

**SUFFOLK CITY COUNCIL
MEETING OF JUNE 17, 2020**



REGULAR SESSION

Begins at 7 P.M.

SUFFOLK CITY COUNCIL AGENDA

June 17, 2020

7:00 p.m.

City Council Chamber

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentations**
5. **Removal of Items from the Consent Agenda and Adoption of the Agenda**
6. **Agenda Speakers**
7. **Consent Agenda** – An ordinance to accept and appropriate Walmart Community Grants for the City of Suffolk Sheriff's Department
8. **Consent Agenda** – An ordinance to accept and appropriate funds from the Virginia Land Conservation Foundation for the Blackwater River Project
9. **Consent Agenda** – An ordinance to appropriate funds from the Refuse Services Fund Unrestricted Net Position to the FY 2019-2020 Refuse Fund Budget in an amount not to exceed \$800,000
10. **Consent Agenda** – An ordinance to amend and re-ordain the adopted FY 2020-2021 Fee Schedule for the City of Suffolk, Virginia to continue to temporarily waive the E-Check and Charge Card Convenience fees and Transit fares
11. **Public Hearing** – An ordinance authorizing the issuance and sale of revenue bonds by the City of Suffolk, Virginia, and establishing the terms, details, and provisions for the payment thereof
12. **Public Hearing** – An ordinance authorizing the conveyance of certain real property known as Tax Map & Parcel 40A*76
13. **Public Hearing** – Consideration of an appeal of the decision of the Historic Landmarks Commission in regard to request for Certificate of Appropriateness HLC2019-0038, for property located at 130 Brewer Avenue, Zoning Map 34G17, Block 2, Parcel B*18*19*20
14. **Public Hearing** – An ordinance vacating and abandoning portions of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street, otherwise generally identified as being those portion of streets located between Warwick Street and Madison Avenue, East of Factory Street, STV2019-001

15. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdco Energy for portions of Maple Street, Appleton Avenue, and Walnut Street, pertaining to Street Vacation Request STV2019-001
16. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdsong Corporation for a portion of Mulberry Street pertaining to Street Vacation Request STV2019-001
17. **Public Hearing** – An ordinance vacating and abandoning a portion of Mill Street, otherwise generally identified as being that portion of Mill Street located east of County Street and between Van Buren Avenue and Mill Street, STV2019-002
18. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdsong Corporation for a portion of Mill Street pertaining to Street Vacation Request STV2019-002
19. **Public Hearing** – An ordinance vacating and abandoning an unnamed alley, otherwise generally identified as being that portion of unnamed alley located north of Warwick Street and between Factory Street and Mulberry Street, STV2019-003
20. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Birdsong Corporation for a portion of an unnamed alley pertaining to Street Vacation Request STV2019-003
21. **Public Hearing** – An ordinance to authorize a quitclaim deed between the City of Suffolk and Turlington Properties LLC quitclaiming all rights, title, and interest, if any, the City of Suffolk may possess in an unimproved private 50' right-of-way, known as Pit Road, and located on the north side of Turlington Road
22. **Ordinance** – An ordinance authorizing the City Manager to accept a Deed Open-Space Easement over the common passive open-space within Phase 1 of the Cluster Subdivision Plat The Preserve at Lake Meade, Tax Map 26, Parcel 69*69A*PT34*6; FSB2020-00003
23. **Ordinance** – An ordinance authorizing the City Manager to accept a Deed Open-Space Easement over the common passive open-space within the Cluster Subdivision Plat of Meadows Landing, Tax Map 43, Parcel 21; FSB2020-00002
24. **Ordinance** – An ordinance authorizing the City Manager to accept a Deed Open-Space Easement over the common passive open-space within the Cluster Subdivision Plat of Chuckatuck Cove, Tax Map 5, Parcel 3*OS*B; FS-2009-09
25. **Resolution** – A resolution in support of the redesignation of local workforce developments, the Greater Peninsula Workforce Board and the Hampton Roads Workforce Council, into a new single local workforce development area
26. **Staff Reports**

27. **Coronavirus Update** – The City Manager or designee will provide an update related to COVID-19
28. **Motion** – A motion to move the start time, for City Council Meetings in July and August, 2020, to 6:00 p.m., unless cancelled
29. **Motion** – A motion to schedule a City Council Work Session for Wednesday, July 1, 2020, at 4:00 p.m., unless cancelled
30. **Non-Agenda Speakers**
31. **New Business**
32. **Announcements and Comments**
33. **Adjournment**

Work Session of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, March 4, 2020, 4:30 p.m.

PRESENT

Council Members -

Linda T. Johnson, Mayor, presiding

Leroy Bennett, Vice Mayor

Michael D. Duman

Roger W. Fawcett

Timothy J. Johnson

Curtis R. Milteer, Sr.

Lue R. Ward, Jr.

Patrick G. Roberts, City Manager

Helivi L. Holland, City Attorney

Erika S. Dawley, City Clerk

ABSENT

Donald Z. Goldberg (excused)

Mayor Johnson advised that Council Member Goldberg would be excused for tonight's proceedings.

TRANSPORTION AND TRANSIT FUNDING UPDATE

Utilizing a PowerPoint presentation, Kevin Page, Executive Director, Hampton Roads Transportation Accountability Commission, gave a report on the above referenced item.

Referring to the presentation, Mayor Johnson called for an explanation of the difference between Hampton Roads Transit and the transit systems in Suffolk and Williamsburg. Mr. Page explained that the transit systems in Suffolk and Williamsburg address the needs of their specific localities, but the Hampton Roads Transit crosses the boundaries of multiple jurisdictions.

Referring to the presentation, Council Member Duman asked for a copy of the PowerPoint presentation.

Referring to the presentation, Council Member Duman queried about the enforcement and collection methodology for the proposed highway use assessment fee on electric vehicles. Mr. Page indicated it has not been determined yet, but different options are under consideration,

Vice Mayor Bennett opined about the feasibility of Hampton Roads Transit offering transit services citywide with 15-minute routes, with no additional cost. Mr. Page reported that at this time, that service is not feasible, but with increased density, the City might be able to collaborate with Hampton Roads Transit.

Mayor Johnson inquired about the status of the legislation regarding Route 58 and Route 460. Mr. Page said that once the current congestion mitigation projects are complete, staff of the Hampton Roads Transportation Accountability Commission would work with the Hampton Roads Transportation Planning Organization to start diversifying congestion relief projects across the region, including Route 58 and Route 460.

Referring to the presentation, Council Member Ward solicited information about any improvements for the area near Interstate 664 and Route 17. Mr. Page replied that the Bowers Hill Interchange Study might mitigate some of the traffic congestion in that area.

TRANSPORTATION CAPITAL IMPROVEMENT PROJECTS UPDATE

Utilizing a PowerPoint presentation, Public Works Director Louis Hansen supplied a synopsis of the above referenced item.

Referring to the presentation, Vice Mayor Bennett called for information about any homes near the Nansemond Parkway/Wilroy Road Overpass project. Public Works Director Hansen advised that he was not aware of the specific location of any homes adjacent to the project, but he thought that it was a significant distance.

Referring to the presentation, Vice Mayor Bennett opined about the elimination of the entire pasture in the Bridlewood subdivision, as it relates to the Nansemond Parkway/Wilroy Road Overpass project. Public Works Director Hansen said that at this point the impact on the pasture has not been determined yet.

Mayor Johnson inquired about the ownership of the barn and its property in the Bridlewood subdivision. Public Works Director Hansen explained that the barn is owned by the homeowners association and then subleased.

Referring to the presentation, Vice Mayor Bennett queried about any impact on the historic Sessoms House, as it relates to the Nansemond Parkway/Wilroy Road Overpass project. Public Works Director Hansen replied that the project will not have any impact on the aforementioned historical home since that area was completely avoided.

Referring to the presentation, Council Member Johnson asked about the opportunity for public input on the Nansemond Parkway/Wilroy Road Overpass project. Public Works Director Hansen indicated that after the environmental impacts of the project have been studied, the City will receive public comment on the project late April or early May.

Referring to the presentation, Council Member Johnson opined about any adverse impact on those bidding on the Route 58 and Route 58/Manning Bridge Intersection project, as it relates to the maintaining two open lanes during the course of the construction. Public Works Director Hansen stated that he did not anticipate any issues as it relates to the ability to maintain two lanes of traffic during the construction of the project.

Referring to the presentation, Council Member Johnson called for clarification about the installation of sidewalks, as it relates to the Pitchkettle Road Realignment project. Public Works Director Hansen replied that the project is only in the concept design phase and the matter has yet to be determined.

UTILITY ENTERPRISE PLAN OF FINANCE – 2020 WATER AND SEWER REVENUE BOND ISSUANCE

Utilizing a PowerPoint presentation, David Rose, Senior Vice President, Davenport and Company, the City's financial consultants, offered a summary of the above referenced item.

Council Member Milteer requested information on any potential impact to the real estate tax rate, as it relates to the proposed bond issuance. Mr. Rose advised that he was unable to estimate any impact on the real estate tax rate for the upcoming fiscal year, but there might be an effect in the future.

Vice Mayor Bennett opined about the potential impact on the City’s water and sewer rates, as it relates to the proposed bond issuance. Mr. Rose stated that at this point future rates are an unknown.

CLOSED MEETING

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

- 1. Pursuant to Virginia Code Sections 2.2-3711(A)(8) and (A)(1), the consultation with legal counsel employed by a public body regarding specific legal matters requiring the legal advice of such counsel, and the discussion, consideration, or interviews of prospective candidates for appointment and the assignment, appointment, and performance of specific public officers or appointees of the City, specifically the appointments as shown on the attached list for vacancies or term expirations for Agricultural Advisory Committee, Early Childhood Development Commission, Economic Development Authority of the City of Suffolk, Fine Arts Commission, Human Services Advisory Board, Local Board of Building Code Appeals, Tidewater Youth Services Commission and Wetlands Board.

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

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

City Council convened in Closed Meeting at 6:00 p.m. The Closed Meeting concluded at 6:13 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, March 4, 2020, at 7:00 p.m.

PRESENT

Council Members -
Linda T. Johnson, Mayor, presiding
Leroy Bennett, Vice Mayor
Michael D. Duman
Roger W. Fawcett
Timothy J. Johnson
Curtis R. Milteer, Sr.
Lue R. Ward, Jr.

Patrick G. Roberts, City Manager
Helivi L. Holland, City Attorney
Erika S. Dawley, City Clerk

ABSENT

Donald Z. Goldberg (excused)

CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Johnson called the meeting to order and advised that Council Member Goldberg would be excused for tonight’s proceedings. Council Member Milteer offered the Invocation and led the Pledge of Allegiance.

FREEDOM OF INFORMATION CERTIFICATION

City Clerk Dawley presented a resolution certifying the Closed Meeting of March 4, 2020, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

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

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

A RESOLUTION OF CERTIFICATION OF THE CLOSED MEETING OF MARCH 4, 2020, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED

APPROVAL OF THE MINUTES

Council Member Johnson, on a motion seconded by Vice Mayor Bennett, moved to approve the minutes from the December 18, 2019, Work Session and Regular Meeting, as presented, by the following vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Fawcett, T. Johnson, Milteer and Ward	6
NAYS:	None (Council Member Goldberg was excused.)	0
ABTAIN:	Council Member Duman	1

SPECIAL PRESENTATIONS

There were no items under this portion of the agenda.

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

Mayor Johnson advised that a motion was in order at this time to adopt the agenda.

Vice Mayor Bennett, on a motion seconded by Council Member Fawcett, to remove adopt the agenda, as presented, by the following vote:

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

AGENDA SPEAKERS

There were no speakers under this portion of the agenda.

CONSENT AGENDA

City Clerk Dawley presented the following Consent Agenda item:

Consent Agenda Item #7 - An ordinance to accept and appropriate funds from the City of Hampton for reimbursement of the Suffolk Police Department for staff time provided to the Hampton Roads Criminal Justice Training Academy

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

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

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

PUBLIC HEARINGS

Public Hearing – An ordinance authorizing the acquisition of right of way and/or permanent and temporary easements, and real property, either by agreement or condemnation, for the Pruden Boulevard/Prudence Road Intersection Improvements Project

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

Michael Saunders, 407 Great Oak Court, representing self, opined about the City’s response to COVID-19. Mayor Johnson advised him that he was out of order as this portion of the meeting was reserved for comments regarding the proposed ordinance.

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, as presented, by the following vote:

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

ORDINANCES

There were no items under this portion of the agenda.

RESOLUTIONS

There were no items under this portion of the agenda.

STAFF REPORTS

There were no items under this portion of the agenda.

MOTIONS

Motion – A motion to schedule a City Council Work Session for Wednesday, March 18, 2020, at 4:00 p.m., unless cancelled

Council Member Fawcett, on a motion seconded by Council Member Johnson, moved to schedule a Work Session for Wednesday, March 18, 2020, at 4:00 p.m., unless cancelled, by the following vote:

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

Motion – A motion to schedule a public hearing for the March 18, 2020, City Council meeting, regarding authorizing the issuance and sale of Water and Sewer Revenue Bonds, Series 2020

Council Member Duman, on a motion seconded by Vice Mayor Bennett, moved to schedule a public hearing for the March 18, 2020, City Council meeting, regarding authorizing the issuance and sale of Water and Sewer Revenue Bonds, Series 2020, by the following vote:

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

Motion – A motion to schedule a public hearing for the March 18, 2020, City Council meeting to consider the adoption of an ordinance authorizing the acquisition of permanent and temporary easements within the 4100 through 4300 blocks of Pruden Boulevard, either by agreement or condemnation, for the United States Route 460 – Pruden Boulevard Water Transmission Main Project. This project is in conjunction with and being constructed as part of the Pruden Boulevard/Prudence Road Intersection Improvements Project

Council Member Fawcett, on a motion seconded by Council Member Milteer, moved to schedule a public hearing for the March 18, 2020, City Council meeting to consider the adoption of an ordinance authorizing the acquisition of permanent and temporary easements within the 4100 through 4300 blocks of Pruden Boulevard, either by agreement or condemnation, for the United States Route 460 – Pruden Boulevard Water Transmission Main Project. This project is in conjunction with and being constructed as part of the Pruden Boulevard/Prudence Road Intersection Improvements Project, by the following vote:

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

NON-AGENDA SPEAKERS

Michael Saunders, 407 Great Oak Court, representing self, opined about the City’s response to COVID-19.

Kelly Hengler, 9345 Eclipse Drive, representing the Crittenden-Eclipse-Hobson Heritage Civic League, spoke about the mitigation of impacts to the villages of Crittenden and Eclipse.

Casey Ohmsen, 509 Oscar Babb Lane, representing self, opined about Second Amendment rights.

NEW BUSINESS

City Clerk Dawley presented the following board and commission nominations for City Council’s consideration: Agricultural Advisory Committee – Thomas Vandiver, (Direct Marketing Farming representative) and Monte Walden, Sr. (Farm Service Area Local Administrative Area – Holy Neck)

Council Member Fawcett, on a motion seconded by Council Member Johnson, moved to nominate and appoint the above referenced individuals to the aforementioned bodies, by the following vote:

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

ANNOUNCEMENTS AND COMMENTS

Utilizing a PowerPoint presentation, Media and Community Relations Assistant Director Timothy Kelley reported on the following: ribbon cuttings for Enhanced Nutrition and Energy and the expansion of Tidewater Staffing; the upcoming Suffolk Police Department’s Promotional Ceremony; the upcoming Suffolk Police Department’s Badge Pinning Ceremony; the start of the application process for the Suffolk Police Department’s Explorer Program; the upcoming Suffolk Restaurant Week; the upcoming Public Works Department’s Saint Patrick’s Day Community Clean Up; the start of Daylights Savings Time and Suffolk Mass Notification System online.

Council Member Fawcett opined about the need to change batteries in smoke detectors.

Council Member Fawcett acknowledged the City’s acquisition of the property from the United States National Guard for the new recreation center in the northern part of the City.

Council Member Fawcett opined about COVID-19.

Council Member Milteer opined about the information presented at today’s Work Session regarding the issuance of the 2020 Water and Sewer Revenue Bonds.

Council Member Duman opined about the launch of the Suffolk Police Department’s Explorer Program.

Council Member Duman announced he attended the following: the Mothers Against Violence Luncheon; the Little Bethel Baptist Church Black History event and King’s Fork Middle School’s Career Day.

Council Member Duman opined about sharing information with the public about the Comprehensive Plan process,

Council Member Ward reported he attended the following: the Little Bethel Baptist Black History event and Temple Beth El Black History Month Fashion Show.

Council Member Ward acknowledged Mr. Saunders.

Council Member Johnson acknowledged the *Suffolk News Herald’s* coverage of the City.

Council Member Johnson opined about recent tornados in Tennessee.

Vice Mayor Bennett extended his appreciation to the Public Works Department’s efforts for snow removal.

Vice Mayor Bennett opined about the Suffolk Police Department’s Explorer Program.

Mayor Johnson opined about an upcoming economic development announcement.

Mayor Johnson opined about the upcoming Suffolk Police Department’s Promotional Ceremony and Suffolk Police Department’s Badge Pinning Ceremony.

Mayor Johnson advised she was attending a ribbon cutting for Sugar Momma’s Bakery.

Mayor Johnson opined about the presentation made by Kevin Page, Executive Director, Hampton Roads Transportation Accountability Commission, at today’s Work Session regarding regional transportation and transit funding.

City Manager Roberts provided a report on the City’s efforts as it relates to COVID-19.

Deputy City Manager D. Scott Mills gave a summary of the upcoming City’s Comprehensive Plan process.

Council Member Fawcett queried about any communication between the City and Sentara Healthcare regarding COVID-19. City Manager Roberts said that the City’s Emergency Management Services Division contact with Sentara Healthcare via Virginia Department Emergency Management.

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

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

There being no further business to come before City Council, the regular meeting was adjourned at 7:48 p.m.

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

Approved: _____
Linda T. Johnson, Mayor

Special Presentations

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

Agenda Speakers

AGENDA: June 17, 2020, Regular Session

ITEM: Consent Agenda - An ordinance to accept and appropriate Walmart Community Grants for the City of Suffolk Sheriff's Department

The City has received funds in the amount of \$3,500 from Walmart in support of the City of Suffolk Sheriff's Department Community Outreach Program. The funding will be used to purchase supplies.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Consolidated Grants Fund budget for Fiscal Year 2019-2020.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund budget by \$3,500 for the above-noted purpose and does not require local match support.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Award Notifications

ORDINANCE NUMBER _____

**AN ORDINANCE TO ACCEPT AND APPROPRIATE WALMART
COMMUNITY GRANTS FOR THE CITY OF SUFFOLK SHERIFF'S
DEPARTMENT**

WHEREAS, the City has received funds in the amount of \$3,500 from Walmart in support of the City of Suffolk Sheriff's Department Community Outreach Program; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2019-2020 to assist with the purchase of supplies for the City of Suffolk Sheriff's Department.

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

1. The sum of \$3,500 shall be reflected as budget in the following accounts in the Fiscal Year 2019-2020 Consolidated Grants Fund budget:

Revenue

211-21810-202065_418990	WalmartCommunityGrant;12/20	\$2,500
211-21810-202091_418990	WalmartCommunityGrant;12/20	<u>1,000</u>
		<u>\$3,500</u>

Expenditure

	WalmartCommunityGrant;12/20	
211-21810-202065_56014	Other Operating Supplies	\$2,500
211-21810-202091_56014	Other Operating Supplies	<u>1,000</u>
		<u>\$3,500</u>

2. The fund amount totaling \$3,500 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helvi L. Holland, City Attorney

From: cgadmin@cybergrants.com <cgadmin@cybergrants.com>

Sent: Wednesday, March 11, 2020 9:36:54 PM

To: Katie A. Jones

Subject: Walmart Facility# 1687 Community Grant Request Status: Request ID 59853435

Dear Grantseeker,

Congratulations! Facility # 1687 has recommended your Community Grant application, Request ID 59853435, to receive a \$2,500.00 grant.

Please allow 4-6 weeks for delivery. If you do not receive your check in that time, please contact the facility manager to make further inquiries. For your reference we have provided the check information and address below:

Invoice # 61009551

Address:

150 N. Main St.
Suffolk, VA 23434

You will also receive a final confirmation notice once the application has passed final review with the additional payment details, but we wanted to keep you informed on the status of your request.

We appreciate your efforts to help people live better and wish you success.

Sincerely,

The Walmart Community Grants Team

CG/JMAIL/18132887

From: cgadmin@cybergrants.com <cgadmin@cybergrants.com>

Sent: Sunday, March 15, 2020 9:21:34 PM

To: Katie A. Jones

Subject: [EXTERNAL] Walmart Facility# 3214 Community Grant Request Status: Request ID 60222775

Caution: This email originated from a source outside of the City of Suffolk. Do not click on links or open attachments unless you recognize the sender and you know the content is safe.

Dear Grantseeker,

Congratulations! Facility # 3214 has recommended your Community Grant application, Request ID 60222775, to receive a \$1,000.00 grant.

Please allow 4-6 weeks for delivery. If you do not receive your check in that time, please contact the facility manager to make further inquiries. For your reference we have provided the check information and address below:

Invoice # 61059923

Address:

150 N. Main St.
Suffolk, VA 23434

You will also receive a final confirmation notice once the application has passed final review with the additional payment details, but we wanted to keep you informed on the status of your request.

We appreciate your efforts to help people live better and wish you success.

Sincerely,

The Walmart Community Grants Team

CG/JMAIL/181529495

AGENDA: June 17, 2020, Regular Session

ITEM: Consent Agenda – An ordinance to accept and appropriate funds from the Virginia Land Conservation Foundation for the Blackwater River Project

The City has received a grant award of \$400,000 from the Virginia Land Conservation Foundation to assist with the acquisition of property for a park along the Blackwater River.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Capital Projects Fund budget for Fiscal Year 2019-2020.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Capital Projects Fund by \$400,000 for the above noted purpose and does not require local fund support.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Ordinance Authorizing City Manager to Execute Grant Agreement

ORDINANCE NUMBER _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE VIRGINIA LAND CONSERVATION FOUNDATION FOR THE BLACKWATER RIVER PROJECT

WHEREAS, the City has received grant funds in the amount of \$400,000 from the Virginia Land Conservation Foundation to assist with the acquisition of property for a park along the Blackwater River; and,

WHEREAS, the funds received need to be accepted and appropriated to the Capital Projects Fund Budget for Fiscal Year 2019-2020 to assist with the acquisition of property for a park along the Blackwater River.

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

1. The sum of \$400,000 shall be reflected as budget in the following accounts in the Fiscal Year 2019-2020 Capital Projects Fund Budget:

<u>Revenue</u>		
310-71100-3107_424070.110	Blackwater River Project	<u>\$400,000</u>

<u>Expenditure</u>		
310-71100-3107_58213.110	Land Acquisition State Funds	<u>\$400,000</u>

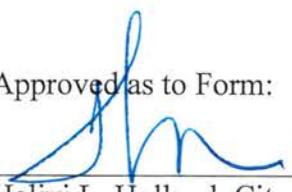
2. The fund amount totaling \$400,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033 as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

ORDINANCE NUMBER 20-O-044**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE VIRGINIA LAND CONSERVATION FOUNDATION**

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

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

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

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

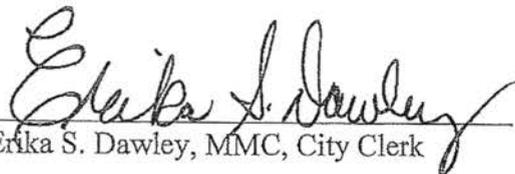
Section 1. The City Manager is authorized to execute a grant agreement with VLCF, in substantially the same form as attached hereto.

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

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

READ AND PASSED: JUNE 3, 2020

TESTE:


Erika S. Dawley, MMC, City Clerk

AGENDA: June 17, 2020, Regular Session

ITEM: Consent Agenda - An ordinance to appropriate funds from the Refuse Services Fund Unrestricted Net Position to the FY 2019-2020 Refuse Fund Budget in an amount not to exceed \$800,000

The FY 2019-2020 Refuse Services Fund budget is projected to exceed authorized expenditures at the close of the fiscal year due to higher than anticipated solid waste disposal and recycling expenses. To prevent expenditures in excess of the authorized FY 2019-2020 Refuse Fund budget, it is recommended that City Council appropriate funds from the Refuse Services Fund unrestricted net position in an amount not to exceed \$800,000.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the FY 2019-2020 Refuse Services Fund budget by up to \$800,000.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NUMBER _____

AN ORDINANCE TO APPROPRIATE FUNDS FROM THE REFUSE SERVICES FUND UNRESTRICTED NET POSITION TO THE FY 2019-2020 REFUSE FUND BUDGET IN AN AMOUNT NOT TO EXCEED \$800,000

WHEREAS, the FY 2019-2020 Refuse Services Fund budget is anticipated to exceed authorized budgeted expenditures at the close of the fiscal year due to higher than anticipated solid waste disposal and recycling expenses; and,

WHEREAS, it is recommended that City Council appropriate funds from the Refuse Services Fund Unrestricted Net Position in an amount not to exceed \$800,000 to cover projected expenses in excess of authorized budgeted expenditures in the FY 2019-2020 Refuse Services Fund budget.

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

1. The unrestricted net position of the Refuse Services Fund remaining on June 30, 2020, not to exceed \$800,000, be appropriated to the Refuse Services Fund budget to cover projected expenses.

2. The fund amount not to exceed \$800,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033, as amended. The City Manager be, and hereby is authorized and directed to do all things necessary to effectuate this action.

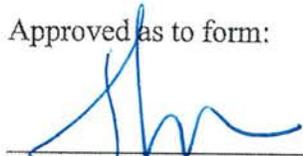
3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to form:



Helvi L. Holland, City Attorney

AGENDA: June 17, 2020, Regular Session

ITEM: Consent Agenda – An ordinance to amend and re-ordain the adopted FY 2020-2021 Fee Schedule for the City of Suffolk, Virginia to continue to temporarily waive the E-Check and Charge Card Convenience fees and Transit fares

At the March 31 and May 6, 2020, City Council meetings, ordinances were adopted to amend and re-ordain the adopted FY 2019-2020 Fee Schedule to temporarily waive E-Check Convenience and Charge Card Convenience fees and Transit fares in response to the COVID-19 emergency. The temporary fee waivers are set to expire with the start of the new fiscal year on July 1, 2020.

Attached for City Council's consideration is an ordinance to amend and re-ordain the FY 2020-2021 Fee Schedule to continue to temporarily waive the E-Check and Charge Card Convenience fees and Transit fares.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENT:

Ordinance
FY 2020-2021 Fee Schedule (Amended)

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND AND RE-ORDAIN THE ADOPTED FY 2020-2021 FEE SCHEDULE FOR THE CITY OF SUFFOLK, VIRGINIA TO CONTINUE TO TEMPORARILY WAIVE THE E-CHECK AND CHARGE CARD CONVENIENCE FEES AND TRANSIT FARES

WHEREAS, the Governor of the Commonwealth of Virginia and the City Manager for the City of Suffolk, Virginia have declared a state of emergency in response to the continued spread of the novel coronavirus or COVID-19; and,

WHEREAS, health officials advise social distancing is in the best interest of public health.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that citizens may continue to remit payment to the City without incurring E-Check and Charge Card Convenience fees and that rider fares shall be waived until such point as the state of emergency is concluded.

BE IT FURTHER ORDAINED, that the Fee Schedule for the City of Suffolk as adopted by Ordinance Number 20-O-031, is hereby amended and re-ordained to read as attached.

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to form:



Helivi L. Holland, City Attorney

for

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
AIRPORT		
Multi Engine T-Hanger (monthly)*	319.00	319.00
Single Engine T-Hanger (monthly)*	249.00	249.00
Large T-Hanger Storage Room (monthly)*	95.00	95.00
Small T-Hanger Storage Room (monthly)*	75.00	75.00
Overnight T-Hanger	35.00	35.00
Overnight Tie Down (waived with fuel fill up)	10.00	10.00
Monthly Single Engine Tie Down*	25.00	25.00
Monthly Multi Engine Tie Down*	25.00	25.00
Jet Starter Service (per hour)	25.00	25.00
Service After Normal Business Hours (call in)*	100.00	100.00
Airport Use Fees	250.00/Day	250.00/Day
Outside Storage Fee	\$2,500.00/mo.	\$2,500.00/mo.
Mark-up on Fuel Sales **	Average for all prices 35% (projected)	Average for all prices 35% (projected)
Tow Tug	35.00	35.00
<i>* Prices consistent with neighboring airports.</i>		
<i>** This amount fluctuates depending on our competition</i>		
ASSESSOR		
Copies (KB System)	.25 black & white; .45 color per copy	.25 black & white; .45 color per copy
Custom query, tape, CD-ROM (material plus programmers time) (per minute)	Cost	Cost
Land Use Revalidation Fee	50.00	50.00
Land Use Application	50.00	50.00
Land Use Application Late Fee	100.00	100.00
Rehabilitated Structure Application Fee	50.00	50.00
CLERK OF THE CIRCUIT COURT		
Commonwealth's Attorney (misdemeanor)	7.50	7.50
Commonwealth's Attorney (felony)	20.00	20.00
Sheriff's Service	12.00	12.00
Transfer of Real Estate (per parcel)	1.00	1.00
City Grantee	1/3 of state	1/3 of state
City Wills and Administration	1/3 of state	1/3 of state
Law Library	4.00	4.00
Grantor (per \$500.00 value)	0.25	0.25
Courthouse Maintenance	2.00	2.00
Jail Admission Fee	25.00	25.00
Courthouse Security Fee	10.00	20.00
Blood Test/DNA	15.00	15.00
Local Interest	varies	varies
Local Fines	varies	varies
Local Jury Fees	\$30/day/juror	\$30/day/juror
Court Appointed Attorney Fees	varies	varies
Miscellaneous - Local Cost (CWP)	35.00	35.00
Electronic Summons Criminal or Traffic Case	5.00	5.00
List of Heirs or Affidavit	25.00	25.00
Local Health Care Fund	25.00	25.00
Transfer/entry fee-Real Estate - Deeds of Partition	1.75	1.75
Document Reproduction Costs	0.50	0.50
COURT SERVICES UNIT		
Parental contribution toward cost of local group home placement	1/2 of child support guidelines amount	1/2 of child support guidelines amount
FIFTH JUDICIAL DISTRICT COMMUNITY CORRECTIONS PROGRAM		
Offenders referred from a court in the Fifth District (Suffolk, Franklin, Isle of Wight, and Southampton)	100.00	100.00
Offenders referred from a court within the Fifth District and can provide documentation showing SSI disability or welfare benefits	25.00	25.00
Offenders transferred out to a CCP in another jurisdiction	25.00	25.00
Offenders transferred into the Fifth District from a CCP in another jurisdiction	100.00	100.00
FINANCE		
Child Support Processing Fees	\$5.00/per Child Support Order (per pay)	\$5.00/per Child Support Order (per pay)
Spousal Support Order Fees	\$5.00/per Support Order (per pay)	\$5.00/per Support Order (per pay)
Garnishment Processing Fees	\$10.00 one time fee per summons	\$10.00 one time fee per summons
Payroll Paycard Replacement Fee	\$3.50 per card for replacement	\$3.50 per card for replacement
Payroll History Report/Check Reprint Processing Fees	\$5.00 per request	N/A
W-2 Re-issuance Processing Fees	\$5.00 per request	N/A
Miscellaneous Bills	One time penalty of 10% up to 10.00	One time penalty of 10% up to 10.00
Miscellaneous Bills	Annual interest of 10%	Annual interest of 10%

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
FIRE & RESCUE		
Fire Prevention Bureau		
Plan Review		
Fire sprinkler system new < 10 w/calcs, or alterations < 10 existing sprinkler heads not located in the most remote area involving new hydraulic calculations	50.00	N/A
5 foot stub-out for fire protection systems submitted separately from complete fire sprinkler or fire main	50.00	N/A
Fire alarm system alterations where the submittal does not require battery calculations, or the removal of any or all components of non-required system	50.00	N/A
Kitchen hood fire suppression systems installation / alteration	50.00	N/A
Fire sprinkler system new installation 11-20 w/calcs, alterations of 11-20 existing sprinkler heads not located in the most remote area involving new hydraulic calculations or removal of any	100.00	N/A
FM 200 clean agent system installation or alteration	100.00	N/A
Fire alarm new installations or alterations that involve ≤ 5 devices, that require battery calculations	100.00	N/A
Spray paint booth installation / alteration	100.00	N/A
Fire sprinkler systems installation or alteration that involve ≥ 21 sprinkler heads	200.00	N/A
Fire alarm systems new installations or alterations ≥ 6 devices, that require battery calculations	200.00	N/A
On-Site Inspection		
Hazardous Materials Response	Responsible Party Billed	Responsible Party Billed
Relocation of up to 20 sprinkler heads	50.00	50.00
Hood/Extinguishing Systems	50.00	50.00
Re-Inspection Fee - All systems failing initial testing shall be charged a re-testing fee. This fee shall include all "no-shows" or cancellations without a 24 hour notice	50.00	50.00
On-Site Inspection		
Hazardous Materials Response	Responsible Party Billed	Responsible Party Billed
Relocation of up to 20 sprinkler heads	50.00	50.00
Hood/Extinguishing Systems	50.00	50.00
Re-Inspection Fee - All systems failing initial testing shall be charged a re-testing fee. This fee shall include all "no-shows" or cancellations without a 24 hour notice	50.00	50.00
Permits		
Fireworks Permit	150.00	150.00
Tent Permit	50.00	50.00
Above/below ground hazmat storage tanks installation ≤ 499 gallons capacity	50.00 (each additional tank 25.00)	50.00 (each additional tank 25.00)
Private hydrant/water line	75.00	75.00
Above/below ground hazmat storage tanks installation 500-2000 gallons capacity, removal of tanks or fill in place any capacity or storage/dispensing system	100.00	100.00
Above/below ground hazmat storage tank installation ≥ 2,001 gallons capacity or hazmat storage/dispensing systems	200.00	200.00
Reports		
Incident or Computer Generated Reports-Residents	No Charge	No Charge
Incident or Computer Generated Reports-Commercial	6.00	6.00
General		
Special inspection fee, after hours, weekends, holidays	40.00 per hour/per person	40.00 per hour/per person
Special event stand-by	25.00 per hour/per person	25.00 per hour/per person
Burn Permit (Requirements must be met)		
Residential	No Charge	No Charge
Commercial	75.00	75.00
Alarm Registration		
Alarm Registration	25.00 per year	25.00 per year
False Alarms (within 180 days)		
First False Alarm	No Charge unless malicious act	No Charge unless malicious act
Second False Alarm	50.00	50.00
Third False Alarm	100.00	100.00
Additional False Alarms	200.00	200.00
Emergency Medical Services		
Basic Life Support (BLS)	400.00	400.00
Advanced Life Support Level I (ALS I)	650.00	650.00
Advanced Life Support Level II (ALS II)	800.00	800.00
Loaded Patient Mileage (LPM)	10.00 per mile	10.00 per mile

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
Apparatus Use Fee		
Ambulance	30.00 per hour	30.00 per hour
Command Unit	30.00 per hour	30.00 per hour
Brush Truck	30.00 per hour	30.00 per hour
Tanker	75.00 per hour	75.00 per hour
Engine	75.00 per hour	75.00 per hour
Ladder	125.00 per hour	125.00 per hour
Rescue	125.00 per hour	125.00 per hour
Rehab	50.00 per hour, plus supplies used	50.00 per hour, plus supplies used
Emergency Communication Unit	75.00 per hour	75.00 per hour
Personnel		
Firefighter	25.00 per hour/per person	25.00 per hour/per person
Firefighter/Medic	30.00 per hour/per person	30.00 per hour/per person
Officers (Captains and Lieutenants)	35.00 per hour/per person	35.00 per hour/per person
Command Chiefs	45.00 per hour/per person	45.00 per hour/per person
GENERAL		
Annual Operating Budget	Cost for reproducing	Cost for reproducing
Capital Improvement Budget and Plan	Cost for reproducing	Cost for reproducing
Comprehensive Annual Financial Report	Cost for reproducing	Cost for reproducing
Copies (photo) (black and white) (each)	0.25	0.25
Copies (photo) (color) (each)	0.45	0.45
Printed Materials	Cost	Cost
Vehicle License Fees-Vehicles under 4,000 pounds	26.00	26.00
Vehicle License Fees-Vehicles 4001-10,000 pounds	30.00	30.00
Vehicle License Fees-Vehicles 10,001-25,000 pounds	35.00	35.00
Vehicle License Fees-Vehicles 25,001-40,000 pounds	60.00	60.00
Vehicle License Fees-Vehicles 40,001-55,000 pounds	80.00	80.00
Vehicle License Fees-Vehicles 55,001-70,000 pounds	125.00	125.00
Vehicle License Fees-Vehicles 70,001-99,999 pounds	150.00	150.00
Motorcycle License Fees-Motorcycles 0-99,999 pounds	24.00	24.00
Trailer License Fees-Trailers 0-10,000 pounds	6.00	6.00
Trailer License Fees-Trailers 10,001-99,999 pounds	22.00	22.00
GENERAL DISTRICT COURT		
Fines & Forfeitures	varies	varies
Sheriff's Fees	12.00	12.00
Court Appointed Attorneys	120.00	120.00
Electronic Summons Criminal or Traffic Case	5.00	5.00
Court House Maintenance Fees	10.00	10.00
Jail Admission Fee	25.00	25.00
GEOGRAPHIC INFORMATION SYSTEM		
Digital Map Data		
Topographic Data (File Set)	\$500.00/set or \$100/per layer	\$500.00/set or \$100/per layer
Base Map (File Set)	\$500.00/set or \$100/per layer	\$500.00/set or \$100/per layer
Planimetrics (File Set)	\$500.00/set or \$100/per layer	\$500.00/set or \$100/per layer
Zoning (File Set)	\$500.00/set or \$100/per layer	\$500.00/set or \$100/per layer
8.5" x 11" (ANSI A)	\$3.00	\$3.00
11" x 17" (ANSI B)	\$5.00	\$5.00
17" x 22" (ANSI C)	\$10.00	\$10.00
22" x 34" (ANSI D)	\$10.00	\$10.00
24" x 48" or 24" x 60"	\$12.00	\$12.00
34" x 44" (ANSI E)	\$15.00	\$15.00
36" x 60" or 36" x 72"	\$15.00	\$15.00
Entire City Basemap	\$25.00	\$25.00
Entire City Aerial Image	\$50.00	\$50.00
Specialized Map Services		
Special Map Production Services (Per Hour)	65.00	65.00
Specialized Data Analysis Services (Per Hour)	65.00	65.00
Individual Orthophotography Tiles		
1-5 tiles	100.00/tile	100.00/tile
6 - 10 tiles	50.00/tile	50.00/tile
HUMAN RESOURCES		
COBRA administration	2% of monthly premium	2% of monthly premium
JUVENILE AND DOMESTIC RELATIONS COURT		
Fines and Forfeitures	Varies	Varies
Sheriff's Fees	12.00	12.00
Court Appointed Attorney	120.00	120.00
Courthouse Maintenance	5.00	5.00
Local Interest	Varies	Varies
Jail Admission Fee	25.00	25.00
Courthouse Security Fee	10.00	10.00

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
LIBRARY		
Printer and Photocopier-Black and White (per sheet)	0.20	0.20
Printer and Photocopier-Color (per sheet)	0.40	0.40
Printer (3D)-(per-sheet)	N/A	0.20
Lost Book/Materials	Cost of Book/Material	Cost of Book/Material
Lost/Damaged Barcode, RFID Tag, Case, Cover, Artwork or Spine Label	5.00	5.00
Lost Tape or CD	Cost of Replacement Tape or CD	Cost of Replacement Tape or CD
PARKS AND RECREATION		
Athletic Registration Fees		
Adult Flag Football - Spring & Fall Leagues	320.00	320.00
Adult Kickball	220.00	220.00
Adult Volleyball	200.00	200.00
Adult Softball League		
Men's Division	350.00	350.00
Women's Division	300.00	300.00
Adult Basketball League (per team)	320.00	320.00
Late Fee	15.00	15.00
Youth Basketball (per participant) Novice-Junior	60.00	60.00
Lil' Dribblers	40.00	40.00
Youth Cheerleading	60.00	60.00
Youth Soccer (per participant) Novice-Junior	60.00	60.00
Tiny Kickz	40.00	40.00
Ball Fields (Tournaments)		
Rental of Ball fields with Lights (half day)	60.00	60.00
Rental of Ball fields with Lights (full day)	115.00	115.00
Rental of Ball fields without Lights (half day)	40.00	40.00
Rental of Ball fields without Lights (full day)	65.00	65.00
Facilities and Parks		
<i>Bennett's Creek Park</i>		
Picnic Shelter		
Full Day	75.00	75.00
Wedding (up to 4 hours)	20.00 per hour	20.00 per hour
Stage	300.00 per day	300.00 per day
<i>Constant's Wharf Park and Marina</i>		
Compass Rose/Boardwalk (Weddings Only) Deposit	150.00	150.00
Compass Rose/Boardwalk (Weddings Only) Per Hour	150.00	150.00
Marina Slips		
Daily Rate with Electricity		
0-24 Feet	25.00	25.00
25-34 Feet	35.00	35.00
35-44 Feet	45.00	45.00
45-54 Feet	55.00	55.00
Monthly Rate with Electricity		
0-24 Feet	120.00	120.00
25-34 Feet	140.00	140.00
35-44 Feet	160.00	160.00
45-54 Feet	180.00	180.00
Daily Rate without Electricity		
0-24 Feet	20.00	20.00
25-34 Feet	30.00	30.00
35-44 Feet	40.00	40.00
45-54 Feet	50.00	50.00
Monthly Rate without Electricity		
0-24 Feet	100.00	100.00
25-34 Feet	120.00	120.00
35-44 Feet	140.00	140.00
45-54 Feet	160.00	160.00
<i>Lake Kennedy Park Shelter</i>	75.00	75.00
<i>Cypress Park Shelter</i>	75.00	75.00
<i>Cypress Park Pool (Rental)</i>		
Deposit	150.00	150.00
2-hour rental	35.00 per hour	35.00 per hour
Group Swim	35.00 per hour	35.00 per hour
Recreation Centers		
Birthday Parties		
1 to 25 Patrons	35.00 per hour/ 2 hour max	35.00 per hour/ 2 hour max
26 to 50 Patrons	50.00 per hour/ 2 hour max	50.00 per hour/ 2 hour max
51 to 100 Patrons	100.00 per hour/ 2 hour max	100.00 per hour/ 2 hour max

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
Recreation Center Membership		
Membership Fees		
Youth (7-17 years) - Per Year	10.00	10.00
Adults (18 and older) - Per Year	20.00	20.00
Seniors (55 and older) - Per Year	5.00	5.00
Visitor Pass-Youth & Teen	2.00	2.00
Visitor Pass-Adult	5.00	5.00
Visitor Pass-Senior	1.00	1.00
Replacement Card	3.00	3.00
Fitness Room (must have membership ID) - Per Month		
Fitness Room (Seniors) - Per Month	5.00	5.00
Fitness Room (Adults -18 & up) - Per Month	10.00	10.00
Fitness Room (Teens-16 & 17 Yrs Old) - Per Month	7.00	7.00
Unless Otherwise Noted, Non Resident Fees	25% above resident fees	25% above resident fees
Recreation Center Rentals		
Rental hours as follows:		
All Centers: - Monday - Friday; 6pm to 8pm		
East Suffolk & Whaleyville; Saturdays- 1pm to 9pm		
Application Processing Fee: East Suffolk & Whaleyville - Non Refundable	25.00	25.00
Gymnasium: Must be out by 8p (minimum 4 hour rental)		
Non-commercial Events		
Hourly Rate	65.00/hr	65.00/hr
Non resident rate	81.25/hr	81.25/hr
Commercial Events (w/fee or admission)		
Hourly Rate	75.00/hr	75.00/hr
Non resident rate	93.75/hr	93.75/hr
Deposit on All Rentals	150.00	150.00
Late Fee (per 15 minutes) for not vacating rental on time	25.00 per 15 minutes	25.00 per 15 minutes
Multipurpose Room		
Resident hourly rental rate (minimum 2 hour rental)	25.00 per hour	25.00 per hour
Non-resident hourly rental rate (min 2 hour rental)	35.00 per hour	35.00 per hour
Conference Room		
Resident hourly rental rate (minimum 2 hour rental)	25.00 per hour	25.00 per hour
Non-resident hourly rental rate (min 2 hour rental)	35.00 per hour	35.00 per hour
Lake Meade Park and Tennis Complex		
Picnic Shelter		
Full day	75.00	75.00
Tennis Ball Machine	10.00 per hour	10.00 per hour
Dog Park Membership (Annual Membership)	10.00	10.00
Lone Star Lakes Park		
Wedding (up to 4 hours)	20.00 per hour	20.00 per hour
Canoe Rentals (maximum of 6 canoes available)	25.00 per canoe	25.00 per canoe
Special Event Application Fee		
Non-Profit/For-Profit	50.00	50.00
Planters Club		
Rental Period: 8:00 a.m. to Midnight		
Deposit	150.00	150.00
Application Processing Fee	25.00	25.00
Setup Fees	50.00 per hour (2 hour min/4 hour max)	50.00 per hour (2 hour min/4 hour max)
Resident hourly rental rate (minimum 4-hour rental) Mon - Thurs	125.00 per hour/ Res.	125.00 per hour/ Res.
Non-resident hourly rental rate (minimum 4-hour rental) Mon - Thurs	200.00 per hour/ Non Res.	200.00 per hour/ Non Res.
Resident hourly rental rate (minimum 4-hour rental) Fri - Sun	225.00 per hour/ Res.	225.00 per hour/ Res.
Non-resident hourly rental rate (minimum 4-hour rental) Fri - Sun	300.00 per hour/ Non Res.	300.00 per hour/ Non Res.
Late Fee (per 15 minutes) for not vacating rental on time	25.00 per 15 minutes	25.00 per 15 minutes
Suffolk Art Gallery		
Deposit	150.00	150.00
Late fee per 15 mins. for not vacating on time	25.00 per 15 minutes	25.00 per 15 minutes
Non-Commercial events		
Hourly Rate	25.00/hr	25.00/hr
Commercial events		
Hourly Rate	35.00/hr	35.00/hr
Sleepy Hole Park		
Picnic Shelter #1-8 & 10-12 Full Day	75.00	75.00
Picnic Shelter #9 Full Day	125.00	125.00
Wedding (up to 4 hours)	20.00 per hour	20.00 per hour
Picnic Pack	25.00	25.00
Canoe/Kayack Annual Storage Fee	N/A	100.00
Whaleyville Annex		
Application Processing Fee: East Suffolk & Whaleyville - Non Refundable	25.00	25.00
Deposit	150.00	150.00
Resident hourly rental rate (minimum 4-hour rental) Includes Kitchen and use of Ice Machine	50.00 per hour/Res	50.00 per hour/Res
Non-resident hourly rental rate (minimum 4-hour rental)	62.50/hour/Non Res	62.50/hour/Non Res
Late Fee (per 15 minutes) for not vacating rental on time	25.00 per 15 minutes	25.00 per 15 minutes

