: August 19, 2015, Regular Session

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

The City has received \$240.77 in funding from the Commonwealth of Virginia Department of Aviation in support of the Suffolk Executive Airport. The funding will be used to repair the Automated Weather Observing System (AWOS) Wind Sensor.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Aviation Facilities Fund for Fiscal Year 2015-16.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Aviation Facilities Fund budget by \$240.77 for the above noted purpose and requires \$60.19 in local fund support which is provided for in the FY 2015-16 Aviation Facilities Fund budget.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Grant Agreement

ORDINANCE NUMBER _____

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

WHEREAS, the City has received funds in the amount of \$240.77 from the Commonwealth of 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 2015-16 for repairs to the Automated Weather Observing System Wind Sensor.

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

1. The sum of \$240.77 shall be reflected as budget in the following accounts in the Fiscal Year 2015-16 Aviation Facilities Fund budget:

<u>Revenue</u>		
220_424140.110	Categorical Aid-State Airport Maintenance Funds	<u>\$240.77</u>

<u>Expenditure</u>		
220-150000_53300.110	Maintenance Service – State	<u>\$240.77</u>

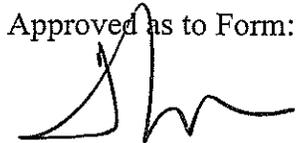
2. The fund amount totaling \$240.77 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Department of Aviation Commonwealth of Virginia

Project Information Summary

Suffolk Executive Airport

Project Title: Repair AWOS Wind Sensor

Program Year: 2015

Project Number: MT0050-33

Federal Priority Score: 0

Request Year:

Contract Number:

State Priority Score: 80

Project Type: Maintenance

Item Number:

Project Category: Construction

AIP Grant Number:

Project Status: Granted

Project Description: Repair AWOS Wind Sensor

Project Notes:

Budget Summary by Budget Item:

Budget Item	Original Budget	Current Budget
Request	\$0.00	\$300.96
Project Total:	\$0.00	\$300.96

Budget Summary by Funding Source:

Funding Source	Original Budget	Current Budget
FAA	\$0.00	\$0.00
Local	\$0.00	\$60.19
State\AC/R Discretionary	\$0.00	\$0.00
State\Air Service Development	\$0.00	\$0.00
State\Aviation Promotion	\$0.00	\$0.00
State\F&E	\$0.00	\$0.00
State\GA Discretionary	\$0.00	\$0.00
State\Maintenance	\$0.00	\$240.77
State\Security	\$0.00	\$0.00
Project Total:	\$0.00	\$300.96

Project Miscellaneous Items:

Miscellaneous Item	Date	Comment
VAB Remarks		
TA approved		
application received		
grant offer date		
effective date	06/15/2015	
expiration date	12/15/2015	
project closed		
process closeout		

AGENDA: August 19, 2015, Regular Session

ITEM: Consent Agenda – An ordinance to accept and appropriate funds from the Virginia Department of Criminal Justice Services for the Fifth Judicial District Community Corrections Program

The City has been awarded \$211,049 in state grant funds from the Virginia Department of Criminal Justice Services and anticipates \$27,102 from the City of Franklin and Counties of Isle of Wight and Southampton for the Fifth Judicial District Community Corrections Program (CCP). The CCP also estimates that it will collect \$30,000 in supervision fees in FY2015-2016 from defendants placed on probation by the Circuit, General District, and Juvenile and Domestic Relations Courts in the Fifth Judicial District. These funds will be used for operating expenses of the CCP in FY2015-2016 and must be accepted and appropriated by City Council.

The CCP provides an array of punitive sanctions and punishments for the Fifth Circuit, General District, and Juvenile and Domestic Relations Courts. The CCP serves defendants placed under probation supervision when they have been found guilty or evidence is sufficient for a finding of guilt for Class 1 or 2 Misdemeanors or non-violent Class 5 or 6 Felonies. The CCP's service area includes the Cities of Suffolk and Franklin and the Counties of Isle of Wight and Southampton. The City of Suffolk is the program administrator and the fiscal agent for CCP.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Consolidated Grants Fund budget for Fiscal Year 2015-2016.

BUDGET IMPACT:

Adoption of the attached ordinance will increase the planned revenues and expenditures of the Consolidated Grants fund by \$268,151 for the above noted purpose. Local fund support in the amount of \$93,269 was approved in the FY2015-2016 Consolidated Grants Fund budget for the Fifth Judicial District Community Corrections Program.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Award Notification

ORDINANCE NUMBER _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES FOR THE FIFTH JUDICIAL DISTRICT COMMUNITY CORRECTIONS PROGRAM

WHEREAS, the City has received notification of the award of grant funds in the amount of \$211,049 from the Virginia Department of Criminal Justice Services in support of the Fifth Judicial District Community Corrections Program; and,

WHEREAS, additional local matching funds are anticipated from the participating Fifth Judicial District localities of Southampton (\$7,258), Franklin (\$6,975), and Isle of Wight (\$12,869) for a total of \$27,102 as well as \$30,000 in anticipated intervention fee revenue; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund Budget for the Fiscal Year 2015-2016 to assist with the Fifth Judicial District Community Corrections Program.

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

1. The sum of \$268,151 shall be reflected as budget in the following accounts in the Fiscal Year 2015-2016 Consolidated Grants Fund Budget:

<u>Revenue</u>		
211-21150-1604_424200	DCJS Grant 5th Dst.Comm;6/16	\$211,049
211-21150-1604_416010.10	Intervention Fees	30,000
211-21150-1604_418990.50	Southampton County	7,258
211-21150-1604_418990.49	City of Franklin	6,975
211-21150-1604_418990.26	Isle of Wight County	<u>12,869</u>
		<u>\$268,151</u>
<u>Expenditure</u>		
211-21150-1604_51100	DCJS Grant 5th Dst.Comm;6/16	
211-21150-1604_51100	Salaries & Wages	\$183,436
211-21150-1604_52100	FICA	14,173
211-21150-1604_52210	VRS	32,459
211-21150-1604_52400	Group Life	2,445
211-21150-1604_54500	Risk Management	30,647
211-21150-1604_55410	Lease/Rent of Equipment	2,111
211-21150-1604_55500	Travel & Training	<u>2,880</u>
		<u>\$268,151</u>

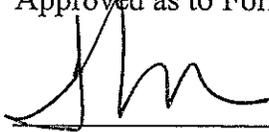
2. The fund amount totaling \$268,151 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036, as amended. The City Manager is hereby authorized and directed to do all things necessary to effectuate this action.

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

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Francine C. Ecker
Director

1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
TDD (804) 386-8732

June 25, 2015

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

Title: Community Corrections

Dear Mr. Roberts:

I am pleased to advise you that grant number **16-T6376CC16** for the above-referenced grant program has been approved for a total of \$211,049.00 in General Funds.

Enclosed you will find a Statement of Grant Award and a Statement of Grant Award Special Conditions. To indicate your acceptance of the award and conditions, please sign the award acceptance and return it to Janice Waddy, Grants Administrator, at the Department of Criminal Justice Services (DCJS). Please review the conditions carefully; as some require action on your part before we will disburse grant funds.

Also, enclosed are the Post Award Instructions and Reporting Requirements. Please refer to and read this information carefully as it contains details on processing financial and progress reports, as well as requesting awarded funds. ***Remember all financial and progress reports, budget amendment requests and request for funds must be processed through our online Grants Management Information System (GMIS).***

We appreciate your interest in this grant program and will be happy to assist you in any way we can to assure your project's success. If you have any questions, please call Donna Shiflett at (804) 225-4127.

Sincerely,

A handwritten signature in black ink, appearing to read "Francine C. Ecker".

Francine C. Ecker
Director

Enclosures

cc: Ms. Vanessa Greene, Community Corrections Coordinator
Ms. Lenora Reid, Director of Finance
Ms. Donna Shiflett, DCJS Monitor

Department of Criminal Justice Services

1100 Bank Street, 12th Floor, Richmond, VA 23219

Statement of Grant Award/Acceptance

Subgrantee: Suffolk City

Date: June 29, 2015

Grant Period:

Grant Number:

From: 07/01/2015

Through: 06/30/2016

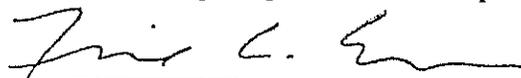
16-T6376CC16

Project Director	Project Administrator	Finance Officer
Ms. Vanessa Greene Community Corrections Coordinator City of Suffolk P. O. Box 1818 Suffolk, VA 23439 Phone: (757) 514-7461 Email: vgreene@suffolkva.us	Mr. Patrick Roberts Interim City Manager City of Suffolk P. O. Box 1858 Suffolk, VA 23439 Phone: (757) 514-4001 Email: lreed@suffolkva.us	Ms. Lenora Reid Director of Finance City of Suffolk P. O. Box 1858 Suffolk, VA 23439 Phone: (757) 514-7501 Email: lreid@suffolkva.us

Grant Award Budget

Budget Categories	DCJS Funds			Local	TOTALS
	Federal	General	Special		
Travel	\$0	\$0	\$0	\$0	\$0
Supplies/Other	\$0	\$1,450	\$0	\$0	\$1,450
Personnel	\$0	\$207,488	\$0	\$0	\$207,488
Indirect Cost	\$0	\$0	\$0	\$0	\$0
Equipment	\$0	\$2,111	\$0	\$0	\$2,111
Consultant	\$0	\$0	\$0	\$0	\$0
Totals	\$0	\$211,049	\$0	\$0	\$211,049

This grant is subject to all rules, regulations, and criteria included in the grant guidelines and the special conditions attached thereto.



Francine C. Ecker, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this _____ day of _____, 20_____.

Signature: _____

Title: _____

STATEMENT OF GRANT AWARD SPECIAL CONDITIONS

Department of Criminal Justice Services
1100 Bank Street
Richmond, Virginia 23219

For the Comprehensive Community Corrections Act Grant Program

Grantee: Suffolk City

Grant Number: 16-T6376CC16

Title: Community Corrections

Date: June 25, 2015

The following conditions are attached to and made a part of this grant award:

1. By signing the Statement of Grant Award/Acceptance, the grant recipient agrees:
 - to use the grant funds to carry out the activities described in the grant application, as modified by the terms and conditions attached to this award or by subsequent amendments approved by DCJS;
 - to adhere to the approved budget contained in this award and amendments made to it in accord with these terms and conditions;
 - and to comply with all terms, conditions and assurances either attached to this award or submitted with the grant application;
2. Grant funds must be expended and/or obligated during the grant period. All legal obligations must be liquidated no later than 90 days after the end of the grant period. The grant recipient agrees to supply a final grant financial report and return all received and unexpended grant funds (exclusive of local match) to DCJS within 90 days after the end of the grant liquidation period.
3. The grantee agrees to submit such reports as requested by DCJS on forms provided by DCJS. Funds from this grant will not be disbursed, if any of the required Financial or Progress reports are overdue by more than 30 days unless you can show good cause for missing the reporting deadline.
4. By accepting this grant, the recipient assures that funds made available through it will not be used to replace state or local funds that would, in the absence of this grant, be made available for the same purposes.
5. Grantee may follow their own established travel rates if they have an established travel policy. If a grantee does not have an established policy, then they must adhere to state travel policy. The state allows reimbursement for actual reasonable expenses. Please refer to the following IRS website for the most current mileage rate:
<http://www.irs.gov/taxpros/article/0,,id=156624,00.html>: Transportation costs for air and rail must be at coach rates.
6. Within 60 days of the starting date of the grant, the grantee must initiate the project funded. If not, the grantee must report to DCJS, by letter, the steps taken to initiate the project, the reasons for the delay, and the expected starting date. If the project is not operational within 90 days of the start date, the grantee must obtain approval in writing from DCJS for a new implementation date or DCJS may cancel and terminate the project and redistribute the funds.
7. The grantee assures that programs established, operated, and/or contracted with under the authority of the Comprehensive Community Corrections Act for Local-Responsible Offenders and the Pretrial Services Act will comply with all standards, regulations, and guidelines put forth by DCJS and any others that may be applicable. This includes, but is not limited to, those stated in the "Minimum Standards for Local Community Corrections and Pretrial Services."
8. No amendment to the approved budget may be made without the approval of DCJS. No more than two (2) budget amendments will be permitted during the grant period. Budget amendments must be requested using the online Grants Management Information System (GMIS), accompanied with a narrative. No budget amendments will be allowed after April 30, 2016.
9. The grantee agrees to forward to DCJS a copy of any financial and programmatic audits of this grant award.

Statement of Grant Award Special Conditions (Continued)

Grant No: 16-T6376CC16

10. All purchases for goods and services must comply with local established written procurement policies. If a grantee does not have an established written policy, then they must adhere to the Virginia Public Procurement Act. Procurement transactions, whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. Any exemption to this regulation requires the prior approval of DCJS and is only given in unusual circumstances. Any request for exemption must be submitted in writing to DCJS.
11. Acceptance of this grant award by the local government applicant constitutes its agreement that it assumes full responsibility for the management of all aspects of the grant and the activities funded by the grant, including assuring proper fiscal management of and accounting for grant funds; assuring that personnel paid with grant funds are hired, supervised and evaluated in accord with the local government's established employment and personnel policies; assuring full cooperation with DCJS for information technology issues related to the automated case management system (PTCC); and assuring that all terms, conditions and assurances—those submitted with the grant application, and those issued with this award—are complied with.

Any delegation of responsibility for carrying out grant-funded activities to an office or department not a part of the local government must be pursuant to a written memorandum of understanding by which the implementing office or department agrees to comply with all applicable grant terms, conditions and assurances. Any such MOU shall be made available to DCJS upon request. Any such delegation notwithstanding, the applicant acknowledges by its acceptance of the award its ultimate responsibility for compliance with all terms, conditions and assurances of the grant award.
12. PROJECT INCOME: Any funds generated as a direct result of DCJS grant funded projects are deemed project income. Project income must be reported on forms provided by DCJS. The following are examples of project income: Service fees; Supervision/Intervention fees; Client fees; Usage or Rental fees; sales of materials; income received from sale of seized and forfeited assets (cash, personal or real property included).
13. Each participating locality must be represented by a Community Criminal Justice Board (CCJB) to serve as an advisory body to the local governing body on matters pertaining to local criminal justice issues. The composition of the CCJB is specified in 9.1-178 of the Code of Virginia. Report any changes in membership to the Juvenile and Adult Services section of DCJS.
14. Local funds and fees supplementing salaries or any other area in the budget should be shown in the match column of the itemized budget under CASH.
15. Employees, full or part-time, under CCCA and PSA programs shall not serve in any paid consultant capacity for the program by which they are employed.
16. All changes within budget categories of the Consultant's line are subject to the same DCJS approval process that applies to the overall grant.
17. The grantee understands that it is the responsibility of the Project Administrator to oversee the management of the grant award.
18. The grantee understands that the continuation and/or level of funding will be based on the availability of funds, the performance of the project in meeting its targets, goals and objectives, and the recipient's compliance with the grant requirements and conditions.
19. The grantee will submit grant financial and progress reports required by DCJS. These shall be submitted to DCJS on the 12th working day following the close of each quarter. Reports are required even if no expenditures have occurred.
20. The grantee will submit monthly data reports required by DCJS with the Quarterly Progress report.
21. The grantee will comply with the automated data collection and case management system (PTCC) requirements and fully use PTCC as directed by DCJS. Full usage means entering data in all fields in PTCC.

Statement of Grant Award Special Conditions (Continued)

Grant No: 16-T6376CC16

22. The grantee assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records, as DCJS shall prescribe, shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this grant.
23. Prior to DCJS disbursing funds, the Grantee must comply with the following special conditions:



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Francine C. Ecker
Director

1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
TDD (804) 386-8732

NOTICE

To: Grants Project Administrator

From: Janice Waddy, DCJS Grants Administrator

Re: Post Award Instructions and Reporting Requirements
PLEASE READ VERY CAREFULLY

GRANT AWARD AND SPECIAL CONDITIONS:

Please review your Award and Special Conditions very carefully. *Pay attention to the last Special Condition listed. This Special Condition may require additional documentation from you before grant funds can be released.* Sign and date the grant award acceptance and submit any Special Condition documentation to:

Grants Administration
Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

REPORTING REQUIREMENTS

By accepting the accompanying grant award, you are agreeing to submit online quarterly progress and financial reports for this grant throughout the grant period, as well as final reports to close the grant. **No eligible current recipient of funding will be considered for continuation funding if, as of the continuation application due date, any of the required Financial and Progress reports for the current grant are more than thirty (30) days overdue.** For good cause, submitted in writing by the grant recipient, DCJS may waive this provision.

Financial reports and progress reports are due no later than the close of business on the 12th working day after the end of the quarter. Reports are required even if no expenditures have occurred during the quarter. **Requests for Funds will not be honored from grant recipients who do not fulfill this reporting obligation.** A schedule of due dates is also attached for your reference.

☐ **PROGRESS REPORTS**

Refer to our website: <http://www.dcjs.virginia.gov/> for submitting progress reports through the online Grants Management Information System (GMIS). In order to use this web-based system, if you have not previously done so, you must obtain a user name and password set up by your Finance Officer, whose name and contact information is listed on the attached Grant Statement of Award/Acceptance. You are required to use the online system to submit your progress reports.

Paper copies of Progress Reports are no longer accepted.

☐ **FINANCIAL REPORTS**

Refer to our website for submitting financial reports through our online Grants Management Information System (GMIS). In order to use this web-based system, if you have not previously done so, you must obtain a user name and password set up by your Finance Officer, whose name and contact information is listed on the attached Grant Statement of Award/Acceptance. The address is <http://www.dcjs.virginia.gov/grantsAdministration/gmis/index.cfm?menuLevel=4>.

Paper copies of the financial reports are no longer accepted. You are required to use the online system in reporting your expenditures.

☐ **REQUESTING GRANT FUNDS**

Refer to our website for requesting funds through our online Grants Management Information System (GMIS). In order to use this web-based system, if you have not previously done so, you must obtain a user name and password set up by your Finance Officer, whose name and contact information is listed on the attached Grant Statement of Award/Acceptance. *Please note you can access this system using the same password assigned for the online financial reporting system.

The address is <http://www.dcjs.virginia.gov/grantsAdministration/gmis/index.cfm?menuLevel=4>.

You are required to use the online system for requesting funds.

☐ **BUDGET AMENDMENTS**

Budgets can be amended in most DCJS grant programs with prior approval. Please review your special conditions carefully to determine the requirements and procedures for amending budgets. Refer to our website for the online Grants Management Information System.

*Please note again that you can access this system using the same password assigned for the online financial reporting system.

The address is <http://www.dcjs.virginia.gov/grantsAdministration/gmis/index.cfm?menuLevel=4>.

Paper copies of the Budget Amendments are no longer be accepted! You are required to use the online system for submitting budget amendments.

If you have any questions, please contact Beverly Johnson at (804) 786-9055 or by e-mail at beverly.johnson@dcjs.virginia.gov.

**PROJECTED DUE DATES
FINANCIAL & PROGRESS REPORTS**

*Reports are due by the 12th working day following the close of the quarter covered in the report.
Please note all financial reports are required quarterly, even if no expenditures have occurred.*

<i>QUARTER ENDING</i>	<i>DUE DATE</i>
9/30/2015	10/19/2015
12/31/2015	1/21/2016
3/31/2016	4/18/2016
6/30/2016	7/19/2016
9/30/2016	10/19/2016
12/31/2016	1/19/2017

AGENDA: August 19, 2015, Regular Session

ITEM: Consent Agenda – An ordinance to accept and appropriate a Byrne Justice Assistance Grant from the Virginia Department of Criminal Justice Services in support of the Suffolk Police Department

The City has received \$113,133 Byrne Justice Assistance Grant from the Virginia Department of Criminal Justice Services in support of the Suffolk Police Department. The funding will be used to hire a crime analyst, purchase predictive policing software, and utilize Old Dominion University to evaluate the predictive policing program.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Consolidated Grants Fund budget for Fiscal Year 2015-16.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund by \$113,133 for the above noted purpose and requires a local cash match of \$12,570 which is provided for in the FY 2015-16 Grant Fund budget.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Award Letter

ORDINANCE NUMBER _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE A BYRNE JUSTICE ASSISTANCE GRANT FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES IN SUPPORT OF THE SUFFOLK POLICE DEPARTMENT

WHEREAS, the City has received funds in the amount of \$113,133 from the Virginia Department of Criminal Justice Services, Byrne Justice Assistance Grant Program to hire a crime analyst, purchase predictive policing software, and utilize Old Dominion University to evaluate the predictive policing program; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund Budget for Fiscal Year 2015-16 to assist with the predictive policing program.

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

1. The sum of \$113,133 shall be reflected as budgeted in the following accounts in the Fiscal Year 2015-16 Consolidated Grants Fund budget:

<u>Revenue</u>	Bryne/JAG 16-A3197AD14;06/16	
211-31100-1637_433010	Public Safety	<u>\$113,133</u>
<u>Expenditure</u>	Bryne/JAG 16-A3197AD14;06/16	
211-31100-1637_51100.02	Salary and Wages	\$28,709
211-31100-1637_52100	FICA	2,196
211-31100-1637_52210	VRS	4,613
211-31100-1637_52400	Group Life	379
211-31100-1637_54500	Risk Management	13,111
211-31100-1637_53100	Professional Services	13,320
211-31100-1637_58200	Capital Outlay	46,125
211-31100-1637_56014	Other Operating Supplies	<u>4,680</u>
		<u>\$113,133</u>

2. The fund amount totaling \$113,133 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036, as amended. The City Manager is hereby authorized and directed to do all things necessary to effectuate this action.

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

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Francine C. Ecker
Director

June 22, 2015

1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
TDD (804) 386-8732

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

Title: Byrne/JAG Grant Program: Predictive Policing Program

Dear Mr. Roberts:

I am pleased to advise you that grant number **16-A3197AD14** for the above-referenced grant program has been approved for in the amount of \$113,133 in Federal Funds and \$12,570 in Matching Funds for a total award of \$125,703.

Enclosed you will find a Statement of Grant Award and a Statement of Grant Award Special Conditions. To indicate your acceptance of the award and conditions, please sign the award acceptance and return it to Janice Waddy, Grants Administrator, at the Department of Criminal Justice Services (DCJS). Please review the conditions carefully; as some require action on your part before we will disburse grant funds.

Also, enclosed are the Post Award Instructions and Reporting Requirements. Please refer to and read this information carefully as it contains details on processing financial and progress reports, as well as requesting awarded funds. *Remember all financial and progress reports, budget amendment requests and request for funds must be processed through our online Grants Management Information System (GMIS).*

We appreciate your interest in this grant program and will be happy to assist you in any way we can to assure your project's success. If you have any questions, please call Shelia Anderson at (804) 786-9469.

Sincerely,

A handwritten signature in black ink, appearing to read "Francine C. Ecker".

Francine C. Ecker
Director

Enclosures

cc: Thomas Bennett, Chief of Police
Ms. Lenora Reid, Director of Finance
Ms. Shelia Anderson, DCJS Monitor

Criminal Justice Service Board • Committee on Training • Advisory Committee on Juvenile Justice
Advisory Committee to Court Appointed Special Advocate and Children's Justice Act Programs
Private Security Services Advisory Board • Criminal Justice Information Systems Committee

www dcjs virginia.gov

Department of Criminal Justice Services

1100 Bank Street, 12th Floor, Richmond, VA 23219

Statement of Grant Award/Acceptance

Subgrantee: Suffolk City

Date: June 22, 2015

Grant Period:

Grant Number:

From: 07/01/2015

Through: 06/30/2016

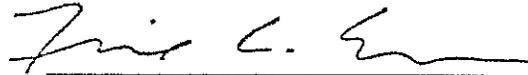
16-A3197AD14

Project Director	Project Administrator	Finance Officer
Chief Thomas Bennett Chief of Police Suffolk Police Department 111 Henley Place Suffolk, VA 23434 Phone: (757) 514-4900 Email: tbennett@suffolkva.us	Mr. Patrick Roberts Interim City Manager City of Suffolk P. O. Box 1858 Suffolk, VA 23439 Phone: (757) 514-4001 Email: proberts@suffolk.va.us	Ms. Lenora Reid Director of Finance City of Suffolk P. O. Box 1858 Suffolk, VA 23439 Phone: (757) 514-7501 Email: lreid@suffolkva.us

Grant Award Budget

Budget Categories	DCJS Funds			Local	TOTALS
	Federal	General	Special		
Travel	\$0	\$0	\$0	\$0	\$0
Supplies/Other	\$4,680	\$0	\$0	\$520	\$5,200
Personnel	\$49,008	\$0	\$0	\$5,445	\$54,453
Indirect Cost	\$0	\$0	\$0	\$0	\$0
Equipment	\$46,125	\$0	\$0	\$5,125	\$51,250
Consultant	\$13,320	\$0	\$0	\$1,480	\$14,800
Totals	\$113,133	\$0	\$0	\$12,570	\$125,703

This grant is subject to all rules, regulations, and criteria included in the grant guidelines and the special conditions attached thereto.



Francine C. Ecker, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this _____ day of _____, 20_____.

Signature: _____

Title: _____

AGENDA: August 19, 2015, Regular Session

ITEM: Consent Agenda – An ordinance to appropriate a portion of the proceeds of the 2015 sale of bonds to fund Information Technology and Fleet capital needs for Fiscal Year 2015-2016

Attached for Council's consideration is an ordinance to appropriate a portion of the sale of bonds to fund Information Technology and Fleet capital needs for Fiscal Year 2015-2016.

Council approved an ordinance at the June 17, 2015 council meeting approving the issuance and sale of bonds in the amount of \$36,000,000. A portion of the bond funds were approved to fund Information Technology capital needs in the amount of \$3,147,817.86 and Fleet capital needs in the amount of \$3,422,300.

BUDGET IMPACT:

Adoption of the attached ordinance will increase the appropriated revenues and expenditures of the Information Technology Funds by \$3,147,817.86 and the Fleet Fund by \$3,422,300 for the above noted purpose.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Sources and Use of Funds Report

ORDINANCE NUMBER _____

AN ORDINANCE TO APPROPRIATE A PORTION OF THE PROCEEDS OF THE 2015 SALE OF BONDS TO FUND INFORMATION TECHNOLOGY AND FLEET CAPITAL NEEDS FOR FISCAL YEAR 2015-2016

WHEREAS, the City has received proceeds from the sale of the 2015 bonds in the amount of \$36,000,000; and,

WHEREAS, a portion of the proceeds need to be appropriated to the Information Technology Fund in the amount of \$3,147,817.86 and to the Fleet Fund in the amount of \$3,422,300 to fund the capital needs for Fiscal Year 2015-2016.

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

1. The sum of \$6,570,117.86 shall be reflected as budget in the following accounts in the Fiscal Year 2015-2016 Information Technology and Fleet Fund budgets.

<u>Revenue</u>		
603-441040.100	Proceeds from Indebtedness Bonds	\$3,147,817.86
601-441040.100	Proceeds from Indebtedness Bonds	<u>3,422,300.00</u>
		<u>\$6,570,117.86</u>
<u>Expense</u>		
603-12510-58200.100	Capital Outlay-Additions Bond Funds	\$3,147,817.86
601-12520-58200.100	Capital Outlay-Additions Bond Funds	<u>3,422,300.00</u>
		<u>\$6,570,117.86</u>

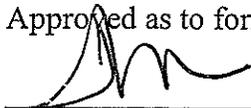
2. The fund amount totaling \$6,570,117.86 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036 as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

3. This ordinance shall 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

SOURCES AND USES OF FUNDS

City of Suffolk, Virginia
 General Obligation and Refunding Bonds, Series 2015
 Final Verified Numbers - July 8, 2015

	Dated Date					
	Delivery Date					
	07/22/2015					
	07/22/2015					
Sources:	Refunding of 2005 G.O. Bonds	Refunding of 2007B G.O. Bonds	Refunding of 2008 G.O. Bonds	2015 Schools New Money Bonds	2015 Vehicle & Equipment New Money Bonds	2015 IT New Money Bonds
Bond Proceeds:						
Par Amount	810,000.00	11,515,000.00	2,530,000.00	18,570,000.00	3,030,000.00	2,925,000.00
Net Premium/OID	42,345.60	1,975,959.15	392,739.20	1,408,788.25	435,386.70	262,291.30
	852,345.60	13,490,959.15	2,922,739.20	19,978,788.25	3,465,386.70	3,187,291.30
Uses:	Refunding of 2005 G.O. Bonds	Refunding of 2007B G.O. Bonds	Refunding of 2008 G.O. Bonds	2015 Schools New Money Bonds	2015 Vehicle & Equipment New Money Bonds	2015 IT New Money Bonds
Project Fund Deposits:						
Project Fund				19,727,105.00	3,422,300.00	3,147,817.86
Refunding Escrow Deposits:					Fleet	IT
PV cost of cashflows	838,385.78	13,333,275.33	2,884,584.44			
Cost of Issuance:						
Cost of Issuance	7,082.83	100,689.82	22,122.91	162,380.37	26,495.02	25,576.88
Delivery Date Expenses:						
Underwriter's Discount	4,067.76	57,827.41	12,705.46	93,257.06	15,216.42	14,689.12
Other Uses of Funds:						
Additional Proceeds	2,809.23	-833.41	3,326.39	-3,954.18	1,375.26	-792.56
	852,345.60	13,490,959.15	2,922,739.20	19,978,788.25	3,465,386.70	3,187,291.30

AGENDA: August 19, 2015, Regular Session

ITEM: Consent Agenda – An ordinance conveying a 30-foot wide permanent access easement to be located on Tax Map Parcel 33*X to the Hampton Roads Sanitation District

The Hampton Roads Sanitation District (HRSD) is constructing a new 24-inch interceptor force main from Constance Road to Holland Road (Rt. 58) near Faulk Road. This project will improve the conveyance of the City of Suffolk's wastewater flows from the Rt. 58 corridor to the HRSD Nansemond Treatment Plant. The project corridor follows Katherine Street, the City's abandoned railroad right of way, Prentis Street, Grove Avenue, and Holland Road. The project is being constructed in two phases. The initial phase between Katherine St. and W. Constance Road is currently under construction. The remaining phase of construction is anticipated to be advertised for construction bids during the fall of 2015.

For construction and long-term maintenance to the western portion of the 24-inch force main, HRSD requires a 30-foot wide permanent access easement from the City within the abandoned railroad right of way (Tax Map Parcel 33*X) from Kenyon Road east approximately 4,375 linear feet. The attached ordinance, deed of easement and easement plat (sheets 1, 1A. and 2) provides for the conveyance of the necessary permanent access easement from the City.

ATTACHMENTS:

Ordinance
Deed of Easement
Easement Plat

Ordinance No. _____

AN ORDINANCE CONVEYING A 30-FOOT WIDE PERMANENT ACCESS EASEMENT TO BE LOCATED ON TAX MAP PARCEL 33*X TO THE HAMPTON ROADS SANITATION DISTRICT

WHEREAS, the Hampton Roads Sanitation District (HRSD) is planning to construct it's Holland Road 24-inch Interceptor Force Main project which will benefit the conveyance of the City's wastewater flows from the Holland Road corridor to the HRSD Nansemond Treatment Plant; and,

WHEREAS, to minimize impacts, the transmission main project will commence at Constance Road and follow the corridor of Katherine St., the City's abandoned railroad right of way, Prentis St., Grove Ave. and terminate at Holland Rd.; and,

WHEREAS, it is necessary for HRSD to acquire a 30-foot wide permanent access easement for the installation and long term maintenance of the interceptor main from the City's property identified as Tax Map Parcel 33*X; and,

WHEREAS, the 30-foot wide permanent access easement will extend from Kenyon Road east approximately 4,375 linear feet within Tax Map Parcel 33*X.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that the City Manager is hereby directed and authorized to execute a Deed of Easement conveying the 30-foot wide permanent access easement with the Hampton Roads Sanitation District, in substantial form as attached; and the City Clerk is directed to affix the Corporate Seal of the City thereto and attest the same.

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

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

**This Instrument prepared by
Kellam, Pickrell, Cox, Tayloe & Anderson, P.C.**

**Tax Exempt--Sections 58.1-811(A)(3)
and (C)(3) Code of Virginia**

DEED OF EASEMENT

This **Deed of Easement**, Made this _____ day of _____, 2015, by and between the **CITY OF SUFFOLK**, a political subdivision of the Commonwealth of Virginia (hereinafter called **GRANTOR**), and the **HAMPTON ROADS SANITATION DISTRICT**, a political subdivision of the Commonwealth of Virginia, (hereinafter called **GRANTEE**), whose mailing address is Hampton Roads Sanitation District, Post Office Box 5911, Virginia Beach, Virginia 23471-0911.

WITNESSETH:

That for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, **GRANTOR** does hereby grant and convey unto **GRANTEE**, its successors and assigns, a non-exclusive right of way and privilege hereafter described, for the purpose of laying, erecting, constructing, operating, and maintaining underground wastewater and/or water reuse force mains and/or gravity mains together with above and/or below ground equipment, accessories, and appurtenances thereto, (hereinafter called "Facilities"), on the lands of the **GRANTOR**, said Easement (the "Easement", whether one or more) being further described as follows:

PROJECT PARCEL NO. 017 (Shown on Sheets 1 of 8, 1A of 8 and 2 of 8)

ALL THAT certain 30' permanent access easement lying, situate and being in the City of Suffolk, Virginia, designated and described as: "30' HRSD Permanent Access Easement to be Acquired", as shown on the above-mentioned plats entitled "Plat Showing 30' and Variable Width Permanent Utility Easements, 30' HRSD Permanent Access Easement and Temporary Construction Easement to be acquired from City of Suffolk by Hampton Roads Sanitation District for Holland Road 24" Interceptor Force Main Section A – Phases 1 & 2 Holy Neck & Suffolk Districts Suffolk, Virginia" dated March 26, 2014, revised August 25, 2014, revised June 15, 2015, made by Rouse-Sirine Associates, Ltd., Sheets 1 of 8, 1A of 8, and 2 of 8, which plats are attached hereto and recorded herewith and to which reference is hereby made. Said access easement runs from Kenyon Road on the west to Sheet 1A and continues on to Sheet 2 Inset A (Sheet 2 of 8) and labeled "Denotes 30' HRSD Permanent Access Easement to be Acquired".

Account No.: 253112700
Tax Parcel: 33*X

**KELLAM, PICKRELL,
COX & TAYLOE**
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
NORFOLK, VA.

FILE NO.

These Easements are subject to the following conditions and provisions:

A. The Facilities existing or constructed on or under the Easement and all replacements, substitutions, additions, repairs and improvements thereto, shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, rebuild, remove, repair, improve, and make such changes, alterations, additions to or extensions of its Facilities within the boundaries of said Easement as are consistent with the purpose expressed herein. All construction, maintenance, equipment and Facilities shall comply with all applicable laws, ordinances, codes and regulations.

B. Any disturbance of the premises by the **GRANTEE** or its contractor will be restored by the **GRANTEE** as nearly as practicable. This includes paving, fences, backfilling of trenches, grass, reseeding, replacing or replanting landscaping, and removal of trash and debris and removal of any equipment, accessories or appurtenances not consistent with the construction, maintenance or operation of the Facilities. Landscaping will be replaced with immature trees, shrubs, and ground cover. **GRANTEE** shall maintain the Easement and the Facilities in such repair as not to endanger or otherwise limit the enjoyment and use of adjacent properties.

C. **GRANTEE** shall have the right to trim, cut and remove trees, shrubbery or other obstructions which interfere with or threaten the efficient and safe operation, construction and maintenance of said Facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR** if **GRANTOR**, in writing prior to removal, requests that they be left on the premises; otherwise all brush, branches, and other debris resulting from any cutting, trimming, or clearing of said right of way shall be removed from lands of **GRANTOR** for disposal.

D. **GRANTEE** shall have the right of ingress, egress and regress to, from and over the Easement and the right to use the adjoining land of **GRANTOR** where necessary, provided, however, that its right to use the adjoining lands shall be exercised only during periods of actual construction and/or maintenance. **GRANTEE** shall exercise such right in such manner as shall not occasion injury and inconvenience to **GRANTOR**. **GRANTEE** shall, at **GRANTEE'S** election, either pay for or repair any injury to any of **GRANTOR'S** land, crops, structures, roads, fences and other improvements caused by **GRANTEE**, its employees, agents or contractors.

E. **GRANTOR**, its successors and assigns, may use said Easement for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with the safe and efficient use, construction, operation or maintenance of the Easement and/or Facilities. **GRANTOR** shall not place any permanent improvements within the Easement without written permission of **GRANTEE**, or its successors, including but not limited to houses, buildings, pools, sheds, signs, or similar permanent structures. Subject to the foregoing, **GRANTOR** may install fences, driveways, pavement and landscaping (trees and shrubs shall be varieties that will not exceed 20 feet tall at maturity).

F. **GRANTEE** covenants and agrees that it will be responsible for any claims of injury to any persons or property resulting from its sole negligence in the installation, operation,

KELLAM, PICKRELL,
COX & TAYLOR
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
NORFOLK, VA.

FILE NO.

maintenance, replacement, repair, removal or use of any of the Facilities and/or the Easement, or which result from GRANTEE'S exercise of any of the rights herein granted. Any contractor performing work for GRANTEE in the Easement shall be required to furnish a certificate of insurance satisfactory to GRANTEE.

G. If any portion or all of the Easement is/are no longer required for GRANTEE'S purposes and GRANTOR so requests, GRANTEE agrees at its expense to remove any Facilities located within that portion of the Easement no longer required and restore the premises as nearly to its original condition as practical; and on written request by GRANTOR, GRANTEE shall quitclaim and release such portion(s) of the Easement no longer required.

H. In the event that the Easement areas overlap areas where GRANTOR'S water and/or sanitary sewer improvements exist, the GRANTOR will retain all rights to enter such Easement areas to replace, maintain, or enlarge its water and/or sanitary sewer improvements, taking care to protect GRANTEE'S Facilities. Any modifications near the GRANTEE'S Facilities will require a set of drawings to be submitted to the GRANTEE for its records.

I. If GRANTOR at any time deems it necessary to relocate any portion or all of the Facilities and/or the Easement, taking into consideration the improvements GRANTEE has constructed GRANTEE shall at GRANTOR'S expense relocate such portion(s) of the Facilities and/or the Easement to an alternate route or place mutually agreed upon between GRANTOR and GRANTEE, and GRANTOR for no additional consideration shall grant to GRANTEE such Easement as are necessary to effect such relocation subject to the same rights privileges and conditions as set forth herein (the "New Easements"). Upon relocation of any of the Facilities from any portion of the Easement and conveyances of such New Easements as are necessary, that portion of the Easement no longer required shall automatically terminate, and all rights, title and interest thereto shall revert to GRANTOR. On written request by GRANTOR, GRANTEE shall quitclaim and release such portion(s) of the Easement no longer required.

WITNESS the following signatures and seals all as of the day and year first above written.

CITY OF SUFFOLK

BY: _____
Patrick Roberts, Interim City Manager

ATTEST:

City Clerk

KELLAM, PICKRELL,
COX & TAYLOE
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
NORFOLK, VA.