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
Custodial Fees (all rental facilities)	10.50 to 16.00 per hour	10.50 to 16.00 per hour
Security Services (Suffolk Police Officers)	30.00 per hour per officer	30.00 per hour per officer
Fee Based Activities	As noted in Leisure Guide	As noted in Leisure Guide
Maintenance		
Equipment		
Mobile Bleachers - Per Day	200.00	200.00
Stage - Portable	500.00/per day	300.00/day
Tents - Per Day		
10 x 10	125.00	125.00
20 x 20	200.00	200.00
Tables	6.00	6.00
Folding Chairs (each)	1.00	1.00
Unless Otherwise Noted, Non Resident Fees	25% above resident fees	25% above resident fees
Ground Maintenance		
Grave Space - Single Lot	800.00	800.00
Grave Opening		
over 10 years of age - weekdays	850.00	850.00
over 10 years of age - Saturday	1,050.00	1,050.00
over 10 years of age - Sunday/Holiday	1,050.00	1,050.00
age 1-10 - weekdays	260.00	260.00
age 1-10 - Saturday	680.00	680.00
age 1-10 - Sunday/Holiday	860.00	860.00
infant under 1 - weekdays	140.00	140.00
infant under 1 - Saturday	560.00	560.00
infant under 1 - Sunday/Holiday	800.00	800.00
Cremation (urn burial)	400.00	400.00
Scatter Garden - Scattering of Ashes	100.00	100.00
Scatter Garden - Memorial /Plaque Engraving	225.00	225.00
Funeral after 4:00 pm in addition to above cost	100.00	100.00
* Please see Suffolk Parks & Recreation Connection brochure on the City's website for other events and rates at the following link: http://www.suffolkva.us/parks/		
PLANNING AND COMMUNITY DEVELOPMENT		
PLANNING		
Rezoning Requests		
Standard/Conventional Rezoning Request	840.00 plus 42.00 acre	840.00 plus 42.00 acre
Conditional Rezoning Requests	1,050 plus 42.00 acre	1,050 plus 42.00 acre
Amendment to Previously Approved Conditional Rezoning	N/A	1,050 plus 45.00 acre
Conditional Use Permits		
Conditional Use Permits Request	840.00 plus 21.00 acre	840.00 plus 21.00 acre
Amendment to Previously Approved Conditional Use Permit	N/A	840.00 plus 21.00 acre
Comprehensive Plan Amendment	1,050.00	1,050.00
Comprehensive Plan Consistency Review	262.50	262.50
Subdivision Variance Requests	525.00	525.00
Wetlands Board	262.50	262.50
Wetlands Board After the Fact	315.00	315.00
Resource Protection Area/Buffer Area Encroachment Review (Administrative Review)	52.50	52.50
Resource Protection Area/Buffer Area Encroachment Review (Planning Commission Review)	262.50	262.50
Historic and Cultural Review - Additions	157.50	N/A
Historic and Cultural Review - New Construction	157.50	N/A
Certificate of Appropriateness Request (Administrative Review)	36.75	36.75
After the Fact Certificate of Appropriateness Request (HLC Review)	262.50	262.50
After the Fact Certificate of Appropriateness Request (Administrative Review)	73.50	73.50
Certificate of Appropriateness Request (HLC Review)	157.50	157.50
Borrow Pit Fees	105.00	105.00
Per cubic yard removed semi-annually	0.24	0.24
Street Name Change Request	341.25	341.25
Street Abandonment	105.00	105.00
Encroachment Permits	105.00	105.00
Minor Subdivision	315.00	315.00
Family Transfer	315.00	315.00
Subdivision Plat Review		
Preliminary Plat Fee (per lot)	52.50 with 315.00 minimum	52.50 with 315.00 minimum
Amendment to Previously Approved Preliminary Subdivision Plat	N/A	52.50 with 315.00 minimum
Final Plat Fee (per lot)	31.50 with 210.00 minimum	31.50 with 210.00 minimum

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
Subdivision Engineering Plan Review	42.00 per lot with 210.00 minimum	42.00 per lot with 210.00 minimum
Subdivision Engineering Plan Review Revisions	157.50	157.50
Amendment to Previously Approved Engineering Plan	N/A	157.50
Subdivision Determination**	94.50	94.50
Site Plan Review (excludes 1 & 2 family dwelling)	630.00	630.00
plus per acre	63.00	63.00
Site Plan Review - additional revisions (per submittal)	157.50	157.50
Site Plan Waiver Request	52.50	52.50
Maps (each) Printed Map Products	5.25	5.25
Maps-Specialized Map Production Services	52.50 Hour	52.50 Hour
Aerial Photographs		
1" = 1000'	0.26	N/A
1" = 1600" Base map set	52.50	N/A
Unified Development Ordinance	Cost	N/A
Comprehensive Plan	63.00	N/A
Geodetic Control Network Book	26.25	N/A
Geodetic Control Network Book - Supplement	10.50	N/A
Printing Services		
Sheet Size (11-inch x 17-inch or smaller) Black & White	N/A	0.25 per sheet
Sheet Size (11-inch x 17-inch or smaller) Color	N/A	0.50 per sheet
Sheet Size (Larger than 11-inch x 17-inch)	N/A	10.00 per sheet
Wetland Mitigation Fee In-Lieu***	1% over market rate to purchase credits in an approved tidal wetlands bank	1% over market rate to purchase credits in an approved tidal wetlands bank
COMMUNITY DEVELOPMENT		
Minimum	56.00	56.00
State Levy	2.00%	2.00%
Extra Inspection Trips (each)	56.00	56.00
Correction/Amending Permit Fee	53.00	53.00
Extension of Permits	83.00	83.00
Penalty for Working Without Permits		
Construction Cost		
\$1 - 50,000	276.00	276.00
50,001 - 100,000	551.00	551.00
100,001 - 150,000	1,103.00	1,103.00
150,001 - 250,000	2,205.00	2,205.00
250,001 - 750,000	4,410.00	4,410.00
over 750,000	5,513.00	5,513.00
Electrical Permits (new service, temporary service & service changes)		
Minimum	56.00	56.00
State Levy	2.00%	2.00%
Correction/Amending Permit Fee	53.00	53.00
Extension of Permits	83.00	83.00
Extra Inspection Trips (each)	56.00	56.00
Commercial Power Release Inspection	66.00	66.00
1 - 99 amps		
Single Phase Fee (new)	56.00	56.00
Single Phase Fee (change)	56.00	56.00
Three Phase Fee (new)	56.00	56.00
Three Phase Fee (change)	56.00	56.00
100-149		
Single Phase Fee (new)	56.00	56.00
Single Phase Fee (change)	56.00	56.00
Three Phase Fee (new)	78.00	78.00
Three Phase Fee (change)	56.00	56.00
150 - 199 amps		
Single Phase Fee (new)	83.00	83.00
Single Phase Fee (change)	56.00	56.00
Three Phase Fee (new)	116.00	116.00
Three Phase Fee (change)	66.00	66.00
200 - 299 amps		
Single Phase Fee (new)	110.00	110.00
Single Phase Fee (change)	66.00	66.00
Three Phase Fee (new)	154.00	154.00
Three Phase Fee (change)	88.00	88.00
300 - 399 amps		
Single Phase Fee (new)	166.00	166.00
Single Phase Fee (change)	100.00	100.00
Three Phase Fee (new)	232.00	232.00
Three Phase Fee (change)	132.00	132.00
400 - 499 amps		
Single Phase Fee (new)	221.00	221.00
Single Phase Fee (change)	132.00	132.00
Three Phase Fee (new)	309.00	309.00
Three Phase Fee (change)	176.00	176.00

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
500 - 599 amps		
Single Phase Fee (new)	276.00	276.00
Single Phase Fee (change)	166.00	166.00
Three Phase Fee (new)	386.00	386.00
Three Phase Fee (change)	221.00	221.00
600 - 699 amps		
Single Phase Fee (new)	331.00	331.00
Single Phase Fee (change)	198.00	198.00
Three Phase Fee (new)	463.00	463.00
Three Phase Fee (change)	265.00	265.00
700 - 799 amps		
Single Phase Fee (new)	386.00	386.00
Single Phase Fee (change)	232.00	232.00
Three Phase Fee (new)	541.00	541.00
Three Phase Fee (change)	310.00	310.00
800 - 899 amps		
Single Phase Fee (new)	441.00	441.00
Single Phase Fee (change)	265.00	265.00
Three Phase Fee (new)	617.00	617.00
Three Phase Fee (change)	353.00	353.00
900 - 999 amps		
Single Phase Fee (new)	497.00	497.00
Single Phase Fee (change)	298.00	298.00
Three Phase Fee (new)	695.00	695.00
Three Phase Fee (change)	397.00	397.00
1,000 - 1,099 amps		
Single Phase Fee (new)	551.00	551.00
Single Phase Fee (change)	331.00	331.00
Three Phase Fee (new)	772.00	772.00
Three Phase Fee (change)	441.00	441.00
1,100 - 1,199 amps		
Single Phase Fee (new)	607.00	607.00
Single Phase Fee (change)	364.00	364.00
Three Phase Fee (new)	816.00	816.00
Three Phase Fee (change)	463.00	463.00
1200 amps		
Single Phase Fee (new)	662.00	662.00
Single Phase Fee (change)	397.00	397.00
Three Phase Fee (new)	860.00	860.00
Three Phase Fee (change)	485.00	485.00
Over 1,200 amps		
Single Phase Fee (new)	662.00 plus 26 per 50 amps after	662.00 plus 26 per 50 amps after
Single Phase Fee (change)	397.00 plus 16 per 50 amps after	397.00 plus 16 per 50 amps after
Three Phase Fee (new)	860.00 plus 21 per 50 amps after	860.00 plus 21 per 50 amps after
Three Phase Fee (change)	485.00 plus 11 per 50 amps after	485.00 plus 11 per 50 amps after
Electrical Permits (additions and repairs)		
0 - 20 amps (per circuit)	5.00	5.00
24 - 40	6.00	6.00
41 - 60	8.00	8.00
61 - 150	17.00	17.00
over 150 amps	22.00	22.00
Pool Grounding	61.00	61.00
Repair Wiring, Apparatus, Fixtures	56.00	56.00
Fire Prevention Permit		
Minimum	N/A	59.00
State Levy	N/A	2%
Correction/Amending Permit Fee	N/A	56.00
Extension of Permits	N/A	88.00
Extra Inspections Trips (each)	N/A	59.00
Fire Prevention Permit	N/A	59.00 plus .005 of value
Plumbing Permits		
Minimum	56.00	56.00
State Levy	2.00%	2.00%
Correction/Amending Permit Fee	53.00	53.00
Extension of Permits	80.00	80.00
Extra Inspection Trips (each)	56.00	56.00
Each Fixture, Floor Drain, or Trap	8.00	8.00
Each Sewer (sanitary and storm)	8.00	8.00
Each Sewer Replaced or Repaired	39.00	39.00
Each Manhole	8.00	8.00
Each Roof Drain	8.00	8.00
Each Area Drain	8.00	8.00
Each Water Heater	8.00	8.00
Each Water Line (New Residential)	8.00	8.00
Each Water Line (Existing Residential)	39.00	39.00
Each Water Line (Commercial)	110.00	110.00
Each Sewer Line (Commercial)	110.00	110.00

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
Backflow Preventer	8.00	8.00
Mechanical and Gas Permits		
Minimum	56.00	56.00
State Levy	2.00%	2.00%
Correction/Amending Permit Fee	53.00	53.00
Extension of Permits	83.00	83.00
Extra Inspection Trips (each)	56.00	56.00
Mechanical Permit Fees		
Chiller, Cooling Tower, Tank	\$36.00 each	\$36.00 each
AC Equipment, Boiler, Furnace Gas Pack, Forced Air, Misc. Heater, Gas Piping	\$19.00 each	\$19.00 each
Air Handler	\$9.00 each	\$9.00 each
Duct Work, Misc Fan, Range Hood	\$7.00 each	\$7.00 each
Elevator Installation		
\$0-5,000	56.00	56.00
5,001-6,000	61.00	61.00
Above 6,000	56.00 plus \$6.00 per \$1,000 value	56.00 plus \$6.00 per \$1,000 value
Fire Alarm and Fire Suppression		
\$0 - 5,000	56.00	56.00
5,001 - 6,000	59.00	59.00
Above 6,000	\$56 plus \$9.00 per \$1,000	\$56 plus \$9.00 per \$1,000
LPG Tanks and Associated Piping		
0 - 2,000 gallons	56.00	56.00
over 2,000	56.00 plus \$4.00/10,000 gallons	56.00 plus \$4.00/10,000 gallons
Flammable Liquid Tanks and Associated Piping		
0 - 50,000 gallons	56.00	56.00
over 50,000	56.00 plus \$4.00/10,000 gallons	56.00 plus \$4.00/10,000 gallons
Fuel Piping Outlet Each	56.00	56.00
Plan Review		
All Structures - Residential		
0 - 2,499 square feet	83.00	83.00
2,500 - 5,000	110.00	110.00
5,000 - 10,000	138.00	138.00
10,001 - 30,000	193.00	193.00
30,001 - 50,000	276.00	276.00
50,001 - 100,000	331.00	331.00
Above 100,000	386.00	386.00
All Structures - Commercial		
0 - 2,499 square feet	87.00	87.00
2,500 - 5,000	116.00	116.00
5,000 - 10,000	145.00	145.00
10,001 - 30,000	203.00	203.00
30,001 - 50,000	290.00	290.00
50,001 - 100,000	348.00	348.00
Above 100,000	405.00	405.00
Fire Plan Review		
Fire sprinkler system new < 10 w/calcs, or alterations < 10 existing sprinkler heads not located in the most remote area involving new hydraulic calculations	N/A	50.00
5 foot stub-out for fire protection systems submitted separately from complete fire sprinkler or fire main	N/A	50.00
Fire alarm system alterations where the submittal does not require battery calculations, or the removal of any or all components of non-required system	N/A	50.00
Kitchen hood fire suppression systems installation / alteration	N/A	50.00
Fire sprinkler system new installation 11-20 w/calcs, alterations of 11-20 existing sprinkler heads not located in the most remote area involving new hydraulic calculations or removal of any	N/A	100.00
FM 200 clean agent system installation or alteration	N/A	100.00
Fire alarm new installations or alterations that involve ≤ 5 devices, that require battery calculations	N/A	100.00
Spray paint booth installation / alteration	N/A	100.00
Fire sprinkler systems installation or alteration that involve ≥ 21 sprinkler heads	N/A	200.00
Fire alarm systems new installations or alterations ≥ 6 devices, that require battery calculations	N/A	200.00
Moving		
Out of City to In City	579.00	579.00
In City to Out of City	303.00	303.00
Within City	303.00	303.00
Through City	110.00	110.00
Accessory Structures		
0 - 100 square feet	56.00	56.00
101 - 300	56.00	56.00
301 - 600	71.00	71.00

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
Demolition		
One to Two Family Residences	61.00	61.00
Any Residential Accessory Structure	56.00	56.00
All Other Buildings		
0 - 60,000 square feet	110.00	110.00
over 60,000	\$27/15,000 sqft	\$27/15,000 sqft
Sign Fees		
In Addition to Minimum Permit Fee		
1 - 40	56.00	56.00
41 - 80	61.00	61.00
over 80	71.00	71.00
Elevator Compliance Card	56.00	56.00
Amusement Ride Inspection		
Kiddie Ride	16.00	16.00
Major Ride	26.00	26.00
Spectacular Ride	27.00	27.00
Cross Connection Inspection	56.00	56.00
Private Piers, Greenhouses, and Walls		
\$1 - 2,200	56.00	56.00
over 2,200	\$56 plus 0.2% of value	\$56 plus 0.2% of value
Miscellaneous Fees		
Mobile Homes	56.00	56.00
Modular Classroom Units	61.00	61.00
Tents	56.00	56.00
Chimneys	56.00	56.00
Free Standing Fireplaces/Wood Stoves	56.00	56.00
Stationary Fireplaces	56.00	56.00
Swimming Pools		
\$1 - 2,200	56.00	56.00
over 2,200	\$56 plus 0.2% of value	\$56 plus 0.2% of value
Certificate of Occupancy		
Residential	56.00	56.00
Commercial	110.00	110.00
Extension of Residential, Commercial and Temp C.O.	56.00	56.00
Temporary	110.00	110.00
Rental	56.00	56.00
Two or More Units (per unit)	34.00	34.00
Reinspection	56.00	56.00
Business License Inspection	110.00	110.00
Board of Building Code Appeal	276.00	276.00
Extension of Permits	83.00	83.00
Tower, Antennas and Like Structures		
\$0 - 4999 value	107.00	107.00
5,000 - 19,999	428.00	428.00
20,000 - 99,999	1,227.00	1,227.00
over 100,000	\$1,227 plus \$4 per \$1,000	\$1,227 plus \$4 per \$1,000
Building Fees		
Residential New Construction	.09/sq.ft.	.09/sq.ft.
Commercial New Construction	.10/sq.ft.	.10/sq.ft.
Correction /Amending Permit Fee	53.00	53.00
Extension of Permits	83.00	83.00
Extra Inspection Trips (each)	56.00	56.00
Additional/Alteration/Repair (Commercial & Residential) based on value of construction		
\$0.00-\$5,000	\$0.013	\$0.013
\$5,001-\$20,000	\$0.009	\$0.009
\$20,001 and above	\$0.007	\$0.007
Zoning Fees		
Minimum	39.00	39.00
State Levy	2.00%	2.00%
Commercial Business Clearance	110.00	110.00
Board of Building Code Appeal	276.00	276.00
Zoning Permits (includes Farm Affidavits)	39.00	39.00
Home Occupation Permits (zoning review)	39.00	39.00
Health Department Evaluation		
New Construction	110.00	110.00
Updates	56.00	56.00
Board of Zoning Appeals	551.00	551.00
Administrative Variance Request	66.00	66.00
Chesapeake Bay Special Exception Request		
Reviewed by Zoning Administrator	56.00	56.00
If Forwarded to Board of Zoning Appeals	331.00	331.00

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
Written Determination by Zoning Administrator	100.00	100.00
Special Entertainment Permit	\$56.00 plus fees for in-kind services such as Police, Fire, Equipment Rental, etc.	N/A
Junkyard Compliance Inspection (yearly)	105.00	105.00
Temporary Use Permit	39.00	39.00
Unified Development Ordinance	Cost	N/A
Temporary Signs	39.00	39.00
Building Permits:		
Permit Issued No Inspections Completed	75%	75%
Foundation Inspection Completed	50%	50%
Framing & Foundation Inspection Completed	25%	25%
Electrical Permits:		
Permit Issued No Inspections Completed	75%	75%
Rough-in Inspections Completed	50%	50%
Mechanical Permits:		
Permit Issued No Inspections Completed	75%	75%
Rough-in Inspections Completed	50%	50%
Gas Permits:		
Permit Issued No Inspections Completed	75%	75%
Rough-in Inspections Completed	50%	50%
Plumbing Permits		
Permit Issued No Inspections Completed	75%	75%
Rough-in Inspections Completed	50%	50%
Small Cell Tower		
Value of \$0-\$4,999	N/A	102.00
\$5,000-\$19,999	N/A	408.00
\$20,000-\$99,999	N/A	1169.00
Over \$100,000	N/A	1,169.00 plus 4.00 per 1,000
* All refunds subject to \$15.00 processing Fee-no refunds will be issued for amounts less than \$15.00		
POLICE		
Annual Alarm Registration	25.00	25.00
Alarm Registration Renewal	10.00	10.00
Alarm Registration Late Fee (after 30 days)	25.00	25.00
Fee to alarm company for failure to provide alarm user list	25.00 per working day until compliance	25.00 per working day until compliance
Reinstatement fee for failure to provide alarm user list	100.00 + 10.00 per registered user	100.00 + 10.00 per registered user
Late fee for registration renewal (after 30 days)	25.00	25.00
Use of Automatic Dialer	100.00	100.00
Audible Alarm Violation	100.00	100.00
Reinstatement Fee for failure to provide ARM	100.00 + 10.00 per registered user	100.00 + 10.00 per registered user
Failure of alarm company to provide customer False Alarm Prevention checklist	50.00	50.00
Failure of alarm company to provide Alarm Installer checklist	50.00	50.00
Failure of alarm company to provide Alarm Dispatch Records request	50.00	50.00
Security Alarm Company Initial Registration*	100.00	100.00
Late fee for Security Alarm Company registration (after 30 days)	25.00	25.00
Security Alarm Company Registration Renewal less than 50 alarm sites in Suffolk*	100.00	100.00
Security Alarm Company Registration Renewal 51+ alarm sites in Suffolk	100.00	100.00
Reinstatement fee for alarm installation/monitoring company	100.00	100.00
General false alarm fee for second response	50.00	50.00
General false alarm fee for third response	100.00	100.00
General false alarm fee for fourth and subsequent response	150.00	150.00
Robbery/panic false alarm for second response	100.00	100.00
Robbery/panic false alarm for third response	150.00	150.00
Robbery/panic false alarm for fourth and all subsequent response	250.00	250.00
Reinstatement fee to alarm user for suspended alarm registration	50.00	50.00
Late fee for failure to pay false alarm fees after 30 days	25.00	25.00
False Alarm fee for non-registered alarm per response	100.00	100.00
Fee to monitoring co. for calling in on suspended /unregistered alarm site	100.00	100.00
Fee to alarm company for making false statement	100.00	100.00
Fee to alarm company for causing false alarm response per response	75.00	75.00
Fee to monitoring company for failure to verify alarm system signal	100.00	100.00
Fee for appeals per request	25.00	25.00
Local Record Check	10.00	10.00
Accident Report	10.00	10.00
Incident Report	10.00	10.00

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
Fingerprinting	\$10 for first card, and \$5 for additional cards	\$10 for first card, and \$5 for additional cards
Photographs	7.00 or cost whatever is greater	7.00 or cost whatever is greater
Chauffeur's License	20.00	20.00
Solicitation Permit	15.00	15.00
Concealed Weapon Permit	35.00	35.00
Computer Generated Reports	Cost, but not less than 15.00	Cost, but not less than 15.00
Certificate of Public Convenience	\$30.00 plus \$20 for annual inspection or reinspection of each vehicle listed	\$30.00 plus \$20 for annual inspection or reinspection of each vehicle listed
Security Services	Police Officer/\$30 per hour, minimum 2 hours Supervisor/\$35 per hour, minimum	Police Officer/\$30 per hour, minimum 2 hours Supervisor/\$35 per hour, minimum
Reclaim Fee (Animal Shelter and Management)	15.00 per day	15.00 per day
Adoption - Feline Spayed or Neutered with Vaccines (Animal Shelter)	75.00	75.00
Adoption - Canine Spayed or Neutered with Vaccines (Animal Shelter)	95.00	95.00
Adoption - Animal other than Feline or Canine (Animal Shelter)	25.00	25.00
Dog License Fee - Spayed or Neutered (Animal Shelter)	5.00	5.00
Dog License Fee - Not Spayed or Neutered (Animal Shelter)	10.00	10.00
Dog License Fee - Duplicate	1.00	1.00
Lifetime Dog License Fee - Spayed or Neutered (Animal Shelter)	50.00	50.00
Dangerous Dog Registration Certificate	150.00	150.00
Dangerous Dog Registration Certificate Renewal	85.00	85.00
Kennel License	\$50 per block of 10 dogs	\$50 per block of 10 dogs
Full Scale Accident Diagram	5.00	5.00
Audio Dispatch Tape/CD	15.00	15.00
CAD Report	6.00	6.00
Color Copy	0.50	0.50
Black & White Copy	0.25	0.25
Photographs on CD	15.00	15.00
Video Tape	15.00	15.00
PUBLIC UTILITIES		
Bacteriological Tests (each)	35.00	40.00
Delinquency Fees		
Door tag placement	10.00	10.00
Disconnect/Reconnect of Water Service	25.00	25.00
Meter Removal	50.00	50.00
Finance Charges	1.5 % per month with \$0.50 minimum	1.5 % per month with \$0.50 minimum
Illegal Connect/Reconnection of Water Service	100.00	100.00
Water Conservation Reconnection Fees		
1st Violation	250.00	250.00
Subsequent Violations	500.00	500.00
Water Rate per 100 cubic feet (July 1 - September 30)	9.71	9.71
Water Rate per 100 cubic feet (October 1 - June 30)	9.71	9.97
WTWA Wholesale Water Rate (per 100 cubic feet)	4.84	4.86
WTWA Fixed Capacity Charge (per month)	199,026.00	200,470.00
WTWA Meter Service Charge (per month)	200.00	200.00
Water Conservation Service Charge Rate	1.25 x Meter Rate	1.25 x Meter Rate
Water Usage Non Metered (per month - 5 ccf) (July 1 - September 30)	48.55	48.55
Water Usage Non Metered (per month - 5 ccf) (October 1 - June 30)	48.55	49.80
Meter Service Charge (per month) (July 1 - September 30)		
5/8 and 3/4 inch meter	11.25 (Billed at \$0.370 per day per billing cycle)	11.25 (Billed at \$0.370 per day per billing cycle)
1 inch meter	28.15 (Billed at \$0.925 per day per billing cycle)	28.15 (Billed at \$0.925 per day per billing cycle)
1½ inch meter	56.25 (Billed at \$1.850 per day per billing cycle)	56.25 (Billed at \$1.850 per day per billing cycle)
2 inch meter	90.00 (Billed at \$2.959 per day per billing cycle)	90.00 (Billed at \$2.959 per day per billing cycle)
3 inch meter	168.75 (Billed at \$5.548 per day per billing cycle)	168.75 (Billed at \$5.548 per day per billing cycle)
4 inch meter	286.25 (Billed at \$9.411 per day per billing cycle)	286.25 (Billed at \$9.411 per day per billing cycle)
6 inch meter	562.50 (Billed at \$18.493 per day per billing cycle)	562.50 (Billed at \$18.493 per day per billing cycle)
8 inch meter	900.00 (Billed at \$29.589 per day per billing cycle)	900.00 (Billed at \$29.589 per day per billing cycle)
10 inch meter	1,293.75 (Billed at \$42.534 per day per billing cycle)	1,293.75 (Billed at \$42.534 per day per billing cycle)
Meter Service Charge (per month) (October 1 - June 30)		
5/8 and 3/4 inch meter	11.25 (Billed at \$0.370 per day per billing cycle)	12.75 (Billed at \$0.419 per day per billing cycle)
1 inch meter	28.15 (Billed at \$0.925 per day per billing cycle)	31.90 (Billed at \$1.048 per day per billing cycle)
1½ inch meter	56.25 (Billed at \$1.850 per day per billing cycle)	63.75 (Billed at \$2.096 per day per billing cycle)
2 inch meter	90.00 (Billed at \$2.959 per day per billing cycle)	102.00 (Billed at \$3.353 per day per billing cycle)
3 inch meter	168.75 (Billed at \$5.548 per day per billing cycle)	191.25 (Billed at \$6.288 per day per billing cycle)
4 inch meter	286.25 (Billed at \$9.411 per day per billing cycle)	318.75 (Billed at \$10.480 per day per billing cycle)
6 inch meter	562.50 (Billed at \$18.493 per day per billing cycle)	637.50 (Billed at \$20.959 per day per billing cycle)
8 inch meter	900.00 (Billed at \$29.589 per day per billing cycle)	1020.00 (Billed at \$33.534 per day per billing cycle)
10 inch meter	1,293.75 (Billed at \$42.534 per day per billing cycle)	1,466.25 (Billed at \$48.214 per day per billing cycle)
Water Connection Charge (installed by city)		
5/8 inch & 3/4 inch meter	2,000.00	2,000.00
1 inch meter	2,300.00	2,300.00
1½ inch meter	2,600.00	2,600.00
2 inch meter	3,000.00	3,000.00

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
When the size is above those listed a charge equal to actual cost of installation plus 25%	Actual cost x 1.25	Actual cost x 1.25
Water Connection Charge (installed by developer)	50.00	50.00
Water Availability Charge (residential)		
Single Family	5,520.00	5,520.00
Attached Multi Family (Building with 2 to 4 units) (cost per unit)	4,970.00	4,970.00
Attached Multi Family (Building with 5 to 16 units) (cost per unit)	4,420.00	4,420.00
Attached Multi Family (Building with 17 to 24 units) (cost per unit)	3,865.00	3,865.00
Attached Multi Family (Building 25 + units) (cost per unit)	3,310.00	3,310.00
Mobile Home Park (cost per unit)	3,900.00	3,900.00
Water Availability Charge (commercial)		
5/8 and 3/4 inch meter	5,520.00	5,520.00
1 inch meter	13,520.00	13,520.00
1 1/2 inch meter	26,950.00	26,950.00
2 inch meter	43,120.00	43,120.00
3 inch meter	80,850.00	80,850.00
4 inch meter	134,750.00	134,750.00
6 inch meter	269,500.00	269,500.00
8 inch meter	431,200.00	431,200.00
10 inch meter	619,850.00	619,850.00
Installation Payments		
Down Payment	250.00	250.00
Interest	Equal to prime rate - July 1	Equal to prime rate - July 1
Finance charge	1 1/2 % or \$0.50 minimum per month	1 1/2 % or \$0.50 minimum per month
New Account Setup Charge	10.00	10.00
Fire Hydrant Meter-Deposit Rental Charge (excludes water usage charge)	300.00	\$100/month
Fire Hydrant Flow Test Fee/Water Model Evaluation	400.00	400.00
Sewer Collection (per 100 cubic feet) (July 1 - September 30)	7.27	7.27
Sewer Usage Not Metered (per month 5 ccf) (July 1 - Sept. 30)	36.35	36.35
Sewer Collection (per 100 cubic feet) (October 1 - June 30)	7.27	7.54
Sewer Usage Not Metered (per month 5 ccf) (October 1 - June 30)	36.35	37.70
Sewer Connection Charge (installed by city)		
4 inch lateral size	1,800.00	1,800.00
6 inch lateral size	3,000.00	3,000.00
Greater than 6 inch	actual cost of installation plus 25%	actual cost of installation plus 25%
Sewer Connection Charge (installed by developer)	50.00	50.00
Sewer Availability Charge (residential)		
Single Family	6,000.00	6,000.00
Attached Multi Family (Building with 2 to 4 units), (cost per unit)	5,400.00	5,400.00
Attached Multi Family (Building with 5 to 16 units), (cost per unit)	4,800.00	4,800.00
Attached Multi Family (Building with 17-24 units), (cost per unit)	4,200.00	4,200.00
Attached Multi Family (Building 25+ units), (cost per unit)	3,600.00	3,600.00
Mobil Home Park (cost per unit)	3,900.00	3,900.00
Sewer Availability Charge (commercial)		
5/8 and 3/4 inch meter	6,000.00	6,000.00
1 inch meter	14,800.00	14,800.00
1 1/2 inch meter	29,500.00	29,500.00
2 inch meter	47,100.00	47,100.00
3 inch meter	88,100.00	88,100.00
4 inch meter	146,800.00	146,800.00
6 inch meter	293,400.00	293,400.00
8 inch meter	469,300.00	469,300.00
10 inch meter	674,600.00	674,600.00
Manual of Cross Connection Policies	20.00	20.00
Plan sheet copies 24" x 36" (per sheet)	2.00	2.00
Copies (black and white (each)	0.20	0.20
Copies (color) (each)	0.35*	0.35*
Engineering Review		
Site Plans Review	\$1,500 Base Fee plus \$1.50/lf for every foot of public water & sewer mains beyond the initial 250 if no mains plus pump station review fee	\$1,500 Base Fee plus \$1.50/lf for every foot of public water & sewer mains beyond the initial 250 if no mains plus pump station review fee
Engineering Plans Review	\$2,500 Base Fee plus \$1.15/lf for every foot of public water & sewer mains plus pump station review fee	\$2,500 Base Fee plus \$1.15/lf for every foot of public water & sewer mains plus pump station review fee
Engineering Plans/Site Plans Amendments	\$500/Submittal	\$500/Submittal
Plans	200.00	200.00
Pump Station Review/Sewer Model Evaluation	\$2,000 per station	\$2,000 per station
Single Family Grinder Pump Review/Inspection	300.00	300.00
Engineering Construction Inspection		
Sanitary Sewer Facilities	\$1.50/LF for every foot of public sewer installed	\$1.50/LF for every foot of public sewer installed
Water Transmission/Distribution Facilities	\$1.50/LF for every foot of public sewer installed	\$1.50/LF for every foot of public sewer installed
Site Plan with Public Utilities	\$1,500 plus \$1.50 for every foot of public water or sewer mains installed	\$1,500 plus \$1.50 for every foot of public water or sewer mains installed

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
Inspection Fee for Overtime Work at Developers Request	At Cost	At Cost
Environmental Incentive - Water		
5/8 and 3/4 inch meter	3,250.00	3,250.00
1 inch meter	8,125.00	8,125.00
1½ inch meter	16,250.00	16,250.00
2 inch meter	26,000.00	26,000.00
3 inch meter	48,750.00	48,750.00
4 inch meter	81,250.00	81,250.00
Environmental Incentive - Sewer		
5/8 and 3/4 inch meter	1,750.00	1,750.00
1 inch meter	4,375.00	4,375.00
1½ inch meter	8,750.00	8,750.00
2 inch meter	14,000.00	14,000.00
3 inch meter	26,250.00	26,250.00
4 inch meter	43,750.00	43,750.00
PUBLIC WORKS		
Traffic Engineering Inspection and Plan Review		
Site Plan:	\$1,000/application	\$1,000/application
Engineering Plans:	\$1,500/application	\$1,500/application
Major Final Subdivision Plats:	\$100/plat	\$100/plat
Traffic Engineering Study Fee	\$100/hr	\$100/hr
Traffic Signal Inspection Fee	\$18,000 per location	\$18,000 per location
Inspection Services	\$70/hr	\$70/hr
Golf Cart Study Fee	\$1,600/application	\$1,600/application
Golf Cart Signs (per location)	\$250 per location	\$250 per location
No Wake Zone Study Fee	N/A	550.00
No Wake Zone Posting	N/A	At Cost
Right-of-Way Encroachment Permit	125.00	125.00
Shared Mobility Device System Application Fee	N/A	>10 Devices \$200 10>50 Devices \$1,500 50< Devices \$5,000 Defined by Permit
Impact Fee	N/A	
Stormwater and Public Works Engineering		
Storm Water Utility Fee	6.00/mo/ERU	6.00/mo/ERU
Inspection Fee for Engineering Plans	2% of engineers cost estimate plus 2% of E&S bond estimate; \$1,400 minimum	2% of engineers cost estimate plus 2% of E&S bond estimate; \$1,400 minimum
Inspection Fee for Site Plans/E&S Only Plans	\$400/acre;\$1,400 minimum not to exceed \$8,000	\$400/acre;\$1,400 minimum not to exceed \$8,000
Inspection Fee for Overtime Work at Development Request	at cost	At Cost
Stormwater/E & S plan review		
Site Plan Review Fee	Less than-10,000 sf of disturbance - \$460 10,000-0.5 acre of disturbance - \$835 Greater than 0.5 and up to 1.0 acre of disturbance- \$1585 (Plans with disturbance greater than 1.0 acre shall add \$250/additional acre of disturbance or any portion thereof) The following state fees shall be added accordingly ≥1.0-5.0 acres + \$756 >5.0-10.0 acres + \$952 >10.0-50.0 acres + \$1,260 >50.00-100.00 acres + \$1,708 >100.00 acres + \$2,688 Plan Amendment = \$350 \$1000 + \$1/lf of roadway The following state fees shall be added accordingly ≥1.0-5.0 acres + \$756 >5.0-10.0 acres + \$952 >10.0-50.0 acres + \$1,260 >50.00-100.00 acres + \$1,708 >100.00 acres + \$2,688 Plan Amendments = \$350	Less than-10,000 sf of disturbance - \$460 10,000-0.5 acre of disturbance - \$835 Greater than 0.5 and up to 1.0 acre of disturbance- \$1585 (Plans with disturbance greater than 1.0 acre shall add \$250/additional acre of disturbance or any portion thereof) The following state fees shall be added accordingly ≥1.0-5.0 acres + \$756 >5.0-10.0 acres + \$952 >10.0-50.0 acres + \$1,260 >50.00-100.00 acres + \$1,708 >100.00 acres + \$2,688 Plan Amendment = \$350 \$1000 + \$1/lf of roadway The following state fees shall be added accordingly ≥1.0-5.0 acres + \$756 >5.0-10.0 acres + \$952 >10.0-50.0 acres + \$1,260 >50.00-100.00 acres + \$1,708 >100.00 acres + \$2,688 Plan Amendments = \$350
Engineering Plan Review Fee	Plan Amendment = \$350 \$1000 + \$1/lf of roadway The following state fees shall be added accordingly ≥1.0-5.0 acres + \$756 >5.0-10.0 acres + \$952 >10.0-50.0 acres + \$1,260 >50.00-100.00 acres + \$1,708 >100.00 acres + \$2,688 Plan Amendments = \$350	Plan Amendment = \$350 \$1000 + \$1/lf of roadway The following state fees shall be added accordingly ≥1.0-5.0 acres + \$756 >5.0-10.0 acres + \$952 >10.0-50.0 acres + \$1,260 >50.00-100.00 acres + \$1,708 >100.00 acres + \$2,688 Plan Amendments = \$350
Modification or Transfer of General Permit/Registration Statement for Discharges of Stormwater from Construction Activities	Fees shall be paid pursuant to Virginia Administrative Code 9VAC25-870-825	Fees shall be paid pursuant to Virginia Administrative Code 9VAC25-870-825
Annual Maintenance fees for General or Individual Permits for Discharges of Stormwater from Construction Activities	Fees shall be paid pursuant to Virginia Administrative Code 9VAC25-870-830	Fees shall be paid pursuant to Virginia Administrative Code 9VAC25-870-830
Minor Subdivision Plan Review Fee	150.00	150.00
Major Subdivision Maintenance Agreement Review Fee	\$750 per plat	\$750 per plat
Single Family E&S Site Plan Review	290.00	290.00
Stormwater Maintenance Agreement Review Fee	150.00	150.00
Storm Sandbags (Suffolk Residents Only)	N/A	3.00
Pro Rata Share Fees		
Chowan Watershed	958/acre	958/acre
Great Dismal Watershed	263/acre	263/acre
James River Watershed	632/acre	632/acre

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	~ Fiscal Year 2020-2021
Permits		
Right of Way Permit	125.00	125.00
plus asphalt (per cubic foot)	Cost	Cost
plus concrete (per cubic foot)	Cost	Cost
Driveway Apron (per square foot)	2.50	2.50
Street Name Signs (private - black and yellow)	600.00	600.00
Street Name Signs (public - green and white)	600.00	600.00
Permits (continued)		
Special Permits for Oversized and Overweight Vehicles		
Single-Trip Permit	75.00	75.00
Single-Trip House Move Permit	100.00	100.00
Blanket-Term Permit	300.00	300.00
General Engineering Review	at cost	at cost
In-depth Engineering Review	at cost	at cost
Maps - Printed Map Products		
GIS Tax Map (single map)	See Geographic Information System section for map rates	See Geographic Information System section for map rates
Other Map Product (single map)	See Geographic Information System section for map rates	See Geographic Information System section for map rates
Generalized City Base Map (single map)	See Geographic Information System section for map rates	See Geographic Information System section for map rates
Maps - Specialized Map Services		
Special Map Production Services (per hour)	See Geographic Information System section for map rates	See Geographic Information System section for map rates
Specialized Data Analysis Services (per hour)	See Geographic Information System section for map rates	See Geographic Information System section for map rates
Refuse Collection		
Automated Refuse Container	70.00	70.00
*Refuse and Recycling Service (July 1 - December 31)	21.30/mo/unit	21.30/mo/unit
*Refuse and Recycling Service (January 1 - June 30)	21.30/mo/unit	25.25/mo/unit
Bulk Refuse Service		
1-12 CY bulk collection - before 12 free collections are used	No Charge	No Charge
13-24 CY bulk collection - before 12 free collections are used	47.50	47.50
1-12 CY bulk collection - after 12 free collections	47.50	47.50
13-24 CY bulk collection - after 12 free collections	105.00	105.00
Evictions	170.00	170.00
Bulk Refuse Service - Roll Off		
Weekdays	120.00	120.00
Weekends	170.00	170.00
<i>* Does not include commercial refuse collection</i>		
TRANSIT		
Fares-Regular Bus Service (Not Paratransit)		
Adult - One way (No Transfer)	1.50	1.50
Adult - All day (Unlimited Transfer)	3.00	3.00
Adult - Monthly Pass	57.50	57.50
Student (6-18 yrs) - One way (No Transfer)	1.00	1.00
Student (6-18 yrs) - All day (Unlimited Transfer)	2.00	2.00
Student (6-18 yrs) - Monthly Pass	37.50	37.50
Disabled and/or Senior (55+ yrs) - One way (No Transfer)	0.75	0.75
Disabled and/or Senior (55+ yrs) - All day (Unlimited Transfer)	1.50	1.50
Disabled and/or Senior (55+ yrs) - Monthly Pass	27.50	27.50
Fare - Paratransit - One way (Qualified individuals only)	3.00	3.00
TOURISM		
Conference Room (9 am to 5 pm)		
Non-Profit (first two hours)	25.00	25.00
Additional Hours	5.00/hour	5.00/hour
For-Profit (first two hours)	75.00	75.00
Additional Hours	15.00/hour	15.00/hour
Multipurpose Room (6 pm to midnight)		
Deposit (non-refundable)	150.00	150.00
Non-Profit Event	50.00/hour	50.00/hour
For-Profit Event	80.00/hour	80.00/hour
Visitor Center Pavilion		
Deposit (non-refundable)	300.00	300.00
Each additional hour (two hour minimum)	100.00/hour	100.00/hour
Farmer's Market Booth Rental (Pavilion)		
Standard Booth	60.00/season	75.00/season
Expanded Booth	100.00/season	125.00/season
Exterior (Uncovered) Space	40.00/season	45.00/season
One-day Vendor Pass	15.00/one day	15.00/one day
Interpreted Bus Tour Historic District		
Adult	8.00	8.00
Senior (60+) and Child (3 to 12), Military	6.00	6.00
Interpreted Bus Tour Great Dismal Swamp		
Adult	10.00	10.00
Senior (60+) and Child (9 to 12), Military	8.00	8.00
Guided Cedar Hill Cementary Stroll		
Adult	7.00	7.00
Senior (60+) and Child (9 to 12), Military	5.00	5.00
Interpreted Canoe Tour	40.00	40.00

CITY OF SUFFOLK
 FEE SCHEDULE
 FISCAL YEAR 2020-2021

Fees	Fiscal Year 2019-2020	Fiscal Year 2020-2021
Ghost Walk		
Adult	10.00	10.00
Senior (60+) and Child (9 to 12), Military	8.00	8.00
Guided Nature Walks		
Adult	7.00	7.00
Senior (60+); Child (9-12); Military	5.00	5.00
Nansemond River Kayak Tours	40.00	40.00
Lone Star Lakes Kayak Tours	40.00	40.00
Bennett's Creek Kayak Tours	40.00	40.00
Seaboard Station Railroad Museum		
Guided Museum Tour (12 and older)	2.00/per person	2.00/per person
Guided Museum Tour-Group Rate	1.00/per person	1.00/per person
Family Membership-Unlimited Visits (up to 4 people)	40.00/year	40.00/year
Seaboard Station Birthday Party Rental Package (basic)		
Deposit (non-refundable)	25.00	25.00
Payment Due Day of Party	100.00	100.00
Seaboard Station Birthday Party Rental Package (premier)		
Deposit (non-refundable)	50.00	50.00
Payment Due Day of Party	250.00	250.00
Seaboard Station Railroad Museum After Hours Reception Rental		
Non-profit (first two hours)	75.00	75.00
Additional Hours	25.00/hour	25.00/hour
For-profit (first two hours)	150.00	150.00
Additional Hours	50.00/hour	50.00/hour
Seaboard Station Railroad Museum After Hours Meeting Rental		
Non-profit (first two hours)	25.00	25.00
Additional Hours	5.00/hr	5.00/hr
For-profit (first two hours)	50.00	50.00
Additional Hours	15.00/hour	15.00/hour
Fee Based Activities Not Described	Cost	Cost
Visitor Center Display Case - Limit of 4	\$100/quarter when available	\$100/quarter when available
TREASURER		
Return Check	50.00	50.00
Set Off Debt	30.00	30.00
Distress Collection Fee	30.00	30.00
Copy of Delinquent Report	100.00	100.00
Vehicle Withholding Registration Fee	25.00	25.00
Delinquent Tax Collection (prior to judgment)	30.00	30.00
Delinquent Tax Collection (after judgment)	35.00	35.00
Attorney or Collection Agency Fees	20%	20%
Service Fee for Out-of-City processing (per Defendant)	28.00	28.00
For each additional warrant served	12.00	12.00
Roll Back Tax Interest	10%	10%
Charge Card Convenience Fees		
Visa Debit Cards Only	4.15	0.00
Visa Debit Cards; Mastercard Debit or Credit and AMEX		
\$0.01 to \$144.00	4.15	0.00
\$144.01 and higher	2.89% of payment amount	0.00
Sturgis		
Charge Card Convenience Fees	2.5% of payment amount plus .30 transaction fee	2.5% of payment amount plus .30 transaction fee
E-Check Convenience Fee	\$1.50 per transaction	\$1.50 per transaction

AGENDA: June 17, 2020, Regular Session

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

Attached for Council's consideration is an ordinance to provide authorization for the issuance and sale of water and sewer revenue bonds to finance the cost of acquiring, constructing and equipping capital improvements with respect to the City's water and sewer system not to exceed \$16,500,000.