FILE NO.

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

The foregoing instrument was acknowledged before me this _____ day of _____,
2015, by Patrick Roberts, Interim City Manager and _____, City Clerk/Deputy
City Clerk, of the City of Suffolk.

Notary Public

My commission expires: _____ Registration No.: _____

CERTIFIED AS TO AVAILABILITY OF FUNDS:

Director of Finance

Account No.: _____

APPROVED AS TO CONTENT:

Director of Public Utilities

APPROVED AS TO FORM:

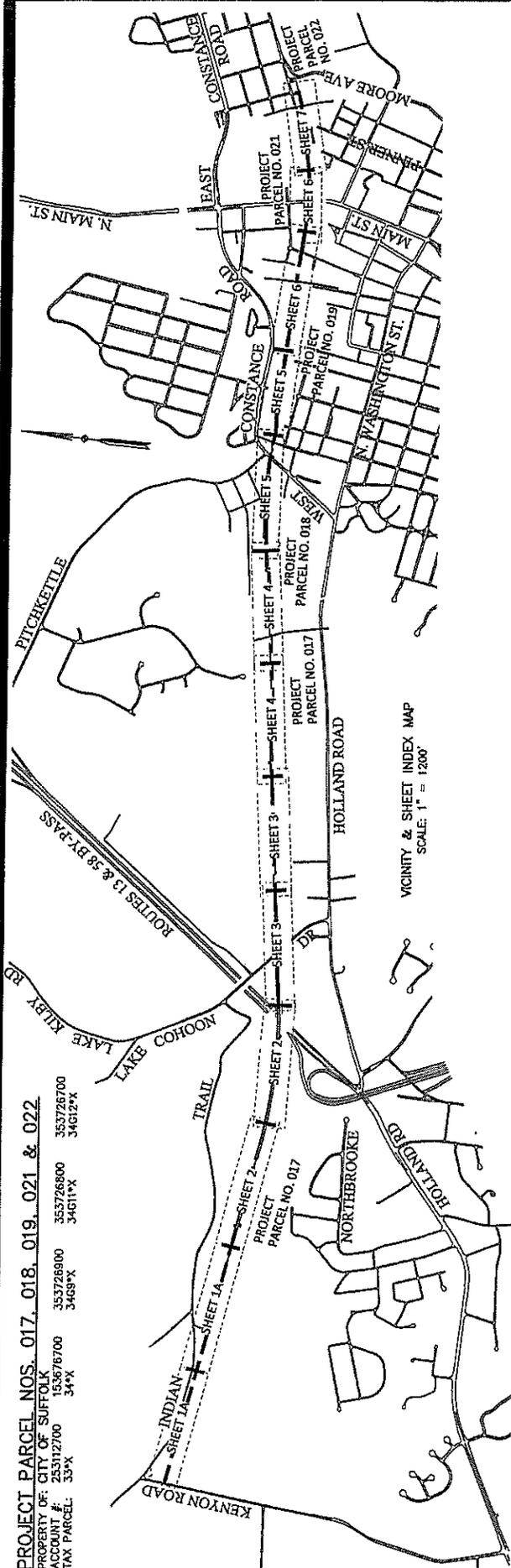
City Attorney

HRSD\DEEDS\HOLLAND ROAD SUFFOLK EASEMENTS KPCT FILE REVISED 7 20 15

**KELLAM, PICKRELL,
COX & TAYLOR**
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
NORFOLK, VA.

FILE NO.

PROJECT PARCEL NOS. 017, 018, 019, 021 & 022
 PROPERTY OF: CITY OF SUFFOLK
 ACCOUNT # 25312700 153676700 353725700
 TAX PARCEL: 334X 34694X 346114X 346124X



AREA TABLE	
PROJECT PARCEL NO. 017 / TAX PARCEL 334X	
TOTAL PARCEL	1,710.186± 39.26±
30' HRSD PERMANENT ACCESS EASEMENT TO BE ACQUIRED	151,227 3.013
30' AND VARIABLE WIDTH HRSD PERMANENT UTILITY EASEMENT TO BE ACQUIRED	110,489 2.536
WEST OF NORFOLK SOUTHERN RAILROAD PROPERTY	190,575 4.375✓
EAST OF NORFOLK SOUTHERN RAILROAD PROPERTY	432,291 9.924
TOTAL EASEMENTS	1,277,875± 29.34±
RESIDUAL PARCEL	432,311± 9.92±

AREA TABLE	
PROJECT PARCEL NO. 019 / TAX PARCEL 34694X	
TOTAL PARCEL	272,686± 6.26±
30' HRSD PERMANENT UTILITY EASEMENT TO BE ACQUIRED	81,737 1.876
RESIDUAL PARCEL	190,949± 4.38±

AREA TABLE	
PROJECT PARCEL NO. 022 / TAX PARCEL 346124X	
TOTAL PARCEL	376,414± 8.04±
VARIABLE WIDTH HRSD PERMANENT UTILITY EASEMENT TO BE ACQUIRED	12,486 0.287
RESIDUAL PARCEL	363,928± 8.35±

AREA TABLE	
PROJECT PARCEL NO. 018 / TAX PARCEL 344X	
TOTAL PARCEL	339,766± 7.60±
30' AND VARIABLE WIDTH HRSD PERMANENT UTILITY EASEMENT TO BE ACQUIRED	85,760 2.198
RESIDUAL PARCEL	254,006± 5.60±

AREA TABLE	
PROJECT PARCEL NO. 021 / TAX PARCEL 346114X	
TOTAL PARCEL	327,571± 7.52±
30' AND VARIABLE WIDTH HRSD PERMANENT UTILITY EASEMENT TO BE ACQUIRED	41,421 0.951
WEST OF NORTH MAIN STREET EAST OF NORTH MAIN STREET	44,529 1.022
TOTAL EASEMENT	85,950 1.973
TEMPORARY CONSTRUCTION EASEMENT TO BE ACQUIRED	2,716 0.062
RESIDUAL PARCEL	239,905± 5.48±

- NOTES:
- THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT SHOW ALL EASEMENTS OR PROPERTY REFERENCES THAT AFFECT THIS PROPERTY.
 - MECHAN SOURCE: VIRGINIA COORDINATE SYSTEM OF 1883 (SOUTH ZONE) NA83 (1983) HARN. COORDINATE VALUES ARE SHOWN IN U.S. SURVEY FEET.
 - THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY AND THEREFORE PARCEL AREAS SHOWN ARE APPROXIMATE AND TAKEN FROM PLATS, DEEDS AND TAX INFORMATION OF RECORD.
 - THIS PLAT WAS REVISED TO ADD 30' HRSD PERMANENT ACCESS EASEMENT FROM KENYON ROAD TO 30' PERMANENT UTILITY EASEMENT.

— DENOTES AREA OF VARIABLE WIDTH HRSD PERMANENT UTILITY EASEMENT TO BE ACQUIRED

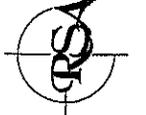


REVISIONS	
1	2
2	3



PLAT SHOWING
 30' AND VARIABLE WIDTH
 PERMANENT UTILITY EASEMENTS, 30' HRSD
 PERMANENT ACCESS EASEMENT AND
 TEMPORARY CONSTRUCTION EASEMENT
 TO BE ACQUIRED FROM
 CITY OF SUFFOLK
 BY
 HAMPTON ROADS SANITATION DISTRICT
 FOR
 HOLLAND ROAD 24" INTERCEPTOR FORCE MAIN
 SECTION A - PHASES 1 & 2
 HOLY NECK & SUFFOLK DISTRICTS SUFFOLK, VIRGINIA
 MARCH 26, 2014
 REVISED: AUGUST 25, 2015
 REVISED: JUNE 15, 2015

ROUSE-SIRINE ASSOCIATES, LTD.
 LAND SURVEYORS, MAPPING CONSULTANTS & SITE QUALITY LEVELS ADP
 www.rouse-sirine.com
 333 OFFICE SQUARE LANE 362 HIGHLANDS CIRCLE, SUITE 1
 VIRGINIA BEACH, VIRGINIA 23462 WILLIAMSBURG, VIRGINIA 23185
 TEL: (757) 490-2300 TEL: (757) 903-4695
 FAX: (757) 499-9136 FAX: (757) 903-4469



PROJECT PARCEL NO. 017
 PROPERTY OF: CITY OF SUFFOLK
 ACCOUNT #: 253112700
 TAX PARCEL: 33*X

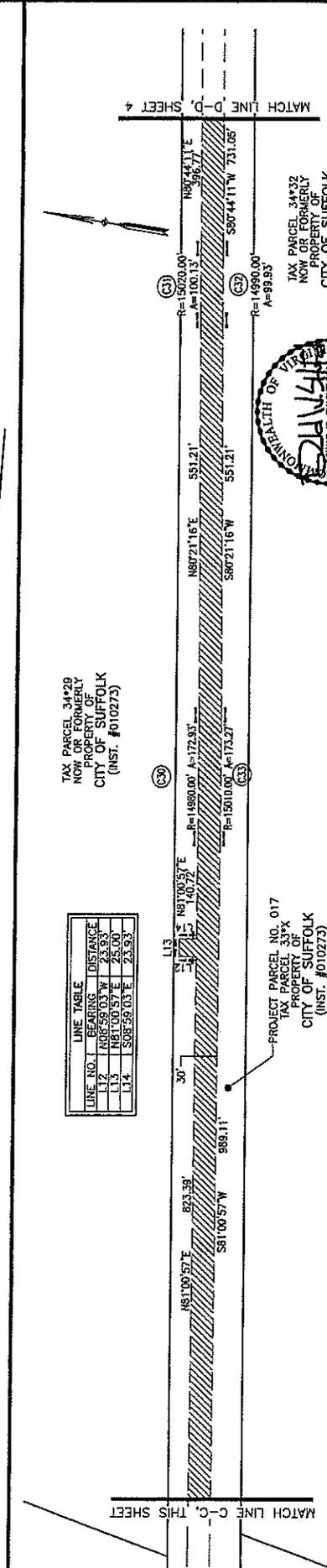
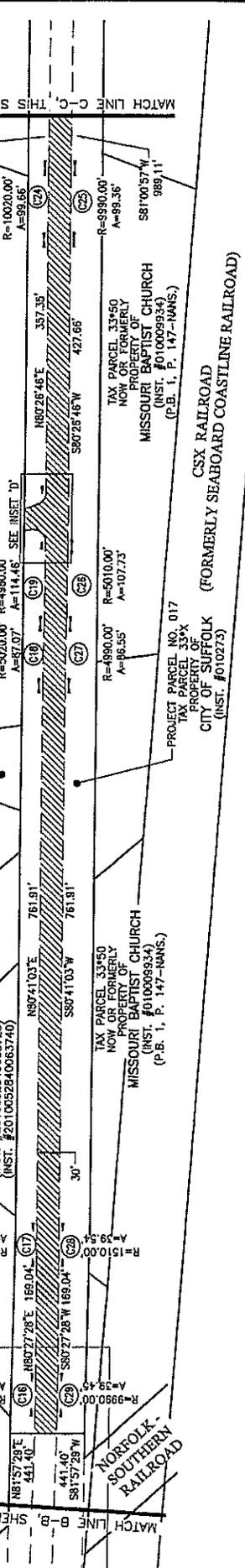
ROUTES 12 & 58
 12
 58

TAX PARCEL 33*50
 NOW OR FORMERLY
 PROPERTY OF
 JOSEPH RAY FREDMAN JR., ETALS
 (D.B. 160, P. 571-NANS.)
 (INST. #2010052840083720)
 (P.B. 1, P. 7-NANS.)

TAX PARCEL 33*50
 NOW OR FORMERLY
 PROPERTY OF
 MISSOURI BAPTIST CHURCH
 (D.B. 90, P. 544-NANS.)
 (P.B. 1, P. 7-NANS.)

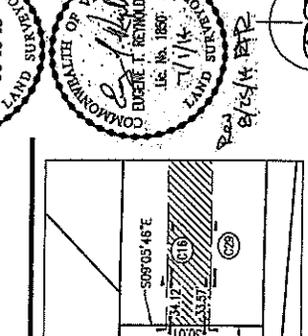
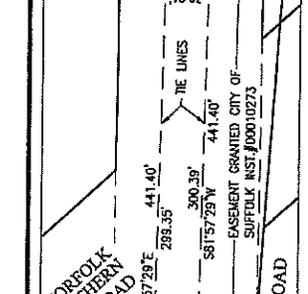
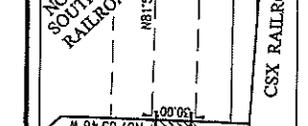
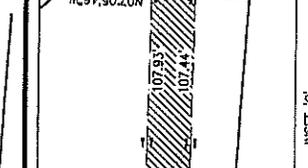
TAX PARCEL 33*50
 NOW OR FORMERLY
 PROPERTY OF
 MISSOURI BAPTIST CHURCH
 (P.B. 1, P. 147-NANS.)
 (INST. #01009934)

TAX PARCEL 34*29
 NOW OR FORMERLY
 PROPERTY OF
 CITY OF SUFFOLK
 (INST. #010273)



LINE NO.	BEARING	DISTANCE
1.12	N08°59'03"E	23.93
1.13	N81°00'57"E	25.00
1.14	S08°59'03"E	23.93

NO	RADIUS	DELTA	ARC LENGTH	CHORD	BEARING
C16	1480.00	01°30'01"	58.76	19.38	08°33'
C17	1070.00	00°13'35"	39.57	13.93	N81°14'45"E
C18	5020.00	00°59'30"	81.07	43.54	07°07'
C19	4950.00	01°19'02"	114.48	61.23	N81°10'10"E
C20	17.50	108°07'22"	32.41	23.79	N27°17'59"E
C21	190.00	07°08'45"	6.64	3.92	N24°42'19"W
C22	15.00	08°13'12"	21.52	10.78	S30°42'53"E
C23	15.00	08°13'12"	21.52	10.78	S57°11'22"E
C24	1070.00	00°59'30"	81.07	43.54	S88°43'51"W
C25	15010.00	00°11'35"	107.73	53.08	107°27'
C26	14950.00	00°59'35"	88.55	43.28	S81°10'52"W
C27	4950.00	00°13'35"	39.45	19.73	S80°34'16"W
C28	15100.00	01°30'01"	58.76	19.38	S81°12'29"W
C29	15100.00	01°30'01"	58.76	19.38	N80°41'07"E
C30	15200.00	00°29'55"	72.93	36.46	S80°39'44"W
C31	14950.00	00°29'55"	72.93	36.46	S80°39'44"W
C32	15010.00	00°59'31"	107.27	53.08	S80°41'07"W
C33	15010.00	00°59'31"	107.27	53.08	S80°41'07"W



SEE SHEET 1 FOR SURVEY NOTES.
 INDEX, REVISION NOTES AND AREAS
 RESOURCES

1	2	3
---	---	---

INDEX, REVISION NOTES AND AREAS
 RESOURCES

SEE SHEET 1 OF 8 FOR SURVEY NOTES, LOCATION MAP AND AREA TABLES

SCALE: 1" = 60'

INSET 'C'

INSET 'D'

SCALE: 1" = 50'

PLAT SHOWING
 30' AND VARIABLE WIDTH
 PERMANENT UTILITY EASEMENTS, 30' HRSD
 PERMANENT ACCESS EASEMENT AND
 TEMPORARY CONSTRUCTION EASEMENT
 TO BE ACQUIRED FROM
 CITY OF SUFFOLK
 BY
 HAMPTON ROADS SANITATION DISTRICT
 FOR
 HOLLAND ROAD 24" INTERCEPTOR FORCE MAIN
 SECTION A - PHASES 1 & 2
 HOLY NECK & SUFFOLK DISTRICTS SUFFOLK, VIRGINIA
 MARCH 26, 2014
 REVISIONS: AUGUST 25, 2014
 SCALE: 1"=100'

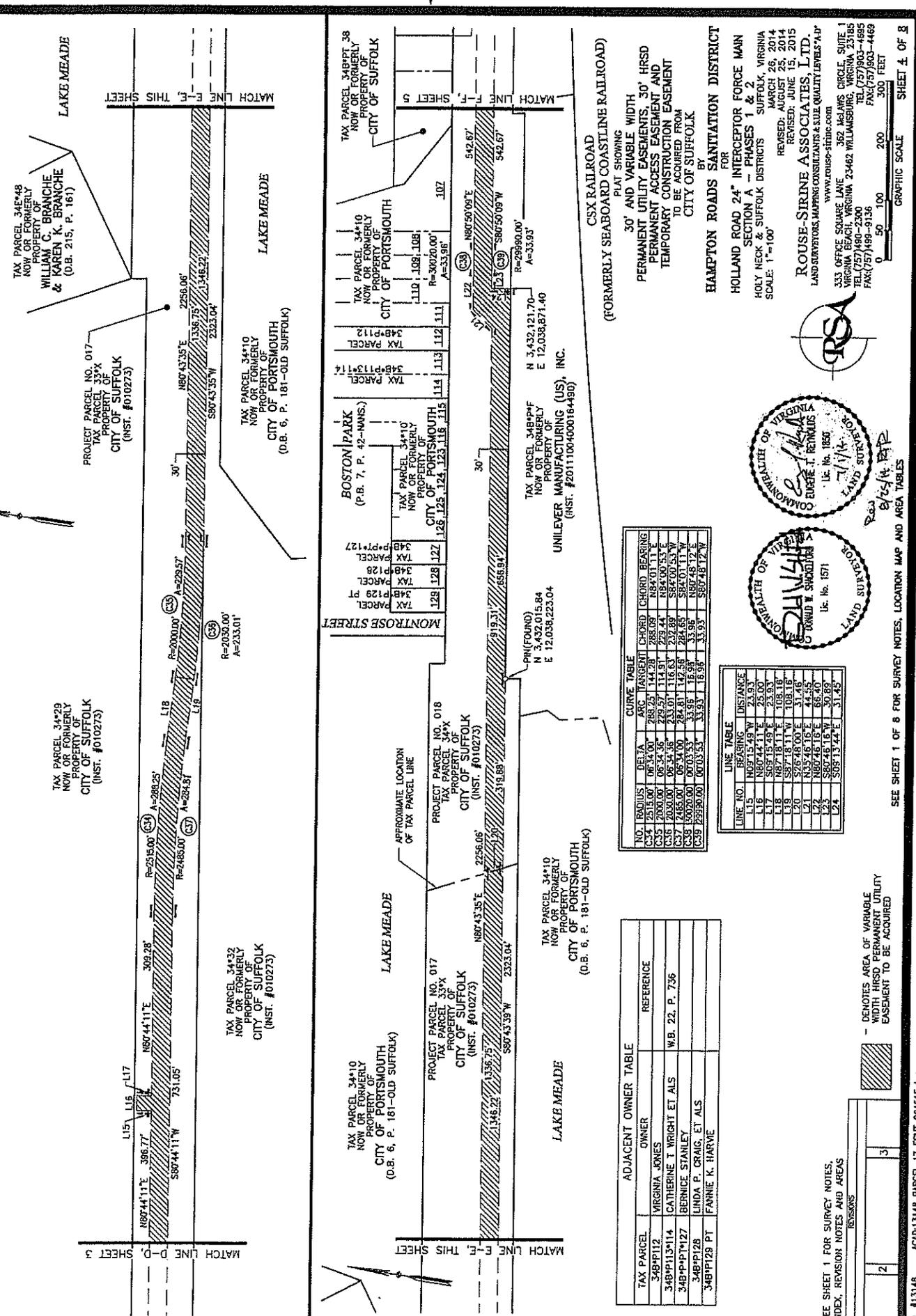
LAND SURVEYORS, MAPPING CONSULTANTS & SUE QUALITY LEVELS 'A' P
ROUSE-SIRINE ASSOCIATES, LTD.
 www.rouse-sirine.com
 333 OFFICE SQUARE LANE 362 IRLANDS CIRCLE, SUITE 1
 VIRGINIA BEACH, VIRGINIA 23462 WILLIAMSBURG, VIRGINIA 23165
 TEL: (757) 480-2300 TEL: (757) 903-4685
 FAX: (757) 489-9136 FAX: (757) 903-4469