This public hearing was properly advertised on June 4, 2020 and June 11, 2020.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Public Hearing Notice

ORDINANCE NUMBER _____

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

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

WHEREAS, a public hearing on the issuance of the New Money Bonds has been held on June 17, 2020, after notice was published in accordance with the requirements of Section 15.2-2606 of the Code of Virginia of 1950, as amended (the "Virginia Code");

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

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

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

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

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

WHEREAS, VRA has informed the City that VRA's objective is to pay the City a purchase price for the Bonds that in VRA's judgment reflects its market value (the "Purchase Price Objective") taking into consideration the Proceeds Requested and such factors as the purchase price received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA) (collectively, the "VRA Costs") and other market conditions relating to the sale of the VRA Bonds;

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

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

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

1. Authorization of Issuance of Bonds. The Council hereby determines that it is necessary and advisable and will benefit the residents of the City through the promotion of their health, safety and welfare (i) to contract a debt and to issue the New Money Bonds in an aggregate principal amount not to exceed \$16,500,000, (ii) to contract a debt and to issue the Refunding Bonds and (iii) to award and sell the Bonds to or at the direction of VRA. The issuance and sale of the Bonds is hereby authorized on the terms and conditions set forth herein and in the Financing Agreement, and in accordance with Section 15.2-2601 of the Virginia Code, the Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991, as amended. The proceeds from the issuance and sale of the New Money Bonds shall be used to pay all or a portion of the costs of the New Money Project. The proceeds from the issuance and sale of the Refunding Bonds shall be used to pay all or a portion of the Refunding Project. The Bonds shall be issued in one or more series with appropriate nomenclature and series designations, as determined by the City Manager (the "City Representative").

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

3. Pledge of Revenues. The Bonds shall be limited obligations of the City as to which the principal of, premium, if any, and interest shall be payable solely from the net revenues (i.e. revenue less operating expenses) derived by the City from its water and sewer systems, as such

systems may be expanded from time to time, and from other funds, if any, that have been or may be pledged for such purpose. Nothing in this Ordinance, the Bonds or any documentation under which the Bonds may be issued shall be deemed to pledge the full faith and credit and taxing power of the City to the payment of the Bonds. The Bonds will be issued under and are equally and ratably secured by a Master Indenture of Trust dated as of December 1, 1996 (as previously supplemented and amended, the "Master Indenture") between the City and U.S. Bank National Association, as successor trustee (the "Master Trustee"), and as further supplemented by a Seventeenth Supplemental Indenture of Trust (the "Supplemental Indenture" and together with the Master Indenture, the "Indenture") to be dated a date determined by the City Representative, all between the City and the Master Trustee, as "Parity Indebtedness" as defined therein.

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

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

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

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

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

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

(c) Subject to the parameters in subsection (b), the City further authorizes the City Representative to accept the final terms presented by VRA, including the final principal amount and the amortization schedule (including the principal installment dates and amounts) of the Bonds. If the limitation on the maximum aggregate principal amount of the Bonds set forth above restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the Purchase Price Objective and market conditions, the City Representative is authorized to accept a purchase price for the Bonds at an amount less than the Proceeds Requested.

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

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

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

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

9. Execution of Bonds. The City Representative is hereby authorized and directed to execute appropriate negotiable Bonds, and the Clerk of Council (the "Clerk") is hereby authorized and directed to affix the seal of the City thereto. The City Representative is hereby authorized and

directed to deliver the Bonds to or at the direction of VRA upon payment of the purchase price therefor. The manner of execution and affixation of the seal may be by facsimile; provided, however, that if the signatures of the City Representative and the Clerk are both by facsimile, the Bonds shall not be valid until signed by the manual signature of the Bond Registrar.

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

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

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

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

The Notes must comply with the parameters established in this Ordinance for the New Money Bonds and otherwise be consistent with the other terms and conditions contained in this Ordinance to the extent not inconsistent with the specific parameters, terms and conditions for the Notes established in this Section 13. Further, the City may issue and sell the Notes at public or private sale as determined by the City Representative, in consultation with the City's financial advisor. The specific parameters, term and conditions for the Notes are as follows: (i) the term to maturity of the Notes shall not exceed five years, (ii) the City may issue Notes that bear interest at

a fixed or variable rate that the City Representative, after consultation with the City's financial advisor, determines to be reasonable and (iii) if the Notes bear interest at a variable rate, the true interest cost parameters set forth in Section 5 shall not apply.

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

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

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

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

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

17. Effective Date; Expiration of Authorization. This Ordinance shall take effect immediately upon passage. Except as set forth in the following sentence, the authorization to issue and sell the Bonds shall expire on June 30, 2021, but all other provisions of this Ordinance shall remain in full force and effect. The authorization to issue and sell any New Money Bonds to retire any Notes issued hereunder shall expire on June 30, 2025.

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to form:



_____ Helivi L. Holland, City Attorney



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

NOTICE IS HEREBY GIVEN that the City Council (the "City Council") of the City of Suffolk, Virginia (the "City"), will hold a public hearing in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, on the proposed issuance of its water and sewer system revenue bonds in a principal amount not to exceed \$16,500,000 (the "Bonds"). The City proposes to issue the Bonds and use the bond proceeds to (i) finance, with respect to the City's water and sewer system, certain costs of acquiring, constructing and equipping capital improvements for which bond proceeds have been appropriated pursuant to the City's Capital Improvement Plan, as the City Council may amend it from time to time hereafter, and (ii) finance, if and as needed, capitalized interest, a debt service reserve fund, working capital and costs of issuance of the Bonds. The projects to be financed by the Bonds are subject to change in accordance with the City's capital expenditure cash flow needs and Virginia law.

An ordinance authorizing the issuance of the Bonds will be considered by the City Council at its meeting on Wednesday, June 17, 2020, following the public hearing on the issuance of the Bonds. The public hearing, at which persons may appear and present their views, and which may be continued or adjourned, will be held at a meeting that will begin at **7:00 p.m. on Wednesday, June 17, 2020**, before the City Council in the Council Chambers, City Hall, 442 West Washington Street in Suffolk, Virginia.

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

[PUBLISH ON JUNE 4 AND JUNE 11]

AGENDA: June 17, 2020, Regular Session

ITEM: Public Hearing - An ordinance authorizing the conveyance of certain real property known as Tax Map & Parcel 40A*76

Tax Map & Parcel 40A*76 and the abutting property Tax Map & Parcel 40A*76A were originally owned by the City and obtained through the 1974 merger. In 1999, the City conveyed the abutting parcel, Tax Map & Parcel 40A*76A, to Farmers Hardware – Furniture Company, Inc. Tax Map & Parcel 40A *76 was retained and utilized by the City for a small fire suppression water storage tank in the Village of Holland. As part of the 1999 conveyance, the Deed of Bargain and Sale contained a clause which stated that if the City ceased using Tax Map & Parcel 40A*76 for municipal purposes generally, title to Tax Map & Parcel 40A*76 would vest in the owners of Tax Map & Parcel 40A*76A.

With the completion of the water improvements in the Village of Holland and the construction of the new elevated water tank located at the Pioneer Elementary School, the existing water storage tank was demolished and removed from the site. At this time, the City has no other municipal uses for the site and it is recommended the City relinquishes any remaining interest in Tax Map & Parcel 40A*76. A public hearing is required as the City is disposing of its interest in the parcel. The City's interest was divested when the lot ceased to be used for the water tank, but the Attorney representing the current owner of Tax Map & Parcel 40A*76A is requesting that a deed be put to record to clear up the title.

The public hearing has been properly advertised

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance

ORDINANCE NUMBER _____

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN
REAL PROPERTY KNOWN AS TAX MAP & PARCEL 40A*76**

WHEREAS, Tax Map & Parcel 40A*76 (the Property) and Tax Map Parcel 40A*76A (abutting property) was acquired by the City as part of the 1974 merger; and,

WHEREAS, the abutting property was conveyed in 1999 to a private company and the City retained the Property for a water storage tank; and,

WHEREAS, the 1999 Deed of Bargain and Sale for the abutting property contained a clause which stated that, if the City ceased using the Property for municipal purposes generally, title to the Property would vest in the owners of the abutting property; and,

WHEREAS, the City has demolished and removed the water storage tank with the completion of the Village of Holland water improvements and a new elevated storage tank, and the City has no other municipal use for the Property; and,

WHEREAS, on June 17, 2020, City Council held a public hearing concerning the disposition of the property.

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

Section 1. The disposition of the Property described as Tax Map Parcel 40A*76 be, and it is hereby, authorized and approved.

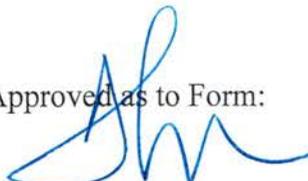
Section 2. The City Manager and the City Attorney be, and they are hereby, authorized and directed to prepare and execute such documents as may be necessary to effectuate the transfer referred to above.

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

READ AND PASSED:

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

AGENDA: June 17, 2020, Regular Session

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

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

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

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

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

Facts of this case:

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

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

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

Recommendation:

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

Attachments:

Executive Summary

Staff Report, HLC2019-00038

Letter to the Applicant regarding the HLC decision

Appellant Correspondence

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

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

Application:

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

Conditional Approval of HLC2019-00038:

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

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

Appeal:

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

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

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

Public Notice:

This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. A notice, containing a copy of the staff report, was also provided to the applicant on June 12, 2020.

Issue:

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

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

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

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

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

Considerations:

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

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

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

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

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

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

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

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

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

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

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

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

Secretary of the Interior's Standards for Rehabilitation:

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

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

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

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

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

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

Conclusion:

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

Recommendation:

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



CITY OF SUFFOLK

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

Division of Planning

To: Historic Landmarks Commission

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

Date: January 9, 2020

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

STAFF REPORT

Overview of the Subject Property and Surrounding Area

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

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

Surrounding Characteristics

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

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

Case History

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

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

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

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

Public Notice

This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. A notice containing a copy of the staff report was also provided to the applicant on January 3, 2020.

Proposed Action

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

Condition Statement

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

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

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

Applicable Regulations and Analysis

A. Unified Development Ordinance (UDO)

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

B. Suffolk Historic District Design Guidelines

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

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

- *Maintain the Original Window Patterns:* Do not change the number, location, size, or glazing pattern of windows by cutting new openings, blocking in windows, or installing replacement sash that do not fit the window opening.
- *New Window Materials:* New windows may be constructed of painted wood, metal clad or vinyl clad. Unfinished or anodized aluminum is not permitted. When evaluating the acceptability of replacement windows, the following criteria shall be used:

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

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

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

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

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

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

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

3. Secretary of the Interior Standards

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

Staff Analysis

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

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

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

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

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

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

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

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

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

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

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

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

Summary and Recommendations

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

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

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

**Suffolk Historic & Cultural
Overlay District &
National Register
Historic Districts**

HLC2019-00038

LEGEND

 Suffolk Historic & Cultural Conservation Overlay

NATIONAL REGISTER HISTORIC DISTRICTS

-  Original Suffolk District (1987)
-  North Main Street Extension District (1998)
-  East Washington Street District (2002)
-  West End District (2004)
-  West End District Expansion (2004)
-  Suffolk District Expansion (2004)
-  Cedar Hill Cemetery (2006)

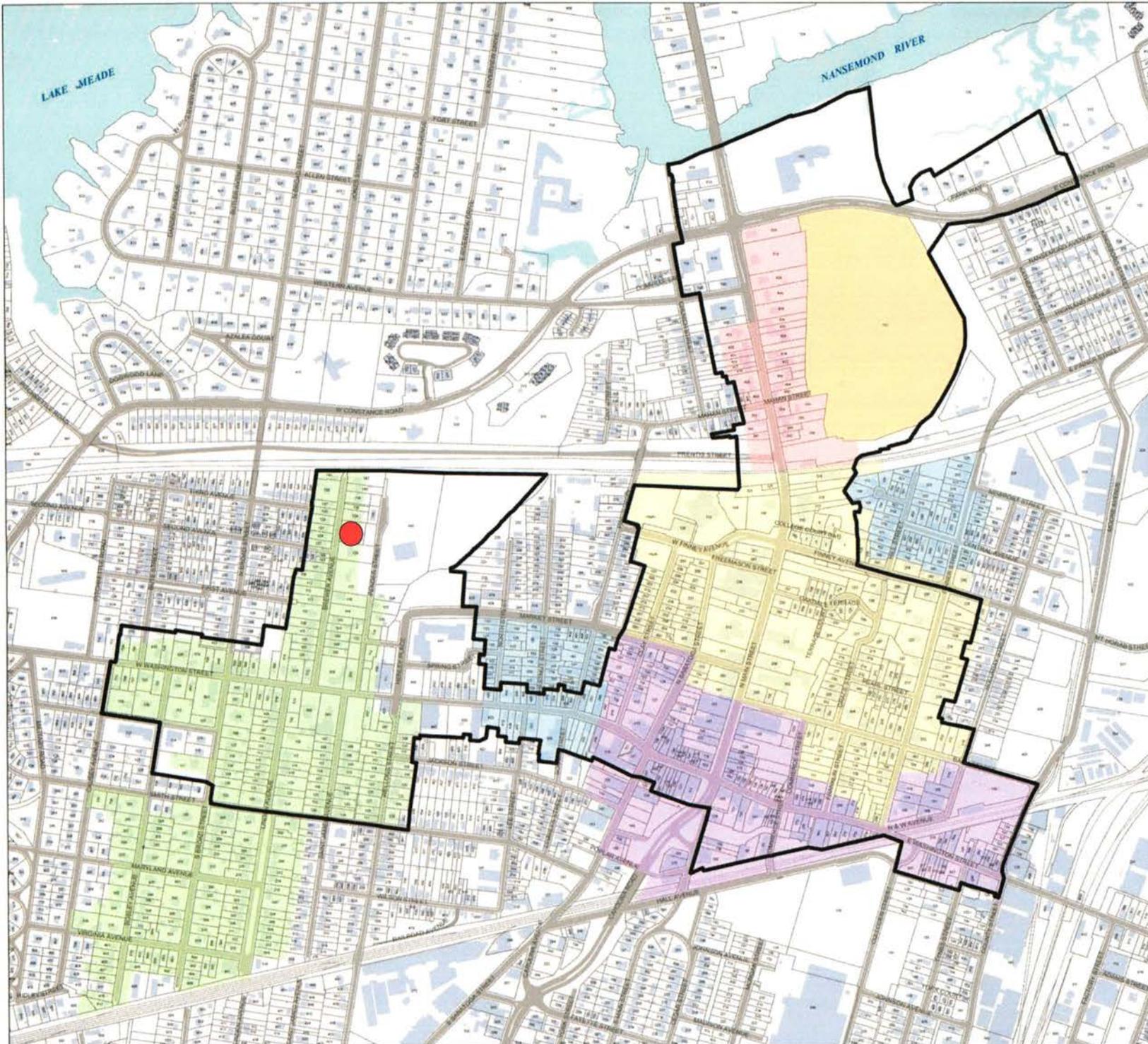
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Map photography updated March 2009. A limited area of the City of Suffolk is shown in this map. The City of Suffolk is not responsible for any damage to persons or property that may be caused by the use of this map.



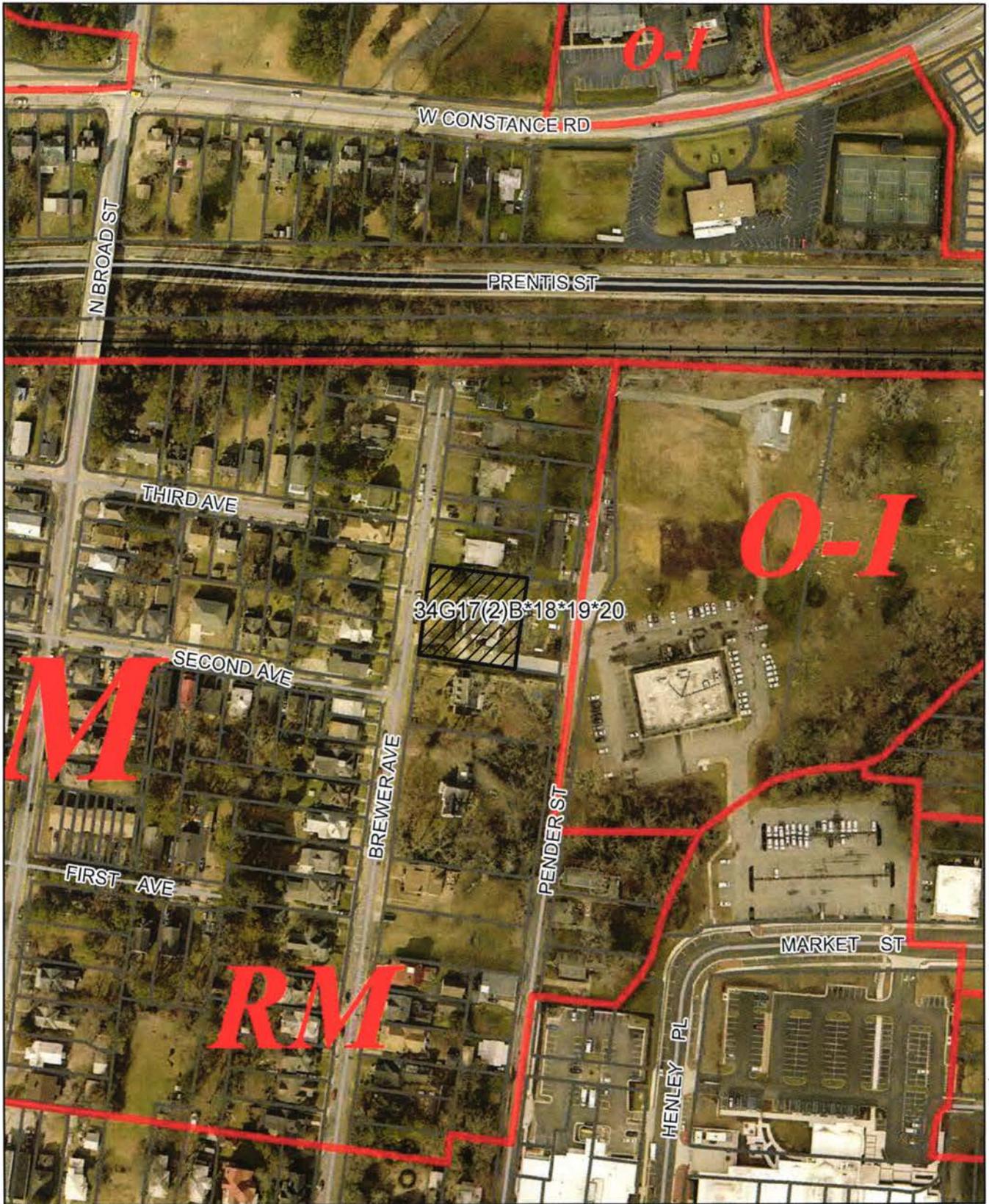
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1 inch = 200 feet





ZONING / LAND USE MAP

HLC2019-00038





HLC2019-00038 Nomination Photos



HLC2019-00038 Nomination Photos

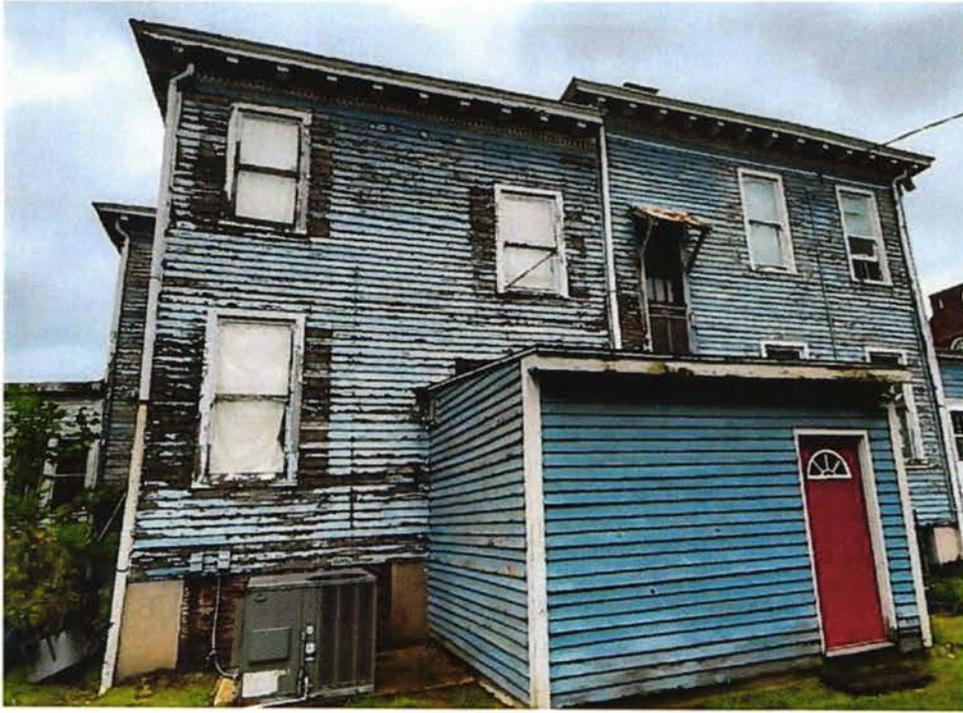


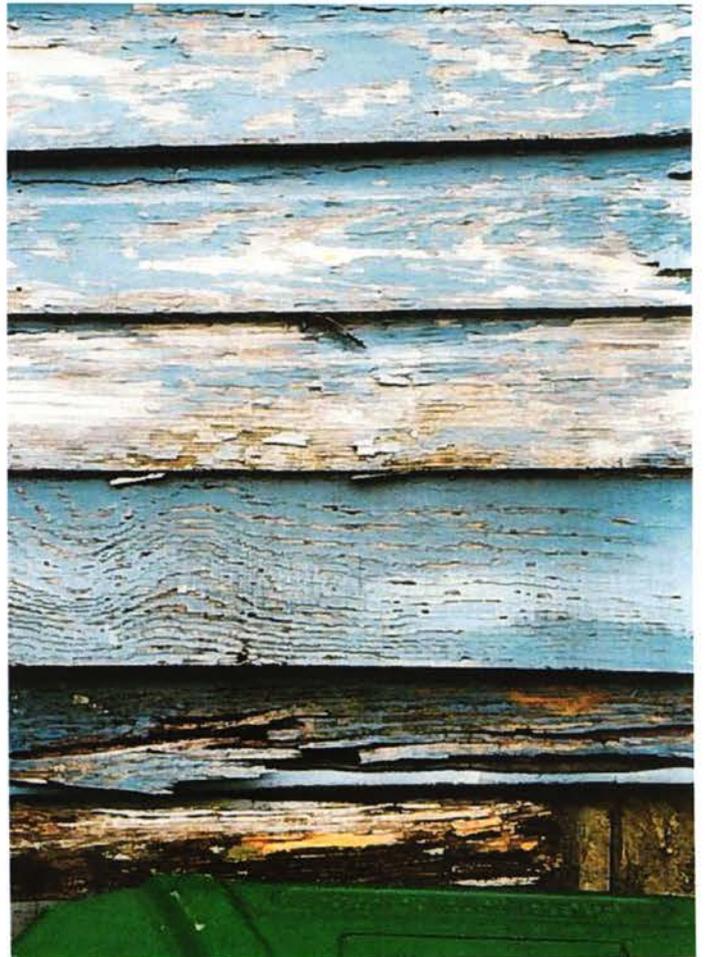
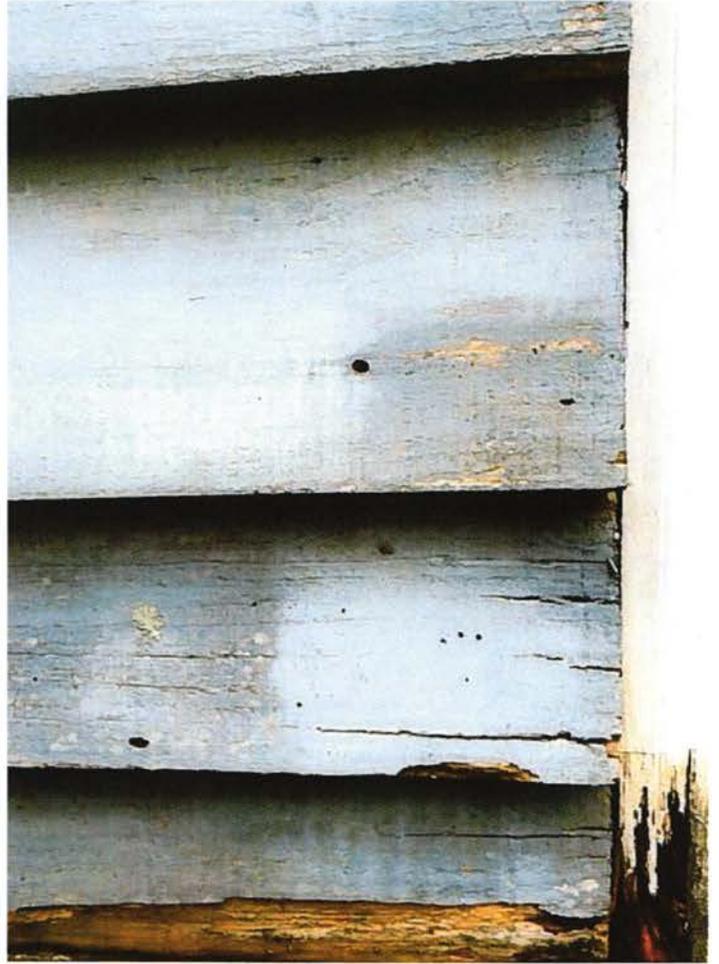




HLC2019-00038 130 Brewer Avenue







TOTAL HOME IMPROVEMENTS, INC.

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

License # 2705045140A
Class A Contractor Classification: Builder

Estimator: Matt Stuffel
Date: 09/03/2019

SUBMITTED TO:
Ben Clay
130 Brewer Ave.
Suffolk, VA 23434

Job Address:
Same

Primary Phone: 757-739-1023
Email: benclay@shine-va.com

Overall evaluation:

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

Front Elevation

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

Right Elevation

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

Rear Elevation

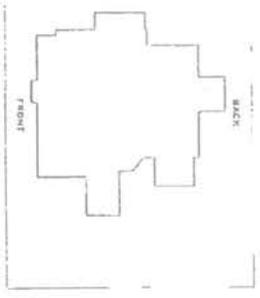
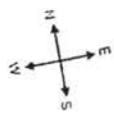
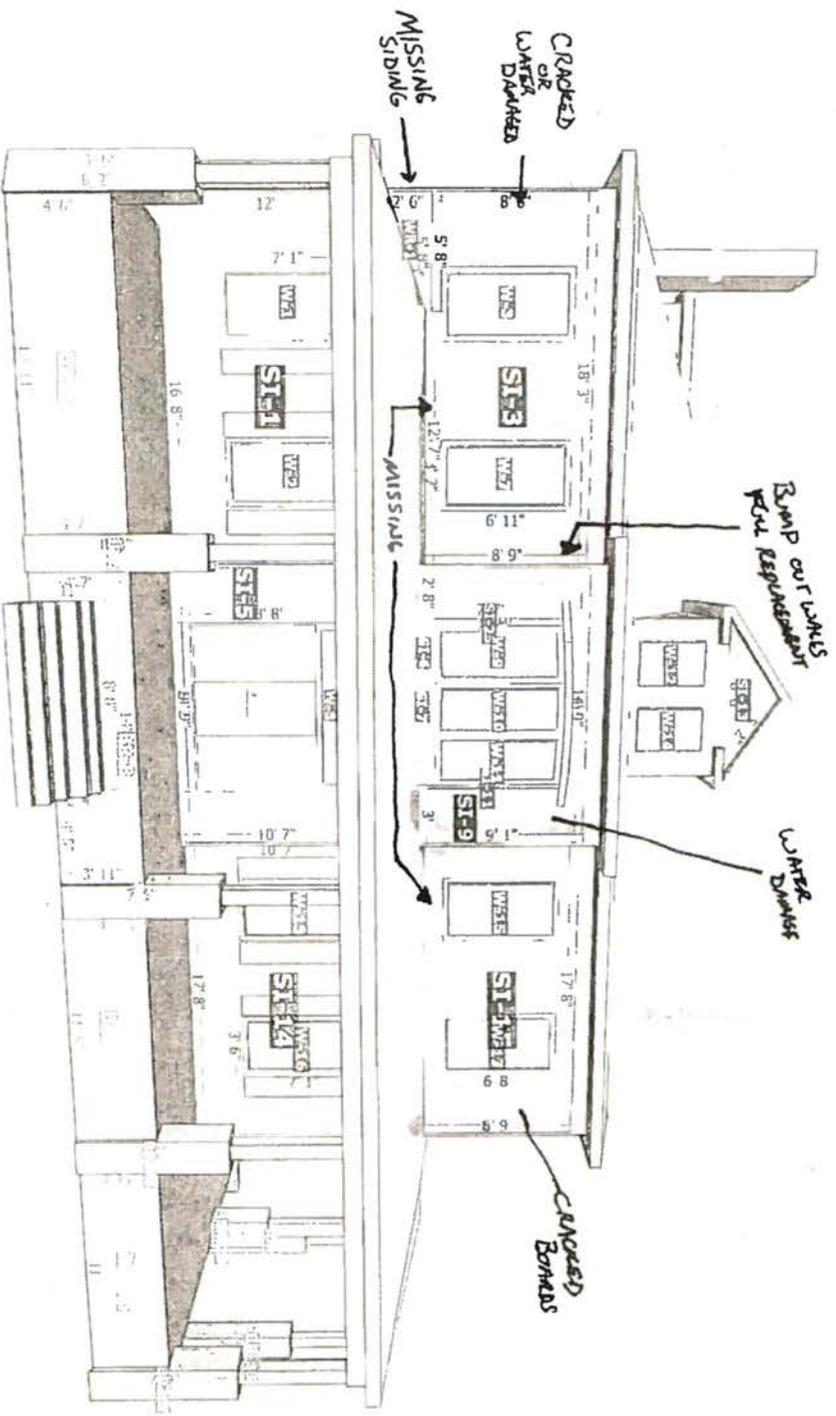
- Replace all siding on "shed"; has non-matching siding
- Replace siding above shed; non-matching siding
- Outer edges of two story walls damaged all the way up
- Full wall damaged behind pipe
- Replace siding on entire band
- Behind all existing shutters damaged

Left Elevation

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

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FRONT:
Approx 40% REPAIR/RENEW

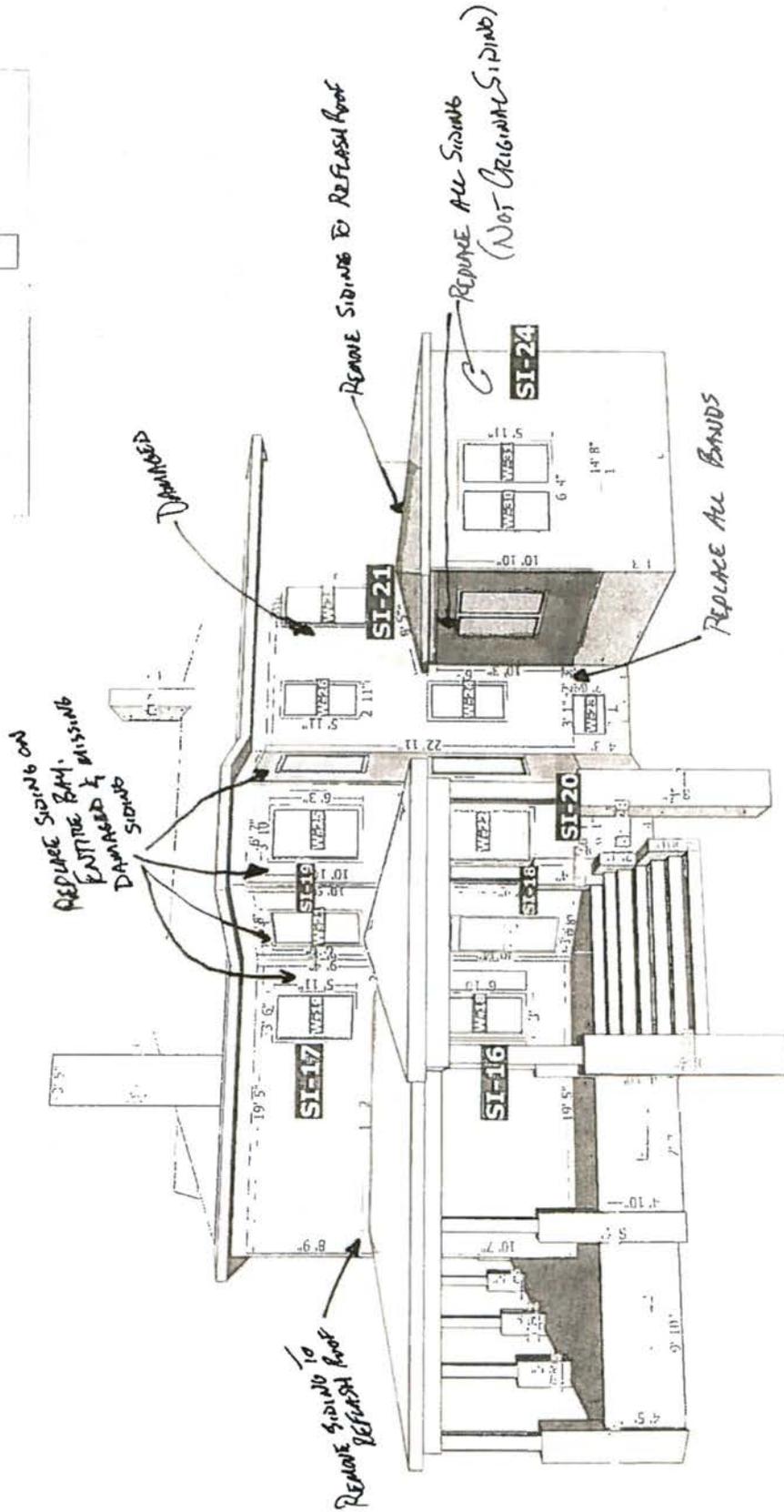
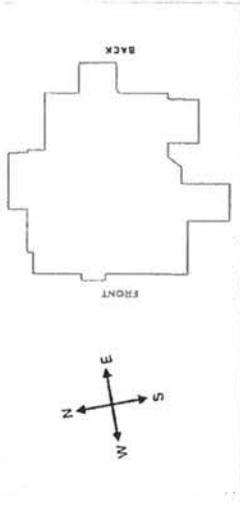




Complete Measurements

130 Brewer Ave, Suffolk, VA
RIGHT

*RIGHT SIDE:
APPROX. 73% REQUIREMENT*



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Complete Measurements

130 Brewer Ave, Suffolk, VA
LEFT

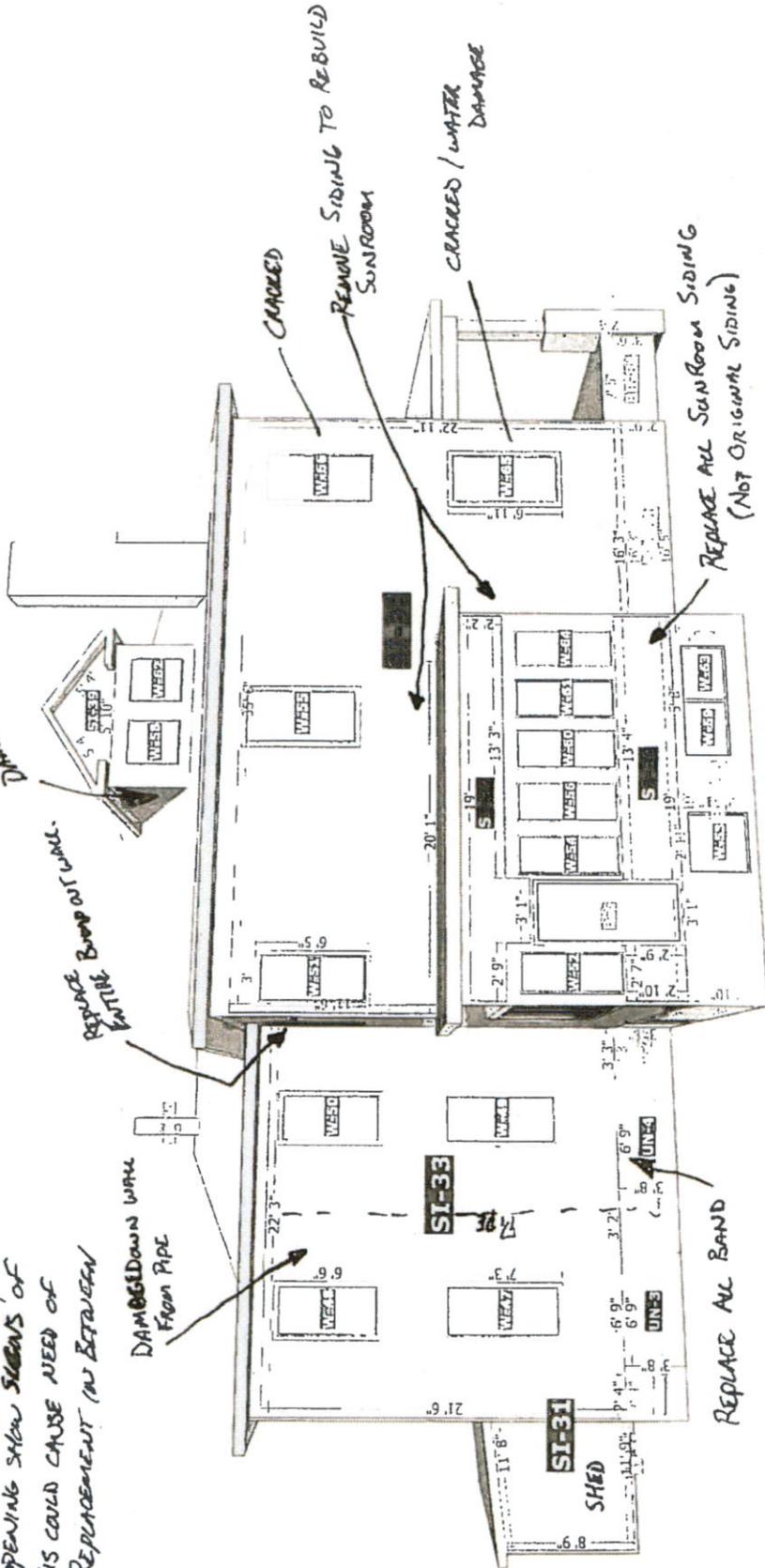
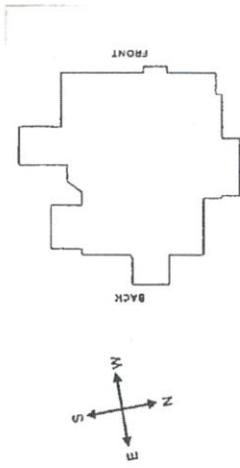
LEFT SIDE:

Approx. 75% Replacement

NOTE: EDGES OF SIDING AGAINST EVERY UNCOVERED OPENING SHOW SIGNS OF ABUSIVE. THIS COULD CAUSE NEED OF FULL SIDING REPLACEMENT IN BETWEEN SPANS.

DAMAGED DOWN WALL FROM PIPE

REPLACE BRACKET WALLS WITH SIDING



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PROPERTY ID: 636988
BEN CLAY

TOTAL HOME IMPROVEMENTS, INC.

Main Office. 4033 George Washington Memorial Hwy • Yorktown, VA 23692

Pre-Construction Office: 3630 George Washington Memorial Hwy • Yorktown, VA

23692 877-2212 • Fax 877-2861 totalhomeimprovements.com

License # 2705045140A

Estimator: Matt

Stuffel

Class A Contractor

Classification: Builder

Date: 12/02/2019

SUBMITTED TO:

Ben Clay

130 Brewer Ave

Suffolk, VA 23434

Job Address

Same

Primary Phone. 757-739-1023

Overall evaluation of the dental block and molding.

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

Overall evaluation of the window frames and windows

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

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

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

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

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

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

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

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

Dental Molding and Blocks

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

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

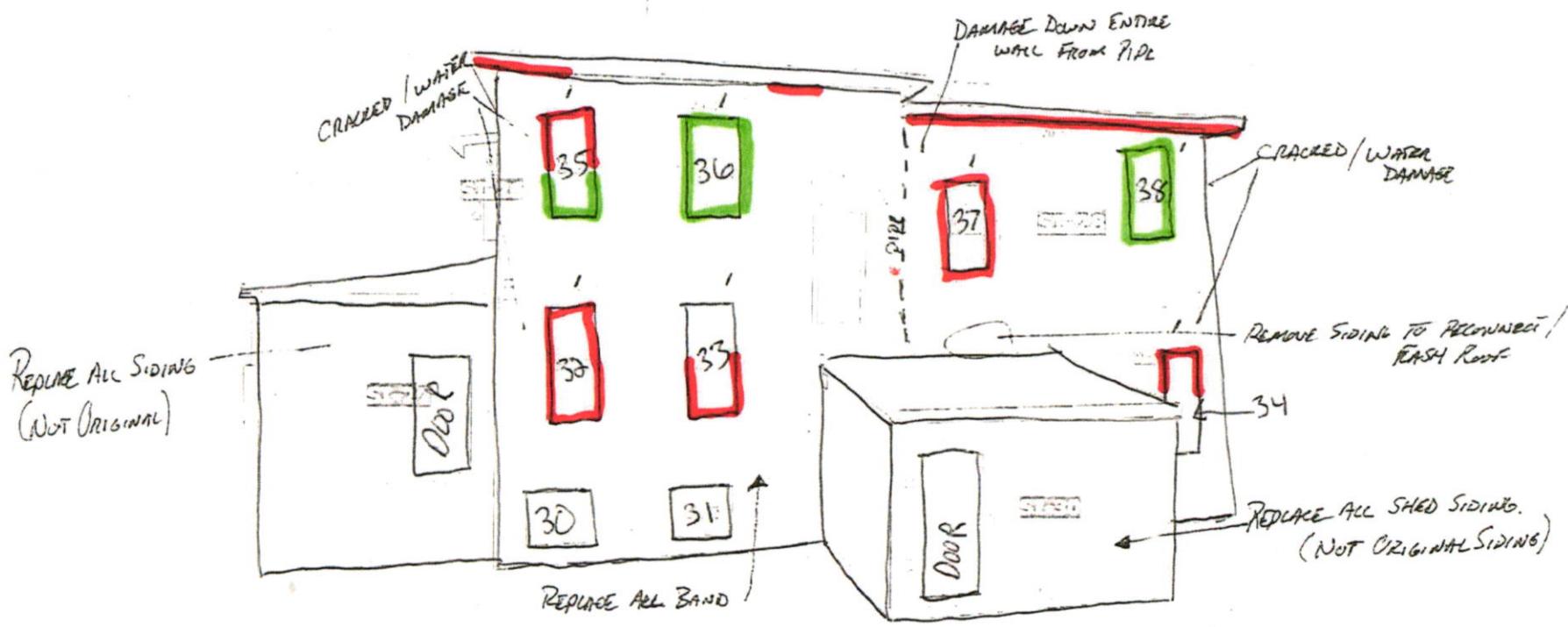
Rear side of house - Approximately 70% of the molding is rotten, falling off, or missing.