STATE OF VIRGINIA
 COMMONWEALTH OF VIRGINIA
 DOUGLAS RICHMOND
 LAND SURVEYOR
 LIC. No. 1860
 8/15/14 PEP

GRAPHIC SCALE
 0 50 100 200 300 FEET
 SHEET 3 OF 8

J.O. #13148 ACAD:13148 PARCEL 17 ESMT 061515.019

PROJECT PARCELS NO. 017 & 018
 PROPERTY OF: CITY OF SUFFOLK
 ACCOUNT #: 253112700 153676700
 TAX PARCEL: 34% 34%



ADJACENT OWNER TABLE

TAX PARCEL	OWNER	REFERENCE
348P112	VIRGINIA JONES	
348P113/114	CATHERINE I WRIGHT ET ALS	W.B. 22, P. 736
348P117/127	BERNICE STANLEY	
348P1128	LINDA P. CRAIG, ET ALS	
348P129 PT	FANNIE K. HARVE	

CURVE TABLE

NO	RADIUS	DELTA	CHORD	CHORD BEARING
C34	2000.00	85.34	276.57	N84.01.11 E
C35	2000.00	85.34	276.57	N84.01.11 E
C36	2000.00	85.34	276.57	N84.01.11 E
C37	2000.00	85.34	276.57	N84.01.11 E
C38	2000.00	85.34	276.57	N84.01.11 E
C39	2000.00	85.34	276.57	N84.01.11 E

LINE TABLE

LINE NO.	BEARING	DISTANCE
L15	N87.15.43 W	21.00
L16	N87.44.11 E	25.00
L17	S05.15.45 E	23.93
L18	N87.18.11 E	108.18
L19	S87.48.00 E	31.46
L20	N87.48.16 E	64.36
L21	S87.48.16 W	30.28
L22	S87.48.16 W	30.28
L23	S87.48.16 W	30.28
L24	S87.48.16 W	30.28

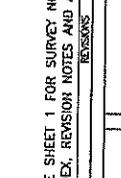
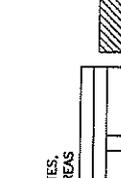
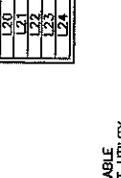
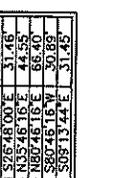
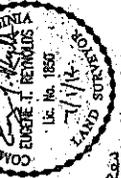
- DENOTES AREA OF VARIABLE WIDTH HRSD PERMANENT UTILITY EASEMENT TO BE ACQUIRED

SEE SHEET 1 FOR SURVEY NOTES, INDEX, REVISION NOTES AND AREAS

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		

CSX RAILROAD
 (FORMERLY SEABOARD COASTLINE RAILROAD)
 PLAT SHOWING
 30' AND VARIABLE WIDTH
 PERMANENT UTILITY EASEMENTS, 30' HRSD
 PERMANENT ACCESS EASEMENT AND
 TEMPORARY CONSTRUCTION EASEMENT
 TO BE ACQUIRED FROM
 CITY OF SUFFOLK
 BY
 HAMPTON ROADS SANITATION DISTRICT
 FOR
 HOLLAND ROAD 24' INTERCEPTOR FORCE MAIN
 SECTION A - PHASES 1 & 2
 HOLY NECK & SUFFOLK DISTRICTS
 SUFFOLK, VIRGINIA
 SCALE: 1"=100'
 REVISED: AUGUST 25, 2014
 REVISED: JUNE 15, 2015



PROJECT PARCELS NO. 019 & 021

PROPERTY OF: CITY OF SUFFOLK
 ACCOUNT # 353726800
 TAX PARCEL: 34689X

TAX PARCEL 34610(A)*32-33
 NOW OR FORMERLY
 PROPERTY OF
 SUFFOLK LODGE 685
 BENEVOLENT AND PROTECTIVE
 ORDER OF ELKS OF THE
 UNITED STATES OF AMERICA
 (D.B. 42, P. 171-OLD SUFFOLK)
 (D.B. 54, P. 159-OLD SUFFOLK)

TAX PARCEL 34610(A)*31
 NOW OR FORMERLY
 PROPERTY OF
 RREF BB-VA OIL LLC
 (INST. #20121015000197710)

TAX PARCEL 34610(A)*30
 NOW OR FORMERLY
 PROPERTY OF
 PROJECT PARCEL NO. 019
 TAX PARCEL 34689X
 CITY OF SUFFOLK
 (INST. #010273)

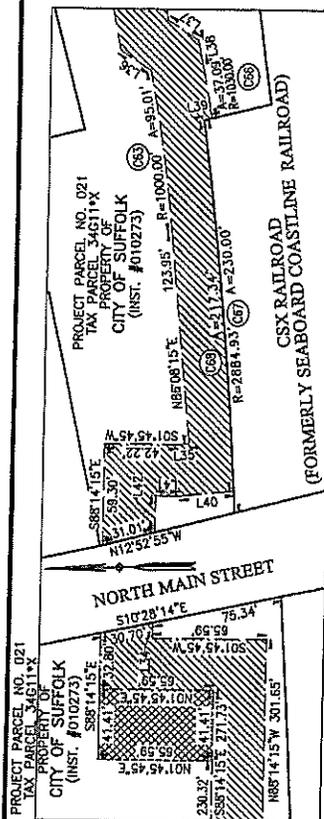
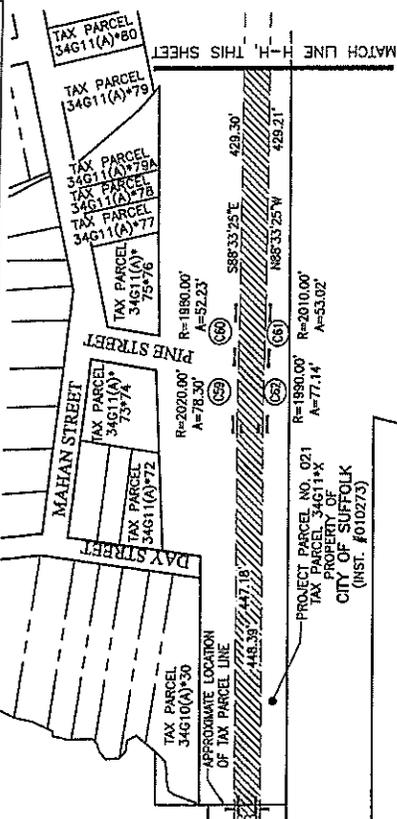
TAX PARCEL 34610(A)*30
 APPROXIMATE LOCATION
 OF TAX PARCEL LINE

ADJACENT OWNER TABLE

TAX PARCEL	OWNER	REFERENCE
34610(A)*30	ULYSSES S. MEELY & ELEANOR MEELY	D.B. 97, P. 459
34610(A)*22	SHERMAN A. VINCENT	INST. #040009106
34610(A)*7974	ROBERT L. BAILOTT	INST. #20080928000134610
34610(A)*7978	JEFFERY C. ELLIOT	INST. #20081001000135840

ADJACENT OWNER TABLE

TAX PARCEL	OWNER	REFERENCE
34611(A)*77	MARGIE FORD THOMAS, ET ALS	W.B. 23, P. 322
34611(A)*78	PAMELA EDWARDS WEST, ET ALS	W.B. 11, P. 568
34611(A)*79A	CITY OF SUFFOLK	
34611(A)*79	DIANE L. DARDEN	D.B. 650, P. 21



LINE TABLE

LINE NO.	BEARING	DISTANCE
L34	S03°01'46"W	50.02
L34	N85°14'15"W	9.30
L35	S03°51'45"E	6.37
L36	N43°30'45"E	21.17
L37	S00°30'45"W	4.56
L38	N12°13'32"W	31.19
L40	N03°51'45"W	13.69
L42	N85°14'15"W	21.46

ADJACENT OWNER TABLE

TAX PARCEL	OWNER	REFERENCE
34611(A)*80	ALBERT JONES, JR.	INST. #20070201000021520
34611(A)*88	MARY HOLLAND GOODE	INST. #20100523000052930
34611(A)*88	BACK BAY OUTDOORS, LLC	INST. #03000052926
34611(A)*90	BACK BAY OUTDOORS, LLC	INST. #0095544

PLAY SHOWING
 30' AND VARIABLE WIDTH
 PERMANENT UTILITY EASEMENTS, 30' HRSD
 PERMANENT ACCESS EASEMENT AND
 TEMPORARY CONSTRUCTION EASEMENT
 TO BE ACQUIRED FROM
 CITY OF SUFFOLK

BY
 HAMPTON ROADS SANITATION DISTRICT
 FOR
 HOLLAND ROAD 24" INTERCEPTOR FORCE MAIN
 SECTION A - PHASES 1 & 2
 HOLY NECK & SUFFOLK DISTRICTS
 SUFFOLK, VIRGINIA
 SCALE: 1"=100'
 REVISION: AUGUST 26, 2014
 REVISED: JUNE 15, 2015

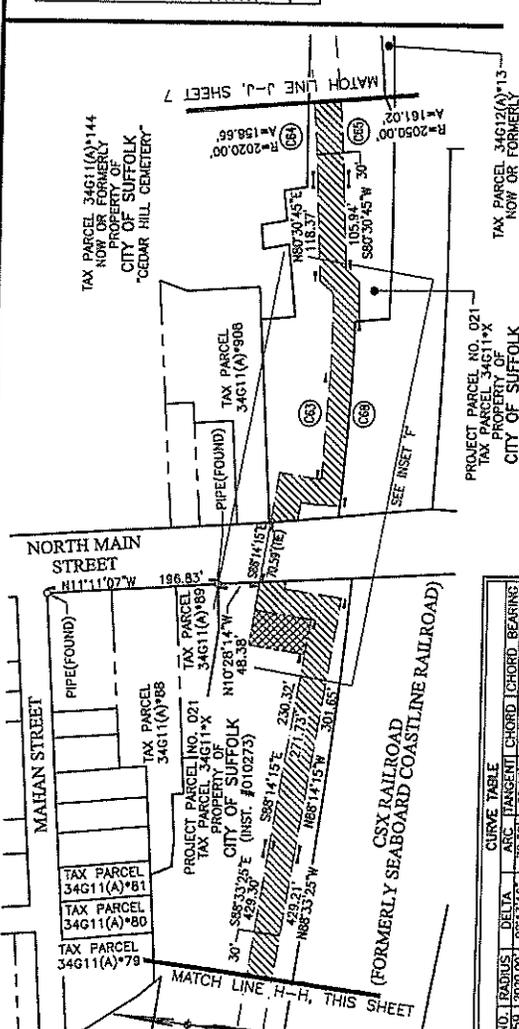
ROUSE-SIRINE ASSOCIATES, LTD.
 333 OFFICE SQUARE LANE
 VIRGINIA BEACH, VIRGINIA 23462
 TEL: (757)480-2300
 FAX: (757)489-8136

362 NAGLANS CIRCLE, SUITE 1
 WILLIAMSBURG, VIRGINIA 23185
 TEL: (757)960-4885
 FAX: (757)960-4469

300 FEET
 200
 100
 50
 0

GRAPHIC SCALE

SHEET 6 OF 8



CURVE TABLE

NO.	TRADIUS	DELTA	ARC	CHORD	CHORD BEARING
C58	1920.00	02°13'16"	78.30	39.16	78.30
C59	1950.00	01°30'41"	52.23	26.12	52.23
C60	2000.00	01°30'41"	53.02	26.51	53.02
C61	2000.00	02°13'16"	77.14	38.56	77.14
C62	1950.00	02°13'16"	77.14	38.56	77.14
C63	1950.00	04°30'01"	161.09	79.36	161.09
C64	2000.00	04°30'01"	161.09	79.36	161.09
C65	2050.00	02°03'47"	37.68	18.25	37.68
C66	2050.00	04°34'04"	230.00	115.06	230.00
C67	2884.93	04°16'59"	217.34	109.72	217.34
C68	2884.93	04°16'59"	217.34	109.72	217.34

SEE SHEET 1 FOR SURVEY NOTES,
 INDEX, REVISION NOTES AND AREAS

REVISIONS

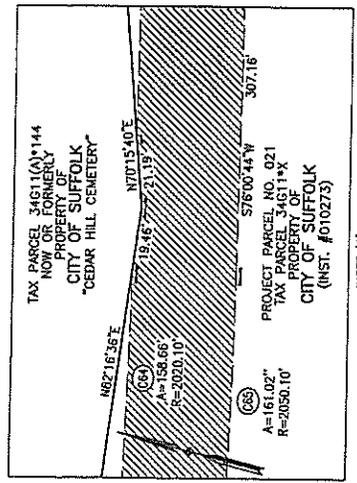
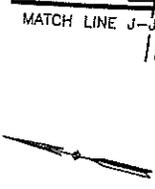
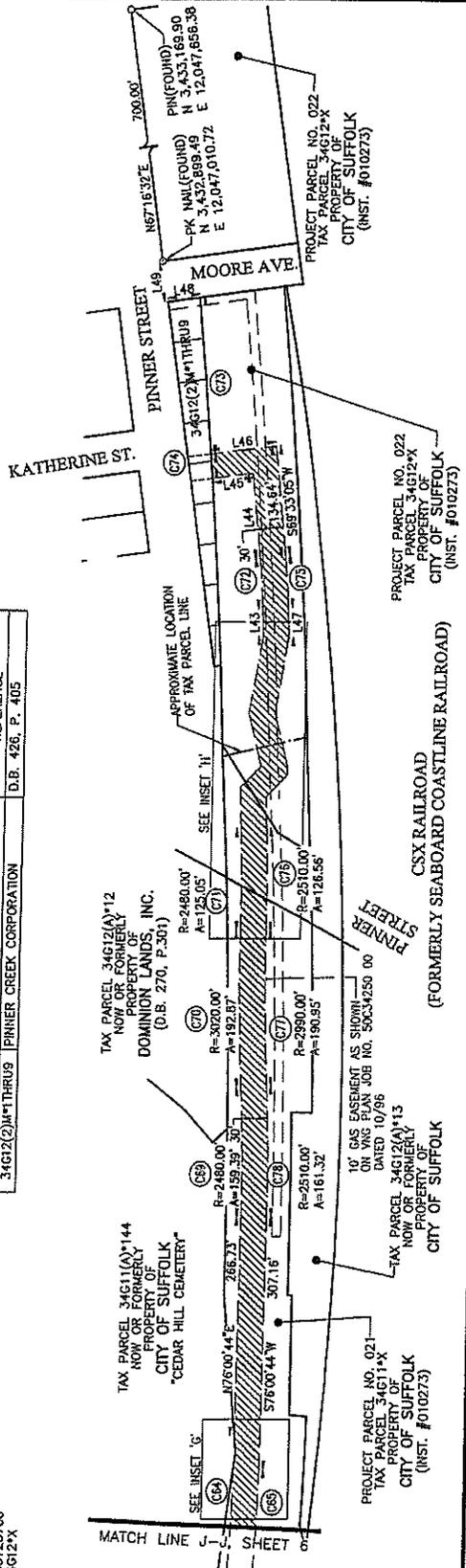
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SEE SHEET 1 OF 8 FOR SURVEY NOTES, LOCATION MAP AND AREA TABLES

J.O. #13148 ACAD-13148 PARCEL 17 ESMT 061515.dwg

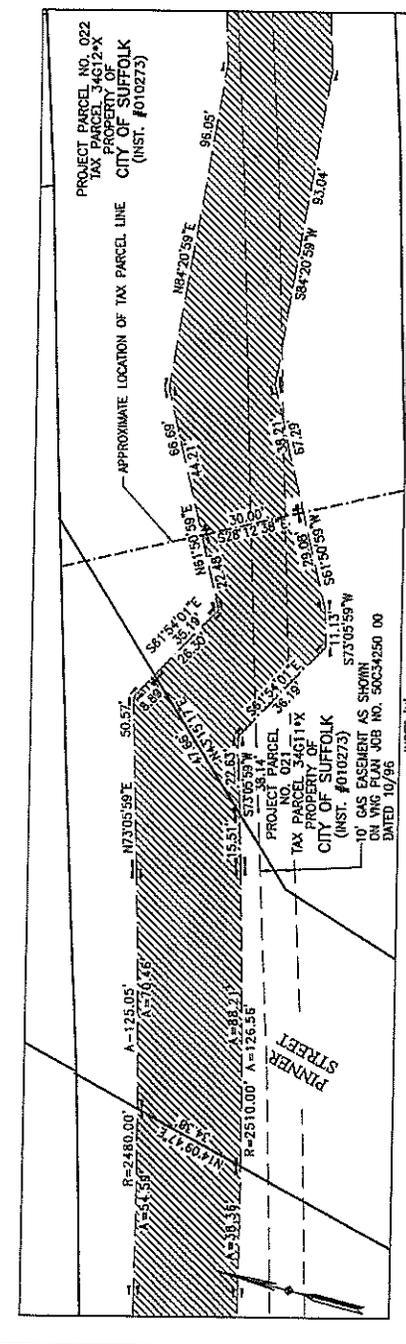
PROJECT PARCELS NO. 021 & 022
 PROPERTY OF: CITY OF SUFFOLK
 ACCOUNT # 353726800
 TAX PARCEL: 34611*X
 34612*X

TAX PARCEL	ADJACENT OWNER TABLE	REFERENCE
34612(2)M*THRU9	OWNER PINNAR CREEK CORPORATION	D.B. 426, P. 405



INSET 'G'
SCALE: 1" = 25'

LINE NO.	BEARING	DISTANCE
L4.3	N73°05'59"E	51.94
L4.4	N89°33'05"E	103.81
L4.5	N27°00'58"W	46.66
L4.6	S22°00'36"E	77.91
L4.7	S73°05'59"W	50.06
L4.8	N22°43'28"W	39.22
L4.9	N67°16'32"E	50.00



INSET 'H'
SCALE: 1" = 25'

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C54	2480.00	04°30'01"	158.65	78.37	158.67	N76°15'44"E
C55	2480.00	04°30'01"	158.65	78.37	158.67	N76°15'44"W
C56	2480.00	04°30'01"	158.65	78.37	158.67	S76°15'44"W
C57	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C58	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W
C59	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C60	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W
C61	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C62	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W
C63	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C64	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W
C65	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C66	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W
C67	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C68	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W
C69	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C70	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W
C71	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C72	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W
C73	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C74	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W
C75	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C76	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W
C77	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C78	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W
C79	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"E
C80	2480.00	04°30'01"	158.65	78.37	158.67	N74°10'16"W

SEE SHEET 1 FOR SURVEY NOTES, INDEX, REVISION NOTES AND AREAS

NO.	REVISIONS
1	
2	
3	

J.O. #13148 ACAD:13148 PARCEL 17 ESMT 061515.dwg

--- DENOTES AREA OF VARIABLE WIDTH 30' HRSD PERMANENT UTILITY EASEMENT TO BE ACQUIRED.