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

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

REAR: Dental Block/molding/window trim
APPROX. 70% REPLACEMENT

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

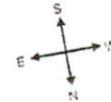


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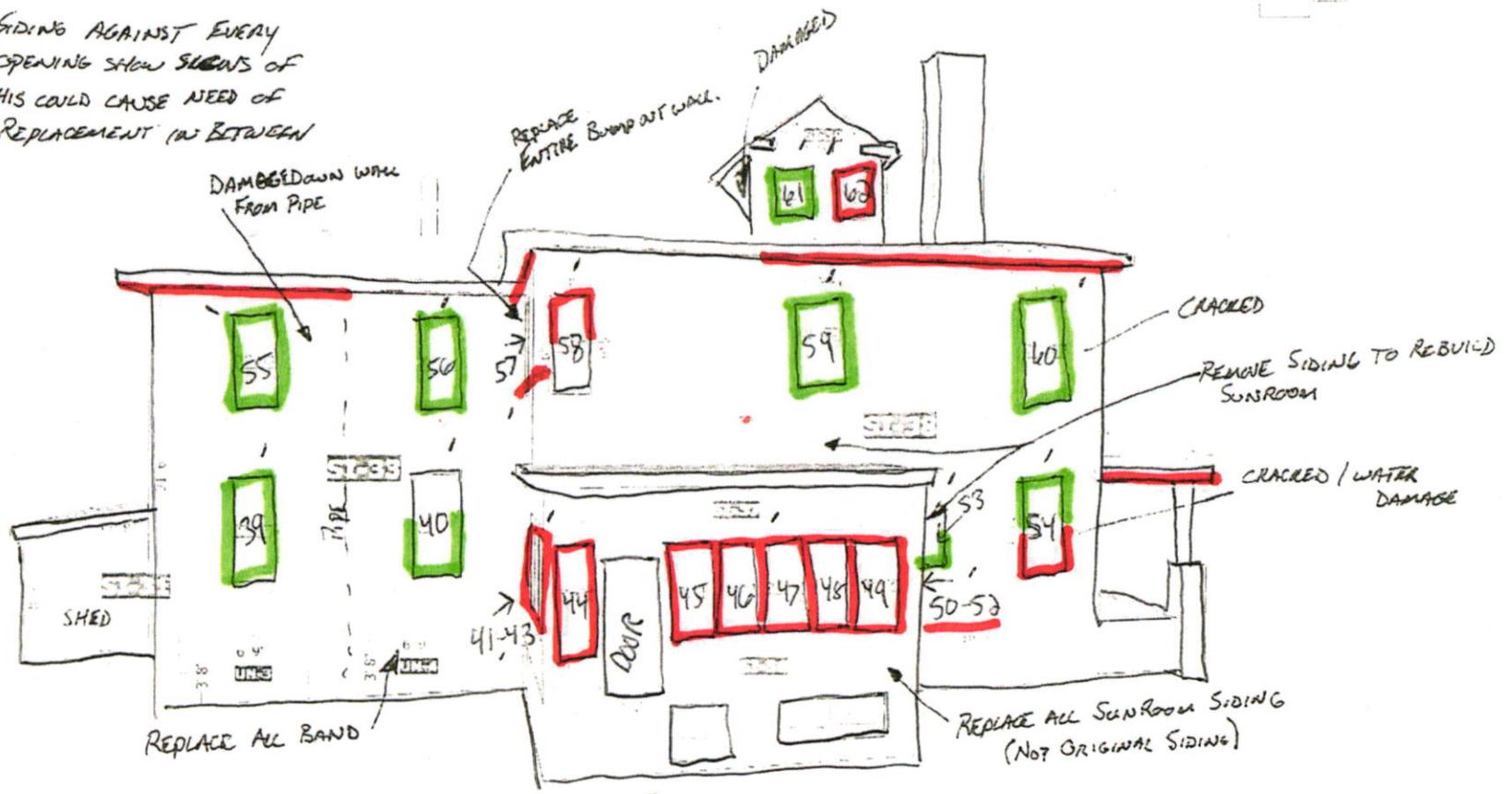
LEFT SIDE: Dental Block /molding/window trim

APPROX. 75% REPLACEMENT

█ = rotten, missing, or falling off

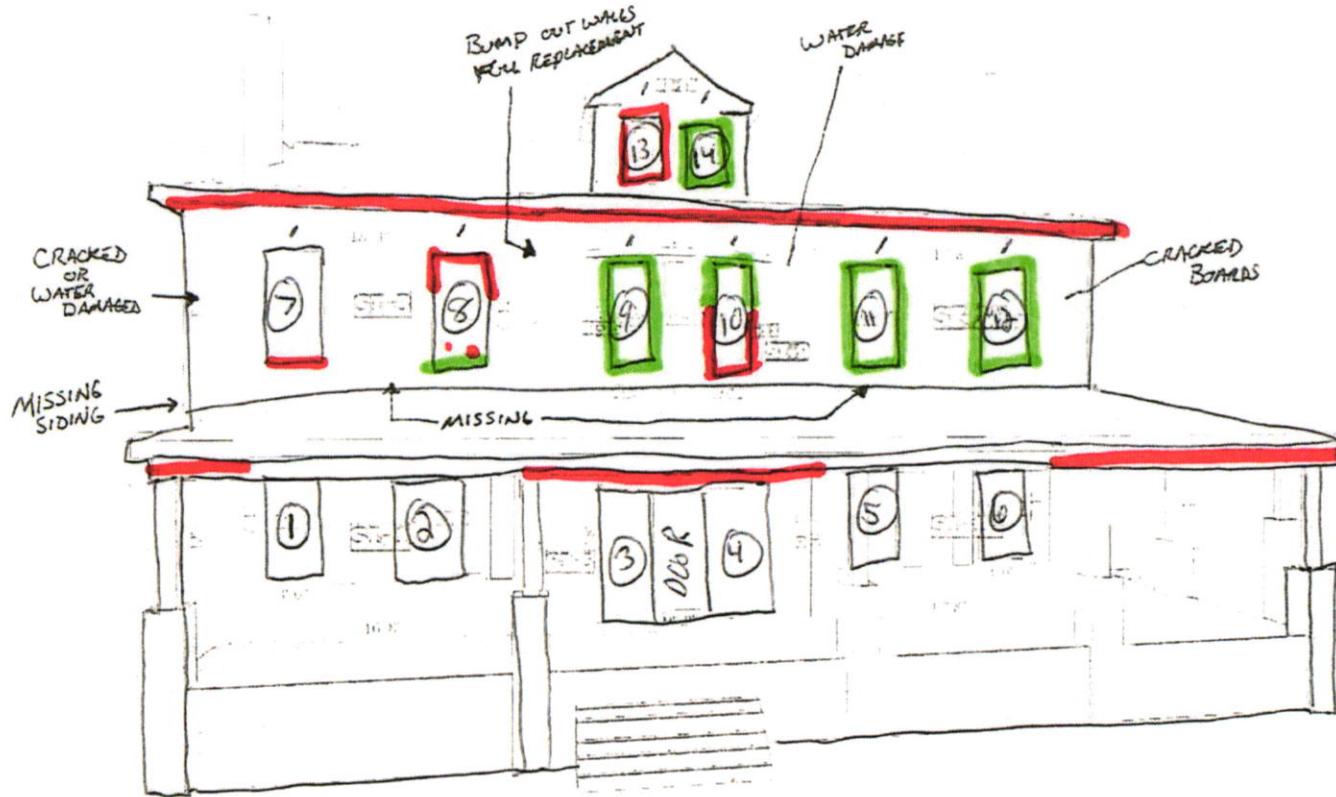


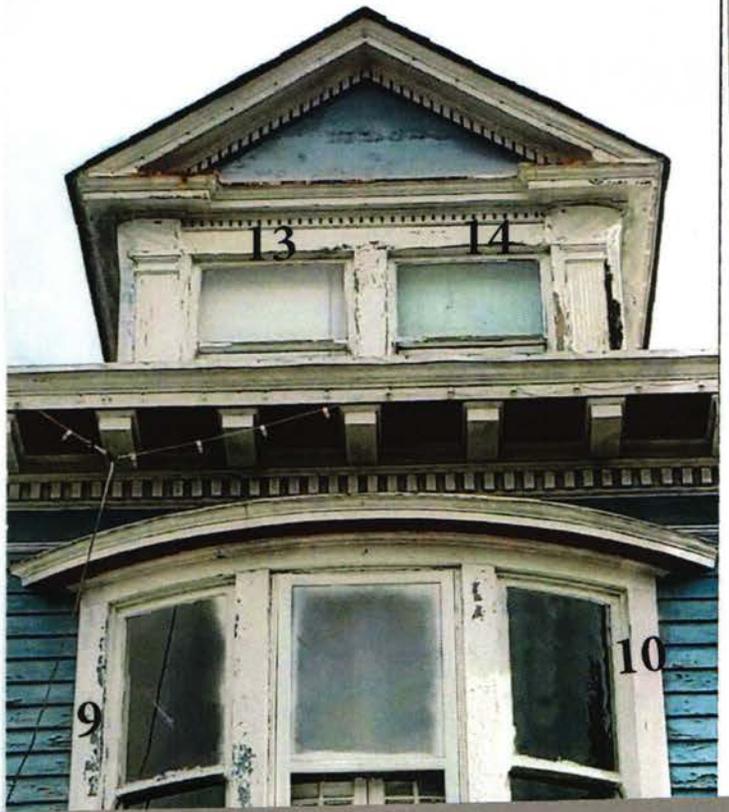
NOTE: EDGES OF SIDING AGAINST EVERY UNCOVERED OPENING SHOW SIGNS OF MOISTURE. THIS COULD CAUSE NEED OF FULL SIDING REPLACEMENT IN BETWEEN OPENS.

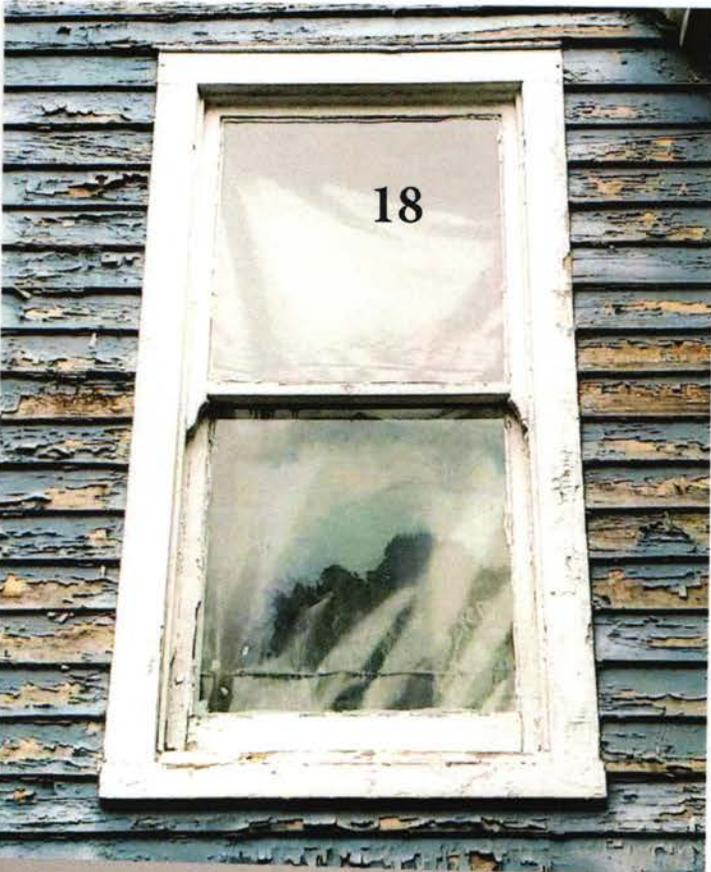


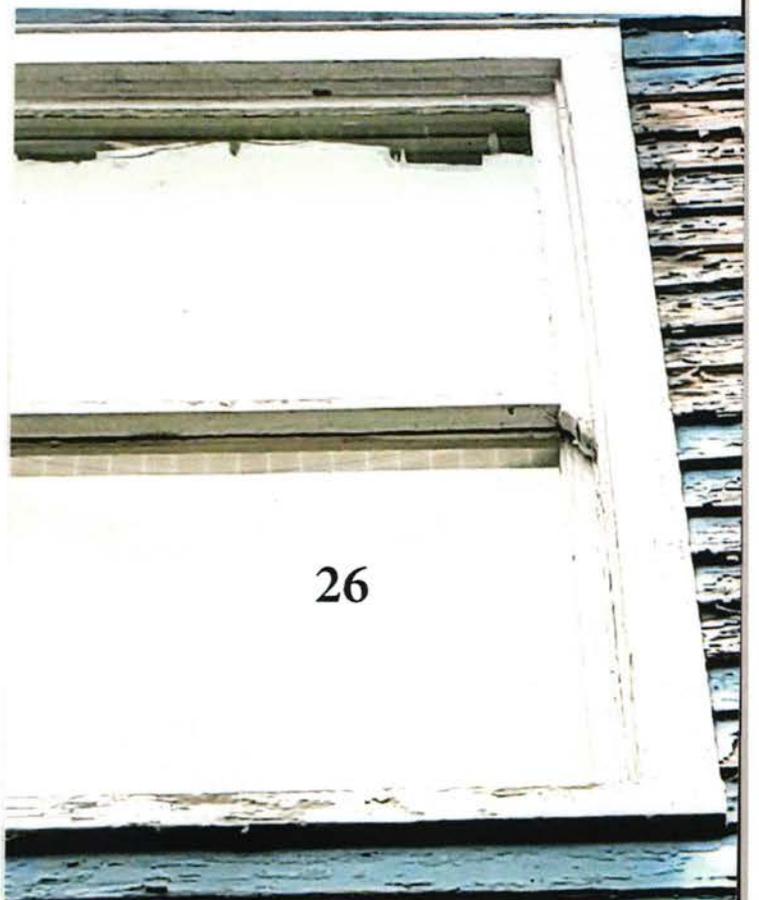
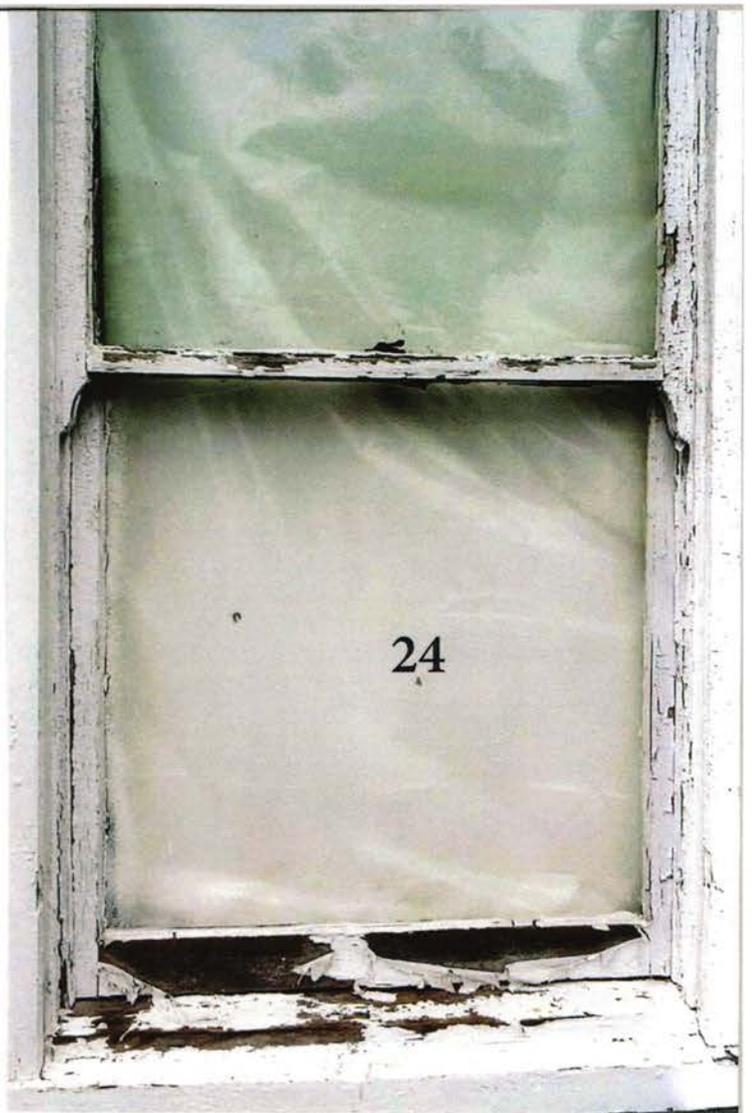
FRONT: Dental Block / molding / window trim
Approx 90% Replacement

- = rotten, missing, falling apart
- = other concerns





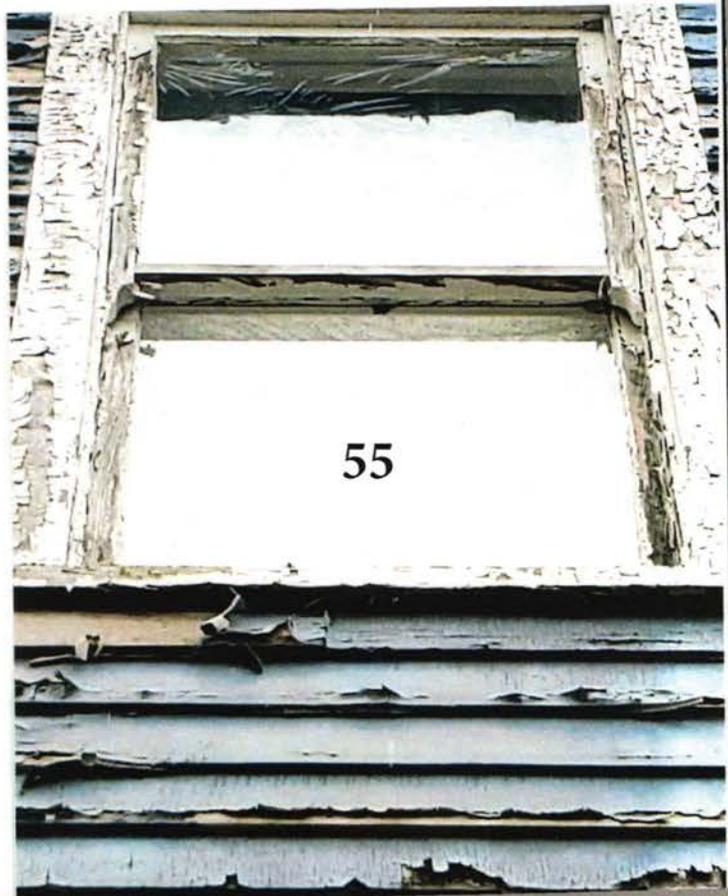


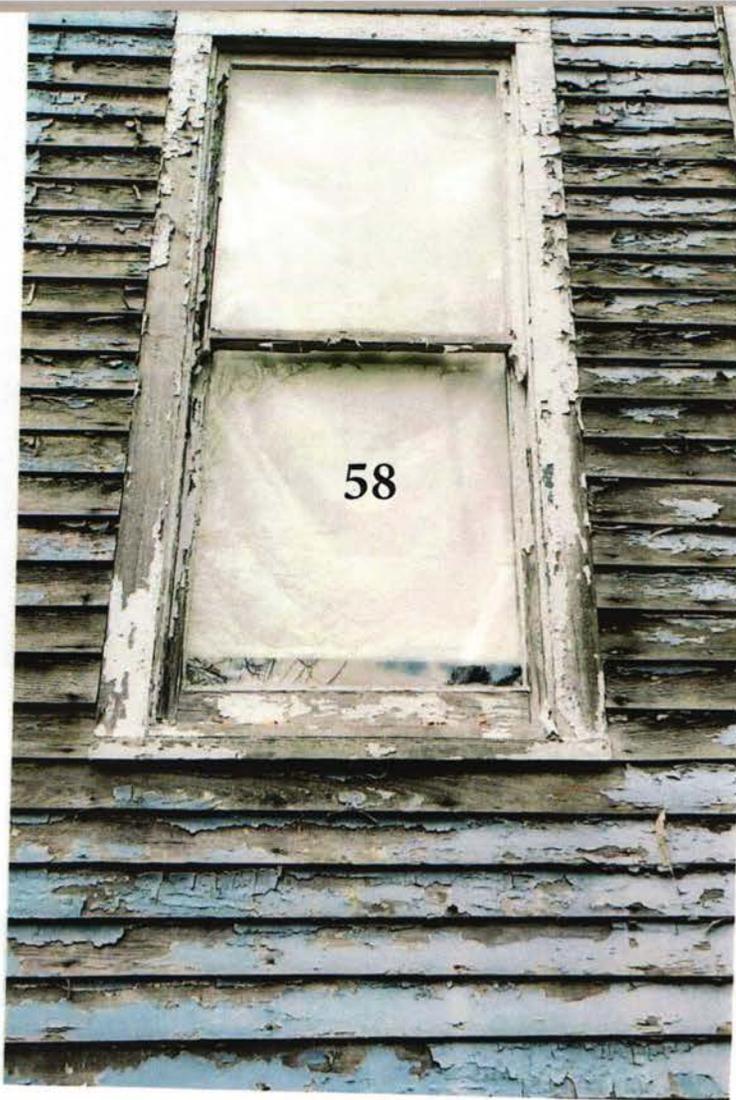


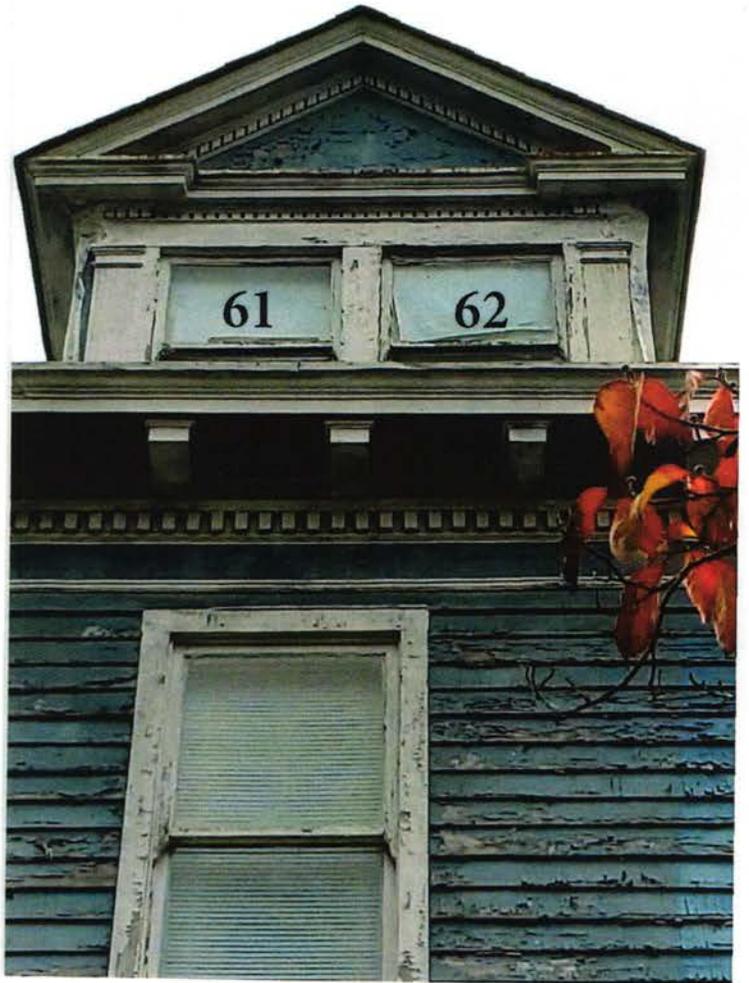












Proposed Replacement Style





CITY OF SUFFOLK

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

DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT

Division of Planning

January 13, 2020

Mr. Ben Clay
130 Brewer Avenue
Suffolk, VA 23434

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

Dear Mr. Clay:

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

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

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

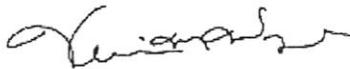
HLC2019-00038
130 Brewer Avenue
January 13, 2020
Page 2

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

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

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

Sincerely,



Kevin M. Wyne, AICP
Current Planning Manager

Enclosures

Kevin M Wyne

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

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

Regardless,

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

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

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

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

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

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

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

Hi Mr. Clay,

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

Kevin

Kevin M. Wyne, AICP

Current Planning Manager

City of Suffolk

WINDOW ENERGY SAVINGS AND PAYBACKS

	Adding a storm window over a maintained single-pane historic window	Replacing a single-pane historic window with a double-pane thermal window	Replacing a single-pane historic window that has no storm window with a Low-e glass double-pane thermal replacement	Replacing a single-pane historic window that has a storm window with a Low-e glass double-pane thermal replacement
Average initial cost per window	\$50 (if just adding a storm window)	\$450	\$550	\$550
Average Annual Energy Savings	722,218 Btu	625,922 Btu	902,772 Btu	132,407 Btu
Average Annual Savings per Window	\$13.20	\$11.97	\$16.10	\$2.29
Simple Payback	4.5 years <small>\$50/\$13.20</small>	40.5 years <small>\$450/\$11.07</small>	34 years <small>\$550/\$16.10</small>	240 years <small>\$550/\$2.29</small>
Life of window	100+ years	10-20 years	10-20 years	10-20 years
Environmental Impact	Little to none beyond the added embodied energy to make the storm window.	The original historic window ends up in a landfill. The embodied energy to make the new window should be added to the embodied energy of the existing window that is now trash.	The original historic window ends up in a landfill. The embodied energy to make the new window should be added to the embodied energy of the existing window that is now trash.	The original historic window and storm window ends up in a landfill. The embodied energy to make the new window should be added to the embodied energy of the existing window that is now trash.
Notes: <small>A 3 foot -by- 5 foot window is the size used to make the calculations Assumes cooling/heating ~ \$1.09/therm</small>	<ul style="list-style-type: none"> Suggests that the window has been properly maintained and needs minimal repairs. Does not include additional savings if weatherstripping would be applied 	<ul style="list-style-type: none"> Cannot make repairs on these windows. If glass breaks, you have to replace the whole window. Not feasible to recoup money (won't last long enough to pay themselves off) 	<ul style="list-style-type: none"> Cannot make repairs on these windows. If glass breaks, you have to replace the whole window. Not feasible to recoup money (won't last long enough to pay themselves off) 	<ul style="list-style-type: none"> Cannot make repairs on these windows. If glass breaks, you have to replace the whole window. Not feasible to recoup money (won't last long enough to pay themselves off)

AGENDA: June 17, 2020, Regular Session

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

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

ATTACHMENTS:

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

STAFF REPORT

DESCRIPTION

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

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

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

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

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

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

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

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

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

PUBLIC NOTICE: The request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. Notice to the applicant, containing a copy of the staff report, was also send on June 12, 2020.

STAFF ANALYSIS

ISSUE:

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

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

CONSIDERATIONS AND CONCLUSIONS:

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

RECOMMENDATION:

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

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

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

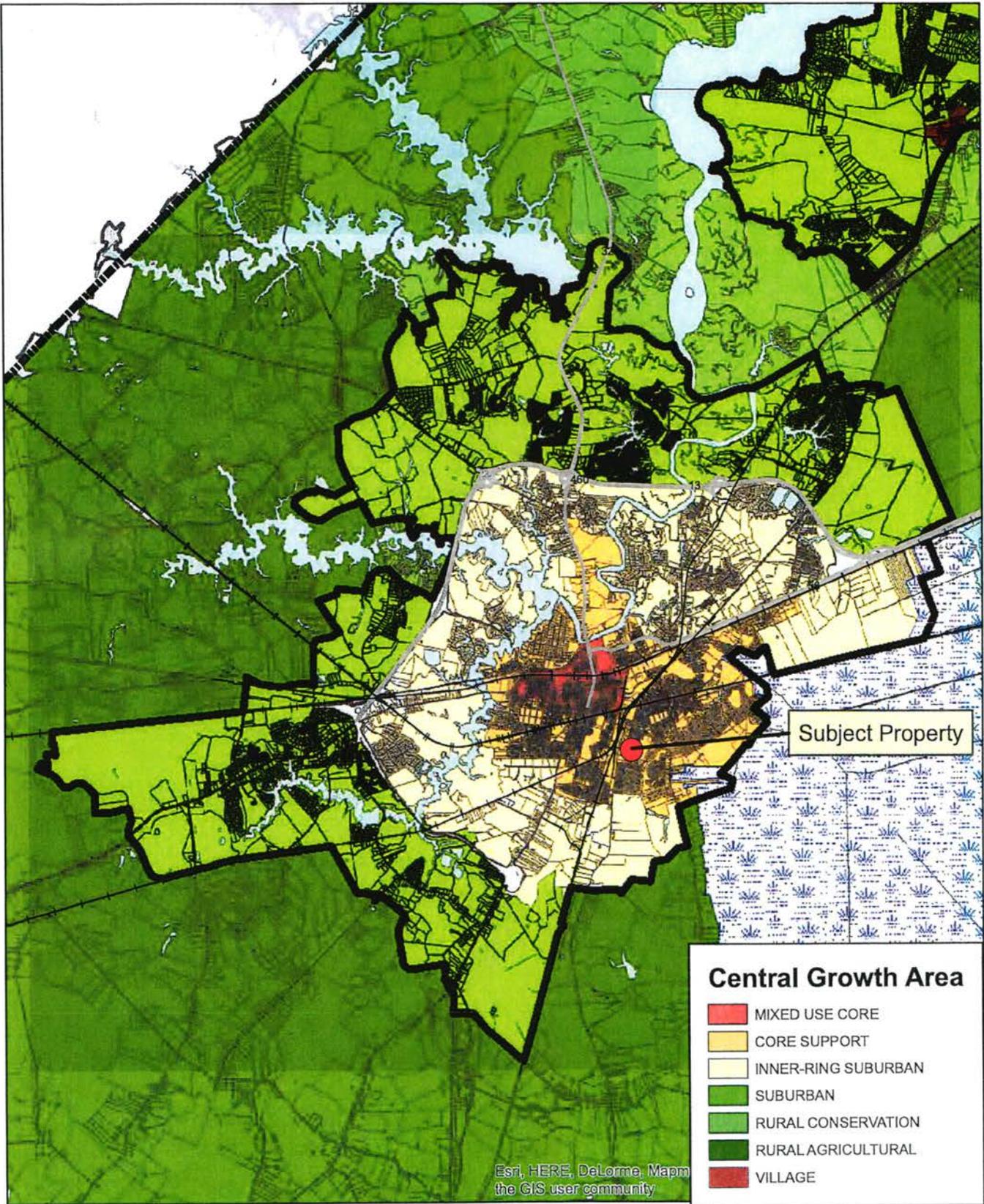
Attachments:

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



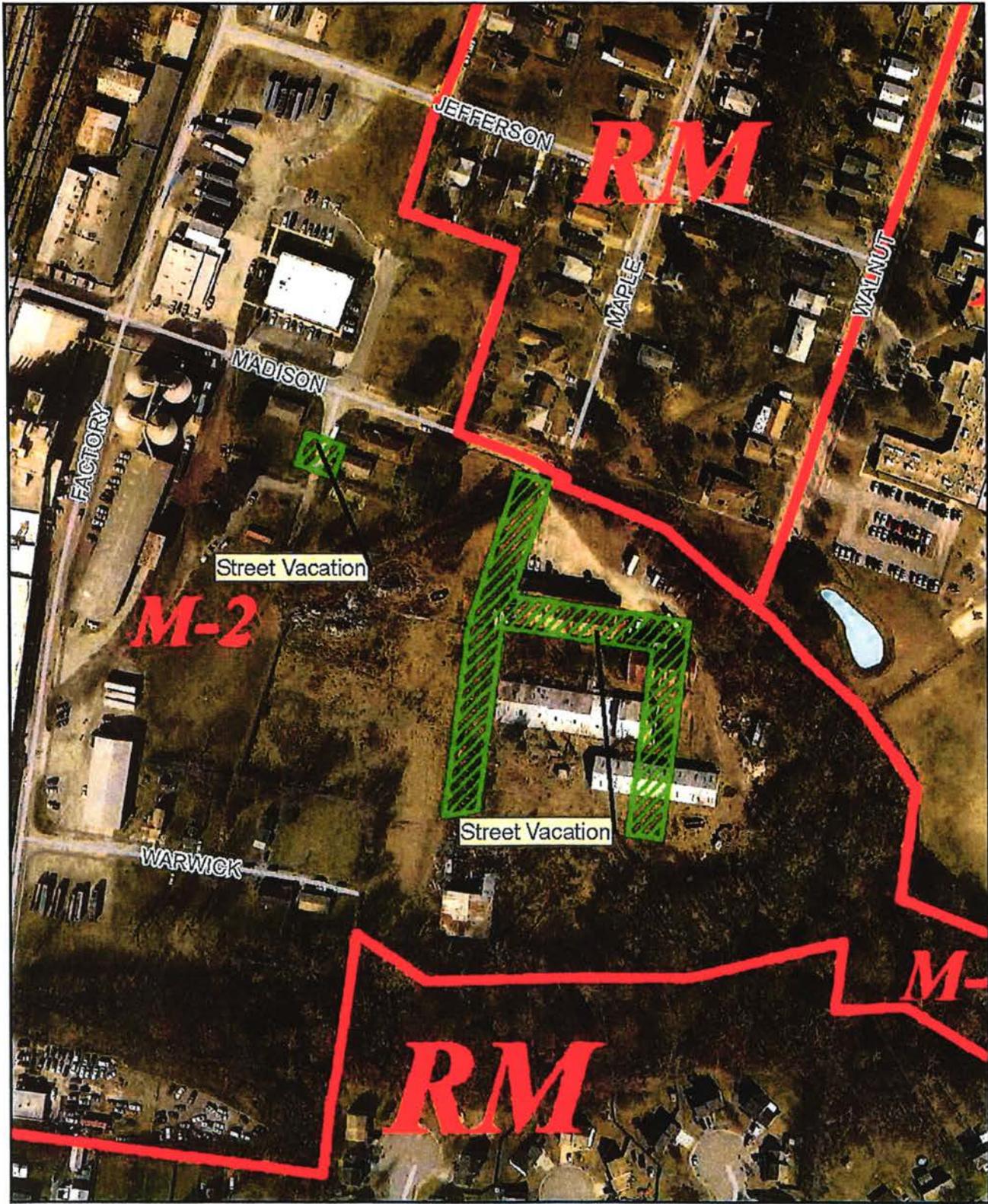
GENERAL LOCATION MAP

STV2019-001





ZONING / LAND USE MAP STV2019-001



User Name: bsmith
Date: 3/5/2020

ORDINANCE NUMBER _____

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

WHEREAS, pursuant to Section 15.2-2006 of the Code of Virginia (1950), as amended, a public hearing was held on June 17, 2020 concerning the vacation of Maple Street, Appleton Avenue, Walnut Street, and Mulberry Street located between Warwick Street and Madison Avenue, after due notice to the public and affected land owners.

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

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

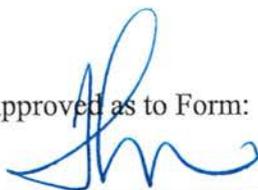
BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney



PROPERTY MAP STV2019-001

EXHIBIT A



User Name: bsmith
Date: 3/5/2020

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

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

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

SAMUEL L. & LINDA H. SHERROD
INSTRUMENT NO. 20101207000184740
P.B. 4, PG. 9
TAX PARCEL 34G25(2)35*1

BIRDSONG CORPORATION
INSTRUMENT NO. 180006301
TAX PARCEL 34G25(2)35*2

BIRDSONG CORPORATION
INST. NO. 180007868
TAX PARCEL 34G29(2)*A

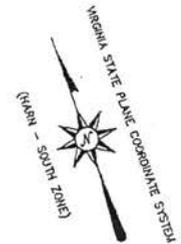
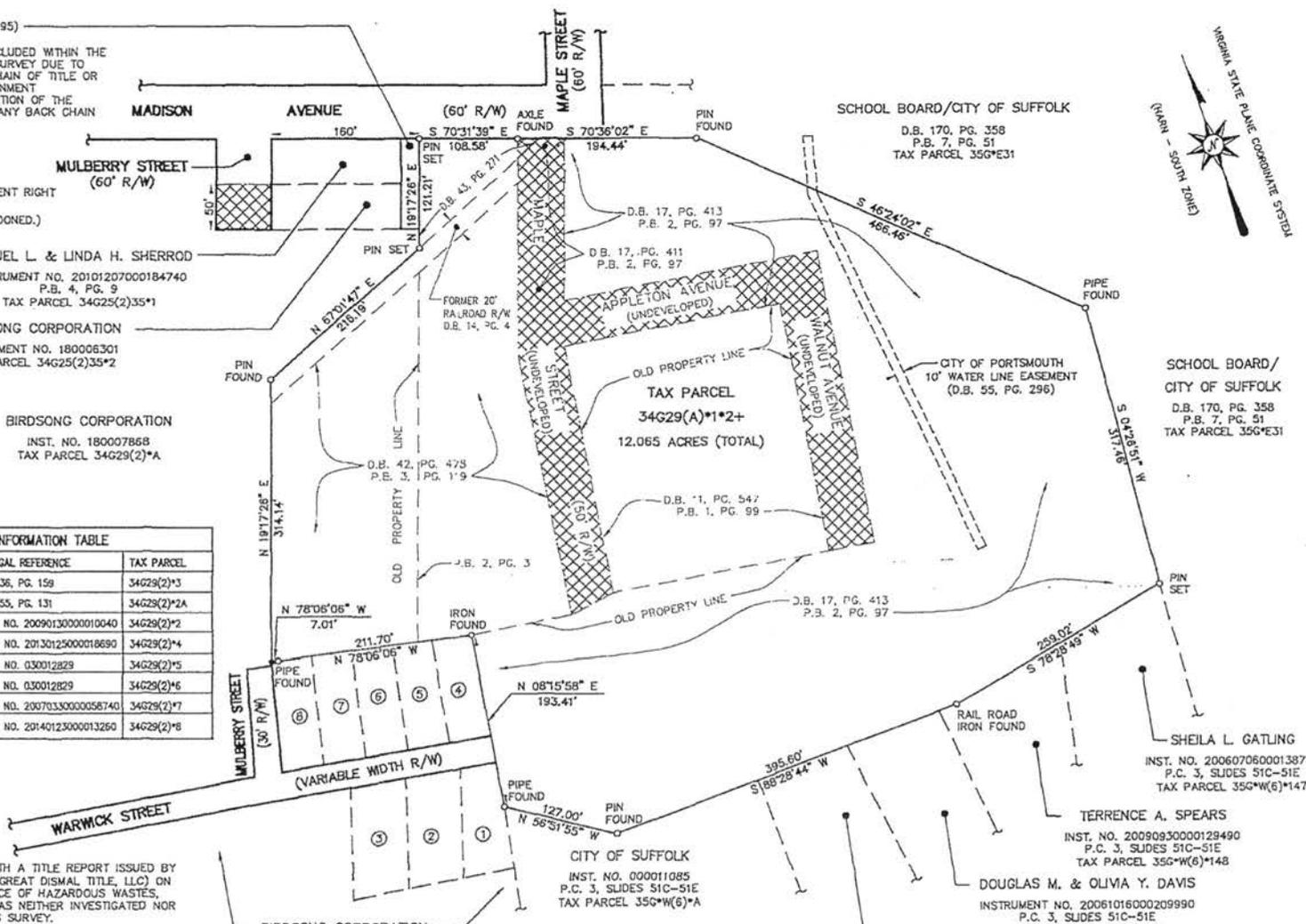
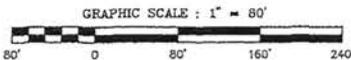
ADJOINING PROPERTY OWNER INFORMATION TABLE			
PARCEL NO.	OWNER(S)	LEGAL REFERENCE	TAX PARCEL
1	LILLIE GOFFIGAN	D.B. 36, PG. 159	34G29(2)*3
2	ROY LEE & WAMIE HOLLEY FAULK	D.B. 55, PG. 131	34G29(2)*2A
3	JOHN H. KNIGHT	INST. NO. 2009013000010040	34G29(2)*2
4	B & I PROPERTIES, LLC	INST. NO. 20130125000018690	34G29(2)*4
5	B & I PROPERTIES, LLC	INST. NO. 030012829	34G29(2)*5
6	B & I PROPERTIES, LLC	INST. NO. 030012829	34G29(2)*6
7	JAMES E. GRALEY, JR.	INST. NO. 2007033000058740	34G29(2)*7
8	DELICIO D. WHITE	INST. NO. 20140123000013260	34G29(2)*8

GENERAL NOTES

- THIS PLAT WAS PREPARED IN CONJUNCTION WITH A TITLE REPORT ISSUED BY TITLE WAVE REAL ESTATE SOLUTIONS (AGENT: GREAT DISMAL TITLE, LLC) ON OCTOBER 29, 2018 @ 8:00 A.M. THE EXISTENCE OF HAZARDOUS WASTES, VEGETATED WETLANDS AND TIDAL WETLANDS WAS NEITHER INVESTIGATED NOR CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.
- INTERIOR DASHED LINES AND DEED BOOK AND PLAT BOOK REFERENCES ASSOCIATED THEREWITH THAT ARE ILLUSTRATED HEREON REPRESENT PRIOR INDIVIDUAL PARCELS AND RIGHTS OF WAYS THAT COLLECTIVELY MAKE UP TAX PARCEL 34G29(A)*1*2+.
- INSTRUMENT NO. 010004579 IS AN AGREEMENT DOCUMENT BETWEEN NATIONAL SCREEN COMPANY, INC. AND MARWOOD MANUFACTURERS, INC. CONCERNING THE EASTERN BOUNDARY OF MULBERRY STREET PER MIDGETTE PHYSICAL SURVEY.

SUBJECT PARCEL: TAX PARCEL 34G29(A)*1*2+

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



STV2019-0001
RECEIVED
OCT 29 2019
PLANNING

BOUNDARY SURVEY
OF PROPERTY OWNED BY
BAY SHORE PARTNERS, LLC
KNOWN AS
TAX PARCEL 34G29(A)*1*2+
LOCATED AT
645 MADISON AVENUE
SUFFOLK, VIRGINIA
SCALE: 1"=80' FEBRUARY 13, 2019
COURTNEY & ASSOCIATES, P.C.
SURVEYORS - MAPPING CONSULTANTS
RIGHT OF WAY ACQUISITION AGENTS - PLANNERS
98 KILBY SHORES DRIVE, SUITE 200
SUFFOLK, VIRGINIA 23434
(757) 539-0036

EXHIBIT B

AGENDA: June 17, 2020 Regular Session

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

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

RECOMMENDATION:

Staff recommends approval of the attached ordinance.

ATTACHMENTS:

Property Map
Proposed Ordinance
Exhibit A – Proposed Quitclaim Deed



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



ORDINANCE NUMBER _____

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

WHEREAS, on June 17, 2020, the Council of the City of Suffolk, Virginia held a public hearing concerning Street Vacation Request STV2019-001 and approved the vacation of portions of Maple Street, Appleton Avenue, and Walnut Street; and

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

WHEREAS, he City Council held a public hearing on June 17, 2020 to consider the request to execute a quitclaim deed in reference to the previously vacated streets.

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

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

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

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

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

EXHIBIT A

Prepared by and Return to:

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

Tax Account Number 352251000

The title insurance underwriter is unknown to the preparer.

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

WITNESSETH:

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

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

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

conveyed herein, and to matters visible upon inspection.

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

CITY OF SUFFOLK, VIRGINIA

BY: _____(SEAL)
CITY MANAGER

Attest:

City Clerk

Approved as to Form:

City Attorney

DRAFT

COMMONWEALTH OF VIRGINIA,

CITY OF SUFFOLK, to-wit:

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

My commission expires _____.

Notary Registration # _____

NOTARY PUBLIC

[SEAL]

AGENDA: June 17, 2020 Regular Session

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

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

RECOMMENDATION:

Staff recommends approval of the attached ordinance.

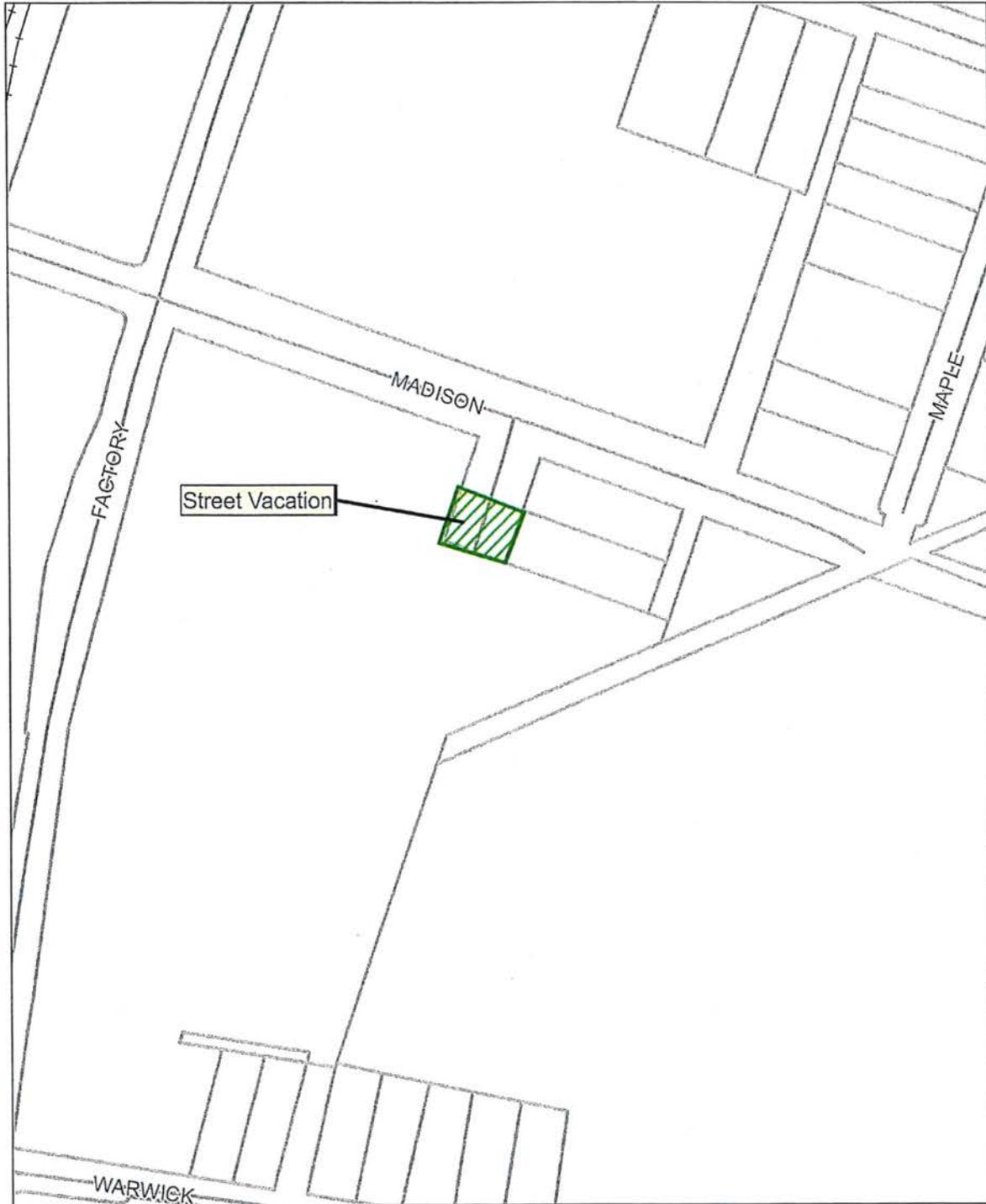
ATTACHMENTS:

Property Map
Proposed Ordinance
Exhibit A – Proposed Quitclaim Deed



PROPERTY MAP

STV2019-001 MULBERRY STREET



User Name: bsmith
Date: 3/12/2020

ORDINANCE NUMBER _____

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

WHEREAS, on June 17, 2020, the Council of the City of Suffolk, Virginia held a public hearing concerning Street Vacation Request STV2019-001 and approved the vacation of a portion of Mulberry Street; and

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

WHEREAS, the City Council held a public hearing on June 17, 2020 to consider the request to execute a quitclaim deed in reference to the previously vacated street

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

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

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

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Prepared by and Return to:

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

Tax Account Number 354000338, 351409000

The title insurance underwriter is unknown to the preparer.

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

WITNESSETH:

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

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

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

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

CITY OF SUFFOLK, VIRGINIA

BY: _____ (SEAL)
CITY MANAGER

Attest:

City Clerk

Approved as to Form:

City Attorney

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

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

My commission expires _____.

Notary Registration # _____

NOTARY PUBLIC

[SEAL]

DRAFT

AGENDA: June 17, 2020 Regular Session

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

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

ATTACHMENTS:

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

STAFF REPORT

DESCRIPTION

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

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

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

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

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

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

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

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

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

PUBLIC NOTICE: The request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. Notice to the applicant, containing a copy of the staff report, was also sent on June 12, 2020.

STAFF ANALYSIS

ISSUE:

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

CONSIDERATIONS AND CONCLUSIONS:

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

RECOMMENDATION:

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

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

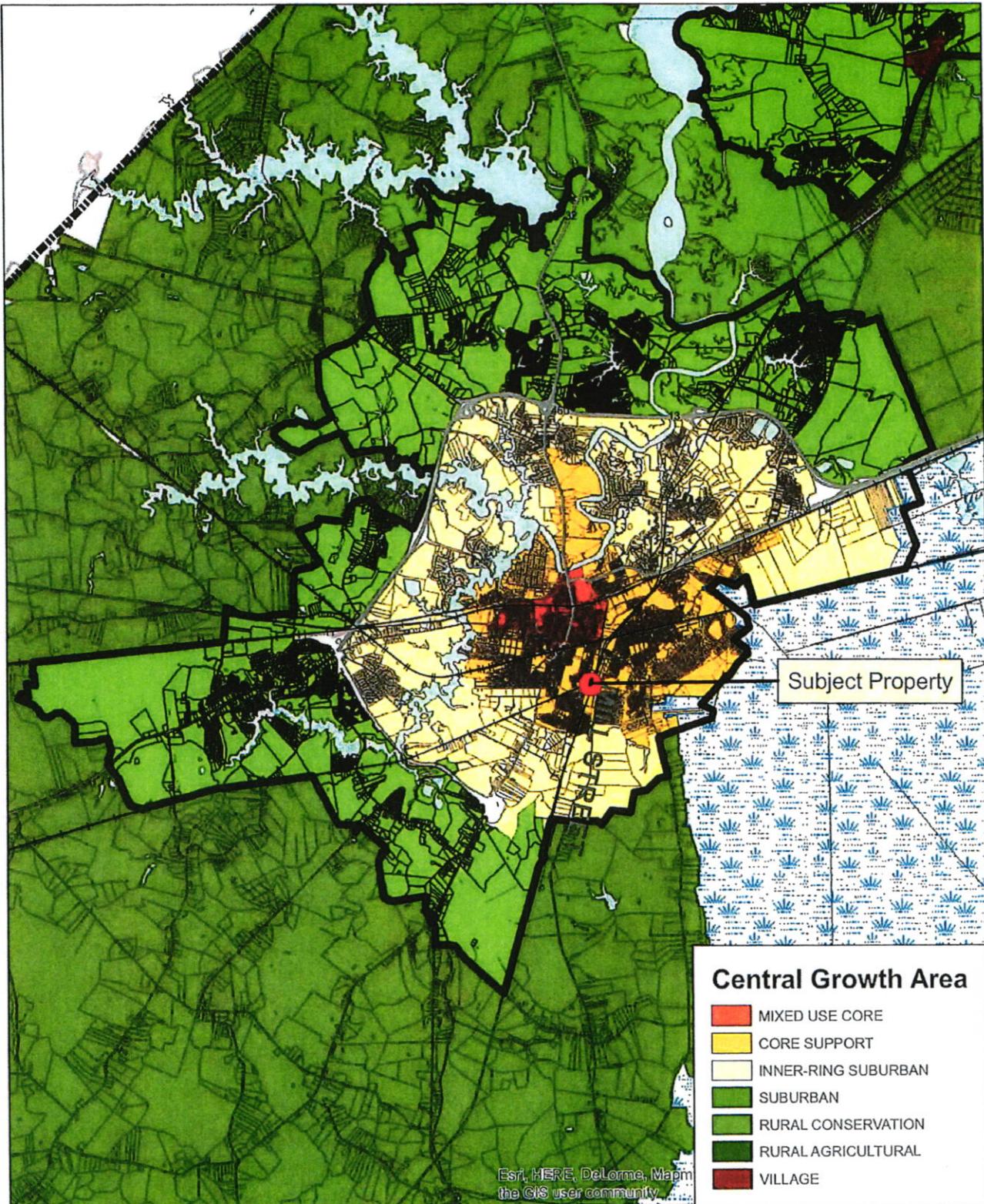
Attachments:

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



GENERAL LOCATION MAP

STV2019-002



User Name: bsmith
Date: 11/4/2019



ZONING / LAND USE MAP

STV2019-002



User Name: bsmith
Date: 3/5/2020

ORDINANCE NUMBER _____

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

WHEREAS, pursuant to Section 15.2-2006 of the Code of Virginia (1950), as amended, a public hearing was held on June 17, 2020 concerning the vacation of Mill Street located east of County Street and between Van Buren Avenue and Mill Street, after due notice to the public and affected land owners.

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

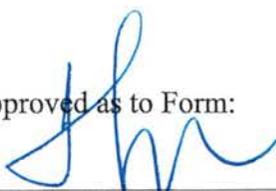
- Section 1. Exhibit A, "Property Map" and Exhibit B, "Exhibit of Tax Parcel 34G25(2)11*1THRU8A and 34G29(1)12*2*7B*7C", which are attached hereto, are hereby incorporated as part of this ordinance.
- Section 2. Upon consideration of the evidence, Council finds that no inconvenience will result from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

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

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



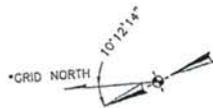
Helivi L. Holland, City Attorney



PROPERTY MAP STV2019-002

EXHIBIT A

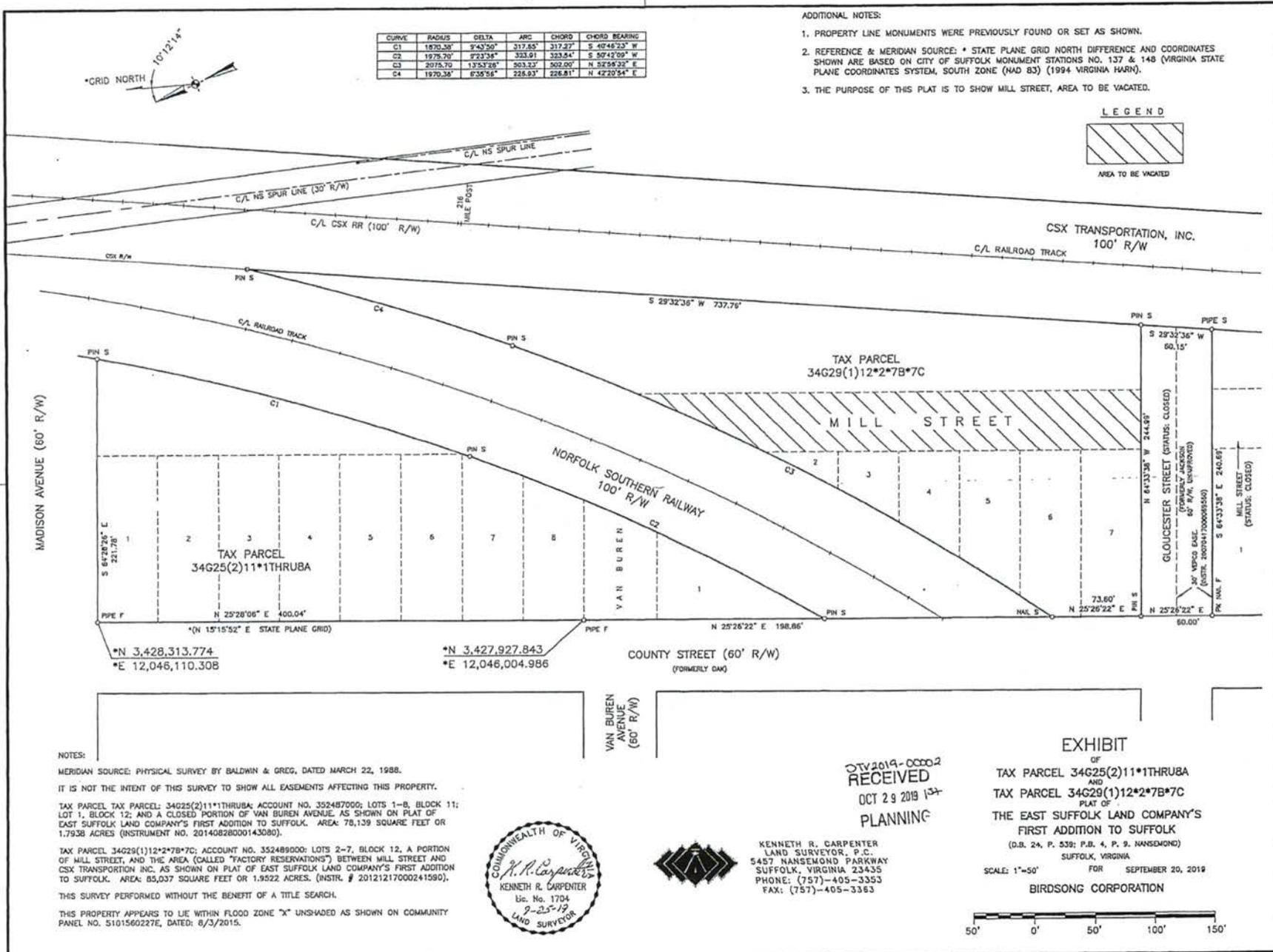




CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1870.30'	9°43'50"	317.65'	317.27'	S 40°46'23" W
C2	1978.70'	9°23'38"	333.01'	333.84'	S 59°45'09" W
C3	2015.70'	1°35'28"	303.33'	302.00'	N 32°26'32" E
C4	1970.38'	8°35'56"	226.93'	226.81'	N 42°20'54" E

ADDITIONAL NOTES:

1. PROPERTY LINE MONUMENTS WERE PREVIOUSLY FOUND OR SET AS SHOWN.
2. REFERENCE & MERIDIAN SOURCE: * STATE PLANE GRID NORTH DIFFERENCE AND COORDINATES SHOWN ARE BASED ON CITY OF SUFFOLK MONUMENT STATIONS NO. 137 & 148 (VIRGINIA STATE PLANE COORDINATES SYSTEM, SOUTH ZONE (NAD 83) (1994 VIRGINIA HARN)).
3. THE PURPOSE OF THIS PLAT IS TO SHOW MILL STREET, AREA TO BE VACATED.



NOTES:

MERIDIAN SOURCE: PHYSICAL SURVEY BY BALDWIN & GREG, DATED MARCH 22, 1988.

IT IS NOT THE INTENT OF THIS SURVEY TO SHOW ALL EASEMENTS AFFECTING THIS PROPERTY.

TAX PARCEL TAX PARCEL: 34G25(2)11*11THRUBA; ACCOUNT NO. 352487000; LOTS 1-8, BLOCK 11; LOT 1, BLOCK 12; AND A CLOSED PORTION OF VAN BUREN AVENUE AS SHOWN ON PLAT OF EAST SUFFOLK LAND COMPANY'S FIRST ADDITION TO SUFFOLK. AREA: 78,139 SQUARE FEET OR 1.7938 ACRES (INSTRUMENT NO. 20140828000143080).

TAX PARCEL 34G29(1)12*2*7B*7C; ACCOUNT NO. 352489000; LOTS 2-7, BLOCK 12, A PORTION OF MILL STREET, AND THE AREA (CALLED "FACTORY RESERVATIONS") BETWEEN MILL STREET AND CSX TRANSPORTATION INC. AS SHOWN ON PLAT OF EAST SUFFOLK LAND COMPANY'S FIRST ADDITION TO SUFFOLK. AREA: 85,037 SQUARE FEET OR 1.9522 ACRES. (INSTR. # 20121217000241590).

THIS SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.

THIS PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" UNSHADED AS SHOWN ON COMMUNITY PANEL NO. 5101560227E, DATED: 6/3/2015.



KENNETH R. CARPENTER
LAND SURVEYOR, P.C.
5457 NANSEMOND PARKWAY
SUFFOLK, VIRGINIA 23435
PHONE: (757)-405-3353
FAX: (757)-405-3363

OTV2019-00002
RECEIVED
OCT 29 2019
PLANNING

EXHIBIT

OF
TAX PARCEL 34G25(2)11*11THRUBA
AND
TAX PARCEL 34G29(1)12*2*7B*7C
PLAT OF
THE EAST SUFFOLK LAND COMPANY'S
FIRST ADDITION TO SUFFOLK
(D.B. 24, P. 539; P.B. 4, P. 9, NANSEMOND)
SUFFOLK, VIRGINIA

SCALE: 1"=50' FOR SEPTEMBER 20, 2019

BIRDSONG CORPORATION



EXHIBIT B

C:\Documents and Settings\Owner\Desktop\Drawings III PROGRESS\BIRDSONG 17-389 1-BA 79 TC.dwg

AGENDA: June 17, 2020 Regular Session

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

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

RECOMMENDATION:

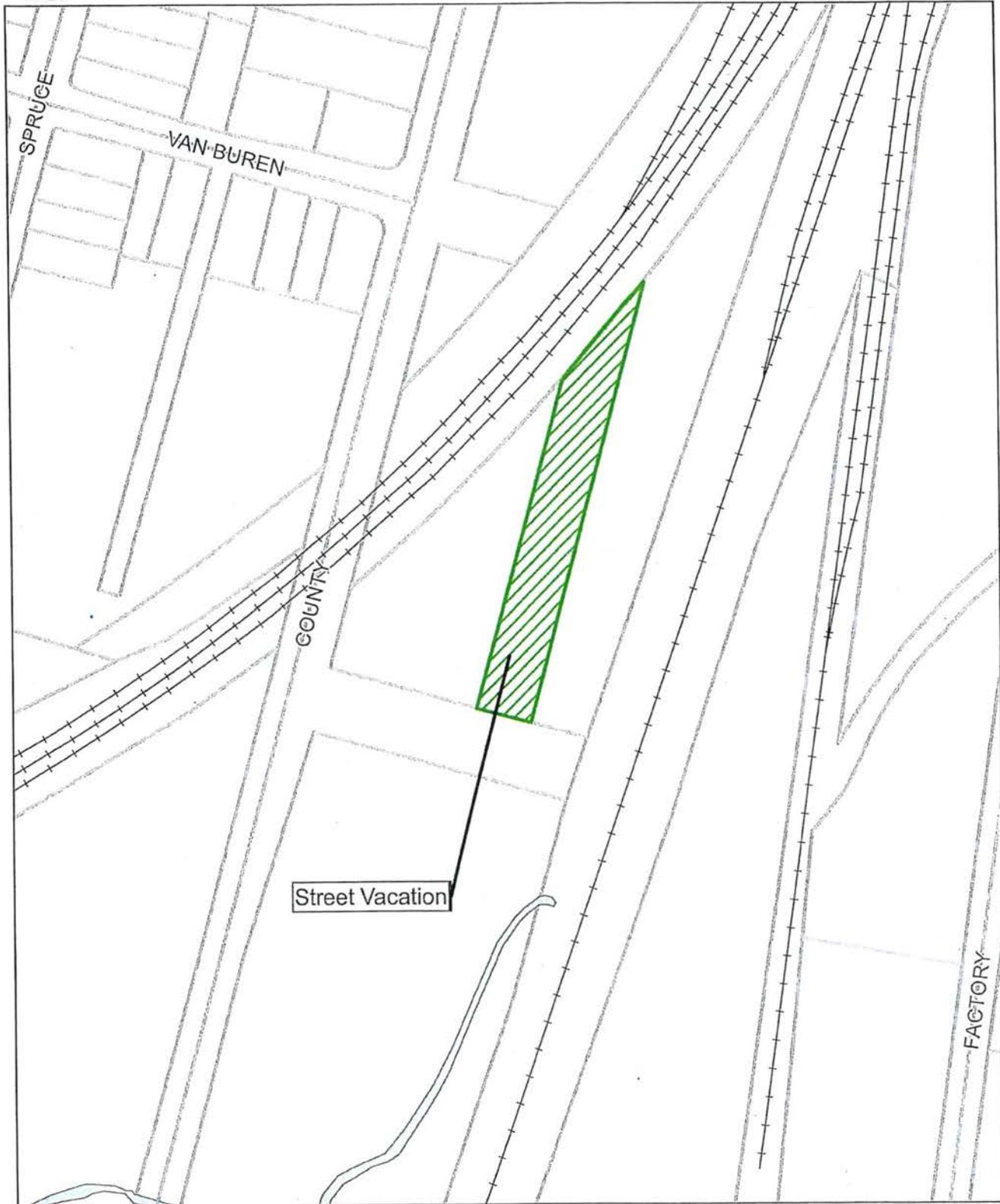
Staff recommends approval of the attached ordinance.

ATTACHMENTS:

Property Map
Proposed Ordinance
Exhibit A – Proposed Quitclaim Deed



PROPERTY MAP STV2019-002



User Name: bsmith
Date: 3/5/2020

ORDINANCE NUMBER _____

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

WHEREAS, on June 17, 2020, the Council of the City of Suffolk held a public hearing concerning Street Vacation Request STV2019-002 and approved the vacation of a portion of Mill Street; and,

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

WHEREAS, the City Council held a public hearing on June 17, 2020 to consider the request to execute a quitclaim deed in reference to the previously vacated street.

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

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

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

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Prepared by and Return to:

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

Tax Account Number 352489000

The title insurance underwriter is unknown to the preparer.

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

WITNESSETH:

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

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

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

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

CITY OF SUFFOLK, VIRGINIA

BY: _____ (SEAL)
CITY MANAGER

Attest:

City Clerk

Approved as to Form:

City Attorney

DRAFT

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

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

My commission expires _____.

Notary Registration # _____.

NOTARY PUBLIC

[SEAL]

AGENDA: June 17, 2020 Regular Session

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

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

ATTACHMENTS:

- Staff Report
- General Location Map
- Zoning / Land Use Map
- Proposed Ordinance
- Exhibit A – Property Map
- Exhibit B -- Exhibit Showing Area Proposed For Vacation

STAFF REPORT

DESCRIPTION

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

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

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

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

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

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

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

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

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

PUBLIC NOTICE: The request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. Notice to the applicant, containing a copy of the staff report, was also sent on June 12, 2020.

STAFF ANALYSIS

ISSUE:

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

CONSIDERATIONS AND CONCLUSIONS:

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

development.

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

RECOMMENDATION:

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

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

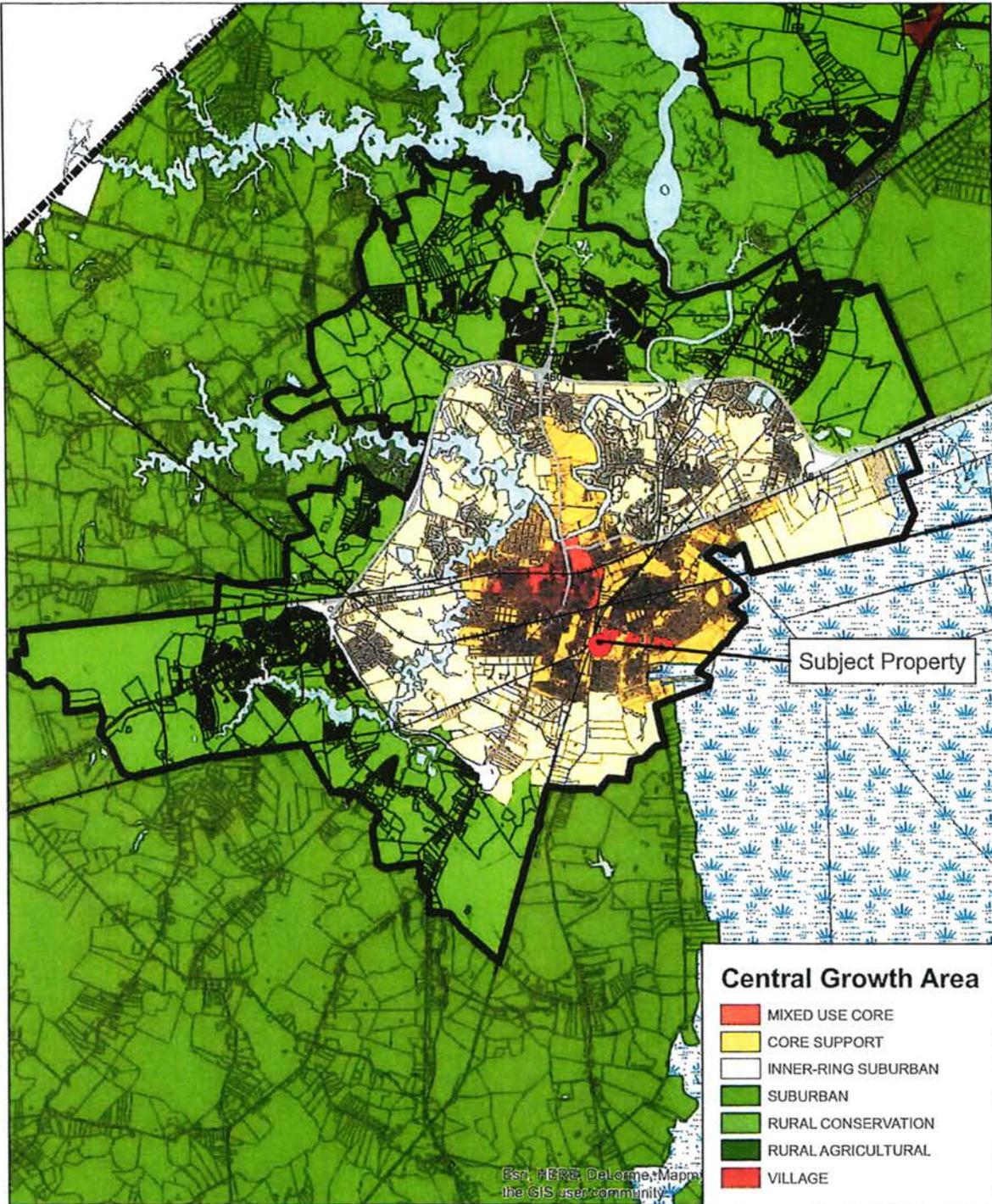
Attachments:

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



GENERAL LOCATION MAP

STV2019-003



User Name: bsmith
Date: 11/6/2019



ZONING / LAND USE MAP

STV2019-003



User Name: bsmith
Date: 3/5/2020

ORDINANCE NUMBER _____

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

WHEREAS, pursuant to Section 15.2-2006 of the Code of Virginia (1950), as amended, a public hearing was held June 17, 2020 on the vacation of an Unnamed Alley located north of Warwick Street and between Factory Street and Mulberry Street, after due notice to the public and affected land owners.

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

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

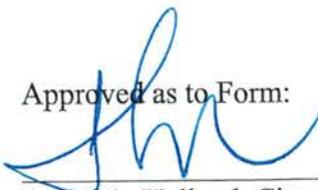
BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helvi L. Holland, City Attorney



PROPERTY MAP STV2019-003

EXHIBIT A

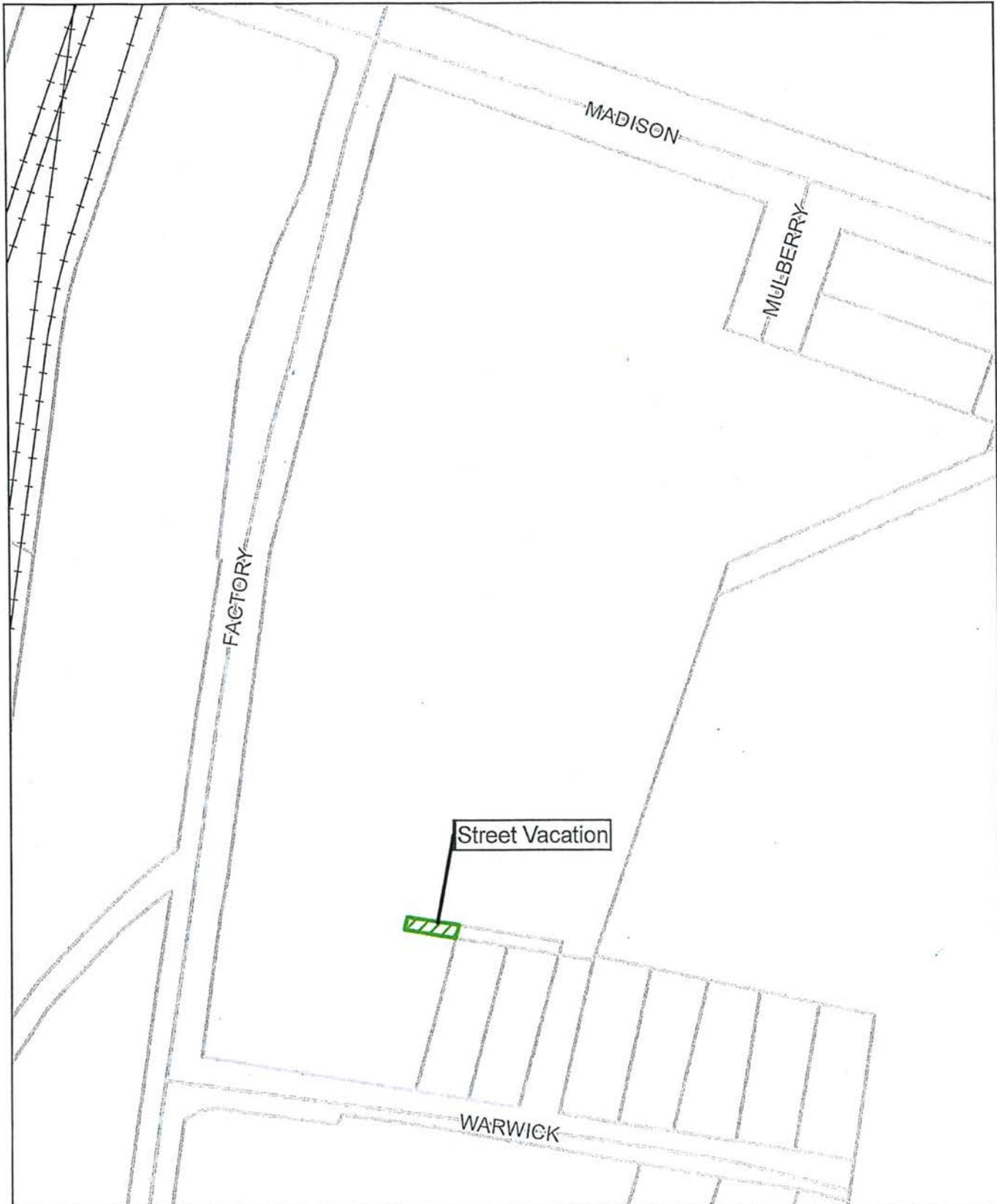


EXHIBIT B

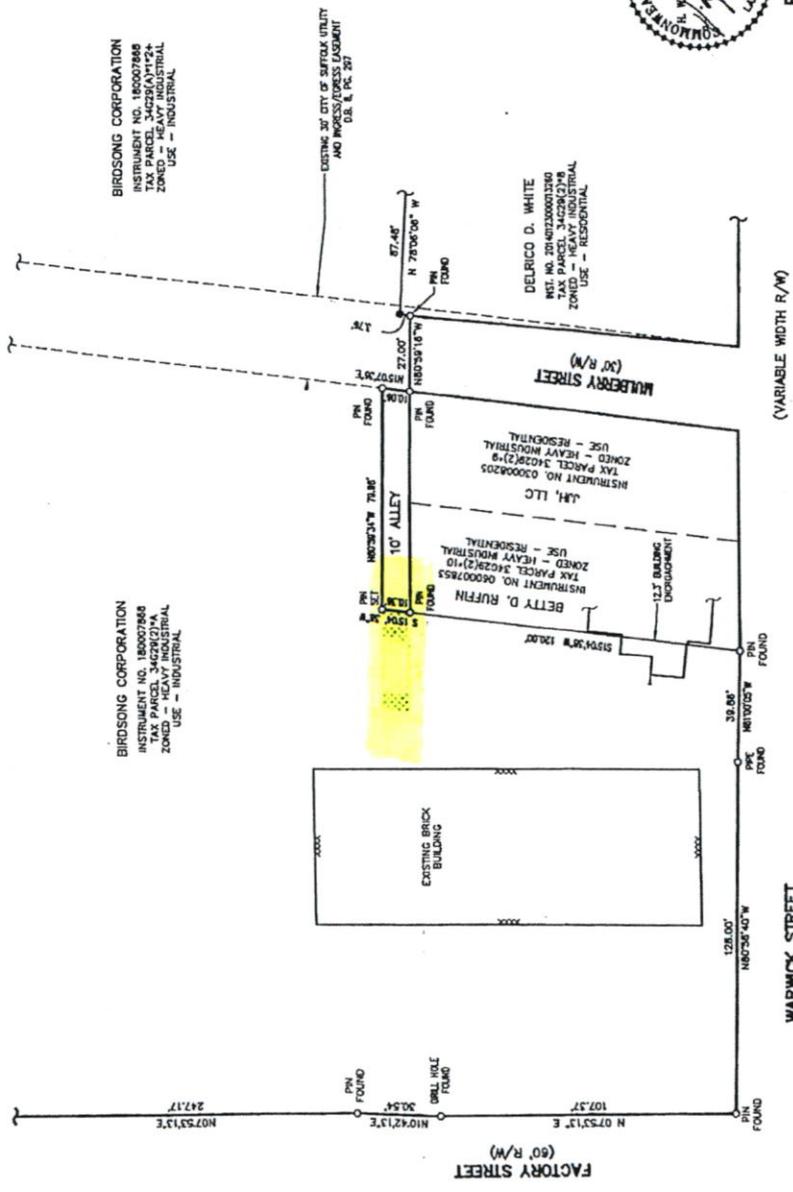


EXHIBIT
SHOWING PROPOSED ALLEY ABANDONMENT ON
TAX PARCEL 34G29(2)*A
CHUCKATUCK BOROUGH
SUFFOLK, VIRGINIA
FOR
BIRDSONG CORPORATION
SCALE: 1"=30' AUGUST 13, 2019
COURTNEY & ASSOCIATES, P.C.
SURVEYORS - MAPPING CONSULTANTS
RIGHT OF WAY ACQUISITION AGENTS - PLANNERS
98 KILBEY SHORES DRIVE, SUITE 200
SUFFOLK, VIRGINIA 23404
(757) 539-0036

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

THE PROPERTIES PERTAINING TO THIS PLAT APPEAR TO BE LOCATED IN ZONE "X" & ZONE "A" AS SHOWN ON FLOOD MAPS SUPPLIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY PANEL NUMBER 510196 0227 E. EFFECTIVE DATE 08-03-2015.

SUBJECT PARCELS: TAX PARCELS 34G29(A)*124 & 34G29(2)*A
LEGAL REFERENCE: INSTRUMENT NO. 180007868
INSTRUMENT NO. 010004580
D.B. & P.C. 297

RECEIVED
OCT 29 2019
PLANNING

AGENDA: June 17, 2020 Regular Session

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

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

RECOMMENDATION:

Staff recommends approval of the attached ordinance.

ATTACHMENTS:

Property Map
Proposed Ordinance
Exhibit A – Proposed Quitclaim Deed



PROPERTY MAP STV2019-003



User Name: bsmith
Date: 3/5/2020

ORDINANCE NUMBER _____

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

WHEREAS, on June 17, 2020, the Council of the City of Suffolk, Virginia held a public hearing concerning Street Vacation Request STV2019-003 and approved the vacation of that portion of unnamed alley located north of Warwick Street and between Factory Street and Mulberry Street; and

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

WHEREAS, the City Council held a public hearing on June 17, 2020 to consider the request to execute a quitclaim deed in reference to the previously vacated right-of-way.

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

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

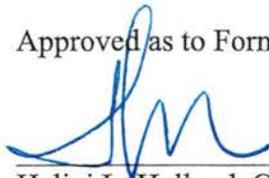
BE IT FURTHER ORDAINED that this ordinance shall be effective upon its passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Prepared by and Return to:

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

Tax Account Number: 354000338

The title insurance underwriter is unknown to the preparer.

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

WITNESSETH:

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

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

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

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

CITY OF SUFFOLK, VIRGINIA

BY: _____(SEAL)
CITY MANAGER

Attest:

City Clerk

Approved as to Form:

City Attorney

DRAFT

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

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

My commission expires _____.
Notary Registration # _____

NOTARY PUBLIC

[SEAL]

AGENDA: June 17, 2020 Regular Session

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

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

RECOMMENDATION:

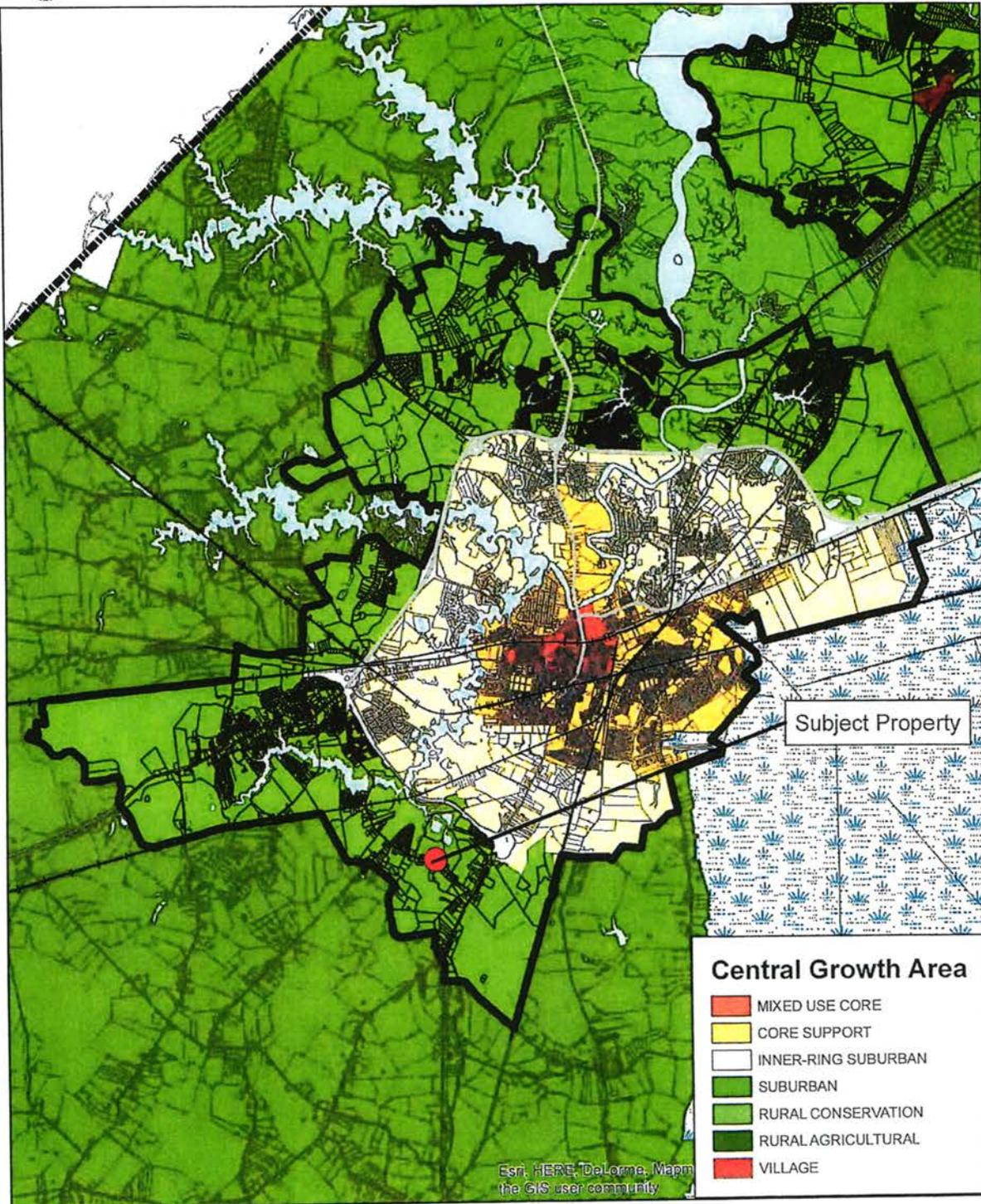
Research of this right-of-way has verified that it is a private right-of-way to which the City of Suffolk has no ownership interest. A title opinion was submitted by the applicant which listed Turlington Properties LLC as the owner of the right-of-way. In an abundance of caution, the applicant has requested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

ATTACHMENTS:

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



GENERAL LOCATION MAP PIT ROAD QUITCLAIM



Esri, HERE, DeLorme, Mapm
the GIS user community

User Name: bsmith
Date: 11/6/2019



ZONING / LAND USE MAP PIT ROAD QUITCLAIM



User Name: bsmith
Date: 3/5/2020

ORDINANCE NUMBER _____

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

WHEREAS, the City Council held a public hearing on June 17, 2020 to consider a request for the City to execute a quitclaim deed concerning an unimproved private 50' right-of-way known as Pit Road; and

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

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

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

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

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

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney



PROPERTY MAP PIT ROAD QUITCLAIM

EXHIBIT A



RECEIVED

FEB 24 REC'D

PLANNING

Prepared by and Return to:

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

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

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

WITNESSETH:

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

Parcel First:

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

Parcel Second:

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

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

[Signatures appear on the following page]

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

CITY OF SUFFOLK, VIRGINIA

BY: _____ (SEAL)
CITY MANAGER

Attest:

City Clerk

Approved as to Form:

City Attorney

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

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

My commission expires _____.

Notary Registration # _____

NOTARY PUBLIC

[SEAL]

AGENDA: June 17, 2020, Regular Session

ITEM: Ordinance – An ordinance authorizing the City Manager to accept a Deed Open-Space Easement over the common passive open-space within Phase 1 of the Cluster Subdivision Plat The Preserve at Lake Meade, Tax Map Number 26, Parcel 69*69A*PT34*6; FSB2020-00003

Under the Cluster Development Use Pattern, passive open-space shall be preserved as open-space by a Conservation Easement which complies with the Virginia Conservation Easement Act (VC 10.1-1009-10.1-1016) or an open-space easement which complies with the Virginia Open-Space Land Act (VC 10.1-1700-10.1-1705). Under the Virginia Conservation Easement Act, the holder of the easement is a charitable corporation, charitable association, or charitable trust. Under the Virginia Open-Space Land Act, the open-space easement is held by a public body which includes any state agency having authority to acquire land for a public use, or any county or municipality, any park authority, any public recreational facilities authority, any soil and water conservation district or any community development authority formed pursuant to Article 6 (15.2-5152 et. seq) of Chapter 51 of Title 15.2, or the Virginia Recreational Facilities Authority.

In that the easements over passive common open-space in cluster development subdivisions preserve that land as open-space in perpetuity, it is recommended that the City accept such an easement in accordance with the Virginia Open-Space Land Act over the common passive open-space within Phase 1 of the Cluster Subdivision Plat The Preserve at Lake Meade located off of Pitchkettle Road within the Holy Neck Voting Borough.

Please be advised that the acceptance of this easement does not impact the taxing status of the subject passive common open-space.