SEE SHEET 1 OF 8 FOR SURVEY NOTES, LOCATION MAP AND AREA TABLES

PLAT SHOWING
 30' AND VARIABLE WIDTH
 PERMANENT UTILITY EASEMENTS, 30' HRSD
 PERMANENT ACCESS EASEMENT AND
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 BY
 HAMPTON ROADS SANITATION DISTRICT
 FOR
 SECTION A PHASES 1 & 2
 HOLLAND ROAD 24" INTERCEPTOR FORCE MAIN
 HOLY NECK & SUFFOLK DISTRICTS
 SUFFOLK, VIRGINIA
 SCALE: 1"=100'
 REVISIONS
 REVISION NO. DATE
 1 AUGUST 2014
 2 JUNE 15 2015

ROUSE-SIRINE ASSOCIATES, L.T.D.
 LAND SURVEYORS, ENGINEERS AND ASPIRE QUALITY LEVELS 'A/P'
 www.rouse-sirine.com
 333 OFFICE SQUARE SUITE 100
 VIRGINIA BEACH, VIRGINIA 23462
 TEL: (757) 490-2300 FAX: (757) 490-4665
 PAX: (757) 490-4665



AGENDA: August 19, 2015, Regular Session

ITEM: Consent Agenda -- A resolution to adopt the 2015 edition of the City of Suffolk Emergency Operations Plan, as revised

§ 44-146.19-E of the Code of Virginia requires that each jurisdiction perform comprehensive review and revision of its emergency operations plan every four years to ensure that the plan remains current. The revised plan shall be formally adopted by the locality's governing body.

RECOMMENDATION:

Adopt the attached resolution

ATTACHMENT:

Resolution

RESOLUTION NUMBER _____

A RESOLUTION TO ADOPT THE 2015 EDITION OF THE CITY OF SUFFOLK EMERGENCY OPERATIONS PLAN, AS REVISED

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

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

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

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

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

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

READ AND ADOPTED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

AGENDA: August 19, 2015, Regular Session

ITEM: Public Hearing – An ordinance to grant a Conditional Use Permit to establish a nightclub (live entertainment), on property located at 137 W. Washington Street, Zoning Map 34G18(2), Parcel 13; C10-15

Attached for your consideration is information pertaining to Conditional Use Permit Request, C10-15, Toke Hookah, LLC, submitted by Eurnicka Artis, applicant(s), on behalf of 147 W. Washington Street, LLC, property owner(s), in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a nightclub (live entertainment) as a component to an existing business on property located at 137 W. Washington Street, Zoning Map 34G18(2), Parcel 13. The affected area is further identified as being located in the Suffolk Voting Borough, zoned CBD, Central Business District zoning district and HC, Historic Conservation Overlay District. The 2035 Comprehensive Plan designates this area as a part of the Central Growth Area, Mixed Use Core Use District.

The Planning Commission, at the meeting of July 21, 2015, voted 8 to 0 to approve a resolution recommending **approval** of this request with conditions.

ATTACHMENTS:

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

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request, C10-15, Toke Hookah, LLC, submitted by Eurnicka Artis, applicant(s), on behalf of 147 W. Washington Street, LLC, property owner(s), in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance.

APPLICANT: Eurnicka Artis, applicant(s), on behalf of 147 W. Washington Street, LLC, property owner(s).

LOCATION: The affected property is located at 137 West Washington Street and is further identified as Zoning Map 34G18(2), Parcel 13, Suffolk Voting Borough.

PRESENT ZONING: The zoning of the property is CBD, Central Business District and is located within the Historic Conservation Overlay District (HC).

EXISTING LAND USE: The applicant currently operates a hookah lounge in the commercial storefront unit. The property contains historic mercantile buildings. Commercial storefronts occupy the first floor of the building along West Washington Street. The rear of the first floor and the upper stories of the buildings contain residential apartments.

PROPOSED LAND USE: The applicant proposes to operate a nightclub (live entertainment) in association with the existing hookah lounge.

ADJACENT LAND USES: The surrounding area is zoned CBD, Central Business District with the adjacent properties consisting of first floor mercantile and second floor residential uses, typical of a downtown area. The properties are located in an overlay zone of Historic Conservation which governs modifications to the exterior of the structure. To the south of the buildings is the city-owned Cherry Street parking lot.

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

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

CERTIFICATION OF PUBLIC NOTICE: This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance.

CASE HISTORY: Historically, the subject building and adjacent structures have been used for

mercantile purposes. In 2013, a Conditional Use Permit Request C13-13 to permit a mixed-use multi-family building with an increase in residential density was approved.

As a consequence of its location within the Historic Conservation Overlay District, a Certificate of Appropriateness is required for the exterior modifications. A number of prior Certificates of Appropriateness (COA) have been approved for these structures. In September 2013, HC2013-16 was approved by the Historic Landmarks Commission for the exterior renovation of the building.

STAFF ANALYSIS

ISSUE

The applicant is requesting approval to utilize the first floor unit of the building located at 137 West Washington Street for a nightclub (live entertainment) in conjunction with the existing hookah lounge. The lounge is not proposing to serve alcohol or hot food. Currently, coffee, tea, soft drinks and package snack foods are offered.

According to the applicant, Toke Hookah Lounge will provide entertainment in the form of amplified live jazz music and karaoke in addition to poetry reading and belly dancing. Live singing or karaoke is proposed to be from 6:30pm to 10:00pm. The venue contains a seating area and is permitted for a maximum of 49 occupants. All entertainment will occur inside the building on a stage located on the left side of the unit (opposite of the door). The first floor also contains the kitchen and bathroom facilities. A schematic floor plan has been provided by the applicant (Exhibit C) that identifies the location of the stage, seating area, bathroom facilities and bar area.

The hours of operation are proposed to be Tuesday through Thursday from 11:00am - 12:00 midnight and Friday and Saturday from 11:00am – 2:00am. The venue will be closed on Sunday and Mondays.

CONSIDERATIONS AND CONCLUSIONS

1. *Use Regulations* – A nightclub is defined in the Unified Development Ordinance as a bar, restaurant or similar establishment where a dance floor or live entertainment is provided. Based on this definition, the proposed introduction of live entertainment as a component of the existing Hookah Lounge, the use has been classified as a nightclub. In accordance with Table 406-1 of the Unified Development Ordinance (UDO), nightclubs are permitted within the CBD, Central Business District with approval of a conditional use permit.

The Unified Development Ordinance establishes specific criteria for development and uses within the Central Business District. The Central Business District provides concentrated downtown civic, retail, service, office, residential and other uses. In order

to stimulate pedestrian activity, the first floor of any new non-residential building abutting a major arterial roadway, minor arterial roadway or major collector roadway shall devote not less than 50% of the net first floor area to retail business or personal service uses. Additional criteria address the pedestrian orientation of first floor uses. The first floor of all non-residential buildings shall be designed to encourage and to complement pedestrian-scale activity. The storefront of the existing building is in accordance with the development criteria of the CBD, Central Business District.

2. **Public Facilities** – The purpose and intent of adequate public facilities is to ensure that public facilities are available to support the new use and the associated impacts and that each public facility meets or exceeds the Level of Service standards established by the 2035 Comprehensive Plan and the Unified Development Ordinance. Public utilities are available in the area and already sized adequately for the proposed use.
3. **Parking** – The off-street parking requirements outlined in the UDO requires a minimum of one space per 2 seats. The estimated parking requirement for the nightclub use is 24 spaces. Parking for this business is provided by the adjoining municipally-owned facilities. The Director of Planning may waive onsite parking requirements within the CBD based on the availability of adequate public parking to serve the aforementioned parking needs. There are City-owned parking lots in the vicinity that have adequate parking capacity. Additionally, there are on-street parking spaces available along Washington Street and Saratoga Street.
4. **Building Code** - The subject property contains a two story structure. The first floor unit identified as 137 West Washington Street is the subject of this Conditional Use Permit request. Customer ingress / egress is provided by a single entryway. The Maximum Occupancy Load of the venue is 49 occupants. The Certificate of Occupancy does not allow alcohol to be provided and only permits the serving of prepackaged foods and bottled or can drinks.
5. **Historic Character** - The buildings along West Washington Street are zoned Central Business District (CBD) and Historic Conservation (HC) Overlay District. The 1995 Historic Preservation Plan for the City of Suffolk identified West Washington Street as a Historic Commercial Corridor. The Suffolk Historic District Design Guidelines identified the area as being within City's Historic Urban Core. The structure is considered contributing to the historic district and, thus, any future exterior modifications to the structure will require the review and approval of the Suffolk Historic Landmarks Commission.
6. **Conditional Use Permit Approval Criteria (Section 31-306)** - Pursuant to Section 31-306 of the UDO, a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

As may be specified within the zoning district, uses permitted subject to conditional use review shall be permitted only after review by the Planning Commission and approval by the City Council only if the applicant demonstrates that:

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

The request to permit live entertainment as a component to an existing business may be permitted as conditional use in the CBD zoning district per the City's Unified Development Ordinance. No supplemental standards have been established for the proposed use.

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

The proposed use would be located in an existing downtown business. The operation of a nightclub (live entertainment) at this location should have little impact on surrounding properties or public services. The operation of a nightclub is similar to other uses that are allowed within the Central Business District and would enhance visual interest and activity the along West Washington Street corridor.

The property is surrounded by other commercial uses in the CBD, Central Business District. The CBD district provides concentrated downtown civic, retail, service, office, residential and other uses to promote pedestrian activity and to promote the unique character of the downtown core. Residential apartments have been completed adjoining and above the subject commercial unit along this block of West Washington Street. The Mixed Use Core district designation under the 2035 Comprehensive Plan encourages a mixture of uses to create a vibrant downtown district.

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

The request for a nightclub (live entertainment) has been reviewed by the City's Traffic Engineering Department who expressed no concerns regarding parking or traffic for the proposed use and location.

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

The applicants are proposing live entertainment consisting of live jazz music and karaoke in addition to poetry reading and belly dancing. The applicants have stated that the hours of operation for the establishment will be Tuesday through Thursday from 11:00am - 12:00 midnight and Friday and Saturday from 11:00am – 2:00am. The venue will be closed on Sunday and Mondays. The live entertainment component is proposed to be from 6:30pm to 10:00pm. Surrounding land uses consist primarily of businesses, however, there are residential apartments located on the same and upper floor of the subject building and adjoining buildings. The floor plan schematic submitted by the applicant (Exhibit C) identifies a stage located on the side of the unit opposite of the public entrance on West Washington Street. The proposed use should not create issues with excessive noise or vibration on adjacent or surrounding uses out of character with those typically found in a vibrant mixed-use downtown district.

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

The owner of the building is currently leasing residential apartments on the same floor and upper floor of the subject building and adjoining buildings. In that regard, existing or future tenants should be made aware of the proposed live entertainment use that would occupy the first floor unit of the building.

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

The use of this property as a nightclub (live entertainment) will provide entertainment to enhance the downtown area. The continued use and revitalization of historic buildings in the downtown area should have a positive impact on the surrounding area.

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

The use should not be a detriment or an endangerment to the public. The recommended conditions of approval offered by staff serve to address the potential impacts to public safety and general welfare should they result from assembly of patrons at this location. The conditions would require that the applicant maintain an alarm system and video surveillance at all times. In addition, the applicant would be responsible for compliance with all local and state laws including activities conducted at the facility. Violation of the any of conditions of the use permit could result in revocation of the permit by City Council.

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

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

RECOMMENDATION

The encouragement of a variety of uses in the downtown area is a goal of both the Comprehensive Plan and the zoning criteria established by the Unified Development Ordinance for the Central Business District. The type of use being proposed is consistent with the City's vision to create a vibrant downtown with pedestrian activity. The ability to continue the orderly development of the downtown business district should not be impacted by the proposed use. In that regard, staff recommends **approval** of the Conditional Use Permit to allow a nightclub (live entertainment) with the following conditions.

1. This permit is granted to establish nightclub (live entertainment) as defined in the Unified Development Ordinance in conjunction with the an existing business at 137 W. Washington St. and, as shown on Exhibit B, Zoning/Land Use Map and Exhibit C, Floor Plan.
2. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia.
3. The applicant shall be responsible for all activities conducted at the facility.
4. Interior and exterior lighting shall be provided and maintained at all entrance/exit points.
5. An alarm system shall be provided and maintained in good working order. The presence of the alarm system shall be advertised to deter break-ins. The alarm system shall be registered with the Suffolk Police Department.
6. Digital video surveillance shall be provided and maintained at all entrance/exits points. There shall be an employee on staff that is able to operate the surveillance system available at all times. The applicant shall provide copies of the surveillance photos and videos to the police as requested and have a monitor available for viewing on-site.
7. Occupancy of the nightclub shall be determined by the Building Official and the Fire Marshal. The operator shall clearly post the occupancy load of the establishment and shall monitor patron count to ensure compliance. The maximum capacity of the facility shall be posted near the main patron door.

8. Use of pyrotechnics shall be prohibited.
9. Applicant shall be responsible to minimize any associated loitering which may occur and maintain free passage of all sidewalk areas adjacent to the facility.
10. If security staff or bouncers are employed by the business they shall be DCJS certified with proof of current certification and one DCJS Security Guard will be provided for every 75 people in the establishment.
11. There shall be no noise i.e. music, live entertainment, which will rise to such a level as to violate Suffolk City Code 34-189.

The Planning Commission, at their meeting of July 21, 2015, voted 8 to 0 to approve a resolution recommending **approval** of this request with conditions.

Attachments

- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Zoning/Land Use Map
- Exhibit C – Floor plan

Toke Hookah Lounge

Toke Hookah Lounge (also called a shisha bar or den in Britain, The Mid East and parts of Canada, or hookah bar) is an establishment centralized in Downtown Suffolk Va where patrons share shisha (flavored tobacco/nicotine free/herbal) from a communal hookah which is placed at each table. Toke Hookah Lounge is regarded by some as a novel and chic way to relax, socialize and embrace multiculturalism.

This new venture in the city of Suffolk Va has brought great excitement from, local government, developers, local patrons and communities.

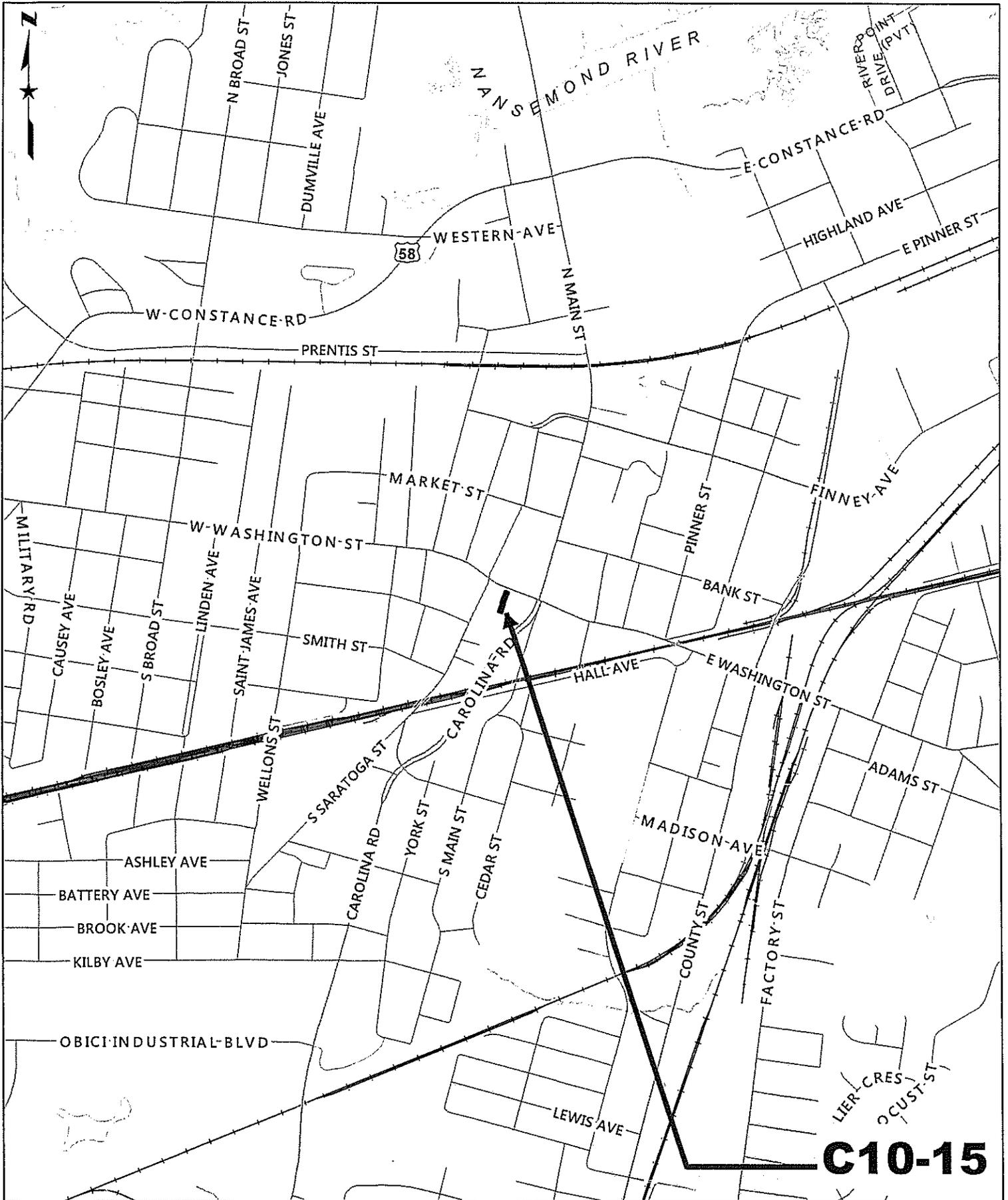
As you enter the doors of Toke Hookah Lounge you will be greeted at the hostess station where you will be given a menu that includes flavored shishas, packaged sandwiches, chips and drinks. You will also be asked your seating preference, whether it be custom window seating or our Mid Eastern inspired chairs that are colorful and very relaxing. As you are seated and as you bask in the great decor of vibrant colors, custom made preparation area, imported chandeliers and the view of Historic Downtown Suffolk, a waiter/waitress will verify the number of patrons in your party to determine the size of Hookah you will need as well as the number of disposable mouthpieces. Upon that determination, the waiter/waitress will ask what flavor of Shisha will be desired. Once all details are verified, the waiter/waitress will return to the preparation area and prepare the Hookah for the guest.

While enjoying your Hookah, packaged food and drinks we have installed two 60 inch televisions with surround sound so you can enjoy C-Span, CNN, MTV, etc. There are designated areas for our business colleagues to come in, read over business material, maybe brief a case, or hold a small business meeting. At Toke Hookah Lounge there will be no alcohol or hot food served. We will derive the bulk of our revenue from the sale of coffee, tea, soft drinks and packaged snack foods.

Hours of Operation will be Closed on Sunday and Mondays. Tuesday - Thursday 11am to midnight. Friday - Saturday 11am to 2am.

It was our hope to open our doors just as the narrative states above, nothing more, nothing less and eventually as our business grows, expand to poetry reading, karaoke, live jazz music, and belly dancing to embrace the culture from which Hookah derived.

General Location Map



ORDINANCE NUMBER _____

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A NIGHTCLUB (LIVE ENTERTAINMENT) ON PROPERTY LOCATED AT 137 W. WASHINGTON STREET, ZONING MAP 34G18(2); PARCEL 13; C10-15

WHEREAS, Eurnicka Artis, applicant(s), on behalf of 147 W. Washington Street, LLC, property owner(s), has requested a conditional use permit for a nightclub (live entertainment) in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance on a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 34G18(2), Parcel 13 which land is depicted on Exhibit "B"; and,

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

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

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

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

Section 1. Exhibits.

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

Section 2. Findings.

Council finds that the proposal for a conditional use permit, as submitted or modified with conditions herein, the expressed purpose of which is to establish a nightclub (live entertainment), is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any

theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities with the conditions set forth below.

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

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of a nightclub (live entertainment) is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

The conditional use permit for the Property be, and it is hereby, approved for the Property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The conditional use permit specifically permits a nightclub (live entertainment) in compliance with Exhibit "C" (the "Floor plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This permit is granted to establish nightclub (live entertainment) as defined in the Unified Development Ordinance in conjunction with the an existing business at 137 W. Washington St. and, as shown on Exhibit B, Zoning/Land Use Map and Exhibit C, Floor Plan.
2. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia.
3. The applicant shall be responsible for all activities conducted at the facility.
4. Interior and exterior lighting shall be provided and maintained at all entrance/exit points.
5. An alarm system shall be provided and maintained in good working order. The presence of the alarm system shall be advertised to deter break-ins. The alarm system shall be registered with the Suffolk Police Department.
6. Digital video surveillance shall be provided and maintained at all entrance/exits points. There shall be an employee on staff that is able to operate the surveillance

system available at all times. The applicant shall provide copies of the surveillance photos and videos to the police as requested and have a monitor available for viewing on-site.

7. Occupancy of the nightclub shall be determined by the Building Official and the Fire Marshal. The operator shall clearly post the occupancy load of the establishment and shall monitor patron count to ensure compliance. The maximum capacity of the facility shall be posted near the main patron door.
8. Use of pyrotechnics shall be prohibited.
9. Applicant shall be responsible to minimize any associated loitering which may occur and maintain free passage of all sidewalk areas adjacent to the facility.
10. If security staff or bouncers are employed by the business they shall be DCJS certified with proof of current certification and one DCJS Security Guard will be provided for every 75 people in the establishment.
11. There shall be no noise i.e. music, live entertainment, which will rise to such a level as to violate Suffolk City Code 34-189.

Section 4. General Conditions.

- (a) The conditional use permit may be revoked by City Council upon failure to comply with any of the conditions contained herein, after ten days written notice to 147 Washington Street, LLC, property owner, or their successors in interest, and a hearing at which such persons shall have the opportunity to be heard.
- (b) To the extent applicable, the requirements set forth in Section 31-306 of the Code of the City of Suffolk, Virginia shall be met.
- (c) The commencement of the use described in Section 3 of this ordinance shall be deemed acceptance by 147 Washington Street, LLC, property owner, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

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

Section 6. Recordation.

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

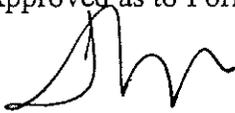
Section 7. Effective Date.

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

READ AND PASSED: _____

TESTE: _____
Erika Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Exhibit A

RESOLUTION NO. 15-07-1

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT
C10-15**

WHEREAS, Eurnicka Artis, applicant(s), on behalf of 147 W. Washington Street, LLC, property owner, has requested the issuance of a conditional use permit for a certain tract of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and

WHEREAS, the specific request is to permit a nightclub (live entertainment) in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

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

Section 1. Findings.

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

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

Section 2. Recommendation to Council.

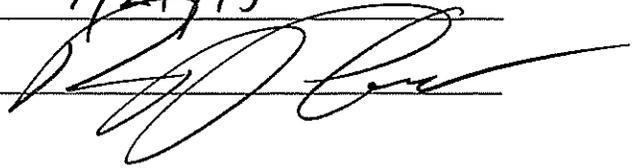
The Planning Commission recommends to City Council that the request, C10-15, be:

- a. Granted as submitted, and that the City Council adopt the proposed Ordinance without modification.

b. Denied, and that Council not adopt the proposed Ordinance.

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

READ AND ADOPTED: 7/21/15

TESTE: 

**CONDITIONAL USE
C10-15**

CONDITIONS

1. This permit is granted to establish nightclub (live entertainment) as defined in the Unified Development Ordinance in conjunction with the an existing business at 137 W. Washington St. and, as shown on Exhibit B, Zoning/Land Use Map and Exhibit C, Floor Plan.
2. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia.
3. The applicant shall be responsible for all activities conducted at the facility.
4. Interior and exterior lighting shall be provided and maintained at all entrance/exit points.
5. An alarm system shall be provided and maintained in good working order. The presence of the alarm system shall be advertised to deter break-ins. The alarm system shall be registered with the Suffolk Police Department.
6. Digital video surveillance shall be provided and maintained at all entrance/exits points. There shall be an employee on staff that is able to operate the surveillance system available at all times. The applicant shall provide copies of the surveillance photos and videos to the police as requested and have a monitor available for viewing on-site.
7. Occupancy of the nightclub shall be determined by the Building Official and the Fire Marshal. The operator shall clearly post the occupancy load of the establishment and shall monitor patron count to ensure compliance. The maximum capacity of the facility shall be posted near the main patron door.
8. Use of pyrotechnics shall be prohibited.
9. Applicant shall be responsible to minimize any associated loitering which may occur and maintain free passage of all sidewalk areas adjacent to the facility.
10. If security staff or bouncers are employed by the business they shall be DCJS certified with proof of current certification and one DCJS Security Guard will be provided for every 75 people in the establishment.
11. There shall be no noise i.e. music, live entertainment, which will rise to such a level as to violate Suffolk City Code 34-189.

131 WEST WASHINGTON COMMERCIAL B:

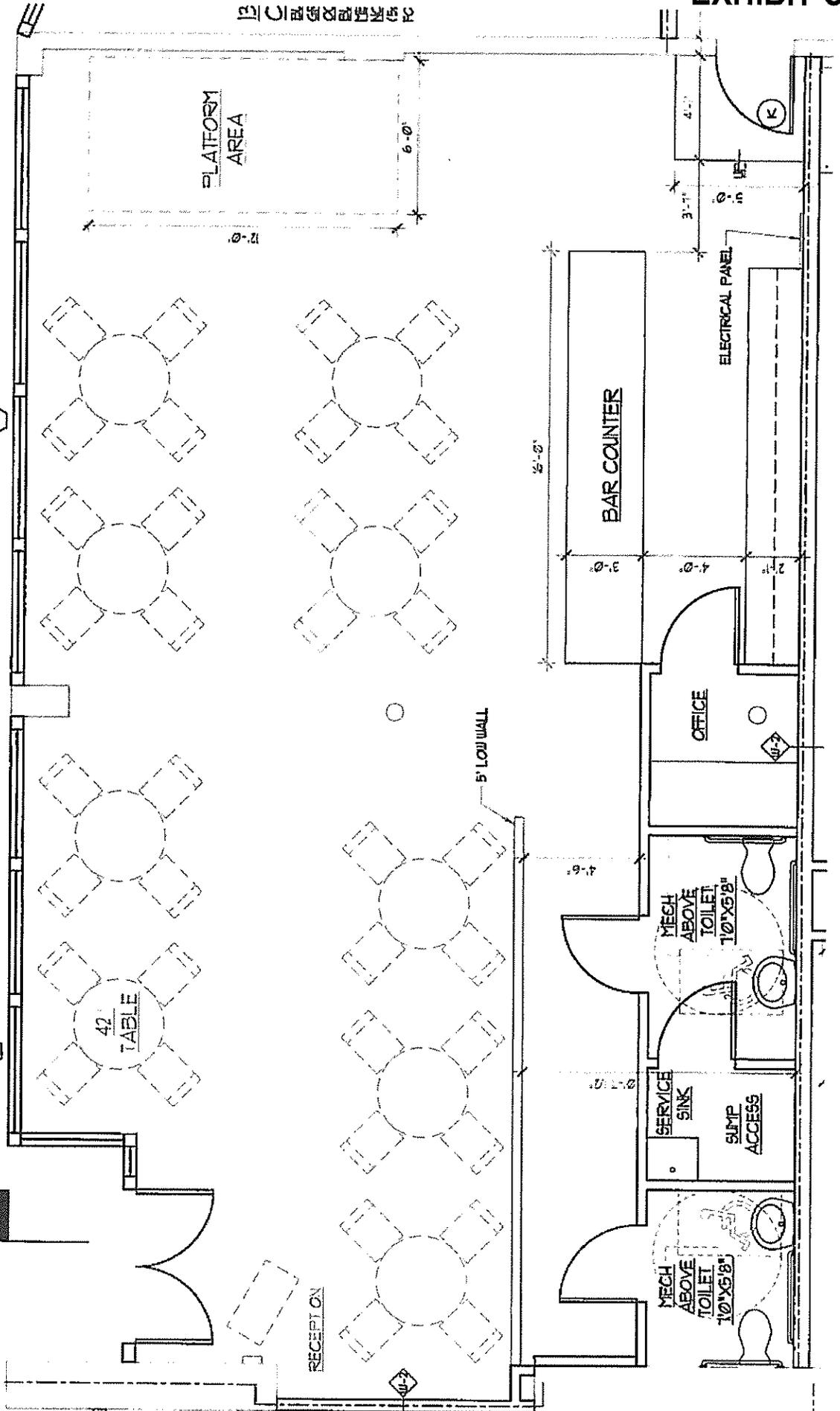
GROSS AREA: 1506 SF
 NEW USE: HOOKAH LOUNGE
 OCCUPANT LOAD: (PER IBC 2009 TABLE 1004.1.1)
 SEATING AREA: 41 (109 SF, 1 PER 65F)
 REMAINING AREA: 8 (191, 1 PER 100SF)
 41 & 8 = 55 OCCUPANTS
 NOTE: DRINKING FOUNTAIN REQUIREMENT TO BE PROVIDED BY
 BOTTLED WATER DISPENSER

131-139

COMMERCIAL B FINISHES:

WOOD FLOORING
 GYP WALLBOARD WALLS PAINTED
 X6 WOOD BASE PAINTED
 X4 WOOD TRIM PAINTED
 FLUSH SLAB INTERIOR DOORS PAINTED
 METAL CEILING TILE
 MECHANICAL EQUIPMENT ABOVE RESTROOMS
 EXPOSED SPIRAL DUCT BELOW METAL CEILING

133-135



AGENDA: August 19, 2015, Regular Session

ITEM: Public Hearing – An ordinance to grant a variance from the Lot Layout Standards pertaining to Through Lots of the Unified Development Ordinance for property located at 5501 Bennett’s Pasture Road, Zoning Map 11A, Parcels A, B, C and F; V01-15

Attached for your consideration is information pertaining to Subdivision Variance Request, V01-15, submitted by BLR Partnership, applicant on behalf of James R. Rountree and John Dwight Bradshaw, property owners, in accordance with Sections 31-308 and 31-515 of the Unified Development Ordinance, to grant a variance to the Lot Layout Standards of Section 31-605 of the Unified Development Ordinance to permit the creation of a Through Lot on the property located at 5501 Bennett’s Pasture Road, Zoning Map 11A, Parcels A, B, C and F. The affected areas are identified as being located in the Sleepy Hole Voting Borough, zoned B-1, Neighborhood Commercial zoning district and SCOD, Special Corridor Overlay zoning district. The 2035 Comprehensive Plan designates this area as a part of Northern Growth Area, Suburban Use District.

The Planning Commission, at their meeting of July 21, 2015, voted 7 to 0 (with an abstention by Commissioner Rountree) to approve a resolution recommending **approval** of this request with conditions.

ATTACHMENTS:

- Staff Report
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Zoning/Land Use Map
- Exhibit C – Generalized Lot Layout

STAFF REPORT

DESCRIPTION

VARIANCE REQUEST: Variance Request V01-15, for a variance to the Lot Layout Standards of Section 31-605 of the Unified Development Ordinance to permit the creation of a Through Lot.

APPLICANT: BLR Partnership, applicant on behalf of James R. Rountree and John Dwight Bradshaw, property owners.

LOCATION: The site is located at 5501 Bennett's Pasture Road and is further identified as Tax Map Number 11A, Parcels A, B, C and F.

PRESENT ZONING: B-1, Neighborhood Commercial zoning district and SCOD, Special Corridor Overlay zoning district.

EXISTING LAND USE: A portion of the site is currently developed with an office building and associated lot improvements. The remainder of the site is undeveloped.

PROPOSED LAND USE: The applicant is seeking a variance from the Lot Layout Standards to create a Through Lot on the property to facilitate the development of an additional commercial office building.

SURROUNDING LAND USES:

North – RLM district, Single-family residential (Nansemond Shores subdivision);

South – RL district, agricultural;

East – O-I district, agricultural;

West – RLM district, Single-family residential (Nansemond Shores subdivision).

COMPREHENSIVE PLAN: The 2035 Comprehensive Plan designates this area as a part of Northern Growth Area, Suburban Use District.

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

STAFF ANALYSIS

Through a series of property line adjustments and a vacation of internal common property lines, the applicant proposes to combine three existing lots into a single lot of record. The resulting lot, if approved, will be a through lot, having double frontage on Bennett's Pasture Road and Cavalier Road.

As proposed, the resulting through lot does not comply with the lot layout standards of Section 31-605. Consequently, the applicant is requesting the subdivision variance. In accordance with Section 31-515, Subdivisions – Variances and Appeals, of the Unified Development Ordinance (UDO), the City Council, upon the recommendation of the Planning Commission, may authorize exceptions to the general regulations of the subdivision regulations in cases of unusual situations or when strict adherence to the general regulations would result in practical difficulties or hardship. The applicants are requesting a variance to the lot layout standards of Section 31-605 of the UDO to permit the creation of a Through Lot.

CONSIDERATIONS

Section 31-605(i) of the Unified Development Ordinance states: “Through Lots shall be avoided, except where dictated by topographical conditions or where necessitated by a lot layout which restricts access to abutting collector, arterial, expressway or freeway streets. Lots adjacent to arterial, expressway or freeway streets shall access frontage roads, parallel streets or service drives to eliminate the need for direct access. Vehicular access restrictions shall be noted on final plat documents.”

As provided in Section 31-515, Subdivisions – Variances and Appeals of the Unified Development Ordinance (UDO), a variance may be approved by the City Council upon finding that extraordinary hardships or practical difficulties may result from strict compliance with the subdivision regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal. Substantial justice may be done and the public interest secured by the approval of the Variance, provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City Council shall not approve the request unless it makes findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variance, exception or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;

*Granting of the Variance will not be detrimental to the public safety, health, or welfare or injurious to other property. The property may be developed for the intended neighborhood commercial use without the benefit of a Variance. However, approval of the variance would permit increased flexibility in regard to the development of the overall site, allow better use of the existing infrastructure, and provide vehicular access from Bennett’s Pasture Road rather than Cavalier Road. In contrast, under the current lot configuration two existing commercially zoned lots (Tax Parcels 11A*B and 11A*C) only front on Cavalier Road, a local residential street.*

In order to mitigate any potential adverse impacts to the adjacent residential homes fronting on Cavalier Road, consideration should be given to requiring the establishment of a non-ingress/egress easement along the full frontage of Cavalier Road as a condition of approval should the request be granted.

- (2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

The conditions of the request are unique to the property and are not applicable to any similar properties located in the general area given the existing lot layout, public road network, and zoning designation of the subject and adjacent properties.

- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

Based on the physical surroundings, shape, and lot layout of the property customer vehicles and commercial trucks seeking to access two (2) of the existing lots would be required to utilize Cavalier Road which is a residential road to access the properties. This constraint may limit the commercial viability of the properties while also negatively impacting the adjacent residential neighborhood by introducing commercial vehicle traffic on to Cavalier Road.

- (4) The relief sought will not in any manner vary the provisions of the Zoning Ordinance (Article 4), *Comprehensive Plan*, or Official Map, except that those documents may be amended in the manner prescribed by law.

Approval of the variance request would not vary the zoning provision of Article 4, Comprehensive Plan, or Official Zoning Map. As previously noted, the circumstances surrounding this request are unique and not generally shared with other properties.

The property is currently served by City water and sewer. The Department of Public Utilities has indicated no objections to the proposed variance.

Traffic Engineering has recommended approval of the variance request with the establishment of a non-ingress/egress easement along the full frontage of Cavalier Road.

The Department of Public Works has not provided any objections to the proposal, however they did indicate the property may be subject to frontage improvements, right-of-way dedication, and easement dedications which will be addressed during the subdivision and site plan review processes.

RECOMMENDATION

Upon reviewing this application, staff feels the conditions upon which the request is based are unique to the property due the existing physical surroundings, shape, and lot layout of the

property and that practical difficulties may result from strict compliance with the regulations and that substantial justice may be done and the public interest secured by the approval of the variance. In that regard, it is the opinion of staff that the findings outlined in Section 31-515 of the Unified Development Ordinance have been made. Therefore, staff recommends **approval** of Conditional Use Permit request V01-15 with the following conditions.

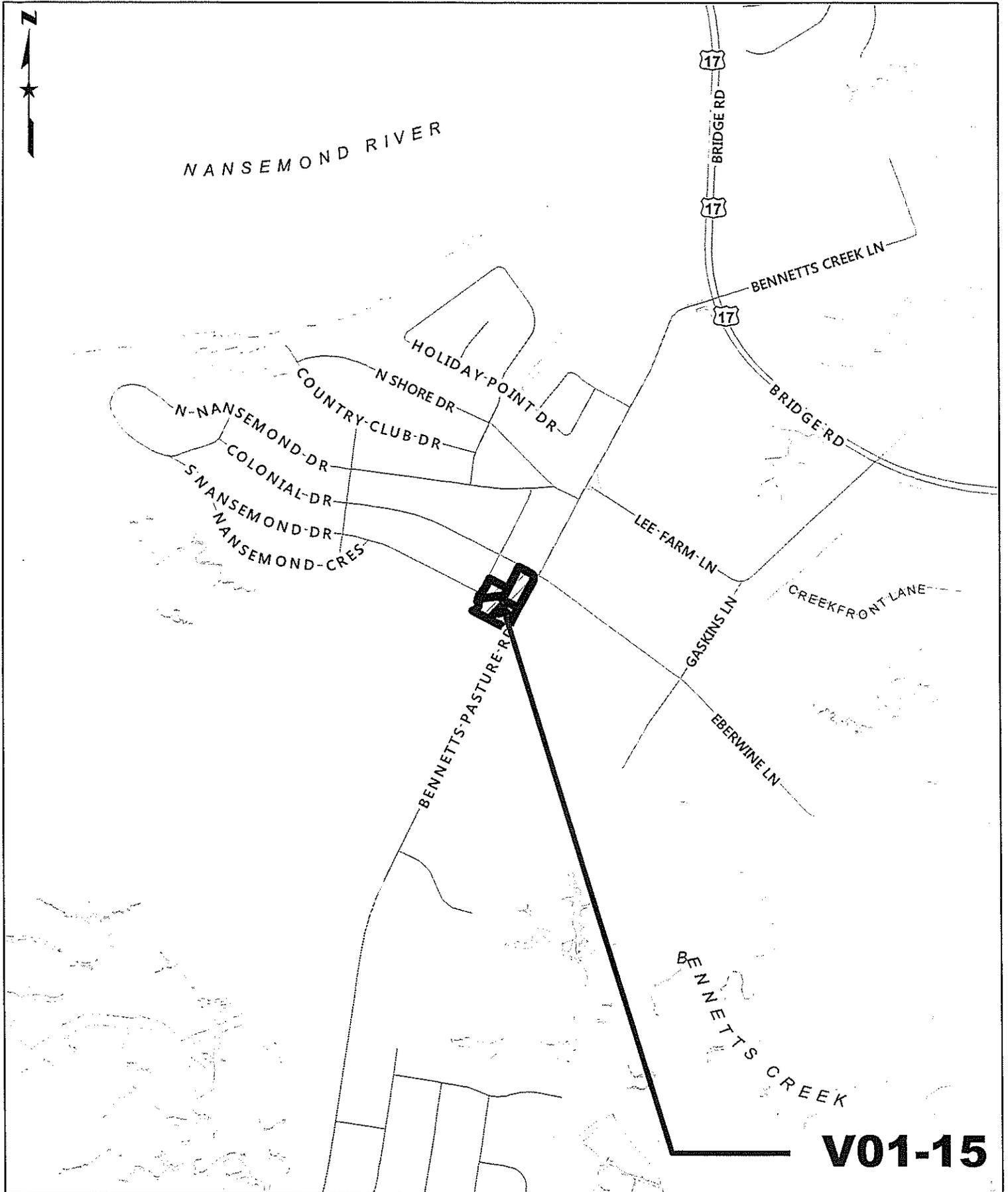
1. This variance to the lot layout standards is granted to establish a Through Lot as defined in the Unified Development Ordinance at 5501 Bennett's Pasture Road, Zoning Map 11A, Parcel(s) A, B, C and, as shown on Exhibit B, Zoning/Land Use Map and Exhibit C, Resubdivision Plat.
2. A resubdivision plat shall be submitted, approved, and recorded to vacate/relocate property lines as shown on Exhibit C, Resubdivision Plat and to establish a 5-foot wide non-ingress/egress easement along Cavalier Road.