Budget Impact:

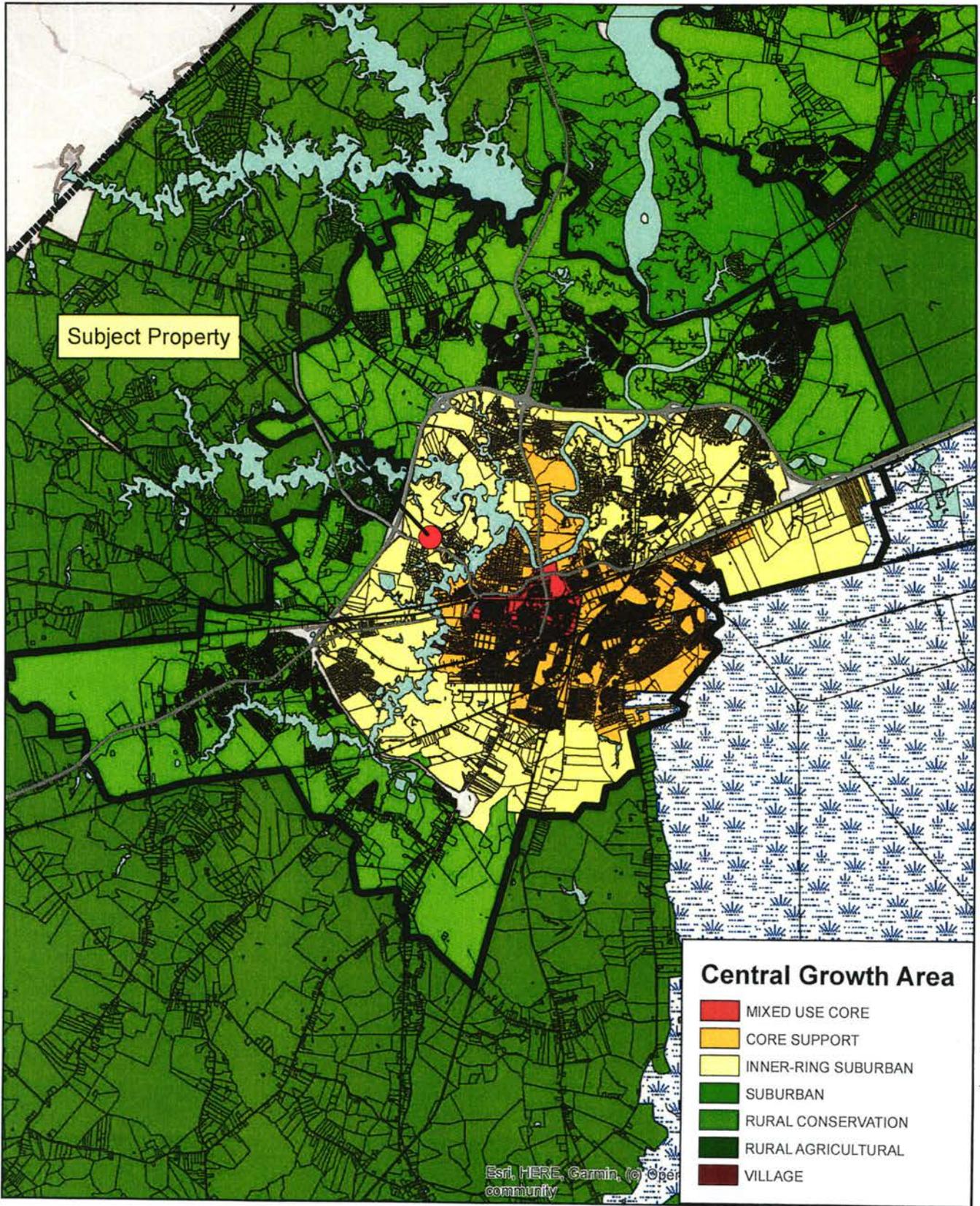
The granting of this Open-Space Easement will not result in any addition to the Open-Space Land Use Program that was previously repealed by City Council.

Attachments:

- General Location Map
- Property Map
- Subdivision Plat of Phase 1 of The Preserve at Lake Meade
- Proposed Ordinance
- Deed Open-Space Easement



The Perserve at Lake Meade Phase 1



User Name: bsmith
Date: 6/4/2020



The Preserve at Lake Meade Phase 1



User Name: bsmith
Date: 6/4/2020

I HEREBY CERTIFY THAT THIS SUBMISSION WAS MADE BY ME AT THE DIRECTION OF THE OWNER AND THAT THIS SUBMISSION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY HIM/HER AND THAT STEEL PINS, AS SHOWN ON THIS PLAT BY SMALL CIRCLES, HAVE ACTUALLY BEEN PLACED AND THEIR LOCATIONS CORRECTLY SHOWN AND THAT THE PLAT DETAILS MEET THE STANDARDS FOR PLATS AS ADOPTED UNDER VC §42.1-82 OF THE VIRGINIA PUBLIC RECORDS ACT (§ 42.1-76, ET. SEQ.).



SIGNED: _____
 CHARLES L. SMITH, III
 LIC. NO. 1981
 06/04/20
 Notary Public

PROPERTY OWNER INFORMATION

TRACT C, TAX MAP NO. 25-68-95A/P134*6
 PITCHKETTLE LAKE MEADE, LLC
 990 WATERSIDE DRIVE
 NORFOLK, VA 23510
 PHONE: (757)640-0800

SOURCE OF TITLE

THE PROPERTY BEING TRACT C, EMBRACED WITHIN THE LIMITS OF THIS SUBMISSION, WAS CONVEYED TO PITCHKETTLE LAKE MEADE, LLC FROM HG PITCHKETTLE LAND, LLC, BY INSTRUMENT 180011590, DATED 10/7/19, AND BEING DULY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF SUFFOLK, VIRGINIA.

THIS SUBMISSION OF PROPERTY, AS IT APPEARS ON THIS PLAT, IS WITH THE FREE CONSENT AND APPROVAL OF THE DESIRES OF THE UNDERSIGNED OWNER(S), WHO ALSO DESIRE THAT THE CITY OF SUFFOLK AND I AGREE TO COMPLY WITH ALL REQUIREMENTS OF THE SUBDIVISION ACT AND TRANSPORTATION.

ENTITY: PITCHKETTLE LAKE MEADE, LLC

BY: _____ DATE _____
 PRINT NAME: _____
 PRINT TITLE: _____
 STATE OF _____ CITY OF _____
 TO WIT: _____
 I, _____ A NOTARY PUBLIC IN AND FOR THE CITY
 AND STATE AFORESAID DO HEREBY CERTIFY THAT _____

WHOSE NAME(S) AS SUCH IS/ARE SIGNED TO THE FOREGOING WRITING BEARING DATE ON THE _____ DAY OF _____, 20_____
 HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.
 GIVEN UNTO MY HAND THIS _____ DAY OF _____, 20_____
 MY COMMISSION EXPIRES ON _____

NOTARY PUBLIC _____ REGISTRATION NO. _____

SITE STATISTICAL DATA

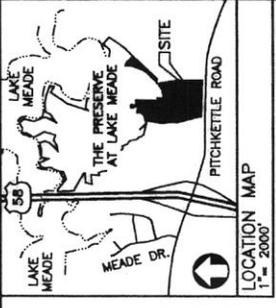
- TOTAL NUMBER OF LOTS PHASE 1: 24
- TOTAL NUMBER OF LOTS ALL PHASES: 187
- PROPERTY BEING SUBMITTED: 100%
- PER CITY GIS ZONING INFORMATION: R/W
- TYPE OF DEVELOPMENT: SINGLE FAMILY (CLUSTER)
- BUILDING SETBACKS:
 - FRONT: 20'
 - REAR: 20'
- SIDE: 7.5/7.5' WITH A 5'/15' OPTION
- AT NO TIME SHALL ANY TWO STRUCTURES HAVE LESS THAN 15 FT. OF SEPARATION.
- MAXIMUM DENSITY PERMITTED FOR ZONE RR: 1 UNIT PER ACRE
- PHASE 1 DENSITY PERMITTED: (1.0 (PERMITTED DENSITY) X 30.721 AC. (TOTAL PHASE 1 AREA)) - 0.834 AC. (CRITICAL AREA) - 2.481 AC. (R/W AREA) = 27.396 OR 27 UNITS
- PHASE 1 DENSITY PROPOSED: 24 UNITS + 27.396 AC. = 0.86 UNITS PER ACRE
- CONNECTIVITY RATIO: _____
- STREET LINES = 12
- RODES = 6
- RATIO = 1.5
- TOTAL AREA PHASE 1 PASSIVE/ACTIVE OPEN SPACE: 983167 SQ. FT. OR 22.570 AC.
- TOTAL AREA PHASE 1 CRITICAL AREAS: 38316 SQ. FT. OR 0.834 AC.
- REQUIRED TOTAL OPEN SPACE: (148.66 AC. (TOTAL SITE AREA) - 21.00 AC. (CRITICAL AREA)) X 35% = 44.66 AC.
- REQUIRED ACTIVE OPEN SPACE: 44.66 AC. X 5% = 2.23 AC.
- OPEN SPACE CALCULATIONS FOR OVERALL DEVELOPMENT:
 - PROVIDED ACTIVE OPEN SPACE:
 - ACTIVE AREA - 1 586,577.85 SQ. FT. OR 13.01 AC.±
 - ACTIVE AREA - 2 272,238.30 SQ. FT. OR 6.25 AC.±
 - ACTIVE AREA - 3 185,172.24 SQ. FT. OR 3.79 AC.±
 - ACTIVE AREA - 4 282,478.76 SQ. FT. OR 6.48 AC.±
 - ACTIVE AREA - 5 186,984.44 SQ. FT. OR 3.80 AC.±
 - ACTIVE AREA - 6 209,438.03 SQ. FT. OR 4.81 AC.±
 - ACTIVE AREA - 7 131,590.07 SQ. FT. OR 3.02 AC.±
 - ACTIVE AREA - 8 114,581.35 SQ. FT. OR 2.63 AC.±
 - TOTAL ACTIVE OPEN SPACE = 1,912,069.04 SQ. FT. OR 43.80 AC.±
 - PROVIDED PASSIVE OPEN SPACE: 1,431,027.81 SQ. FT. OR 32.85 AC.
 - 457,369.10 SQ. FT. OR 10.50 AC. (50% OF CRITICAL AREAS)
 - 1,869,266.91 SQ. FT. OR 43.35 AC.
 - TOTAL PROVIDED OPEN SPACE: 3,343,096.85 SQ. FT. OR 76.75 AC.
 - REF.: APPROVED PRELIMINARY SUBDIVISION PLAT PSB2018-00005 & APPROVED ENGINEERING PLAN EPH2019-00008

NOTE

NO PERSON SHALL PREPARE OR CERTIFY DESIGN ELEMENTS WHICH ARE OUTSIDE THE LIMITS OF THEIR PROFESSIONAL EXPERTISE AND LICENSE. THE SEAL AND SIGNATURE OF THE REGISTERED PROFESSIONAL ENGINEER, ARCHITECT OR LANDSCAPE ARCHITECT SHALL BE REQUIRED AND THE DESIGNER'S PREPARATION SHALL BE PROVIDED ON EACH SHEET.

THE UNDERSIGNED CERTIFY THAT THIS SUBDIVISION, AS IT APPEARS ON THIS PLAT, CONFORMS TO THE APPLICABLE REGULATIONS RELATING TO THE SUBDIVISION OF LAND AND IS ACCORDINGLY APPROVED. BY SUCH APPROVAL, THE UNDERSIGNED DO NOT CERTIFY AS TO THE CORRECTNESS OF THE STREETS, BOUNDARIES, OR OTHER LINES AS SHOWN ON THIS PLAT.

SIGNED: _____ DATE: _____
 DIRECTOR OF PLANNING



LOCATION MAP
 1" = 2000'

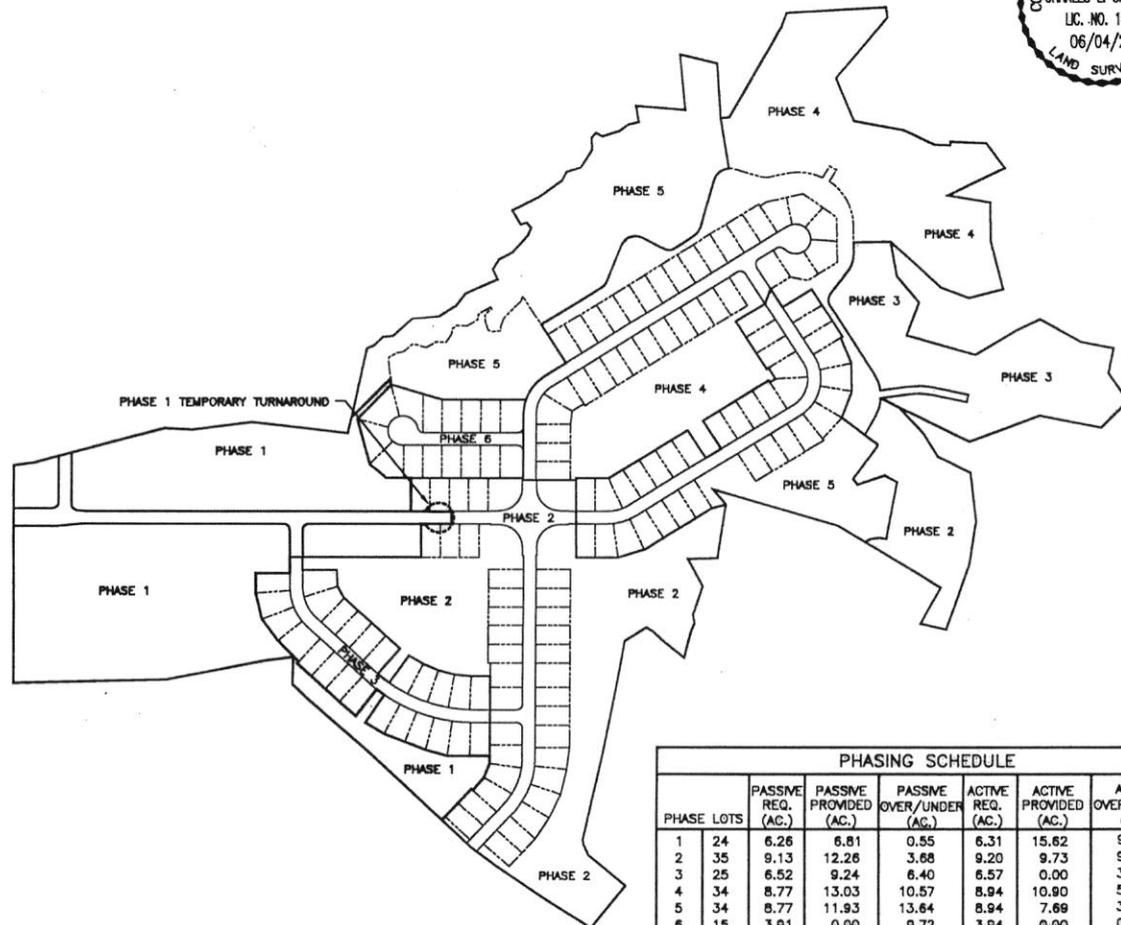
BLAKEWAY
 surveying + engineering + environmental
 650 N. WIRTHBUCK RD. - VA BEACH, VIRGINIA 23462
 757.437.8888
 www.blakewayva.com

SCALE: AS NOTED DATE: 06/04/20
 PROJ. NO.: 6153.07 JOB NO.: 6153.07
 SHEET 1 OF 7 P.B. 48 PG. 49

SUBMISSION OF
THE PRESERVE AT LAKE MEADE
 PHASE 1
 SUFFOLK, VIRGINIA

NOTES

1. THE MERIDIAN SOURCE OF THIS SURVEY/PLAT IS BASED ON THE CITY OF SUFFOLK GEODETIC CONTROL NETWORK WHICH REFERS TO VIRGINIA STATE PLANE COORDINATES SOUTH ZONE (NAD 83)(1994 VIRGINIA HARN).
2. THIS SURVEY/PLAT WAS PERFORMED/PREPARED WITHOUT THE BENEFIT OF A CURRENT AND COMPLETE TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS, RESTRICTIONS & ENCUMBRANCES, THAT MAY AFFECT THE PROPERTY SHOWN.
3. TOTAL AREA ENCOMPASSED WITHIN THIS SUBDMISION: 6475668 SQ. FT. OR 148.661 AC.
4. THIS SUBDMISION IS TO BE SERVED BY CITY WATER AND SEWER.
5. PROPERTY ZONING: RR
(REF.: CITY GIS ZONING INFORMATION)
6. THE PROPERTY SHOWN APPEARS TO FALL WITHIN FLOOD ZONE(S), "X" ACCORDING TO F.E.M.A.'S FLOOD INSURANCE RATE MAP (F.I.R.M.) FOR THE CITY OF SUFFOLK, VIRGINIA. MAP NUMBER 5101560230E, MAP REVISED: AUGUST 3, 2015.
7. THE PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT AND IS DESIGNATED AS A RESOURCE MANAGEMENT AREA (RMA) AND A RESOURCE PROTECTION AREA (RPA). (PER INST. 180011495)
8. ALL LAND DISTURBANCE, USES, DEVELOPMENT AND REDEVELOPMENT IN THE CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT ARE REQUIRED TO RETAIN AN UNDISTURBED VEGETATED 100-FOOT BUFFER AREA AROUND RPA FEATURES, SUCH AS WETLANDS, SHORELINES AND ALONG WATERBODIES WITH PERENNIAL FLOW. (PER INST. 180011495)
9. ONLY CERTAIN SPECIFIED ACTIVITIES MAY BE PERMITTED IN THE RPA, RESOURCE PROTECTION AREA, SUCH AS APPROVED WATER DEPENDENT FACILITIES, REDEVELOPMENT, ROADS AND DRIVEWAYS, FLOOD CONTROL AND BONA FIDE AGRICULTURAL ACTIVITIES AND WETLANDS RESTORATION ACTIVITIES. (PER INST. 180011495)
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EQUIPMENT, MATERIAL AND GENERAL CONSTRUCTION DEBRIS FROM THE SUBDMISION AND FROM ANY LOT, STREET, PUBLIC WAY OR PROPERTY THEREIN OR ADJACENT THERETO. DUMPING OF SUCH DEBRIS INTO SEWERS, ONTO ADJACENT PROPERTY OR ONTO ANY OTHER LAND IN THE CITY IS PROHIBITED. (PER INST. 180011495)
11. THERE SHALL BE A MINIMUM FIVE FOOT (5') EASEMENT PROVIDED ALONG THE REAR AND SIDE PROPERTY LINES OF ALL LOTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES. (PER INST. 180011495)
12. THE "WETLANDS LINE" AND "100' RPA BUFFER LINE", AS SHOWN HEREON, ARE BASED ON BAY ENVIRONMENTAL, INC., WETLAND DELINEATION REPORT, DATED FEBRUARY 7, 2018, FIGURE 2: SITE CONDITIONS WETLAND DELINEATION, DATED 04/16/2018 AND FIGURE 5: CBPA BUFFER WETLAND DELINEATION, DATED 01/30/2018. (PER INST. 180011495)
13. CUP14-16 WAS APPROVED ON AUGUST 15, 2017 AS ORDINANCE NUMBER 17-0-091, RECORDED IN INSTRUMENT 170011065, AND AMENDED BY CUP2019-003 APPROVED ADMINISTRATIVELY ON AUGUST 2, 2019.
14. CUP2019-003 CONDITIONS:
 1. THIS PERMIT IS GRANTED TO ESTABLISH A BONUS DENSITY OF 39 LOTS WITHIN THE PRESERVES AT LAKE MEADE SUBDMISION TO BE DEVELOPED IN ACCORDANCE WITH THE CONCEPT PLAN PREPARED BY BLAKEWAY CORP. WHICH IS DATED APRIL 9 2019.
 2. PRIOR TO THE ISSUANCE OF A LAND DISTURBANCE PERMIT, THE APPLICANT SHALL PROVIDE THE DEPARTMENT OF PUBLIC UTILITIES PAYMENT FOR UPGRADES TO PUMP STATION 120. THIS AMOUNT IS BASED ON A PER LOT FEE OF \$842.98.
 3. IN ACCORDANCE WITH THE TRAFFIC IMPACT ANALYSIS SUBMITTED BY BRYANT B. GOODLOE, P.C. AND DATED DECEMBER 15, 2016, THE DEVELOPER SHALL BE REQUIRED TO MAKE THE FOLLOWING IMPROVEMENTS TO PITCHKETTLE ROAD. THESE IMPROVEMENTS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.
 - A) A 200' LEFT TURN LANE WITH A 200' TAPER SHALL BE PROVIDED FOR WESTBOUND PITCHKETTLE ROAD.
 - B) A 200' RIGHT TURN LANE WITH A 200' TAPER SHALL BE PROVIDED FOR WESTBOUND PITCHKETTLE ROAD.
 - C) A 200' LEFT TURN LANE WITH A 200' TAPER SHALL BE PROVIDED FOR EASTBOUND PITCHKETTLE ROAD.
 4. THE MINIMUM LOT SIZE SHALL BE AT LEAST 10,000 SQUARE FEET.
15. APPROVED PRELIMINARY SUBDMISION PLAT: PSB2018-00005
APPROVED ENGINEERING PLAN: EPN2019-00008.



PHASING LAYOUT
NOT TO SCALE

PHASING SCHEDULE							
PHASE	LOTS	PASSIVE REQ. (AC.)	PASSIVE PROVIDED (AC.)	PASSIVE OVER/UNDER (AC.)	ACTIVE REQ. (AC.)	ACTIVE PROVIDED (AC.)	ACTIVE OVER/UNDER (AC.)
1	24	6.26	6.81	0.55	6.31	15.62	9.31
2	35	9.13	12.26	3.68	9.20	9.73	9.83
3	25	6.52	9.24	6.40	6.57	0.00	3.26
4	34	8.77	13.03	10.57	8.94	10.90	5.22
5	34	8.77	11.93	13.64	8.94	7.69	3.97
6	15	3.91	0.00	9.72	3.94	0.00	0.03
TOTAL	167	43.35	53.27		43.90	43.90	

REF.: APPROVED ENGINEERING PLAN EPN2019-00008

SUBDMISION
OF
**THE PRESERVE
AT LAKE MEADE**
PHASE 1

SUFFOLK, VIRGINIA

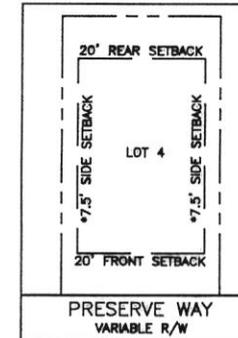


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SCALE:	NOT TO SCALE	DATE:	06/04/20
PROJ. NO.:	8153.07	AB NO.:	8153.07
SHEET	2 OF 7	F.B.	48 PG. 49

AREA DATA					
PARCEL	SQUARE FEET	ACRES	CRITICAL	ACCT. NO.	TAX MAP NO.
LOT 1	10005	0.230	0	254002404	34M*1
LOT 2	10005	0.230	0	254002405	34M*2
LOT 3	10005	0.230	0	254002406	34M*3
LOT 4	10005	0.230	0	254002407	34M*4
LOT 5	10005	0.230	0	254002408	34M*5
LOT 6	10005	0.230	0	254002409	34M*6
LOT 7	10005	0.230	0	254002410	34M*7
LOT 8	10005	0.230	0	254002411	34M*8
LOT 9	10005	0.230	0	254002412	34M*9
LOT 10	12673	0.291	0	254002413	34M*10
LOT 11	10005	0.230	0	254002414	34M*11
LOT 12	10005	0.230	0	254002415	34M*12
LOT 13	10005	0.230	0	254002416	34M*13
LOT 14	10005	0.230	0	254002417	34M*14
LOT 15	10005	0.230	0	254002418	34M*15
LOT 16	10005	0.230	0	254002419	34M*16
LOT 17	10005	0.230	0	254002420	34M*17
LOT 18	11872	0.273	0	254002421	34M*18
LOT 19	11872	0.273	0	254002422	34M*19
LOT 20	10005	0.230	0	254002423	34M*20
LOT 21	10005	0.230	0	254002424	34M*21
LOT 22	10005	0.230	0	254002425	34M*22
LOT 23	10005	0.230	0	254002426	34M*23
LOT 24	10005	0.230	0	254002427	34M*24
ACTIVE OPEN SPACE 1	566560	13.006	0	254002402	34M*OS*A1
ACTIVE OPEN SPACE 2	113906	2.615	619	254002403	34M*OS*A2
PASSIVE OPEN SPACE 1	32757	0.752	0	254002399	34M*OS*P1
PASSIVE OPEN SPACE 2	153494	3.524	0	254002400	34M*OS*P2
PASSIVE OPEN SPACE 3	116450	2.673	35697	254002401	34M*OS*P3
RIGHT-OF-WAY DEDICATION	108498	2.491	0		
TOTAL PHASE 1	1338187	30.721	36316		
RESIDUAL TRACT C	5137481	117.940	0	252846000	25*69*69A*PT34*6
TOTAL SUBDIVISION	6475668	148.661	0		

AREA LEGEND



BUILDING SETBACKS (TYP.)
NOT TO SCALE
(*SEE SITE STATISTICAL DATA SHEET 1)

EASEMENT AREA DATA		
PARCEL	SQUARE FEET	ACRES
PERMANENT PUBLIC DRAINAGE EASEMENT	19299	0.443
PERMANENT PUBLIC UTILITY EASEMENTS	39661	0.915
TEMPORARY TURNAROUND EASEMENT	5658	0.130



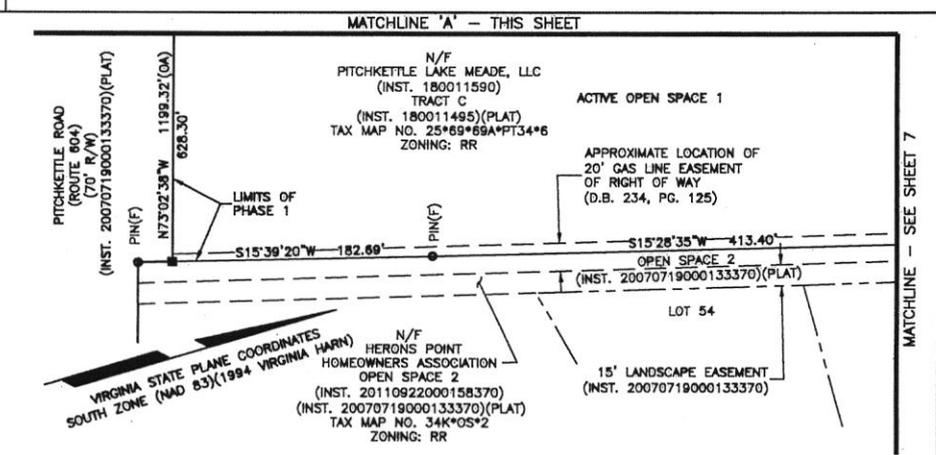
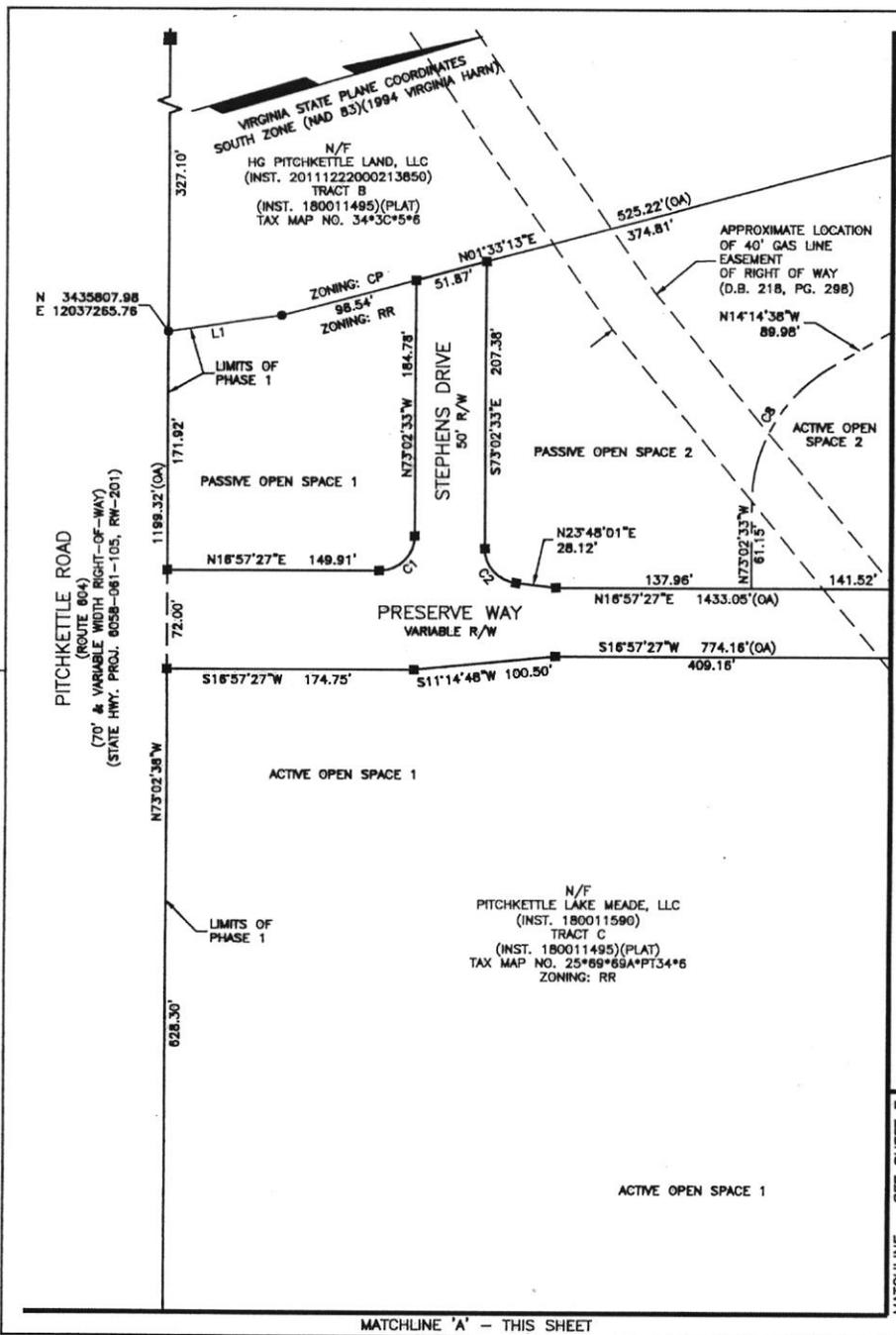
TOTAL OPEN SPACE REQUIRED AND PROVIDED FOR ALL PHASES
REQUIRED TOTAL OPEN SPACE: (148.66 AC. (TOTAL SITE AREA) - 21.00 AC. (CRITICAL AREA)) X 35% = 44.66 AC.
REQUIRED ACTIVE OPEN SPACE: 44.66 AC. X 5% = 2.23 AC.
TOTAL PROVIDED OPEN SPACE: 3,343,096.85 SQ. FT. OR 76.75 AC.
REF.: APPROVED PRELIMINARY SUBDIVISION PLAT PSB2018-00005

SUBDIVISION
OF
**THE PRESERVE
AT LAKE MEADE**
PHASE 1

SUFFOLK, VIRGINIA

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SCALE:	AS NOTED	DATE:	06/04/20
PROJ. NO.:	6153.07	AB NO.:	6153.07
SHEET	3	OF	7
F.B.	48	PG.	49

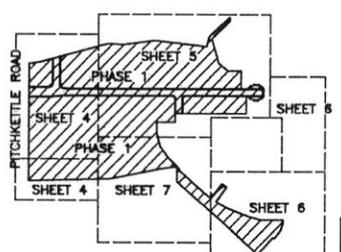


CURVE DATA

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
C1	25.00'	90°00'00"	39.27'	25.00'	35.36'	N28°02'33"W
C2	25.00'	83°09'26"	36.28'	22.18'	33.18'	N65°22'44"E
C3	25.00'	53°28'13"	23.33'	12.59'	22.49'	N9°46'40"W
C4	59.00'	286°58'27"	295.48'	43.70'	70.24'	S73°02'33"E
C5	25.00'	53°28'13"	23.33'	12.59'	22.49'	S43°41'33"W
C6	25.00'	90°00'00"	39.27'	25.00'	35.36'	S28°02'33"E
C7	25.00'	90°00'00"	39.27'	25.00'	35.36'	S61°57'27"W
C8	115.00'	58°47'55"	118.02'	64.80'	112.91'	S43°38'38"E
C9	115.00'	31°12'05"	62.62'	32.11'	61.85'	S1°21'24"W
C10	85.00'	77°34'22"	115.08'	68.31'	106.49'	N21°49'44"W
C11	55.00'	22°42'33"	21.80'	11.04'	21.66'	N38°19'06"W
C12	625.00'	03°29'33"	38.10'	19.05'	38.09'	N52°55'47"E

LINE DATA

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N08°38'11"E	80.76'	L15	N32°37'21"E	88.15'
L2	N60°36'55"W	64.16'	L16	S73°02'33"E	31.60'
L3	S78°37'51"E	23.73'	L17	S51°07'43"E	59.59'
L4	N57°19'58"E	86.63'	L18	S34°24'28"E	66.77'
L5	S73°02'33"E	64.32'	L19	S59°27'03"W	8.40'
L6	S73°02'33"E	79.86'	L20	S60°15'42"W	16.45'
L7	S66°21'53"E	107.27'	L21	S61°04'49"W	78.46'
L8	N71°05'01"E	106.03'	L22	N72°52'37"W	71.43'
L9	N62°45'37"E	117.37'	L23	N69°24'04"W	36.62'
L10	S30°32'57"E	8.40'	L24	N60°36'55"W	26.52'
L11	N57°03'48"E	63.19'	L25	N23°38'16"E	1.01'
L12	N35°19'27"W	133.40'	L26	S27°14'23"E	1.75'
L13	S38°49'00"E	133.41'	L27	S73°02'33"E	50.00'
L14	N47°52'40"E	87.46'			



SUBDIVISION OF THE PRESERVE AT LAKE MEADE PHASE 1

SUFFOLK, VIRGINIA

BLAKEWAY
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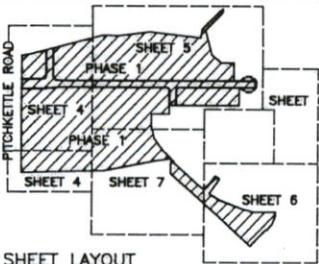
SCALE: 1" = 60'
DATE: 06/04/20

PROJ. NO.: 6153.07
AB NO.: 6153.07

SHEET 4 OF 7
F.B. 48 PG. 49

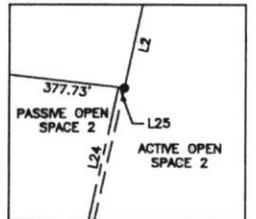
MATCHLINE - SEE SHEET 5

MATCHLINE - SEE SHEET 7



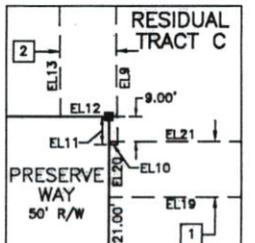
EASEMENT LEGEND

- 1 20' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
- 2 20' PERMANENT PUBLIC DRAINAGE EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
- 3 3' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK

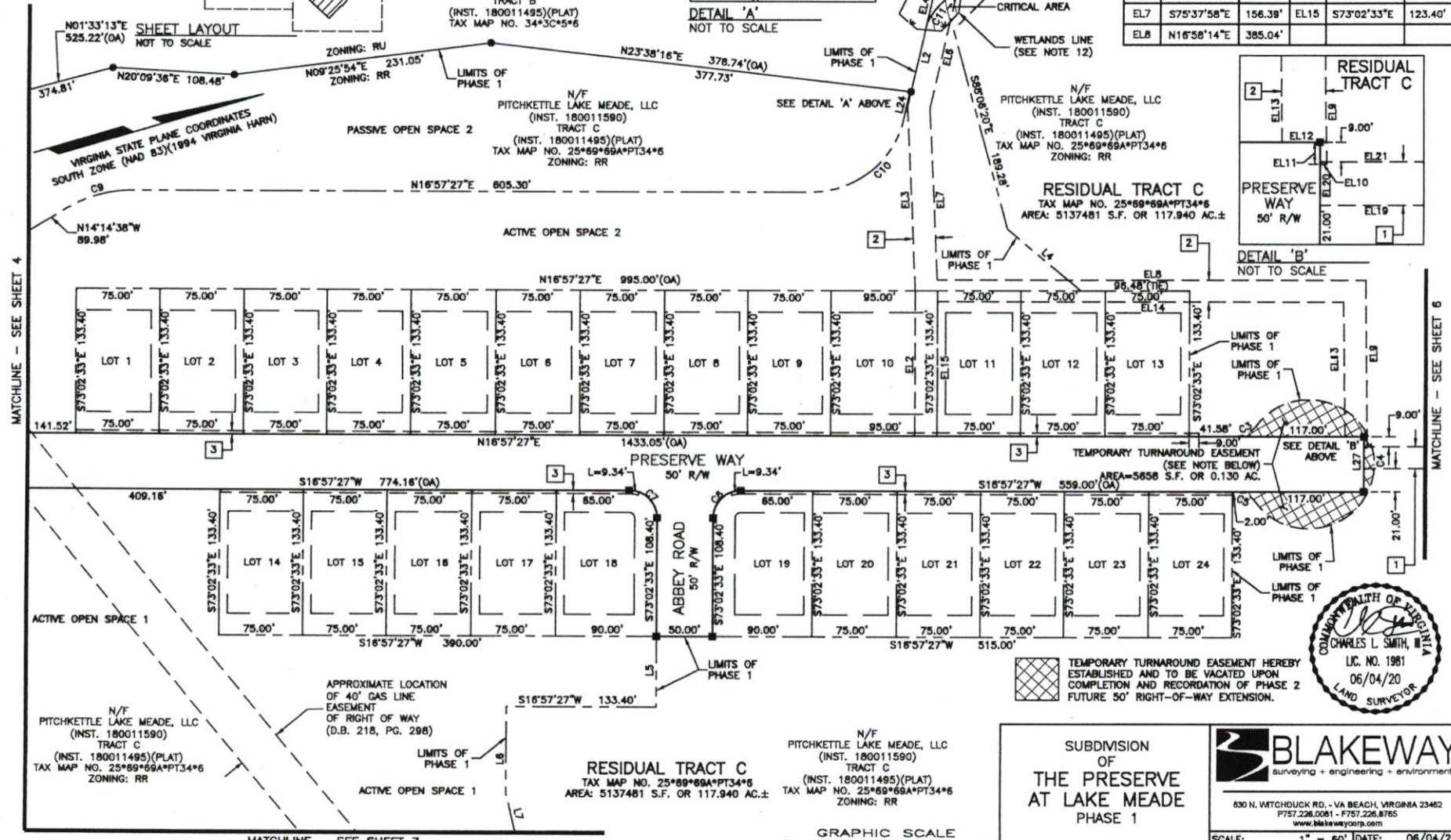


EASEMENT LINE DATA

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
EL1	S16°57'27"W	20.00'	EL9	S73°47'48"E	153.32'
EL2	N73°02'33"W	133.40'	EL10	S16°57'27"W	3.05'
EL3	N75°37'58"W	168.13'	EL11	N73°02'33"W	10.00'
EL4	N60°36'55"W	155.16'	EL12	S16°57'27"W	17.09'
EL5	N24°46'32"E	20.06'	EL13	N73°47'48"W	123.32'
EL6	S60°36'55"E	154.14'	EL14	S16°58'14"W	364.87'
EL7	S75°37'58"E	156.39'	EL15	S73°02'33"E	123.40'
EL8	N16°58'14"E	385.04'			



DETAIL 'B' NOT TO SCALE



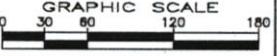
TEMPORARY TURNAROUND EASEMENT HEREBY ESTABLISHED AND TO BE VACATED UPON COMPLETION AND RECORDATION OF PHASE 2 FUTURE 50' RIGHT-OF-WAY EXTENSION.

SUBDIVISION OF THE PRESERVE AT LAKE MEADE PHASE 1



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SCALE: 1" = 60' DATE: 06/04/20
PROJ. NO.: 6153.07 AB NO.: 6153.07
SHEET 5 OF 7 F.B. 48 PG. 49



RESIDUAL TRACT C
TAX MAP NO. 25*69*69A*PT34*6
AREA: 5137481 S.F. OR 117.940 AC.±

N/F PITCHKETTLA LAKE MEADE, LLC (INST. 180011590) TRACT C (INST. 180011495)(PLAT) TAX MAP NO. 25*69*69A*PT34*6 ZONING: RR

N/F HG PITCHKETTLA LAND, LLC (INST. 20111222000213850) TRACT B (INST. 180011495)(PLAT) TAX MAP NO. 34*3C*5*6

N/F PITCHKETTLA LAKE MEADE, LLC (INST. 180011590) TRACT C (INST. 180011495)(PLAT) TAX MAP NO. 25*69*69A*PT34*6 ZONING: RR

RESIDUAL TRACT C
TAX MAP NO. 25*69*69A*PT34*6
AREA: 5137481 S.F. OR 117.940 AC.±

SHEET LAYOUT NOT TO SCALE
N01°33'13"E 525.22'(OA)
N20°09'36"E 108.48'
N09°25'54"E 231.05'
N23°38'16"E 378.74'(OA)
N16°57'27"E 605.30'

VIRGINIA STATE PLANE COORDINATES SOUTH ZONE (NAD 83)(1994 VIRGINIA HARN) C9
N14°14'38"W 89.98'

PASSIVE OPEN SPACE 2
ACTIVE OPEN SPACE 2

MATCHLINE - SEE SHEET 4

MATCHLINE - SEE SHEET 6

MATCHLINE - SEE SHEET 7

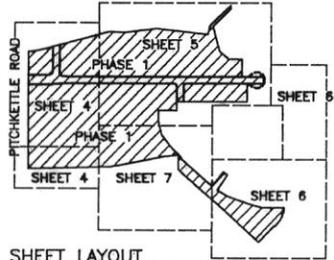
N/F PITCHKETTLA LAKE MEADE, LLC (INST. 180011590) TRACT C (INST. 180011495)(PLAT) TAX MAP NO. 25*69*69A*PT34*6 ZONING: RR

APPROXIMATE LOCATION OF 40' GAS LINE EASEMENT OF RIGHT OF WAY (D.B. 218, PG. 298)

LIMITS OF PHASE 1
ACTIVE OPEN SPACE 1

VIRGINIA STATE PLANE COORDINATES
SOUTH ZONE (NAD 83)(1994 VIRGINIA HARN)

VIRGINIA STATE PLANE COORDINATES
SOUTH ZONE (NAD 83)(1994 VIRGINIA HARN)



SHEET LAYOUT
NOT TO SCALE

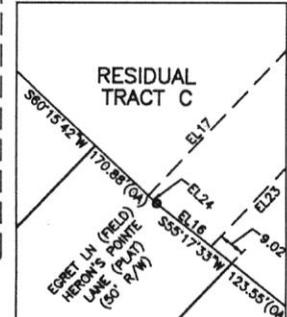
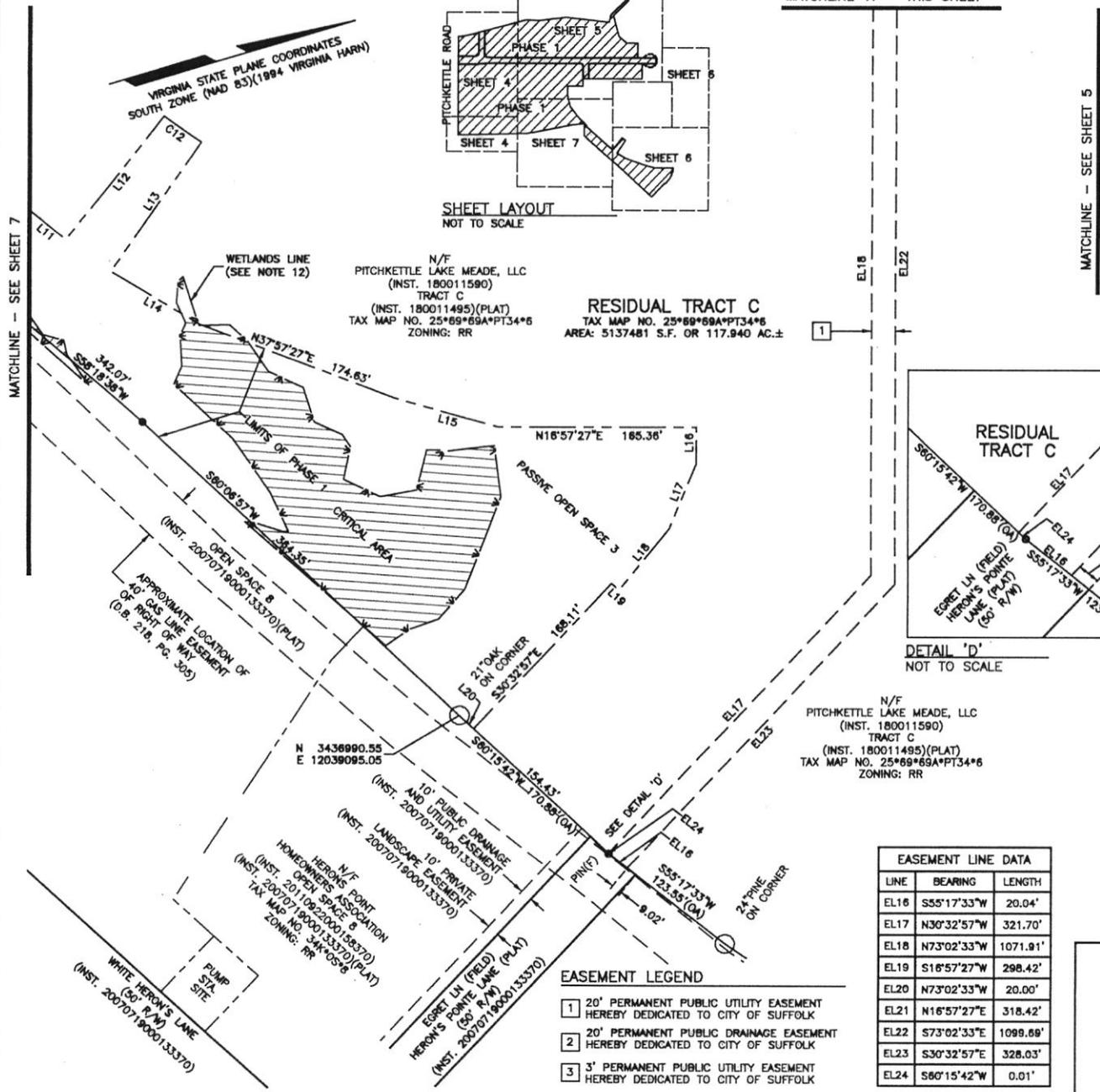
MATCHLINE - SEE SHEET 7

MATCHLINE - SEE SHEET 5

N/F
PITCHKETTLE LAKE MEADE, LLC
(INST. 180011590)
TRACT C
(INST. 180011495)(PLAT)
TAX MAP NO. 25*69*69A*PT34*6
ZONING: RR

RESIDUAL TRACT C
TAX MAP NO. 25*69*69A*PT34*6
AREA: 5137481 S.F. OR 117.940 AC.±

RESIDUAL TRACT C
TAX MAP NO. 25*69*69A*PT34*6
AREA: 5137481 S.F. OR 117.940 AC.±



DETAIL 'D'
NOT TO SCALE

N/F
PITCHKETTLE LAKE MEADE, LLC
(INST. 180011590)
TRACT C
(INST. 180011495)(PLAT)
TAX MAP NO. 25*69*69A*PT34*6
ZONING: RR

N/F
PITCHKETTLE LAKE MEADE, LLC
(INST. 180011590)
TRACT C
(INST. 180011495)(PLAT)
TAX MAP NO. 25*69*69A*PT34*6
ZONING: RR



MATCHLINE 'A' - THIS SHEET

EASEMENT LINE DATA		
LINE	BEARING	LENGTH
EL16	S55°17'33"W	20.04'
EL17	N30°32'57"W	321.70'
EL18	N73°02'33"W	1071.91'
EL19	S16°57'27"W	298.42'
EL20	N73°02'33"W	20.00'
EL21	N16°57'27"E	318.42'
EL22	S73°02'33"E	1099.69'
EL23	S30°32'57"E	328.03'
EL24	S60°15'42"W	0.01'

- EASEMENT LEGEND**
- 1 20' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 2 20' PERMANENT PUBLIC DRAINAGE EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 3 3' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK



SUBMISION
OF
**THE PRESERVE
AT LAKE MEADE
PHASE 1**
SUFFOLK, VIRGINIA

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PROJ. NO.: 6153.07 AB NO.: 6153.07
SHEET 6 OF 7 F.B. 48 PG. 49

WHITE HERON'S LAKE
(INST. 200707190001333370)

PUMP
STA.
SITE

APPROXIMATE LOCATION OF
10' GAS LINE EASEMENT
(O.B. 218, PG. 305)

N/F POINT
HERONS ASSOCIATION
OPEN SPACE B
(INST. 201106220001585370)(PLAT)
TAX MAP NO. 25*69*69A*PT34*6
ZONING: RR

10' PUBLIC DRAINAGE
AND UTILITY EASEMENT
(INST. 200707190001333370)

LANDSCAPE EASEMENT
(INST. 200707190001333370)

N 34.36990.55
E 120.39095.05

OPEN SPACE B
(INST. 200707190001333370)(PLAT)

WETLANDS LINE
(SEE NOTE 12)

PASSIVE OPEN SPACE 3

CRITICAL AREA

LIMITS OF PHASE 1

21' OAK
ON CORNER
S30°32'57"E

24' PINE
ON CORNER

154.43'
S60°15'42"W L10.85'(QA)

189.11'
L19

185.38'
N16°57'27"E L16

174.63'
N57°57'27"E L15

342.07'
S55°17'33"W L12

342.07'
S55°17'33"W L13

342.07'
S55°17'33"W L14

PITCHKETTLE ROAD

ORDINANCE NUMBER _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT A DEED OPEN-SPACE EASEMENT OVER THE COMMON PASSIVE OPEN-SPACE WITHIN PHASE 1 OF THE CLUSTER SUBDIVISION PLAT THE PRESERVE AT LAKE MEADE, TAX MAP NUMBER 26, PARCEL 69*69A*PT34*6; FSB2020-00003

WHEREAS, Phase 1 of The Preserve at Lake Meade Cluster Subdivision has been approved utilizing the cluster development use pattern as allowed under the Unified Development Ordinance; and,

WHEREAS, in accordance with Section 31-411(d)(2) of the Unified Development Ordinance, the passive common open-space shall be preserved as open-space by a conservation easement that complies with the Virginia Open-Space Land Act; and,

WHEREAS, the Virginia Open-Space Land Act authorizes municipalities to accept conservation easements over passive common open-space.

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

Section 1. Authorization.

The City Manager is hereby authorized to execute a “Deed – Open-Space Easement”, in substantially the same form as attached hereto, to accept the conservation easement.

Section 2. Findings.

City Council finds that the open-space easement satisfies the requirements of the Unified Development Ordinance and the Virginia Open-Space Land Act and hereby accepts the easement.

Section 3. Recordation.

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

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

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:

KD Carter

Helivi L. Holland, City Attorney
for

Prepared by and Return to:

Mark D. Williamson, Esquire
McGuireWoods LLP
101 W. Main Street, Suite 9000
Norfolk, VA 23510

Tax ID Number: 252846000

DEED
OPEN-SPACE EASEMENT
Passive Open-Space
Cluster Development Use Pattern

THIS DEED OF EASEMENT is entered into this _____ day of _____, 2020 by **PITCHKETTLE LAKE MEADE, LLC**, a Virginia limited liability company (herein referred to as "Grantor") and the **CITY OF SUFFOLK, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "City"), Grantee for recording purposes and **UNION SERVICES CORPORATION**, as trustee under that certain Deed of Trust dated March 15, 2019 and recorded in the Clerk's Office of the Circuit Court for the City of Suffolk, Virginia as Instrument No. 190002564 (the "Deed of Trust"), Grantee and Grantor for recording purposes.

WITNESSETH:

WHEREAS, Grantor is the fee simple owner of the tract or tracts of land designated "Passive Open-Space," as shown on the certain Plat entitled The Preserve at Lake Meade Phase I, (the "Plat"), which Plat is intended to be recorded contemporaneously with this Deed, said Passive-Open Space further described in Exhibit A attached hereto; and

WHEREAS, the Passive Open Space owned by the Grantor has environmental, scenic, natural and recreational value in its present state as a passive open-space area; and

WHEREAS, in furtherance of the purposes of the Open-Space Land Act, Title 10.1, Chapter 17 of the Virginia Code, and as required by the City of Suffolk Unified Development Ordinance, the Grantor is willing to grant a perpetual Open-Space easement ("Easement") applicable to the Passive Open-Space, restricting and limiting the use of the land, on the terms and conditions and for the purposes set forth below, and the City is willing to accept the Easement; and

WHEREAS, the Grantor and the City recognize the value of the Passive Open-Space in its present state, and have a common purpose of conserving the Passive Open-Space, preserving the natural character of the Passive Open-Space, and preventing the use or development of the Passive Open-Space for any purpose or in any manner which would conflict with maintenance in accordance with purposes of the Open-Space Land Act and the City of Suffolk Unified Development Ordinance; and

WHEREAS, the City is authorized by the Open-Space Land Act to accept, hold and administer the Easement, and the City possesses the authority to accept and is willing to accept the

Easement under the terms and conditions described below, and the Grantor, for itself, its successors and assigns waives any objection to the perpetual nature of this Easement.

NOW THEREFORE, for good and valuable consideration, receipt of which all parties acknowledge, and in consideration of the mutual covenants and restrictions set forth below, the Grantor conveys to the City and its successors and assigns forever and in perpetuity an Open-Space Easement of the nature and character and to the extent set forth below, applicable to the Passive Open-Space for the purposes of preserving the important features of the Passive Open-Space and maintaining permanently the natural character of the Passive Open-Space, which Passive Open-Space is more particularly described on the attached Exhibit A.

The commitments, conditions and restrictions applicable to the Passive Open-Space, for the purpose of achieving these goals are set forth below:

1. This Easement shall be perpetual. It is an easement in gross, and shall run with the land as an incorporeal interest in the Passive Open-Space enforceable by the City against the Grantor and its heirs, successors and assigns. The Grantor for itself, its heirs successors and assigns waives any objection to the perpetual nature of the Easement.

2. There shall be no dumping of soil, trash, ashes, garbage, waste or offensive material. There shall be no dumping or filling in of any pond, wetlands, waterway, or other area except as may be permitted by applicable laws for the purpose of combatting erosion. Accumulation or application of trash, refuse, mud, sludge or other unsightly material is not permitted on the Passive Open-Space. There shall be no dumping, storage or placement on the Passive Open-Space of any stumps, brush, grass or other land clearing debris from off-site.

3. Mining, dredging and removal of loam, gravel, soil, rock, sand, coal and other materials are prohibited, except as necessary for:

- a. Maintenance of existing accesses; and
- b. Construction and maintenance of accesses to uses and structures permitted within the provisions of this Deed of Easement. Accesses shall be designed and constructed to cause a minimum of interference with the existing topography, drainage, vegetation, wildlife, recreation and conservation purposes of the Passive Open-Space.

4. Removal, destruction and cutting of trees, shrubs, or other vegetation is prohibited except as indicated on the conceptual plan and for:

- a. Reasonable maintenance of existing accesses or construction and maintenance of accesses permitted by this Deed of Easement; or
- b. Application of good management practices including the prevention or treatment of disease; or

- c. Removal of only such vegetation as is reasonably necessary for construction and improvements in substantial conformity with the conceptual plan and in accordance with this Deed of Easement.

5. There shall be no activities or uses detrimental or adverse to water conservation, erosion control, soil conservation and, subject to the permitted uses, the preservation of wildlife habitat.

6. Use, development and improvement of the Passive Open-Space shall be permitted only in accordance with the City of Suffolk Unified Development Ordinance and as depicted on the conceptual plan approved by the City of Suffolk. The Passive Open-Space shall not be further divided, subdivided, or conveyed in fee (except to the Homeowner's Association created for the subdivision) except as depicted in the conceptual plan or otherwise approved by the City, and shall be maintained as passive open-space.

7. There shall be no alteration of the topography of the Passive Open-Space, except as required for the construction of structures, trails or other improvements in substantial conformity with the conceptual plan or reasonably necessary to provide for permitted uses.

8. The features designated on the conceptual plan for preservation, including all woodlands and wetlands shall be maintained and preserved by the Grantor, its heirs, successors or assigns substantially as depicted on the conceptual plan, and in substantially the same condition as exists on the date of execution of this Deed. Notwithstanding the foregoing, in lieu of features being shown on the "conceptual plan" such features may be shown on the Engineering Plan for the site described as follows: Engineering Plans for the Preserve of Lake Meade – Phase I Pitchkettle Road Suffolk, Virginia prepared by Blakeway Engineering dated 12/13/19 and approval by the City's Director of Planning on 01/15/20 (the "Engineering Plans")

9. The Grantor expressly reserves to itself, its successors and assigns the right to:

- a. Continue the scenic, recreational and naturalistic uses of the Passive Open-Space.
- b. Improve, repair, restore, alter, remodel or replace the permitted structures depicted on the conceptual plan with structures of similar size and purpose and construct any other improvements depicted on the conceptual plan provided that the changes are compatible with the conservation purposes of the Passive Open-Space and all other provisions of this Easement.
- c. Continue the use of the Passive Open-Space for all purposes not inconsistent with this Easement.

10. The parties agree that monetary damages would not be an adequate remedy for the breach of any of the terms, conditions and restrictions of this Easement, and therefore, in the event that the Grantor, its heirs, successors or assigns, violate or breach any of these terms, conditions and restrictions, the City and its successors and assigns, may institute a suit and shall be entitled to enjoin by ex-parte temporary and/or permanent injunction such violation and to require the restoration of the Passive Open-Space to a condition in compliance with this Easement. The City,

its successors and assigns, by any prior failure to act do not waive or forfeit the right to take any action as may be necessary to insure compliance with the terms, conditions, and restrictions of this Easement.

11. The City, its successors and assigns, have the right, with reasonable notice, to enter the Passive Open-Space for the purpose of inspection to determine whether the Grantor, or its successors or assigns, are complying with the terms, conditions and restrictions of this Easement. This right of inspection does not include the interior of any dwellings.

12. The City may assign its rights under this Easement to any State or federal agency charged with the responsibility of conservation of natural areas, or open-space, or to any non-profit, tax-exempt organization engaged in promoting conservation of natural areas; and if such assignee shall be dissolved or shall abandon this Easement, or the rights and duties of enforcement or if proceedings are instituted for condemnation of this Easement, the Easement and rights of enforcement shall revert to the City; and if the City shall be dissolved and if the terms of the dissolution fail to provide a successor, then the City of Suffolk Circuit Court shall appoint an appropriate successor.

13. The Grantor agrees for itself, its heirs, successors and assigns to give notice in writing to the City of the names and addresses of any parties to whom the Passive Open-Space is to be transferred, at the time of transfer. Without limitation, upon prior written notice to the City, the Grantor may transfer the property over which the Passive Open Space is located to the Homeowner's Association created for the subdivision.

14. The City agrees to hold this Easement exclusively for conservation purposes, and will not transfer the Easement in exchange for money, other property, or services, except as provided in and permitted by the Open-Space Land Act.

15. This Easement shall be construed to promote the purposes of the Virginia Open-Space Land Act, to promote the City of Suffolk's Comprehensive Plan and Unified Development Ordinance, and to promote the conservation purposes of this Easement, including such purposes as defined in the Internal Revenue Code.

16. Although this Easement will benefit the public in ways recited above by encouraging and requiring elements of good land management, it shall not be construed to convey a right to the public of access or use of the Passive Open-Space, and the Grantor, its heirs, successors and assigns shall retain exclusive rights to access and use.

The covenants agreed to and the terms, conditions, restrictions and purposes imposed shall be binding upon the Grantor, and its agents, personal representatives, heirs, assigns, and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the above described land, notwithstanding any restrictions at common law on the terms of easements in gross, or their enforcement.

17. Notwithstanding any other provisions of this Deed of Easement, the City of Suffolk Unified Development Ordinance and other applicable statues, ordinances and regulations shall apply to the Passive Open-Space and shall take precedence over this Easement to the extent that those requirements are more restrictive than the terms of this Easement.

18. The invalidity or unenforceability of any provision of this Easement shall not affect the validity or enforceability of any provision of this Easement or any ancillary or supplementary agreement relating to the subject of this Easement.

19. Union Services Corporation hereby joins in this Deed of Easement to evidence its consent to the foregoing restrictions and to subordinate the lien of the Deed of Trust to the terms and conditions of this Deed of Open Space Easement as if this Deed were recorded prior to the Deed of Trust.

[SIGNATURE PAGES TO FOLLOW]

DRAFT

GRANTOR:

PITCHKETTLE LAKE MEADE, LLC,
a Virginia limited liability company

By: HG Pitchkettle Land Managing Co., LLC

By: _____
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA,
CITY OF _____ to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____,
2020, by [NAME], [TITLE] of HG Pitchkettle Land Managing Co., LLC, on its behalf.

My commission expires: _____
My Notary Registration is _____.

Notary Public

DRAFT

UNION SERVICE CORPORATION

By: _____
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA,
CITY OF _____ to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____,
2020, by [NAME], [TITLE] of Union Service Corporation.

My commission expires: _____.
My Notary Registration is _____.

Notary Public

DRAFT

ATLANTIC UNION BANK (formerly known as
Union Bank & Trust)

By: _____

Its: _____

COMMONWEALTH OF VIRGINIA,
CITY OF _____ to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____,
2020, by [NAME], [TITLE] of Atlantic Union Bank.

My commission expires: _____.

My Notary Registration is _____.

Notary Public

DRAFT

Acceptance of this Deed by City of Suffolk; a political subdivision of the Commonwealth of Virginia, pursuant to Va. Code Section 15.2-1803, is evidenced by the signature below.

Date: _____

City Manager

COMMONWEALTH OF VIRGINIA,

CITY OF SUFFOLK, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____, City Manager on behalf of the City of Suffolk.

My commission expires: _____.

My Notary Registration is _____.

Notary Public

Approved as to Form:

City of Suffolk Attorney's Office

Approved to Substance:

Director of Planning and
Community Development

DRAFT

EXHIBIT A

All certain lot, piece or parcel of land, with the improvements thereon and the appurtenances thereunto belonging, located in the City of Suffolk, Virginia, designated as "_____", consisting of ____ s.f./____ ac., all as shown on that certain plat entitled: "_____", dated _____ and made by _____, and recorded in the Clerk's Office of the Circuit Court for the City of Suffolk as Instrument Number _____.

DRAFT

AGENDA: June 17, 2020, Regular Session

ITEM: Ordinance – An ordinance authorizing the City Manager to accept a Deed Open-Space Easement over the common passive open-space within the Cluster Subdivision Plat Meadows Landing, Tax Map 43, Parcel 21; FSB2020-00002

Under the Cluster Development Use Pattern, passive open-space shall be preserved as open-space by a Conservation Easement which complies with the Virginia Conservation Easement Act (VC 10.1-1009-10.1-1016) or an open-space easement which complies with the Virginia Open-Space Land Act (VC 10.1-1700-10.1-1705). Under the Virginia Conservation Easement Act, the holder of the easement is a charitable corporation, charitable association, or charitable trust. Under the Virginia Open-Space Land Act, the open-space easement is held by a public body which includes any state agency having authority to acquire land for a public use, or any county or municipality, any park authority, any public recreational facilities authority, any soil and water conservation district or any community development authority formed pursuant to Article 6 (15.2-5152 et. seq) of Chapter 51 of Title 15.2, or the Virginia Recreational Facilities Authority.

In that the easements over passive common open-space in cluster development subdivisions preserve that land as open-space in perpetuity, it is recommended that the City accept such an easement in accordance with the Virginia Open-Space Land Act over the common passive open-space within the Cluster Subdivision Plat Meadows Landing located off of Turlington Road and Jackson Road within the Whaleyville Voting Borough.

Please be advised that the acceptance of this easement does not impact the taxing status of the subject passive common open-space.

Budget Impact:

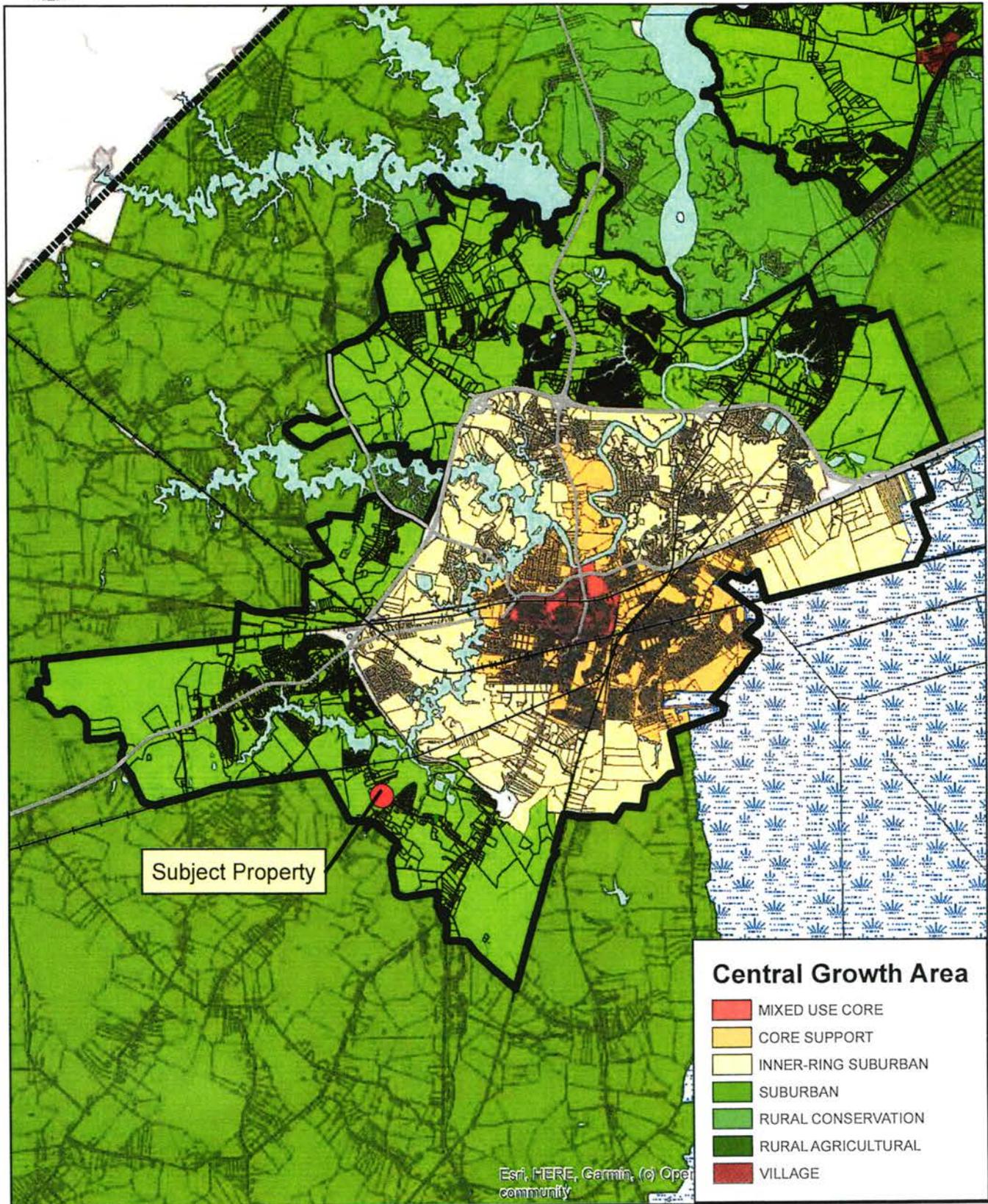
The granting of this Open-Space Easement will not result in any addition to the Open-Space Land Use Program that was previously repealed by City Council.

Attachments:

- General Location Map
- Property Map
- Subdivision Plat of Meadows Landing
- Proposed Ordinance
- Deed Open-Space Easement



Meadow's Landing





Meadow's Landing



I HEREBY CERTIFY THAT THIS SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNER AND THAT THIS SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY HIM/HER AND THAT STEEL PINS, AS SHOWN ON THIS PLAT BY SMALL CIRCLES, HAVE ACTUALLY BEEN PLACED AND THEIR LOCATIONS CORRECTLY SHOWN AND THAT THE PLAT DETAILS MEET THE STANDARDS FOR PLATS AS ADOPTED UNDER VC §42.1-82 OF THE VIRGINIA PUBLIC RECORDS ACT (§ 42.1-76, ET. SEQ.).



SIGNED: _____

NOTES

1. THE MERIDIAN SOURCE OF THIS SURVEY/PLAT IS BASED ON THE CITY OF SUFFOLK GEODETIC CONTROL NETWORK WHICH REFERS TO VIRGINIA STATE PLANE COORDINATES SOUTH ZONE (NAD 83)(1994 VIRGINIA HARN).
2. THIS SURVEY/PLAT WAS PERFORMED/PREPARED WITHOUT THE BENEFIT OF A CURRENT AND COMPLETE TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS, RESTRICTIONS & ENCUMBRANCES, THAT MAY AFFECT THE PROPERTY SHOWN.
3. TOTAL AREA ENCOMPASSED WITHIN THIS SUBDIVISION: 751006 S.F. OR 17.241 AC.
4. CITY WATER AND SEWER ARE AVAILABLE TO THE SITE.
5. THE PROPERTY SHOWN APPEARS TO FALL WITHIN FLOOD ZONE(S) "X", ACCORDING TO F.E.M.A.'S FLOOD INSURANCE RATE MAP (F.I.R.M.) FOR THE CITY OF SUFFOLK, VIRGINIA, MAP NUMBER 5101560210D & 5101560230E, MAP REVISED: AUGUST 3, 2015.
6. PROPERTY ZONING: RLM (PER CITY GIS ZONING INFORMATION.)
7. THERE SHALL BE A MINIMUM FIVE FOOT (5') EASEMENT PROVIDED ALONG THE REAR AND SIDE PROPERTY LINES OF ALL LOTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.
8. THE MINIMUM LOT SIZE SHALL BE AT LEAST 5,000 SQUARE FEET.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EQUIPMENT, MATERIAL AND GENERAL CONSTRUCTION DEBRIS FROM THE SUBDIVISION AND FROM ANY LOT, STREET, PUBLIC WAY OR PROPERTY THEREIN OR ADJACENT THERETO. DUMPING OF SUCH DEBRIS INTO SEWERS, ONTO ADJACENT PROPERTY OR ONTO ANY OTHER LAND IN THE CITY IS PROHIBITED.
10. THE EDGE OF WETLANDS, AS SHOWN HEREON, IS PER DAVIS ENVIRONMENTAL CONSULTANTS INFORMATION DATED: SEPTEMBER 07, 2016. A COMPLETE FIELD DELINEATION WAS NOT AVAILABLE AT TIME OF SURVEY.
11. THE PROPERTY ENCOMPASSED WITHIN THIS SUBDIVISION IS MORE DESCRIBED IN INSTRUMENT 170010381 AND ALSO SHOWN ON THAT CERTAIN PLAT RECORDED AS INSTRUMENT 20131114000234190.
12. THIS SITE IS SUBJECT TO REZONING REQUEST RZ2016-16 APPROVED BY ORDINANCE 17-0-028, INSTRUMENT NUMBER 170006983. NO PROFFERS ARE ASSOCIATED WITH THIS REZONING.
13. THIS IS A SINGLE FAMILY CLUSTER DEVELOPMENT.

THE UNDERSIGNED CERTIFY THAT THIS SUBDIVISION, AS IT APPEARS ON THIS PLAT, CONFORMS TO THE APPLICABLE REGULATIONS RELATING TO THE SUBDIVISION OF LAND AND IS ACCORDINGLY APPROVED. BY SUCH APPROVAL, THE UNDERSIGNED DO NOT CERTIFY AS TO THE CORRECTNESS OF THE STREETS, BOUNDARIES, OR OTHER LINES AS SHOWN ON THIS PLAT.

SIGNED: _____ DATE: 6/1/20

SEE SHEET 2 FOR PARCEL DATA, CURVE DATA, AREA DATA, SETBACK DETAIL, & LEGENDS.

SOURCE OF TITLE

THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SUBDIVISION, BEING TAX MAP NO. 43*21, WAS CONVEYED TO MEADOWS LANDING ASSOCIATES, LLC FROM RICHARD E. CONNER BY INSTRUMENT DATED 08/08/17 AND RECORDED AS INSTRUMENT 170010381. BEING DULY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF SUFFOLK, VIRGINIA.

THIS SUBDIVISION OF PROPERTY, AS IT APPEARS ON THIS PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S), WHO ALSO DEDICATE THE STREETS TO THE CITY OF SUFFOLK AND AGREE TO COMPLY WITH ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE PRIOR TO THEIR ACCEPTANCE BY THE CITY OR THE VIRGINIA DEPARTMENT OF TRANSPORTATION.

ENTITY: MEADOWS LANDING ASSOCIATES, LLC

BY: Bob G Arnette DATE: 5/29/20

PRINT NAME: Bob G Arnette

PRINT TITLE: MANAGING MEMBER

STATE OF Virginia CITY OF Suffolk
TO WIT:

I, Elmer F. Tolle III A NOTARY PUBLIC IN AND FOR THE CITY

AND STATE AFORESAID DO HEREBY CERTIFY THAT Bob G Arnette

WHOSE NAME(S) AS SUCH IS/ARE SIGNED TO THE FOREGOING WRITING BEARING

DATE ON THE 29th DAY OF May, 2020.

HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.

GIVEN UNTO MY HAND THIS 29th DAY OF May, 2020

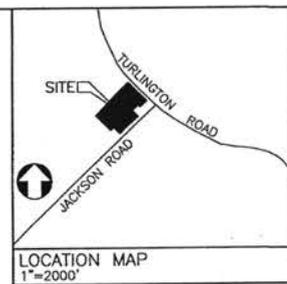
MY COMMISSION EXPIRES ON 11/30/2025

NOTARY PUBLIC REGISTRATION NO. 7839394



PROPERTY OWNER INFORMATION

TAX MAP NO. 43*21
OWNER: MEADOWS LANDING ASSOCIATES, LLC
901 PORTCENTRE PARKWAY
SUITE 5
PORTSMOUTH, VA. 23704
(757)735-0993



SUBDIVISION OF MEADOWS LANDING SUFFOLK, VIRGINIA		 630 N. WITCHOUCK RD. - VA BEACH, VIRGINIA 23462 P757.226.0081 - F757.226.8765 www.blakewaycorp.com
SCALE: AS NOTED	DATE: 05/29/20	
PROJ. NO.: 6129.10	AB NO.: 6129.10	
SHEET 1 OF 6	F.B. - PG. -	

F36262C-00002
APPROVED
6/1/2020

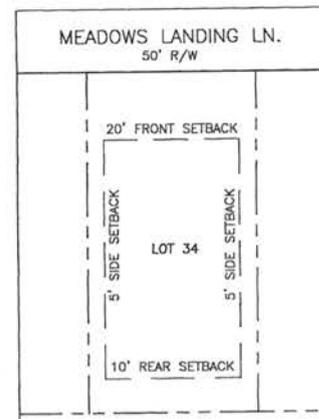
EASEMENT AREA DATA		
PARCEL	SQUARE FEET	ACRES
PERMANENT PUBLIC UTILITY EASEMENTS	7243	0.166
PERMANENT PUBLIC DRAINAGE EASEMENTS	7318	0.168
IMPOUNDMENT EASEMENT	47435	1.089

AREA DATA				
PARCEL	SQUARE FEET	ACRES	ACCT. NO.	TAX MAP NO.
ACTIVE OPEN SPACE 1	65199	1.497	154000844	43*21*05*A*1
PASSIVE OPEN SPACE 1	17516	0.402	154000845	43*21*05*P*1
PASSIVE OPEN SPACE 2	113002	2.594	154000846	43*21*05*P*2
PASSIVE OPEN SPACE 3	1630	0.037	154000847	43*21*05*P*3
RESIDUAL PARCEL 43*21	283081	6.499	150979000	43*21
WET POND	27508	0.631		
CRITICAL AREA	229054	5.258		
RIGHT-OF-WAY DEDICATION	60062	1.379		
TOTAL SITE	751006	17.241	150979000	43*21

AREA DATA				
PARCEL	SQUARE FEET	ACRES	ACCT. NO.	TAX MAP NO.
LOT 1	5039	0.116	154000809	43*21*1
LOT 2	5001	0.115	154000810	43*21*2
LOT 3	5001	0.115	154000811	43*21*3
LOT 4	5000	0.115	154000812	43*21*4
LOT 5	5002	0.115	154000813	43*21*5
LOT 6	5003	0.115	154000814	43*21*6
LOT 7	5001	0.115	154000815	43*21*7
LOT 8	5000	0.115	154000816	43*21*8
LOT 9	5000	0.115	154000817	43*21*9
LOT 10	5619	0.129	154000818	43*21*10
LOT 11	5005	0.115	154000819	43*21*11
LOT 12	5000	0.115	154000820	43*21*12
LOT 13	5000	0.115	154000821	43*21*13
LOT 14	5000	0.115	154000822	43*21*14
LOT 15	5527	0.127	154000823	43*21*15
LOT 16	5539	0.127	154000824	43*21*16
LOT 17	5000	0.115	154000825	43*21*17
LOT 18	5012	0.115	154000826	43*21*18

AREA DATA				
PARCEL	SQUARE FEET	ACRES	ACCT. NO.	TAX MAP NO.
LOT 19	5080	0.117	154000827	43*21*19
LOT 20	6353	0.146	154000828	43*21*20
LOT 21	5384	0.124	154000829	43*21*21
LOT 22	5412	0.124	154000830	43*21*22
LOT 23	5699	0.131	154000831	43*21*23
LOT 24	6452	0.148	154000832	43*21*24
LOT 25	5875	0.135	154000833	43*21*25
LOT 26	5002	0.115	154000834	43*21*26
LOT 27	5000	0.115	154000835	43*21*27
LOT 28	5500	0.126	154000836	43*21*28
LOT 29	5500	0.126	154000837	43*21*29
LOT 30	5000	0.115	154000838	43*21*30
LOT 31	5000	0.115	154000839	43*21*31
LOT 32	5000	0.115	154000840	43*21*32
LOT 33	5000	0.115	154000841	43*21*33
LOT 34	5000	0.115	154000842	43*21*34
LOT 35	5002	0.115	154000843	43*21*35

CURVE DATA						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
C1	15.00'	89°56'51"	23.55'	14.99'	21.20'	S87°49'00"W
C2	1025.00'	02°13'42"	39.87'	19.94'	39.86'	S43°57'25"W
C3	100.00'	24°52'26"	43.41'	22.05'	43.07'	S32°38'03"W
C4	125.00'	64°59'51"	141.80'	79.63'	134.32'	S12°18'05"E
C5	15.00'	90°00'00"	23.56'	15.00'	21.21'	S89°48'00"E
C6	15.00'	89°59'53"	23.56'	15.00'	21.21'	N00°11'56"E
C7	175.00'	64°59'51"	198.52'	111.48'	188.05'	N12°18'05"W
C8	150.00'	24°52'26"	65.12'	33.08'	64.61'	N32°38'03"E
C9	975.00'	02°13'42"	37.92'	18.96'	37.92'	N43°57'25"E
C10	15.00'	90°00'00"	23.56'	15.00'	21.21'	N02°09'26"W
C11	20.00'	92°02'35"	32.13'	20.73'	28.78'	N89°12'31"E
C12	20.00'	103°24'27"	36.10'	25.33'	31.39'	S06°56'02"W
C13	10.00'	74°32'58"	13.01'	7.61'	12.11'	N84°05'15"W
C14	15.00'	90°00'00"	23.56'	15.00'	21.21'	N01°48'46"W
C15	15.00'	90°00'00"	23.56'	15.00'	21.21'	N65°11'51"E



BUILDING SETBACKS (TYP.)
NOT TO SCALE

EASEMENT LEGEND

- 1 VARIABLE WIDTH PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
- 2 10'X10' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
- 3 3' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
- 4 20' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
- 5 20' PERMANENT PUBLIC DRAINAGE EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
- 6 5' PERMANENT PUBLIC DRAINAGE EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
- 7 IMPOUNDMENT EASEMENT

AREA/SPACE LEGEND

- RESIDUAL PARCEL 43*21
- PASSIVE OPEN SPACE
- ACTIVE OPEN SPACE



MONUMENT LEGEND

SYMBOL	ABBREV.	DESCRIPTION
o	PIN(F)/PIPE(F)	PIN FOUND/PIPE FOUND
•	PIN(S)	PIN SET
■	MON. (S)	CONCRETED STEEL PIN SET

SUBDIVISION
OF
MEADOWS LANDING
SUFFOLK, VIRGINIA

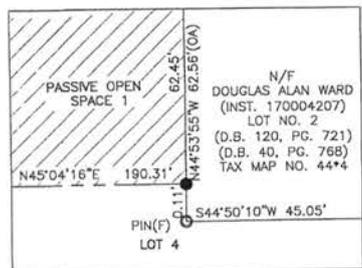
BLAKEWAY
surveying + engineering + environmental

630 N. WITCHDUCK RD. - VA BEACH, VIRGINIA 23462
P757.226.0051 - F757.226.8765
www.blakewaycorp.com

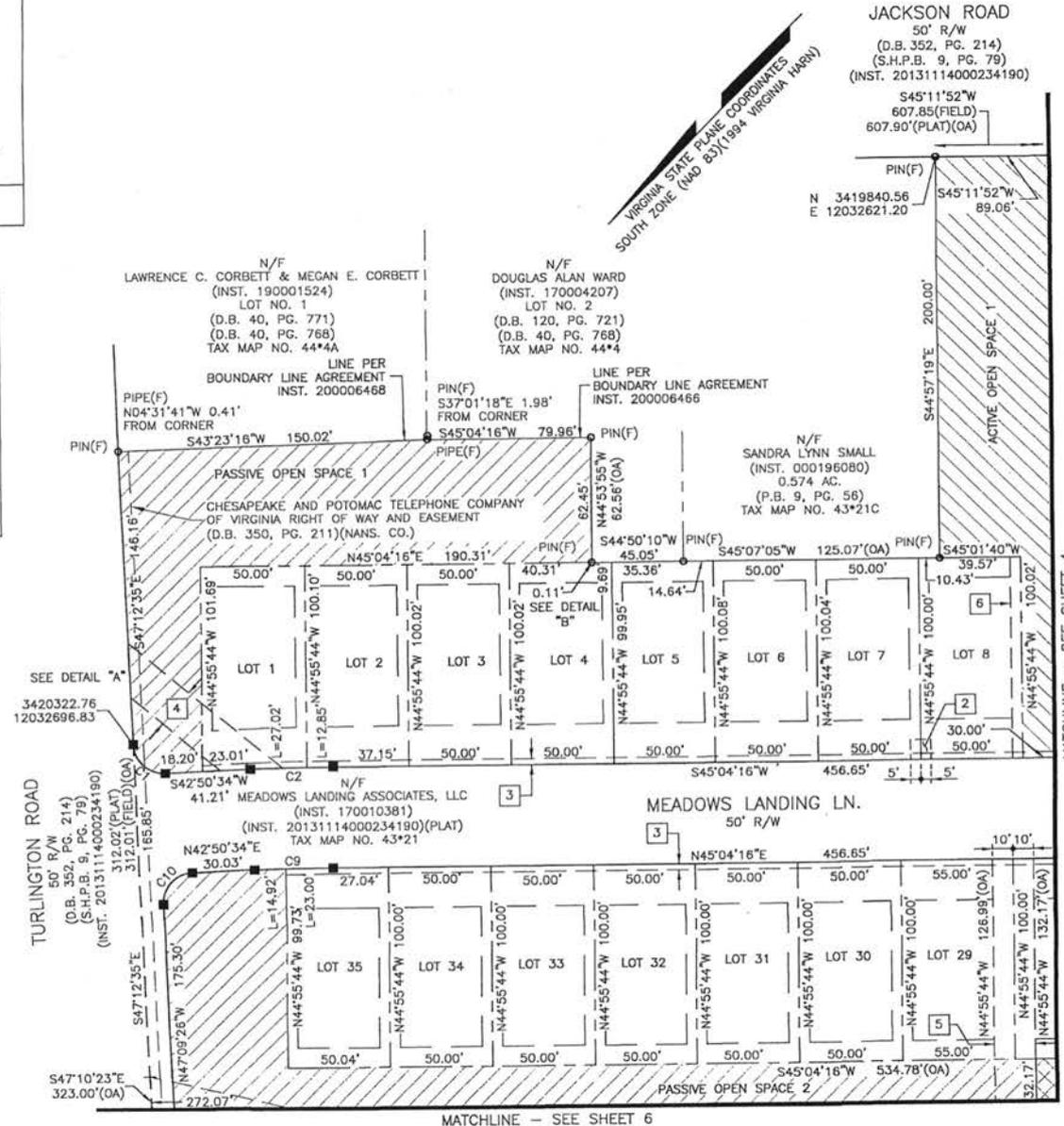
SCALE: AS NOTED DATE: 05/29/20
PROJ. NO.: 6129.10 AB NO.: 6129.10
SHEET 2 OF 6 F.B. - PG. -



DETAIL "A"
NOT TO SCALE



DETAIL "B"
NOT TO SCALE



- EASEMENT LEGEND**
- 1 VARIABLE WIDTH PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 2 10'X10' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
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 - 6 5' PERMANENT PUBLIC DRAINAGE EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 7 IMPOUNDMENT EASEMENT

- AREA/SPACE LEGEND**
- RESIDUAL PARCEL 43*21
 - PASSIVE OPEN SPACE
 - ACTIVE OPEN SPACE



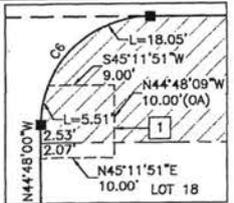
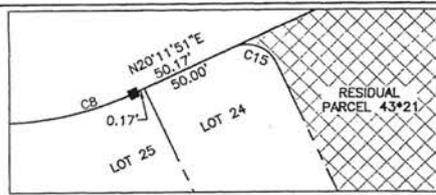
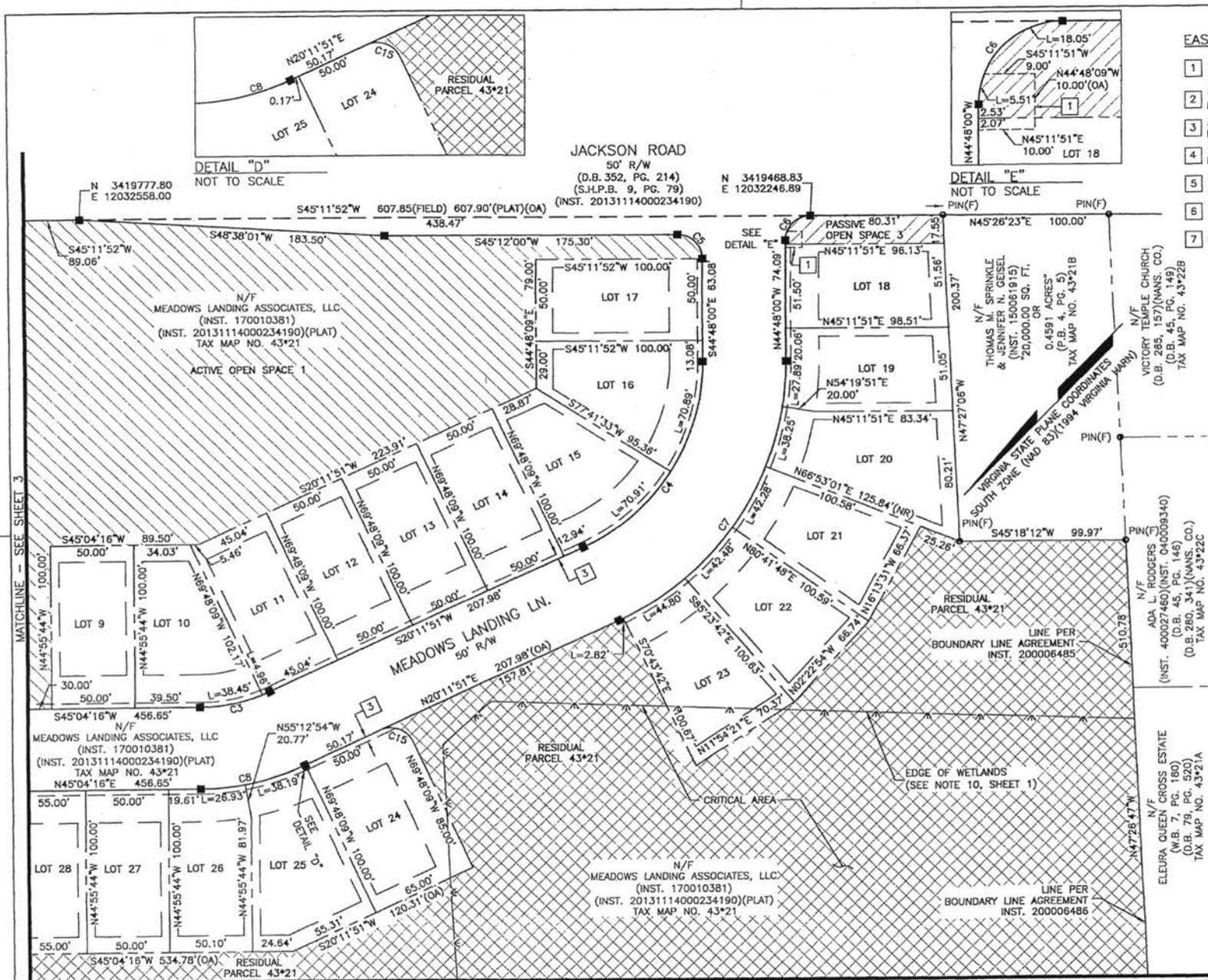
SUBDIVISION
OF
MEADOWS LANDING
SUFFOLK, VIRGINIA

BLAKEWAY
surveying + engineering + environmental

830 N. WITCHDUCK RD. - VA BEACH, VIRGINIA 23462
P757.226.0081 - F757.226.8765
www.blakewaycorp.com

MONUMENT LEGEND		SCALE:	DATE:
○	PIN(F)/PIPE(F)	1"=40'	05/29/20
●	PIN(S)	PROJ. NO.:	6129.10
■	MON. (S)	AB NO.:	6129.10
		SHEET 3 OF 6	F.B. - PG. -

SEE SHEET 2 FOR PARCEL DATA, CURVE DATA, AREA DATA, SETBACK DETAIL, & LEGENDS.