The Planning Commission, at their meeting of July 21, 2015, voted 7 to 0 (with an abstention by Mr. Roundtree) to approve a resolution recommending **approval** of this request with conditions.

Attachments

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

General Location Map



V01-15

ORDINANCE NUMBER _____

AN ORDINANCE TO GRANT A VARIANCE FROM THE LOT LAYOUT STANDARDS PERTAINING TO THROUGH LOTS OF THE UNIFIED DEVELOPMENT ORDINANCE FOR PROPERTY LOCATED AT 5501 BENNETT'S PASTURE ROAD, TAX MAP 11A, PARCELS A, B, C, AND F; V01-15

WHEREAS, BLR Partnership, applicant on behalf of James R. Rountree and John Dwight Bradshaw, property owners, has requested a variance from the requirements of the City's Unified Development Ordinance for a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Tax Map and Zoning Map of the City of Suffolk, Virginia, as Zoning Map 11A, Parcels A, B, C, and F (the "Property"), and which land is depicted on Exhibit "A"; and,

WHEREAS, the procedural requirements of Article 3, Section 31-308 and Article 5, Section 31-515, of the Code of the City of Suffolk, Virginia (1998), have been followed; and,

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

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

Section 1. Exhibits.

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

Section 2. Findings.

City Council finds that the proposal for a variance, as submitted or modified with conditions herein, the expressed purpose of which is to obtain relief from the Lot Layout Standards pertaining to Through Lots of Article 6, Section 31-605 of the Unified Development Ordinance of the City of Suffolk, is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that:

- 1) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property;
- 2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- 3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner

would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

- 4) The relief sought will not in any manner vary the provisions of the Zoning Ordinance (Article 4), *Comprehensive Plan*, or Official Map, except that those documents may be amended in the manner prescribed by law.

Section 3. Variance Granted.

A variance from the requirements of Article 6, Section 31-605, Lot Layout Standards of the Unified Development Ordinance of the City of Suffolk for the Property be, and it is hereby, approved for the Property, subject to the following conditions set forth in Section 4 hereof. The variance specifically provides relief from Section 31-605, Lot Layout Standards, for the creation of a Through Lot as described in Exhibit "C", the "Generalized Lot Layout", and in accordance with Article 5, Section 31-515 of the Unified Development Ordinance of the City of Suffolk.

Conditions

1. This variance to the lot layout standards is granted to establish a Through Lot as defined in the Unified Development Ordinance at 5501 Bennett's Pasture Road, Zoning Map 11A, Parcel(s) A, B, C and, as shown on Exhibit B, Zoning/Land Use Map and Exhibit C, Generalized Lot Layout.
2. A resubdivision plat shall be submitted, approved, and recorded to vacate/relocate property lines as shown on Exhibit C, Generalized Lot Layout and to establish a 5-foot wide non-ingress/egress easement along Cavalier Road.

Section 4. General Conditions.

- (a) This variance shall authorize only that exception set forth in Section 3 above and no others. This variance shall not permit any use not otherwise allowed by the zoning applicable to the property.
- (b) The commencement of the use described in Section 3 of this Ordinance shall be deemed as acceptable by James R. Rountree and John Dwight Bradshaw, or any party undertaking such use of the conditions to which this variance is hereby granted.

Section 5. Severability.

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

remaining phrases, clauses, sentences, paragraphs, sections and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination.

Section 6. Recordation.

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

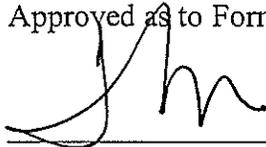
Section 7. Effective Date.

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

READ AND PASSED: _____

TESTE: _____
Erika Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING A VARIANCE REQUEST
V01-15**

WHEREAS, BLR Partnership, applicant on behalf of James R. Rountree and John Dwight Bradshaw, property owners, has requested a variance from the requirements of the City's Unified Development Ordinance for a certain tract of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and

WHEREAS, the specific request is that a variance be granted from the Lot Layout Standards required under Section 31-605, in accordance with Section 31-515 of the Unified Development Ordinance to permit the creation of a Through Lot.

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

X a. finds:

 b. does not find:

- 1) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property;
- 2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- 3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- 4) The relief sought will not in any manner vary the provisions of the Zoning Ordinance (Article 4) *Comprehensive Plan*, or Official Map, except that those

documents may be amended in the manner prescribed by law.

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, V01-15, be:

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

7/31/15

TESTE: _____

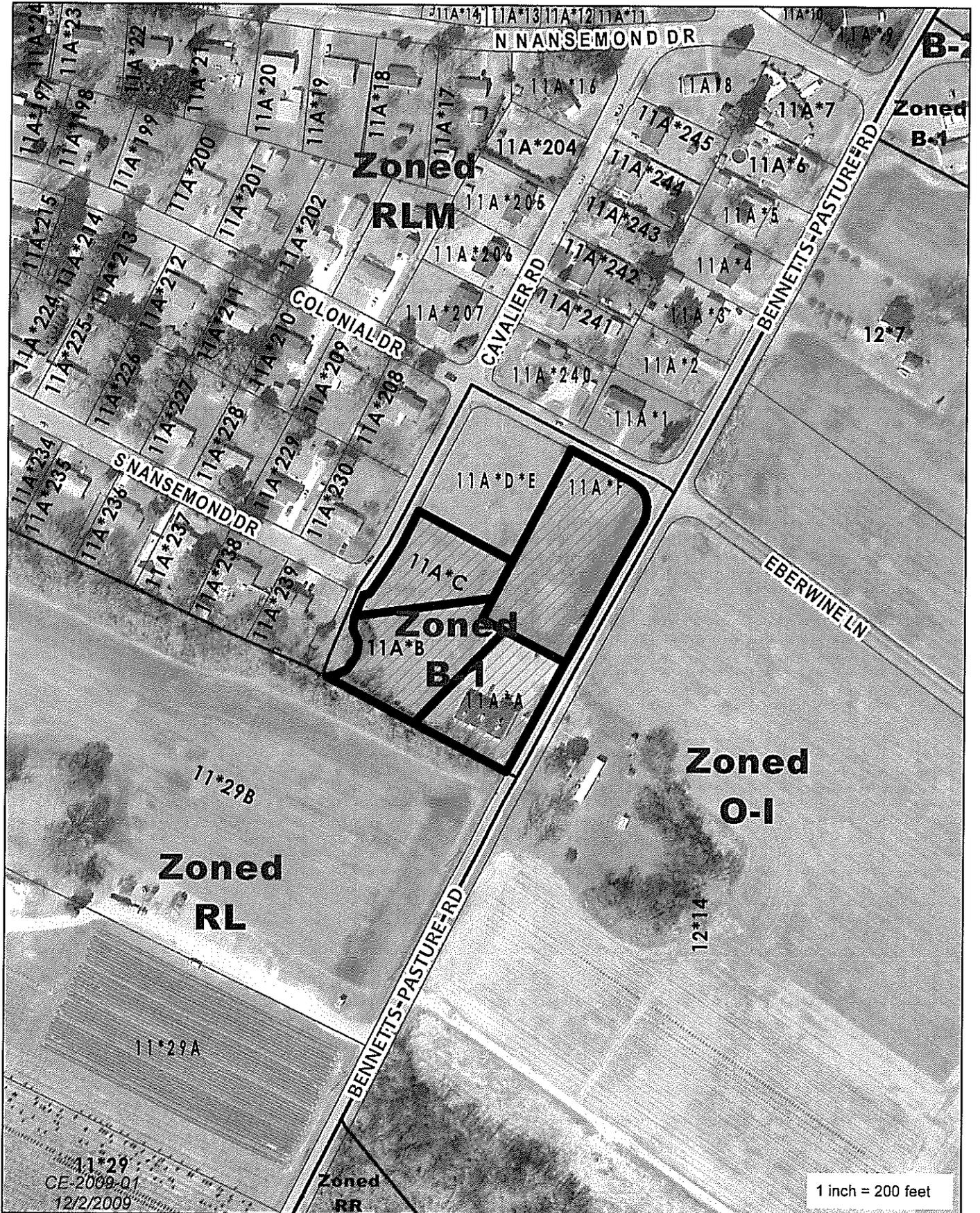
A handwritten signature in black ink, appearing to be "R. J. [unclear]", written over a horizontal line.

**SUBDIVISION VARIANCE
V01-15**

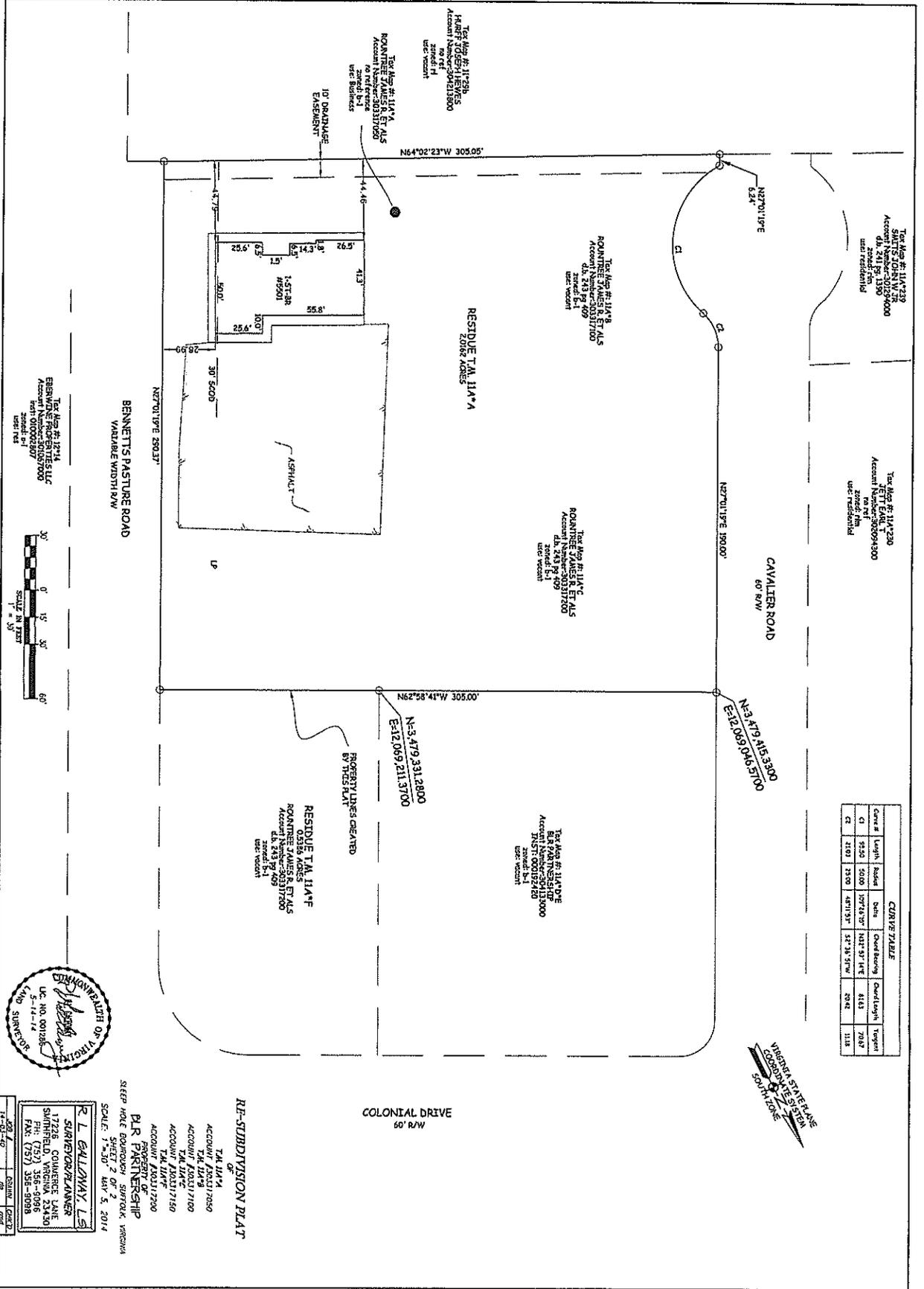
CONDITIONS

1. This variance to the lot layout standards is granted to establish a Through Lot as defined in the Unified Development Ordinance at 5501 Bennett's Pasture Road, Zoning Map 11A, Parcel(s) A, B, C and, as shown on Exhibit B, Zoning/Land Use Map and Exhibit C, Generalized Lot Layout.
2. A resubdivision plat shall be submitted, approved, and recorded to vacate/relocate property lines as shown on Exhibit C, Generalized Lot Layout and to establish a 5-foot wide non-ingress/egress easement along Cavalier Road.

V01-15 ZONING / LAND USE MAP



CURVE TABLE						
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length	Tangent
C1	95.50	50.00	107°43'07"	N41°57'41"E	64.63	70.67
C2	31.00	15.00	48°11'34"	S2°13'51"W	20.64	11.18



R.E. SUBDIVISION PLAT
 OF
T.M. 114*4
 ACCOUNT #200117050
 T.M. 114*4
 ACCOUNT #200117100
 T.M. 114*4
 ACCOUNT #200117150
T.M. 114*4
 ACCOUNT #200117200
PLR PARTNERSHIP
 SLEEP HOLE BARRACKS SUBTRACTION PLAT
 SHEET 2 OF 2
 SCALE: 1"=50' MAY 5, 2014

R. L. GALLAWAY, L.S.
 SURVEYOR/PLANNER
 1728 COMMERCE LANE
 SMITHFIELD, VIRGINIA 22430
 TEL: (757) 356-8000
 FAX: (757) 356-8008

AGENDA: August 19, 2015, Regular Session

ITEM: Public Hearing – An ordinance to authorize a quitclaim deed between the City of Suffolk, Grantor and Birdsong Corporation, Grantee for a portion of Mulberry Street that was vacated by the Council of the City of Suffolk, Virginia in Ordinance No. 85-94

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

On August 17, 1994, the City Council adopted Ordinance Number 85-94, which vacated and abandoned a portion of the right-of-way for Mulberry Street measuring approximately 60 feet in width and 150 feet in length. Per Section 2 of said ordinance, the ownership in said right-of-way shall vest as provided by law.

On August 2, 2001, a quitclaim deed was recorded in the Clerk's Office of the Circuit Court of the City of Suffolk conveying the eastern half of the subject vacated right-of-way to the owner of 601 Jefferson Street, the contiguous property to the east (Zoning Map 34G25(2)28, Parcel(s) 1*2*3).

The request now under consideration is to convey the western half of the subject vacated right-of-way to the Birdsong Corporation, owner of 597 Jefferson Street, the contiguous property to the west (Zoning Map 34G25(2)27, Parcel(s) 9*13).

RECOMMENDATION:

- Staff recommends approval of the attached ordinance.

ATTACHMENTS:

- Public Hearing Notice
- Ordinance
- Exhibit A – Ordinance No. 85-94
- Exhibit B – 2001 Quitclaim Deed
- Proposed Quitclaim Deed
- Exhibit C

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF SUFFOLK, VIRGINIA, WILL HOLD A PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AUTHORIZING A QUITCLAIM DEED BETWEEN THE CITY OF SUFFOLK, VIRGINIA, GRANTOR AND BIRDSONG CORPORATION, GRANTEEES FOR A PORTION OF MULBERRY STREET THAT WAS VACATED BY THE SUFFOLK CITY COUNCIL, ORDINANCE NO. 85-94.

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

THE PUBLIC HEARING, AT WHICH ALL INTERESTED PERSONS ARE ENCOURAGED TO SPEAK, WILL BE HELD DURING COUNCIL'S REGULAR MEETING BEGINNING AT 7:00 P.M. ON AUGUST 19, 2015, IN THE CITY COUNCIL CHAMBERS LOCATED IN CITY HALL AT 442 WEST WASHINGTON STREET, SUFFOLK, VIRGINIA.

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

ORDINANCE NUMBER _____

AN ORDINANCE TO AUTHORIZE A QUITCLAIM DEED BETWEEN THE CITY OF SUFFOLK, GRANTOR AND BIRDSONG CORPORATION, GRANTEE FOR A PORTION OF MULBERRY STREET THAT WAS VACATED BY THE COUNCIL OF THE CITY OF SUFFOLK, VIRGINIA IN ORDINANCE NO. 85-94

WHEREAS, by Ordinance Number 85-94, the Council of the City of Suffolk, Virginia vacated and abandoned a portion of the Mulberry Street right-of-way, said ordinance attached hereto as Exhibit A; and,

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

WHEREAS, on August 2, 2001, the ownership of the eastern half of said right-of-way was relinquished by the City to the owner of the contiguous property to the east by the execution of a quitclaim deed between the City of Suffolk, Grantor and Luella Thompson, Grantee, said quitclaim deed is attached hereto as Exhibit B; and,

WHEREAS, it has been requested that the City relinquish any rights it may have to the western half of said right-of-way to the owner of the contiguous property to the west by the execution of a quitclaim deed between the City of Suffolk, Grantor and the Birdsong Corporation, Grantee; and,

WHEREAS, the City Council held a public hearing on August 19, 2015 to consider the request to execute a quitclaim deed in reference to the previously vacated right-of-way.

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

- Section 1. The City Council hereby authorizes the execution of a quitclaim deed in substantially the same form as the attached, relinquishing whatever rights it may have to the previously vacated right-of-way as referenced in Exhibit "C".
- Section 2. The City Manager is authorized to execute the quitclaim deed and all necessary documents as evidence of the City's conveyance.
- Section 3. BE IT FURTHER ORDAINED that this ordinance shall be effective upon its passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Ordinance No. 85-94

AN ORDINANCE VACATING AND ABANDONING A PORTION
OF RIGHT OF WAY FOR MULBERRY STREET

WHEREAS, pursuant to Section 15.1-364 of the Code of Virginia, 1950, as amended, a public hearing was held on the vacation of the portion of the right of way for Mulberry Street on August 17, 1994, after due notice to the public and affected land proprietors; and

WHEREAS, upon consideration of the evidence, Council has found that no inconvenience would result from the vacation of said portion of the right of way.

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

Section 1: That the right of way for that portion of Mulberry Street beginning at the southeast corner of Mulberry and Jefferson Street proceeding south approximately 150 feet, west approximately 60 feet, north approximately 150 feet and east approximately 60 feet, and being in the City of Suffolk, Virginia, be, and the same hereby is, abandoned and vacated.

Section 2: That upon the effective date of this ordinance, the interest of the City of Suffolk, if any, to the right of way which is herein vacated shall cease, and ownership in said right of way shall vest as provided by law.

Section 3: That this said ordinance shall be contingent upon retention by the City a general utility and drainage easement over the entire vacated area, and execution and recordation of an appropriate deed.

Section 4: This ordinance shall be effective upon its passage, and shall not be published.

ADOPTED BY COUNCIL: August 17, 1994

TESTE: _____
City Clerk

Approved as to Form:

C. Edward Roettger, Jr., City Attorney

PAGE 289

010009215

Examined, verified and
mailed to City Attorney
Aug 2, 2001

THIS QUITCLAIM DEED, made and entered into this 2nd day of August, 2001, by and between CITY OF SUFFOLK, VIRGINIA, Grantor, whose address is 441 Market Street, Suffolk, Virginia 23434, party of the first part, and LUELLA THOMPSON, Grantee, whose address is 601 Jefferson Street, Suffolk, Virginia 23434, party of the second part.

WITNESSETH:

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

The portion of right of way east of the center line of that certain right of way for that portion of Mulberry Street beginning at the Southeast corner of Mulberry and Jefferson Streets, proceeding south approximately 150 feet along the property lines of Lots 1, 2, and 3, in Block 28, which lots are shown on the Plat of East Suffolk Land Company, recorded in the Clerk's Office of the Circuit Court of the City of Suffolk (formerly Nansemond County) in Deed Book 24 at page 539 (see also Plat Book 4 at page 9); thence west approximately 30 feet, thence north approximately 150 feet, and east approximately 30 feet.

It being a part of the same right of way vacated by the City of Suffolk by Ordinance No. 85-94, and adopted by the City Council of the City of Suffolk on August 17, 1994, a copy of said ordinance being attached hereto and made a part hereof.

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

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

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CITY ATTORNEY'S OFFICE
CITY OF SUFFOLK
POST OFFICE BOX 1838
SUFFOLK, VA 23439-1838
(757) 923-3001
(757) 923-0379 FAX

WITNESS the following signatures and seals:

CITY OF SUFFOLK, VIRGINIA

By:

Myles E. Standish
Myles E. Standish, City Manager

Attest:

Mary Lynn Dixon
Deputy City Clerk

Approved as to Form:

C. Edward Roettger, Jr.
C. Edward Roettger, Jr., City Attorney

COMMONWEALTH OF VIRGINIA,

CITY OF SUFFOLK, to-wit:

I, Dianne D. Williams, a Notary Public in and for the City and State
aforesaid, do hereby certify that Myles E. Standish, City Manager, and Mary Lynn Dixon,
whose names are signed to the foregoing writing bearing date on the 2nd day of August,
2001, have acknowledged the same before me this 2nd day of August, 2001.

My commission expires: 5-31-03

Dianne D. Williams
Notary Public

CITY ATTORNEY'S OFFICE
CITY OF SUFFOLK
POST OFFICE BOX 1158
SUFFOLK, VA 23430-1158
(757) 523-2001
(757) 523-0579 FAX

PAGE 291

INSTRUMENT #010009215
RECORDED IN THE CLERK'S OFFICE OF
SUFFOLK ON
AUGUST 2, 2001 AT 11:57AM
HENRY C. MURDEN, CLERK

BY: Sarah L. Knight (DC)

DRAFT

Prepared by and Return to:

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

Tax Account Number _____

The title insurance underwriter is unknown to the preparer.

THIS QUITCLAIM DEED is made as of the 9th day of July, 2014, by and between CITY OF SUFFOLK, VIRGINIA, Grantor, party of the first part; and BIRDSONG CORPORATION, a Virginia corporation, Grantee, whose mailing address is 612 Madison Avenue, Suffolk, VA 23434.

WITNESSETH:

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

The portion of right of way west of the center line of that certain right of way for that portion of Mulberry Street beginning at the Southwest corner of Mulberry and Jefferson Streets, proceeding south approximately 150 feet along the property lines of Tax Parcel 34G25(2)27*9*13, the property of Birdsong Corporation, conveyed to it in Deed Book 302, Page 287, recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia; thence East approximately 30 feet to the center line of the former right of way for Mulberry Street; thence North approximately 150 feet to the southern right of way of Jefferson Street and thence West approximately 30 feet to the point of beginning.

It being a part of the same right of way vacated by the City of Suffolk by Ordinance No. 85-94, and adopted by the City Council of the City of Suffolk on August 17, 1994, a copy of said ordinance being attached hereto and made a part hereof.

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

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

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

CITY OF SUFFOLK, VIRGINIA

BY: _____(SEAL)
CITY MANAGER

Attest:

City Clerk

Approved as to Form:

City Attorney

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

I, _____, a Notary Public in and for the City and State aforesaid, do hereby certify that _____, City Manager, _____, City Attorney and _____, City Clerk, whose names are signed to the foregoing writing bearing date on the ____ day of _____, 2015, have acknowledged the same before me this ____ day of _____, 2015.

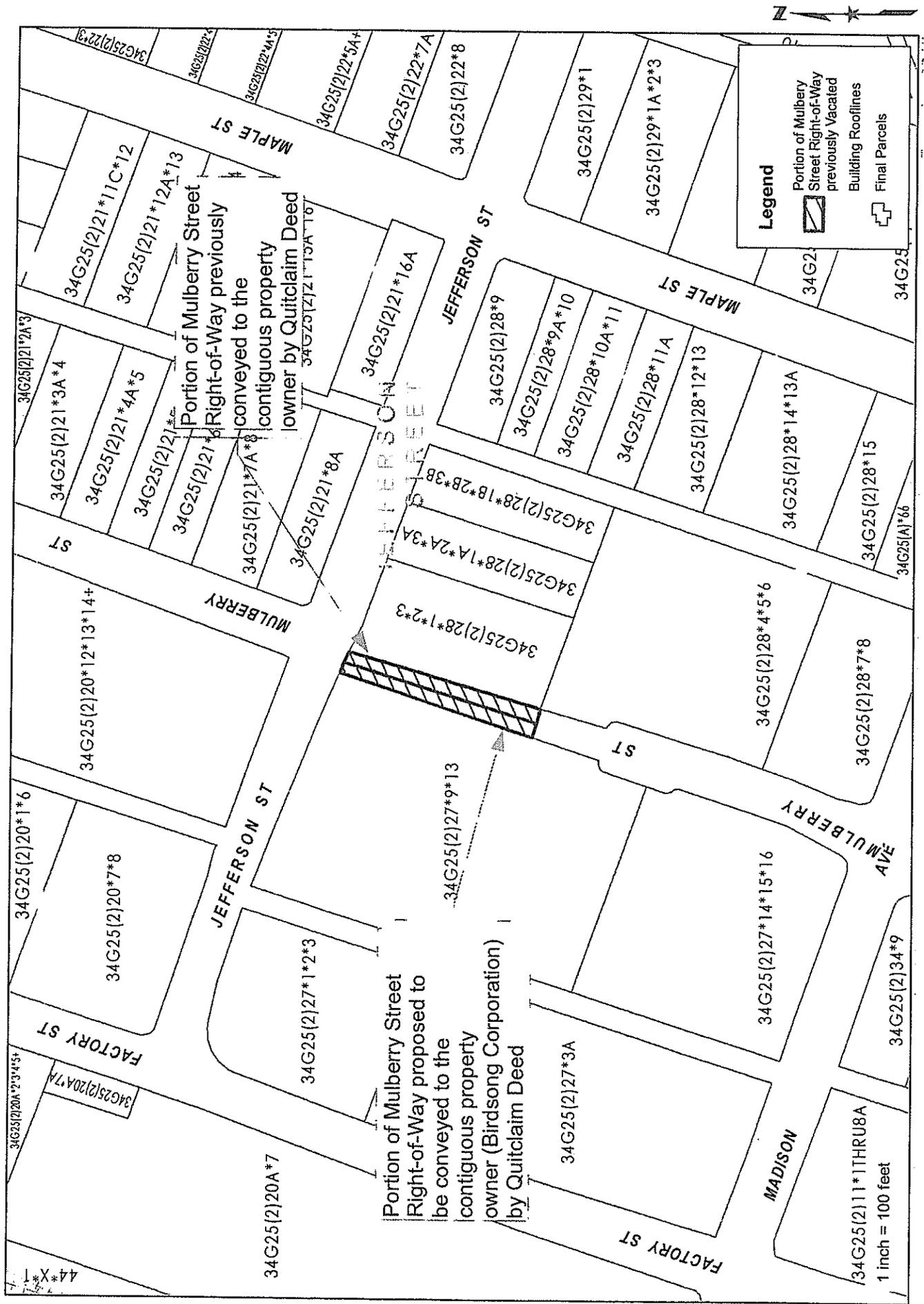
My commission expires _____.

Notary Registration # _____

NOTARY PUBLIC

[SEAL]

Portion of Mulberry Street Previously Vacated by the Suffolk City Council



AGENDA: August 19, 2015, Regular Session

ITEM: Ordinance – An ordinance amending Chapter 82 of the Code of the City of Suffolk to clarify the application of real property tax exemptions for surviving spouses of veterans killed in action

The 2015 General Assembly modified Section 58.1-3219.9 to clarify that surviving spouses of veterans killed in action are entitled to a real property tax exemption equal to the value of the average assessed value of dwellings in the locality for the spouse's principal residence. If the residence exceeds the value of the average assessed dwelling, the excess value shall be taxed. The amendment to Section 82-485 of the City Code reflects the changes in the Code of Virginia.

ORDINANCE NUMBER _____

AN ORDINANCE AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF SUFFOLK TO CLARIFY THE APPLICATION OF REAL PROPERTY TAX EXEMPTIONS FOR SURVIVING SPOUSES OF VETERANS KILLED IN ACTION

BE IT ORDAINED by the City Council of the City of Suffolk, Virginia that Section 82-485 of Chapter 82 of the Code of the City of Suffolk, Virginia, 1998, is hereby amended by to read as follows:

Sec. 82-485. Real property tax exemption for certain disabled veterans and surviving spouses of veterans killed in action.

(a) Effective January 1, 2011, real property, including the joint real property of husband and wife, shall be exempt from taxation if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence.

(b) This exemption from taxation for real property shall also be provided for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this section, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry and continues to occupy the real property as his or her principal place of residence.

(c) The exemption from taxation for real property shall apply to the qualifying dwelling pursuant to this section, and shall also provide for the exemption of real property taxes from the land, not exceeding ten acres, upon which it is situated.

(d) The veteran or surviving spouse claiming the exemption under this section shall file with the department of social services on such forms developed by the city to include an affidavit or written statement: (i) setting forth the name of the disabled veteran and the name of the spouse, if any, also occupying the real property; (ii) indicating whether the real property is jointly owned by a husband and wife; and (iii) certifying that the real property is occupied as the veteran's principal place of residence. The veteran shall also provide documentation from the United States Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent service-connected, permanent, and total disability. The veteran shall be required to refile the information in this section only if the veteran's principal place of residence changes. In the event a surviving spouse of a veteran is claiming the exemption, the surviving spouse shall also provide documentation that the veteran's death occurred on or after January 1, 2011.

(e) The exemption from taxation of real property for surviving spouses of members of the armed forces killed in action shall apply to the principal place of residence of a surviving spouse of a member of the armed forces of the United States killed in action. If the value of the

dwelling is in excess of the average assessed value of dwellings in the locality situated on property zoned as single family residential, then the portion of the value in excess of such average assessed value shall be subject to taxation. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia.

BE IT FURTHER ORDAINED that all phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the Code not amended or repealed hereby remain in full force and effect and this Ordinance shall be effective upon its passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

AGENDA: August 19, 2015, Regular Session

ITEM: Resolution – A resolution finding that the growth areas designated in *Suffolk 2035: A Vision for the Future, City of Suffolk Comprehensive Plan* are consistent with the intent of Commonwealth of Virginia Code: § 15.2-2223.1

Attached for your consideration is a resolution finding that the growth areas designated in *Suffolk 2035: A Vision for the Future, City of Suffolk Comprehensive Plan* are consistent with the intent of the Commonwealth of Virginia Code: § 15.2-2223.1.

Through legislation, the General Assembly has directed that transportation improvements to support Urban Development Areas (UDAs) be considered in both the needs assessment contained in the long range transportation plan known as VTrans, as well as be considered in the statewide prioritization process for project selection as governed by legislation commonly referred to as House Bill Two (HB2). VTrans focuses on a multifaceted funding strategy that recognizes the importance of the Corridors of Statewide Significance, Regional Networks, and Urban Development Areas to help maximize the Commonwealth's public transportation investments. Those UDA characteristics that are necessitated by the language in certain clauses/articles of § 15.2-2223.1 must be met (e.g., comprehensive plan *shall* incorporate principles of new urbanism and traditional neighborhood development) and the other clauses generally met to be considered for the VTrans Multimodal Transportation Plan (VMTP).

For this reason, the Virginia Office of Intermodal Planning and Investment (OIP) has encouraged localities to designate UDAs and to designate other similar growth areas as compliant with the Commonwealth of Virginia Code: § 15.2-2223.1 (Comprehensive plan to include urban development areas). The attached resolution finds that the City of Suffolk's comprehensive plan meets the intent of that legislation through the adoption of designated growth areas with appropriate densities, and through the incorporation of principles of new urbanism and traditional neighborhood development.

ATTACHMENTS:

- Proposed Resolution
- Exhibit A – Growth Area Map

RESOLUTION NUMBER _____

A RESOLUTION FINDING THAT THE GROWTH AREAS DESIGNATED IN *SUFFOLK 2035: A VISION FOR THE FUTURE, CITY OF SUFFOLK COMPREHENSIVE PLAN* ARE CONSISTENT WITH THE INTENT OF THE COMMONWEALTH OF VIRGINIA CODE: § 15.2-2223.1

WHEREAS, the City Council of the City of Suffolk, Virginia, adopted the *Suffolk 2035: A Vision for the Future, City of Suffolk Comprehensive Plan* on April 1, 2015, following a thorough, careful, and comprehensive examination of the existing conditions and trends of growth; community goals and concerns provided by the residents and community leaders of the City of Suffolk; and of the probable future requirements of the City of Suffolk and its inhabitants; and,

WHEREAS, *Suffolk 2035: A Vision for the Future, City of Suffolk Comprehensive Plan* continues with the key growth management principle on which both the 2018 and 2026 Comprehensive Plans were founded, which is to manage and direct growth towards existing communities; and,

WHEREAS, the City of Suffolk has designated two growth areas as shown on the attached Exhibit A and described in Chapter 2: Land Use And Growth Management of *Suffolk 2035: A Vision for the Future*: the Central Growth Area, which is focused around the historic City core, and the Northern Growth Area, which is focused around major regional transportation routes; and,

WHEREAS, the designated growth areas each contain use districts with recommended densities in keeping with Commonwealth of Virginia Code §15.2-2223.1: *Comprehensive plan to include urban development areas*; and,

WHEREAS, *Suffolk 2035: A Vision for the Future* incorporates principles of traditional neighborhood design as prescribed in §15.2-2223.1 through consistent promotion of enhanced connectivity, the use of Place Types to help guide design of new development, and the inclusion of Complete Streets to promote the provision of mobility options beyond the automobile to the people of Suffolk.

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

Section 1. Exhibits.

Exhibit A, "City of Suffolk Growth Areas," which is attached hereto, is hereby incorporated as part of this resolution.

Section 2. Findings.

The City of Suffolk finds that the designated growth areas as established by *Suffolk 2035: A Vision for the Future, City of Suffolk Comprehensive Plan* and shown in Exhibit A are consistent with the intent of the Commonwealth of Virginia Code: § 15.2-2223.1: *Comprehensive plan to include urban development areas.*

This resolution shall be effective upon adoption and shall not be published or codified.

READ AND ADOPTED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to form:

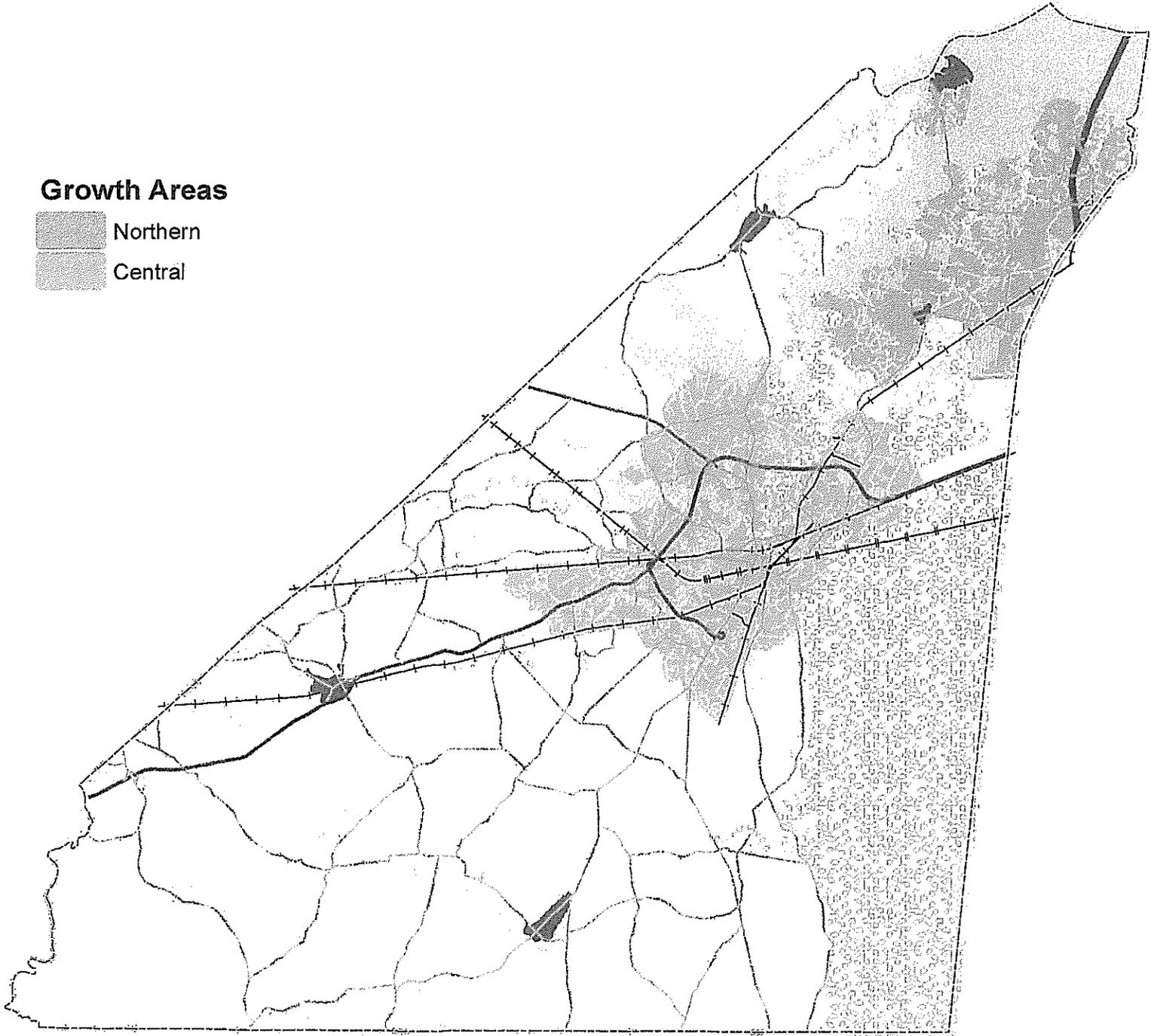


Helivi L. Holland, City Attorney

EXHIBIT A: CITY OF SUFFOLK GROWTH AREAS

Growth Areas

- Northern
- Central



Staff Reports

Motion to Schedule a Work Session

Non-Agenda Speakers

New Business

Announcements and Comments