- EASEMENT LEGEND**
- VARIABLE WIDTH PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 10'X10' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 3' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 20' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 20' PERMANENT PUBLIC DRAINAGE EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 5' PERMANENT PUBLIC DRAINAGE EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - IMPOUNDMENT EASEMENT

- AREA/SPACE LEGEND**
- RESIDUAL PARCEL 43*21
 - PASSIVE OPEN SPACE
 - ACTIVE OPEN SPACE



SUBDIVISION
 OF
MEADOWS LANDING
 SUFFOLK, VIRGINIA

BLAKEWAY
 surveying + engineering + environmental

MONUMENT LEGEND

SYMBOL	ABBREV.	DESCRIPTION
○	PIN(F)/PIPE(F)	PIN FOUND/PIPE FOUND
●	PIN(S)	PIN SET
■	MON. (S)	CONCRETED STEEL PIN SET

630 N. WATCHDOCK RD. - VA BEACH, VIRGINIA 23462
 P757.226.0081 - F757.226.8765
 www.blakewaycorp.com

SCALE: 1"=40' DATE: 05/29/20
 PROJ. NO.: 6129.10 AB NO.: 6129.10
 SHEET 4 OF 6 F.B. - PG. -

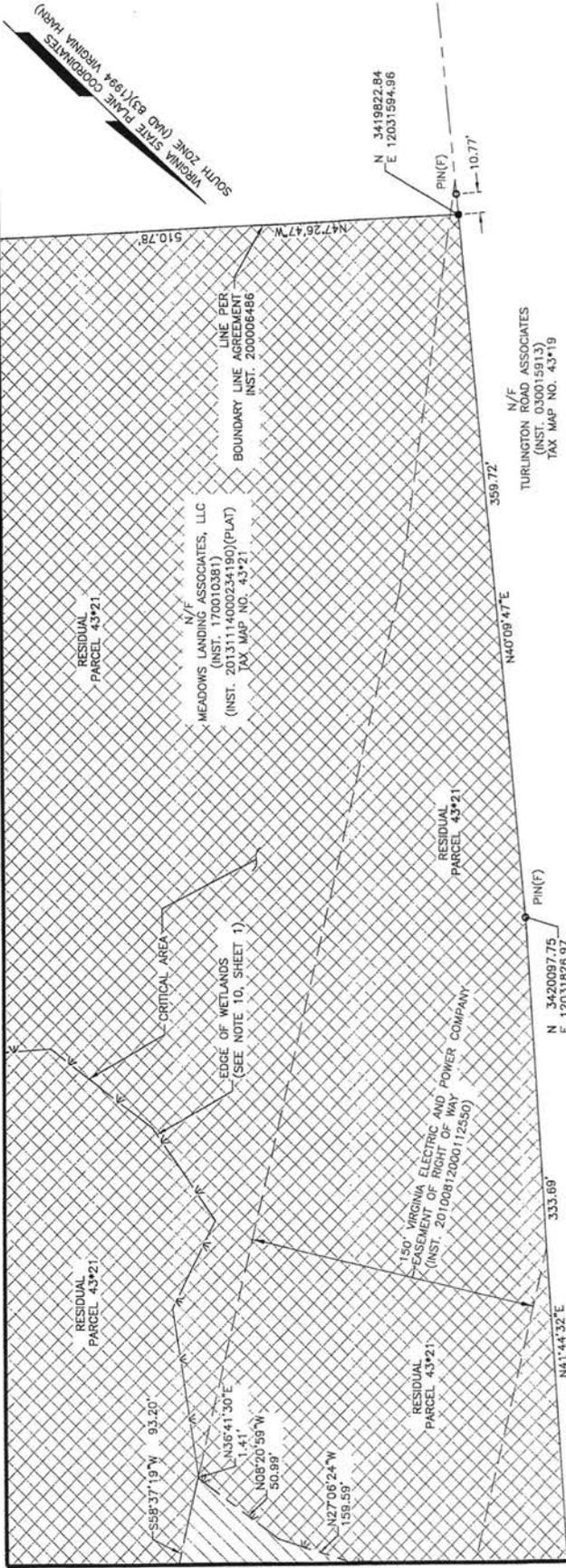
SEE SHEET 2 FOR PARCEL DATA, CURVE DATA, AREA DATA, SETBACK DETAIL, & LEGENDS.

MATCHLINE - SEE SHEET 5

MATCHLINE - SEE SHEET 3

MATCHLINE - SEE SHEET 4

MATCHLINE - SEE SHEET 6



N/F
TURLINGTON ROAD ASSOCIATES
(INST. 030015913)
TAX MAP NO. 43*19

N/F
TURLINGTON ROAD ASSOCIATES
(INST. 030015913)
TAX MAP NO. 43*19

- EASEMENT LEGEND**
- 1 VARIABLE WIDTH PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 2 10'X10' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 3 3' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 4 20' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
 - 5 20' PERMANENT PUBLIC DRAINAGE EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
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 - 7 IMPOUNDMENT EASEMENT

- AREA/SPACE LEGEND**
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SUBDIVISION
OF
MEADOWS LANDING
SUFFOLK, VIRGINIA



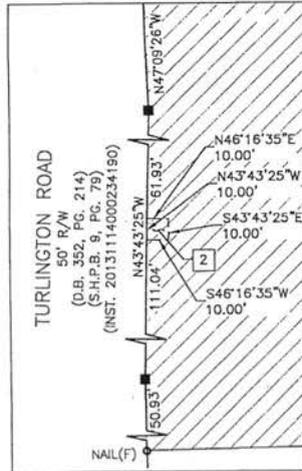
830 N. WITCHAMUCK RD., VA BEACH, VIRGINIA 23462
PH: 757.226.8765
WWW.BLAKEWAYCORP.COM

SCALE: 1"=40'
DATE: 05/29/20
PROJ. NO.: 6129.10
SHEET 5 OF 6
F.B. - PG. -

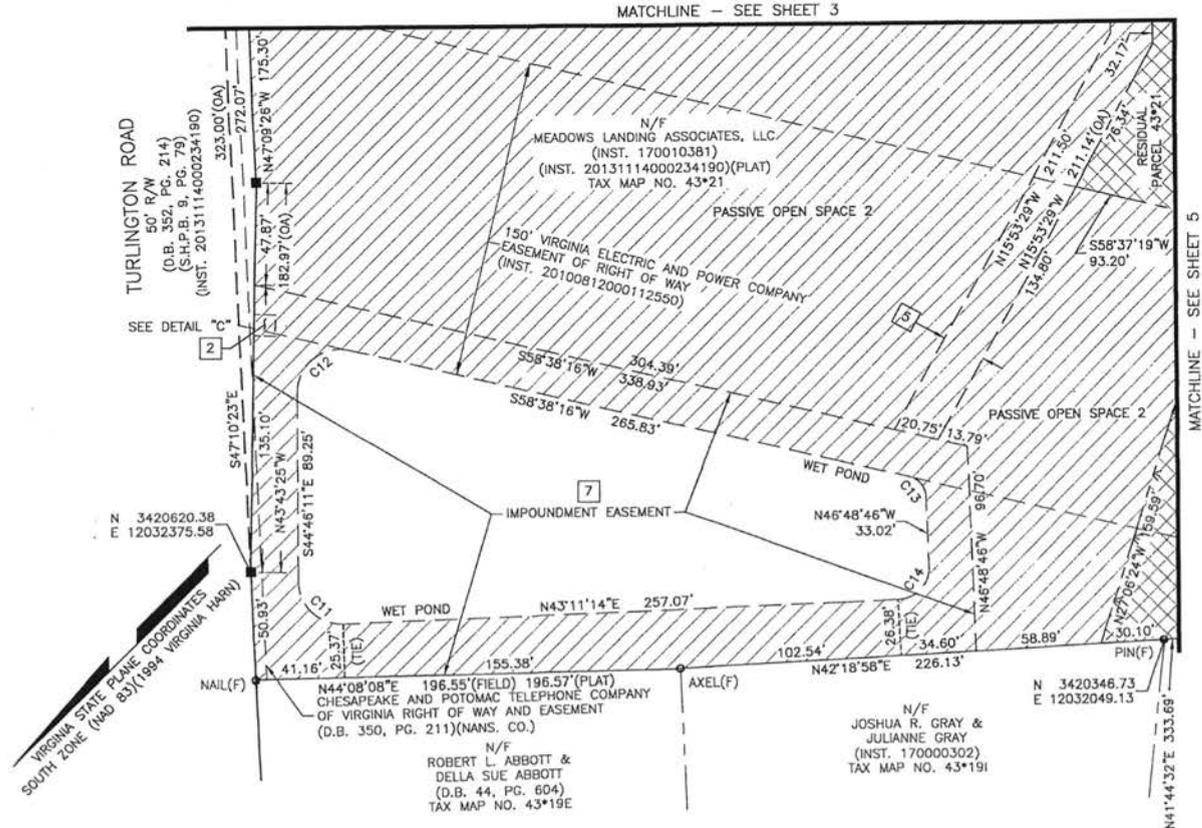


MONUMENT LEGEND	
SYMBOL	DESCRIPTION
○	PIN FOUND/PIPE FOUND
●	PIN SET
■	CONCRETED STEEL PIN SET

SEE SHEET 2 FOR PARCEL DATA, CURVE DATA, AREA DATA, SETBACK DETAIL, & LEGENDS.



DETAIL "D"
NOT TO SCALE



EASEMENT LEGEND

- 1 VARIABLE WIDTH PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
- 2 10'x10' PERMANENT PUBLIC UTILITY EASEMENT HEREBY DEDICATED TO CITY OF SUFFOLK
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MONUMENT LEGEND

SYMBOL	ABBREV.	DESCRIPTION
○	PIN(F)/PIPE(F)	PIN FOUND/PIPE FOUND
●	PIN(S)	PIN SET
■	MON. (S)	CONCRETED STEEL PIN SET

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SCALE: 1"=40' DATE: 05/29/20
PROJ. NO.: 6129.10 AB NO.: 6129.10
SHEET 6 OF 6 F.B. - PG. -

SEE SHEET 2 FOR PARCEL DATA, CURVE DATA,
AREA DATA, SETBACK DETAIL, & LEGENDS.

ORDINANCE NUMBER _____

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
ACCEPT A DEED OPEN-SPACE EASEMENT OVER THE
COMMON PASSIVE OPEN-SPACE WITHIN THE CLUSTER
SUBDIVISION PLAT OF MEADOWS LANDING, TAX MAP
NUMBER 43, PARCEL 21; FSB2020-00002**

WHEREAS, the Meadows Landing Cluster Subdivision has been approved utilizing the cluster development use pattern as allowed under the Unified Development Ordinance; and,

WHEREAS, in accordance with Section 31-411(d)(2) of the Unified Development Ordinance, the passive common open-space shall be preserved as open-space by a conservation easement that complies with the Virginia Open-Space Land Act; and,

WHEREAS, the Virginia Open-Space Land Act authorizes municipalities to accept conservation easements over passive common open-space.

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

Section 1. Authorization.

The City Manager is hereby authorized to execute a "Deed – Open-Space Easement", in substantially the same form as attached hereto, to accept the conservation easement.

Section 2. Findings.

City Council finds that the open-space easement satisfies the requirements of the Unified Development Ordinance and the Virginia Open-Space Land Act and hereby accepts the easement.

Section 3. Recordation.

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

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

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



for _____
Helivi L. Holland, City Attorney

Prepared by and Return to:
Whitney G. Saunders, VSB 18947
Saunders & Ojeda, P.C.
705 West Washington Street
Suffolk, VA 23434

Account Number: 154000845,154000846 & 154000847

DEED
OPEN SPACE EASEMENT
Passive Open Space Cluster Development Use Pattern

THIS DEED OF EASEMENT is entered into this 9 day of JUL, 2020 by Meadows Landing Associates, LLC, a Virginia Limited Liability Company (herein referred to as "Grantor") and the **CITY OF SUFFOLK, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "City").

WITNESSETH:

WHEREAS, Grantor is the fee simple owner of the tract or tracts of land designated "Passive Open Space," as shown on that certain plat entitled "Subdivision of Meadows Landing Suffolk Virginia, Dated , (the "Plat"), which Plat shall be recorded in, the Clerk's Office of the Circuit Court of the City of Suffolk, said Passive-Open Space further described in Exhibit A attached hereto; and

WHEREAS, the Passive Open Space owned by the Grantor has environmental, scenic, natural and recreational value in its present state as a passive Open Space area; and

WHEREAS, in furtherance of the purposes of the Open Space Land Act, Title 10.1, Chapter 17 of the Virginia Code, and as required by the City of Suffolk Unified Development Ordinance, the Grantor is willing to grant a perpetual Open Space easement ("Easement") applicable to the Passive Open Space, restricting and limiting the use of the land, on the terms and conditions and for the purposes set forth below, and the City is willing to accept the Easement; and

WHEREAS, the Grantor and the City recognize the value of the Passive Open Space in its present state, and have a common purpose of conserving the Passive Open Space, preserving the natural character of the Passive Open Space, and preventing the use or development of the Passive Open Space for any purpose or in any manner which would conflict with maintenance in accordance with purposes of the Open Space Land Act and the City of Suffolk Unified Development Ordinance; and

WHEREAS, the City is authorized by the Open Space Land Act to accept, hold and administer the Easement, and the City possesses the authority to accept and is willing to accept the Easement under the terms and conditions described below, and the Grantor, for itself, its successors and assigns waives any objection to the perpetual nature of this Easement.

NOW THEREFORE, for good and valuable consideration, receipt of which all parties acknowledge, and in consideration of the mutual covenants and restrictions set forth below, the Grantor conveys to the City and its successors and assigns forever and in

perpetuity an Open Space Easement of the nature and character and to the extent set forth below, applicable to the Passive Open Space for the purposes of preserving the important features of the Passive Open Space and maintaining permanently the natural character of the Passive Open Space, which Passive Open Space is more particularly described on the attached Exhibit A.

The commitments, conditions and restrictions applicable to the Passive Open Space, for the purpose of achieving these goals are set forth below:

1. This Easement shall be perpetual. It is an easement in gross, and shall run with the land as an incorporeal interest in the Passive Open Space enforceable by the City against the Grantor and its heirs, successors and assigns. The Grantor for itself, its heirs successors and assigns waives any objection to the perpetual nature of the Easement.

2. There shall be no dumping of soil, trash, ashes, garbage, waste or offensive material. There shall be no dumping or filling in of any pond, wetlands, waterway, or other area except as may be permitted by applicable laws for the purpose of combatting erosion. Accumulation or application of trash, refuse, junk, sludge or other unsightly material is not permitted on the Passive Open Space. There shall be no dumping, storage or placement on the Passive Open Space of any stumps, brush, grass or other land clearing debris from off-site.

3. Mining, dredging and removal of loam, gravel, soil, rock, sand, coal and other materials are prohibited, except as necessary for:

- a. Maintenance of existing accesses; and
- b. Construction and maintenance of accesses to uses and structures permitted within the provisions of this Deed of Easement. Accesses shall be designed and constructed to cause a minimum of interference with the existing topography, drainage, vegetation, wildlife, recreation and conservation purposes of the Passive Open Space.

4. Removal, destruction and cutting of trees, shrubs, or other vegetation is prohibited except as indicated on the Engineering Plan and for:

- a. Reasonable maintenance of existing accesses or construction and maintenance of accesses permitted by this Deed of Easement; or
- b. Application of good management practices including the prevention or treatment of disease; or
- c. Removal of only such vegetation as is reasonably necessary for construction and improvements in substantial conformity with the Engineering Plan for Subdivision of Meadows Landing approved by the City of Suffolk, Virginia (the "Engineering Plan") and in accordance with this Deed of Easement.

5. There shall be no activities or uses detrimental or adverse to water conservation, erosion control, soil conservation and, subject to the permitted uses, the preservation of wildlife habitat.

6. Use, development and improvement of the Passive Open Space shall be permitted only in accordance with the City of Suffolk Unified Development Ordinance and as depicted on the Engineering Plan approved by the City of Suffolk. The Passive Open Space shall not be further divided, subdivided, or conveyed in fee except as depicted in the Engineering Plan, and shall be maintained as passive Open Space.

7. There shall be no alteration of the topography of the Passive Open Space, except as required for the construction of structures, trails or other improvements in substantial conformity with the Engineering Plan or reasonably necessary to provide for permitted uses.

8. The features designated on the Engineering Plan for preservation, including all woodlands and wetlands shall be maintained and preserved by the Grantor, its heirs, successors or assigns substantially as depicted on the Engineering Plan, and in substantially the same condition as exists on the date of execution of this Deed.

9. The Grantor expressly reserves to itself, its successors and assigns the right to:

- a. Continue the scenic, recreational and naturalistic uses of the Passive Open Space.
- b. Improve, repair, restore, alter, remodel or replace the permitted structures depicted on the Engineering Plan with structures of similar size and purpose and complete any other improvements depicted on the Engineering Plan provided that the changes are compatible with the conservation purposes of the Passive Open Space and all other provisions of this Easement.
- c. Continue the use of the Passive Open Space for all purposes not inconsistent with this Easement.

10. The parties agree that monetary damages would not be an adequate remedy for the breach of any of the terms, conditions and restrictions of this Easement, and therefore, in the event that the Grantor, its heirs, successors or assigns, violate or breach any of these terms, conditions and restrictions, the City and its successors and assigns, may institute a suit and shall be entitled to enjoin by *ex-parte* temporary and/or permanent injunction such violation and to require the restoration of the Passive Open Space to a condition in compliance with this Easement. The City, its successors and assigns, by any prior failure to act do not waive or forfeit the right to take any action as may be necessary to ensure compliance with the terms, conditions, and restrictions of this Easement.

11. The City, its successors and assigns, have the right, with reasonable notice, to enter the Passive Open Space for the purpose of inspection to determine whether

the Grantor, or its successors or assigns, are complying with the terms, conditions and restrictions of this Easement. This right of inspection does not include the interior of any dwellings.

12. The City may assign its rights under this Easement to any State or federal agency charged with the responsibility of conservation of natural areas, or Open Space, or to any non-profit, tax-exempt organization engaged in promoting conservation of natural areas; and if such assignee shall be dissolved or shall abandon this Easement, or the rights and duties of enforcement or if proceedings are instituted for condemnation of this Easement, the Easement and rights of enforcement shall revert to the City; and if the City shall be dissolved and if the terms of the dissolution fail to provide a successor, then the City of Suffolk Circuit Court shall appoint an appropriate successor.

13. The Grantor agrees for itself, its heirs, successors and assigns to give notice in writing to the City of the names and addresses of any parties to whom the Passive Open Space is to be transferred, at the time of transfer.

14. The City agrees to hold this Easement exclusively for conservation purposes, and will not transfer the Easement in exchange for money, other property, or services, except as provided in and permitted by the Open Space Land Act.

15. This Easement shall be construed to promote the purposes of the Virginia Open Space Land Act, to promote the City of Suffolk's Comprehensive Plan and Unified Development Ordinance, and to promote the conservation purposes of this Easement, including such purposes as defined in the Internal Revenue Code.

16. Although this Easement will benefit the public in ways recited above by encouraging and requiring elements of good land management, it shall not be construed to convey a right to the public of access or use of the Passive Open Space, and the Grantor, its heirs, successors and assigns shall retain exclusive rights to access and use.

The covenants, conditions and the terms, conditions, restrictions and purposes imposed shall be binding upon the Grantor, and its agents, personal representatives, heirs, assigns, and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the above described land, notwithstanding any restrictions at common law on the terms of easements in gross, or their enforcement.

17. Notwithstanding any other provisions of this Deed of Easement, the City of Suffolk Unified Development Ordinance and other applicable statutes, ordinances and regulations shall apply to the Passive Open Space and shall take precedence over this Easement to the extent that those requirements are more restrictive than the terms of this Easement.

18. The invalidity or unenforceability of any provision of this Easement shall not affect the validity or enforceability of any provision of this Easement or any ancillary or supplementary agreement relating to the subject of this Easement.

[SIGNATURE PAGES FOLLOW]

DRAFT

GRANTOR:

By: _____
Name

Title: _____

COMMONWEALTH OF VIRGINIA,
CITY OF _____ to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Bob Arnette, Manager of Meadows Landing Associates, on its behalf.

My commission expires: _____ . My Notary Registration is _____.

DRAFT

Notary Public

Acceptance of this Deed by City of Suffolk; a political subdivision of the Commonwealth of Virginia, pursuant to Va. Code Section 15.2-1803, is evidenced by the signature below.

Date: _____ City
_____ Manager

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

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____, City Manager on behalf of the City of Suffolk.

My commission expires: _____ My Notary Registration is _____

Notary Public

Approved as to Form:

City of Suffolk Attorney's Office

Approved to Substance:

Director of Planning and
Community Development

EXHIBIT A

All certain lot, piece or parcel of land, with the improvements thereon and the appurtenances thereunto belonging, located in the City of Suffolk, Virginia, designated as "PASSIVE OPEN SPACE 1, PASSIVE OPEN SPACE 2 & PASSIVE OPEN SPACE 3" consisting 3.033 ac., all as shown on that certain plat entitled: "Subdivision of Meadows Landing, Suffolk, Virginia," dated May 29, 2020 and made by Blakeway, Surveying-engineering-environmental, Virginia Beach Virginia, and recorded in the Clerk's Office of the Circuit Court for the City of Suffolk as Instrument Number 200006857.

DRAFT

AGENDA: June 17, 2020, Regular Session

ITEM: Ordinance – An ordinance authorizing the City Manager to accept a Deed Open-Space Easement over the common passive open-space within the Cluster Subdivision Plat of Chuckatuck Cove, Tax Map Number 5, Parcel 3*OS*B; FS-2009-09

Under the Cluster Development Use Pattern, passive open-space shall be preserved as open-space by a Conservation Easement which complies with the Virginia Conservation Easement Act (VC 10.1-1009-10.1-1016) or an open-space easement which complies with the Virginia Open-Space Land Act (VC 10.1-1700-10.1-1705). Under the Virginia Conservation Easement Act, the holder of the easement is a charitable corporation, charitable association, or charitable trust. Under the Virginia Open-Space Land Act, the open-space easement is held by a public body which includes any state agency having authority to acquire land for a public use, or any county or municipality, any park authority, any public recreational facilities authority, any soil and water conservation district or any community development authority formed pursuant to Article 6 (15.2-5152 et. seq) of Chapter 51 of Title 15.2, or the Virginia Recreational Facilities Authority.

In that the easements over passive common open-space in cluster development subdivisions preserve that land as open-space in perpetuity, it is recommended that the City accept such an easement in accordance with the Virginia Open-Space Land Act over the common passive open-space within the Cluster Subdivision Plat Chuckatuck Cove located off of Eclipse Drive within the Chuckatuck Voting Borough.

Please be advised that the acceptance of this easement does not impact the taxing status of the subject passive common open-space.

Budget Impact:

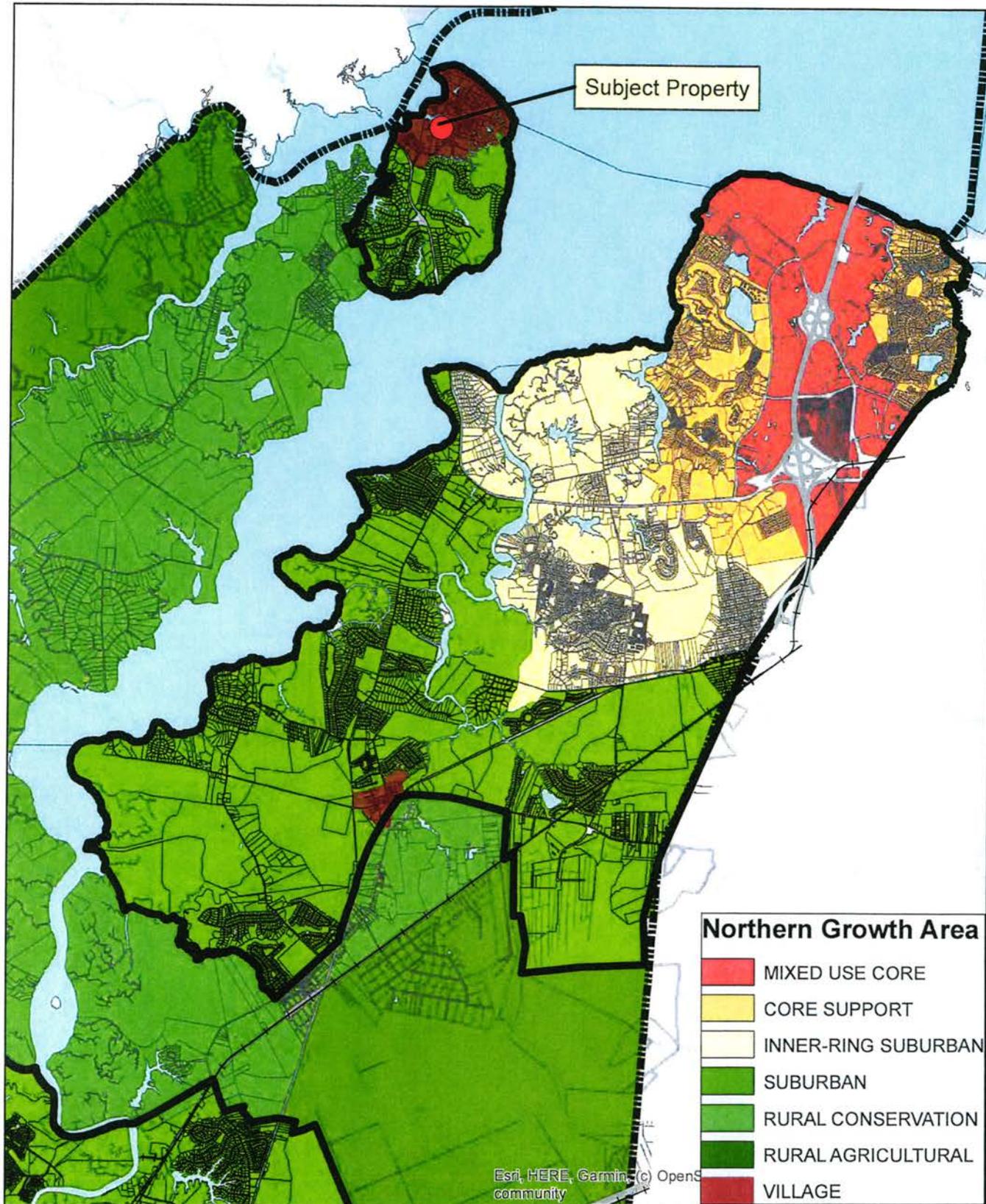
The granting of this Open-Space Easement will not result in any addition to the Open-Space Land Use Program that was previously repealed by City Council.

Attachments:

- General Location Map
- Property Map
- Subdivision Plat of Chuckatuck Cove
- Proposed Ordinance
- Deed Open-Space Easement

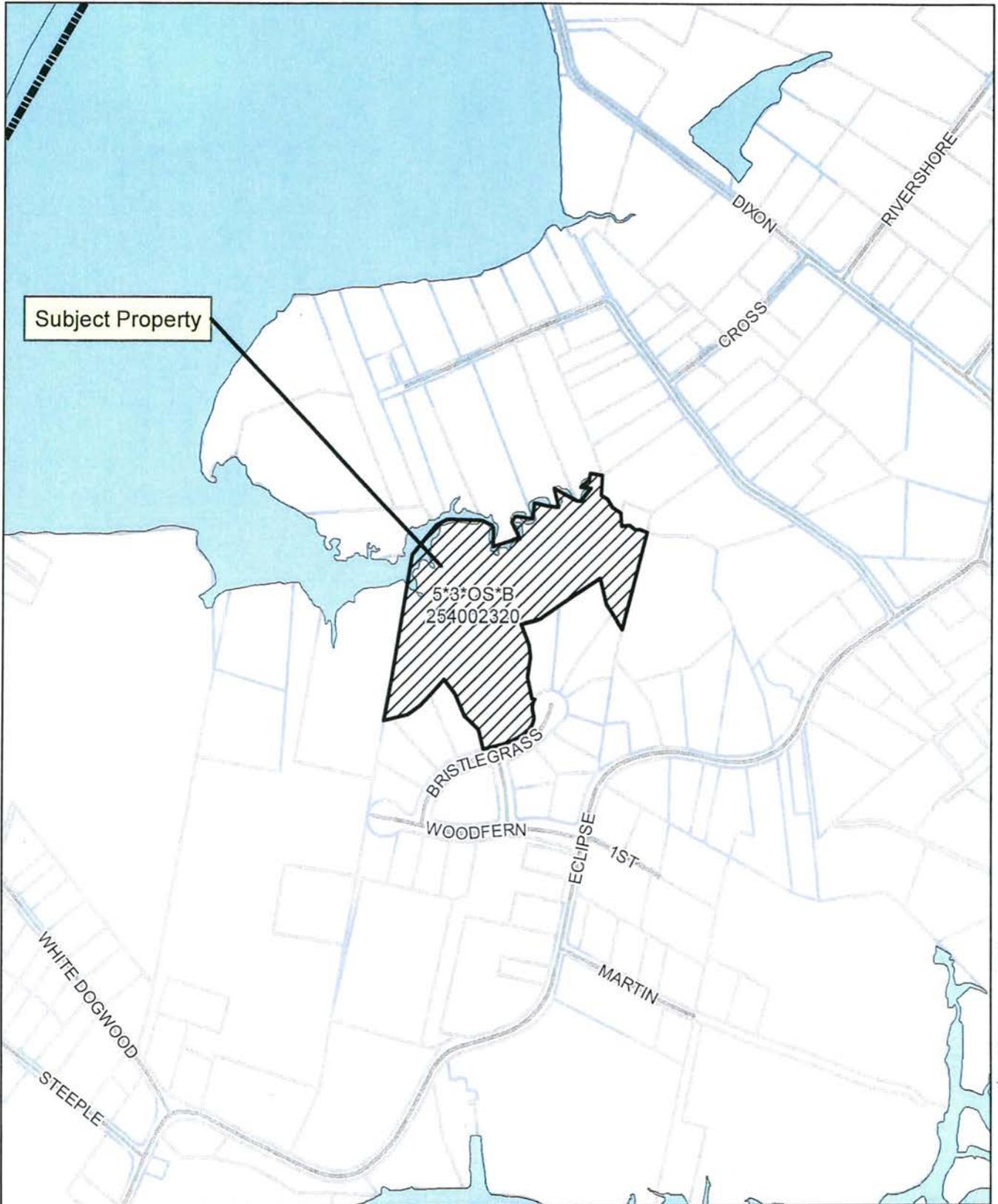


Chuckatuck Cove





Chuckatuck Cove



OWNERS CERTIFICATION

THIS SUBDIVISION OF PROPERTY, AS IT APPEARS ON THIS PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S), WHO ALSO DEDICATE THE STREETS TO THE CITY OF SUFFOLK AND AGREE TO COMPLY WITH ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE PRIOR TO THEIR ACCEPTANCE BY THE CITY OF SUFFOLK OR THE VIRGINIA DEPARTMENT OF HIGHWAY TRANSPORTATION.

KIRK - OLD, LLC

7-29-19
DATE

JUSTIN M. OLD, MANAGER OF KIRK-OLD, LLC.

CITY APPROVAL

THE UNDERSIGNED CERTIFY THAT THIS SUBDIVISION, AS IT APPEARS ON THIS PLAT, CONFORMS TO THE APPLICABLE REGULATIONS RELATING TO THE SUBDIVISION OF LAND AND IS ACCORDINGLY APPROVED. BY SUCH APPROVAL, THE UNDERSIGNED DO NOT CERTIFY AS TO THE CORRECTNESS OF THE STREETS, BOUNDARIES OR OTHER LINES, AS SHOWN ON THIS PLAT.

8/19/19
DATE

Justin M. Old
AGENT, CITY OF SUFFOLK

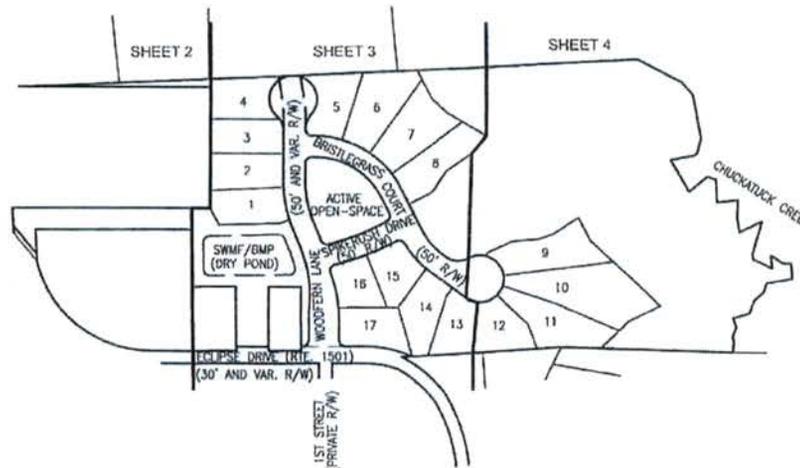
NOTES:

1. THE SITE SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "X" & "AE" OF THE FEMA FLOOD HAZARD MAP FOR THE CITY OF SUFFOLK, VA (BFE-8) (BY GRAPHIC SCALING AND PLOTTING ONLY) COMMUNITY PANEL NO.: 510156 0036 E REVISED DATE: AUGUST 3, 2015
2. PROPERTY IS CURRENTLY ZONED RL (CLUSTER).
FRONT BUILDING LINE: 25'
REAR BUILDING LINE: 25'
SIDE BUILDING LINE: 5'
3. PROPERTY OWNER ADDRESS:
KIRK-OLD, LLC
222 CENTRAL PARK AVE. #2100
VIRGINIA BEACH, VIRGINIA 23462
(757)686-3345
4. T.P. 543 GRANTOR: COASTAL VIRGINIA DEVELOPERS LLC
GRANTEE: KIRK - OLD, LLC DATE OF CONVEYANCE: JULY 23, 2018 DEED REFERENCE: DOC. #180007873
5. GRID TIES BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD 83) 1994 VA. HARN (SUFFOLK 138 AND 139).
6. WETLANDS WERE DELINEATED BY DAVIS ENVIRONMENTAL CONSULTANTS, PC, AND APPROVED BY THE ARMY CORPS. OF ENGINEERS SEPTEMBER 7, 2006 PROJ. #06-R0821.
7. THIS PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY PRESERVATION OVERLAY DISTRICT AND IS DESIGNATED AS A RESOURCE PROTECTION AREA (RPA) AND RESOURCE MANAGEMENT AREA (RMA).
8. DRAINAGE EASEMENTS ON THIS PLAT THAT DRAIN WATER FROM THE RIGHT-OF-WAY ARE CONSIDERED PUBLIC, AND AS SUCH, ARE HEREBY DEDICATED TO THE CITY OF SUFFOLK FOR MAINTENANCE. DRAINAGE EASEMENTS ON THIS PLAT THAT DRAIN WATER FROM THE REAR OF LOTS ONLY, ARE CONSIDERED PRIVATE, AND AS SUCH ARE HEREBY DEDICATED TO THE CHUCKATUCK COVE HOMEOWNERS ASSOCIATION FOR MAINTENANCE.
9. THE 20' MAINTENANCE EASEMENT AROUND THE DETENTION BASIN IS HEREBY DEDICATED TO THE CITY OF SUFFOLK. MAINTENANCE OF THE DETENTION (SWM/BMP) POND IS THE RESPONSIBILITY OF THE CHUCKATUCK COVE HOMEOWNERS ASSOCIATION.
10. AREAS DESIGNATED AS OPEN SPACE WILL BE OWNED AND MAINTAINED BY THE CHUCKATUCK COVE HOMEOWNERS ASSOCIATION.
11. A 5-FOOT EASEMENT IS HEREBY DEDICATED ALONG ALL SIDE AND REAR PROPERTY LINES FOR THE MAINTENANCE OF UTILITIES.
12. ALL STREETS SHOWN HEREON ARE HEREBY DEDICATED TO THE CITY OF SUFFOLK FOR STREET PURPOSES.



AREA TABULATION:

TOTAL AREA: 799,326± SFOR 18.35± ACS.
WETLANDS: 100,188± SF OR 2.3± ACS. (CRITICAL AREA)
DENSITY: 2.9 UNITS/ACRE
OPEN SPACE REQUIRED: 161,172 SR OR 3.7 ACS.
OPEN SPACE PROVIDED: 492,228 SF OR 11.3 ACS.
TOTAL NUMBER OF LOTS: 17
TOTAL AREA OF DEDICATED STREETS = 75,862 SF OR 1.741 ACS.
WOODFERN LANE: 39,092 S.F. OR 0.897 AC.
BRISTLEGRASS COURT: 34,792 S.F. OR 0.798 AC.
SPIKERUSH DRIVE: 1,978 S.F. OR 0.453 AC.
TOTAL ACTIVE OPEN SPACE AREA: 27,791 SF OR 0.638 AC.
TOTAL PASSIVE OPEN SPACE AREA: 187,090 SF 4.295 ACS.
CRITICAL AREA:
WETLANDS: 2,178± SF OR 0.05± AC.
FLOOD PLAIN: 139,392± SF OR 3.2± ACS.
100' RPA BUFFER: 169,884 SF OR 3.9± ACS.



SURVEYORS CERTIFICATION

I HEREBY CERTIFY, THAT THIS SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNERS AND THAT THIS SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY THEM AND THAT STEEL PINS, AS SHOWN ON THIS PLAT BY SMALL CIRCLES, HAVE ACTUALLY BEEN PLACED AND THEIR LOCATIONS CORRECTLY SHOWN. THIS PLAT MEETS THE STANDARDS FOR PLATS AS ADOPTED UNDER VIRGINIA CODE SECTION 42.1-82 OF THE VIRGINIA PUBLIC RECORDS ACT (SECTION 42.1-76 ET SEQ.).



- - PIN FOUND (UNLESS NOTED OTHERWISE)
- - PIN SET (#5 IRON REBAR)
- - PIN SET IN CONCRETE (#5 IRON REBAR)



APPROVAL BLOCK

SUBDIVISION OF
CHUCKATUCK COVE
(CLUSTER SUBDIVISION)
TAX PARCEL 5'3
CHUCKATUCK BOROUGH
SUFFOLK, VIRGINIA

PARRISH LAYNE
DESIGN GROUP
Engineers • Surveyors • Planners
P.O. Box 9164, Chesapeake, VA 23321
Phone: 757.686.3345 Fax: 757.686.3348

DRAWN: DHW	DATE: 4/15/19	REVISION:
COMP: BJL	SCALE: AS NOTED	
CHECKED: BJL		

REF.	SHEET NO. 1
INSTR: #18007873	SHEET: 1 of 4



CURVE	LENGTH	TANGENT	RADIUS	DELTA	CHORD	CHORD BEARING
C1	23.56'	15.00'	15.00'	90°00'00"	21.21'	N82°44'51"W
C2	27.44'	13.73'	300.00'	5°14'28"	27.43'	S78°07'40"W
C3	175.54'	58.49'	300.00'	22°03'59"	114.83'	N43°52'28"W
C4	80.43'	30.26'	475.00'	7°17'22"	60.36'	S81°46'53"W
C5	128.33'	65.16'	300.00'	24°30'32"	122.35'	S87°36'32"E
C6	41.20'	21.85'	50.00'	47°12'48"	40.05'	S72°02'19"W
C7	257.92'	18.93'	55.00'	268°41'00"	78.07'	S09°46'28"W
C8	36.19'	15.00'	15.00'	90°00'00"	35.46'	S92°37'11"E
C9	23.56'	15.00'	15.00'	90°00'00"	21.21'	S97°39'44"E
C10	246.93'	137.56'	225.00'	87°52'47"	234.72'	S44°05'07"W
C11	84.19'	42.93'	175.00'	27°53'52"	83.38'	N61°44'33"E
C12	94.73'	31.62'	50.00'	63°37'33"	54.45'	N15°31'57"E
C13	22.66'	48.08'	225.00'	240°07'19"	94.03'	N60°01'10"E
C14	100.39'	36.35'	50.00'	86°33'26"	20.57'	S28°48'14"W
C15	24.93'	16.43'	15.00'	65°12'37"	22.16'	S51°02'24"E
C16	27.44'	13.73'	15.00'	89°45'07"	20.41'	N39°21'25"E
C17	106.94'	18.78'	525.00'	4°05'47"	37.53'	S80°11'05"W
C18	106.94'	18.78'	525.00'	24°30'32"	106.13'	S89°35'32"E
C19	23.56'	15.00'	15.00'	90°00'00"	21.21'	S32°21'16"E
C20	192.05'	106.99'	175.00'	67°59'47"	189.58'	S44°05'07"W
C21	23.56'	15.00'	15.00'	90°00'00"	21.21'	S32°21'16"E
C22	23.56'	15.00'	15.00'	90°00'00"	21.21'	S32°21'16"E
C23	108.85'	55.55'	300.00'	20°36'46"	80.09'	N05°59'48"W
C24	23.56'	15.00'	15.00'	90°00'00"	21.21'	N87°14'18"W
C25	23.56'	15.00'	15.00'	90°00'00"	21.21'	N87°14'18"W
C26	23.56'	15.00'	15.00'	90°00'00"	21.21'	N87°14'18"W
C27	28.04'	14.05'	175.00'	9°10'54"	28.01'	N81°50'43"W
C28	36.09'	18.07'	225.00'	9°10'54"	36.07'	N81°50'43"W



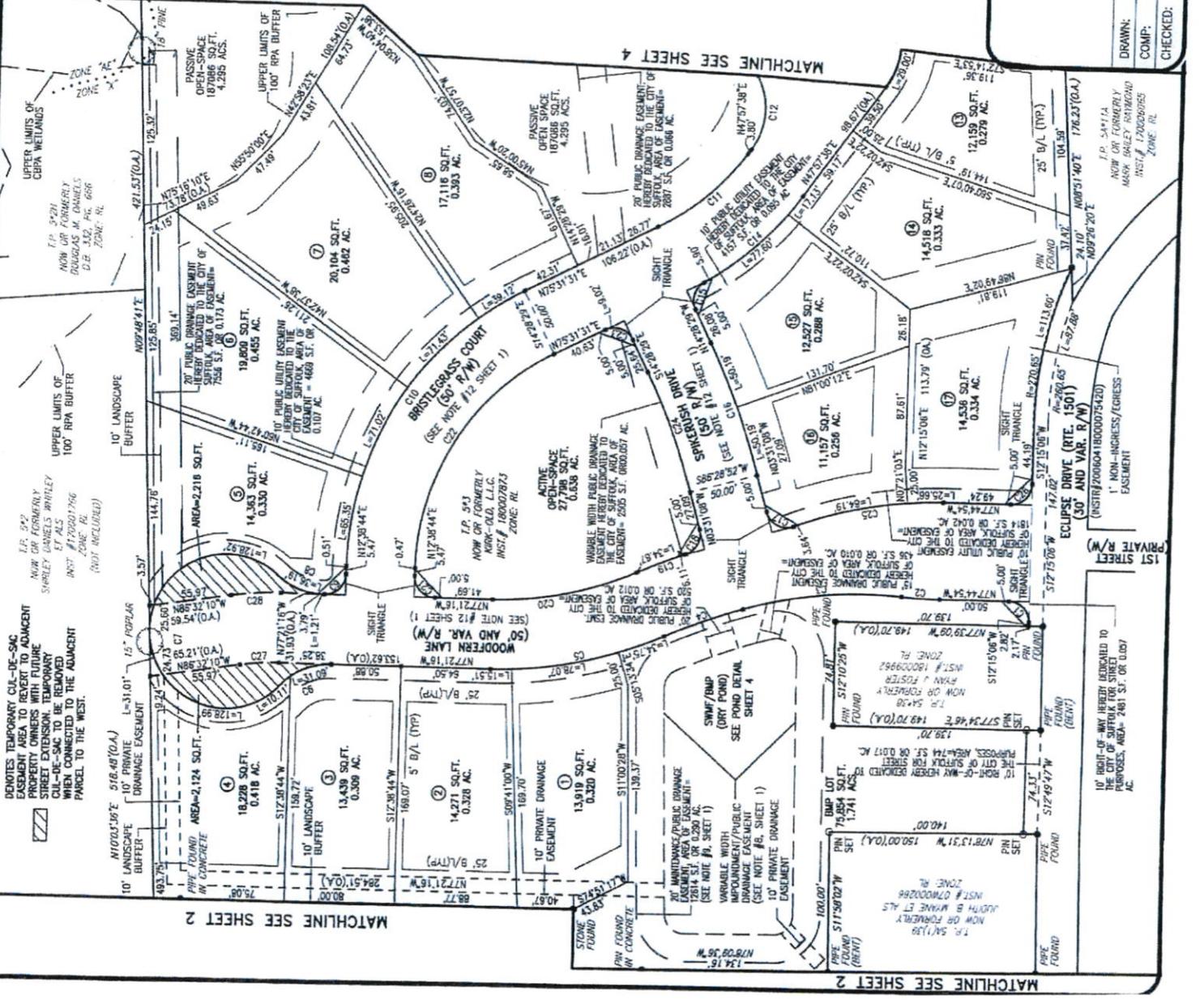
PARRISH LAYNE DESIGN GROUP
 Engineers-Surveyors-Planners
 P.O. Box 9166, Chesapeake, VA 23321
 Phone: 757.686.3345 Fax: 757.686.3346

SUBDIVISION OF CHUCKATUCK COVE
 (CLUSTER SUBDIVISION)
 TAX PARCEL 5'3
 CHUCKATUCK BOROUGH
 SUFFOLK, VIRGINIA

REF.	INSTR. #18007873	SHEET NO. 3
REF.		SHEET: 3 of 4
DRAWN:	DHW	DATE: 4/15/19
REVISION:		
COMP:	BAL	SCALE: 1" = 50'
CHECKED:	BAL	

MATCHLINE SEE SHEET 4

MATCHLINE SEE SHEET 4

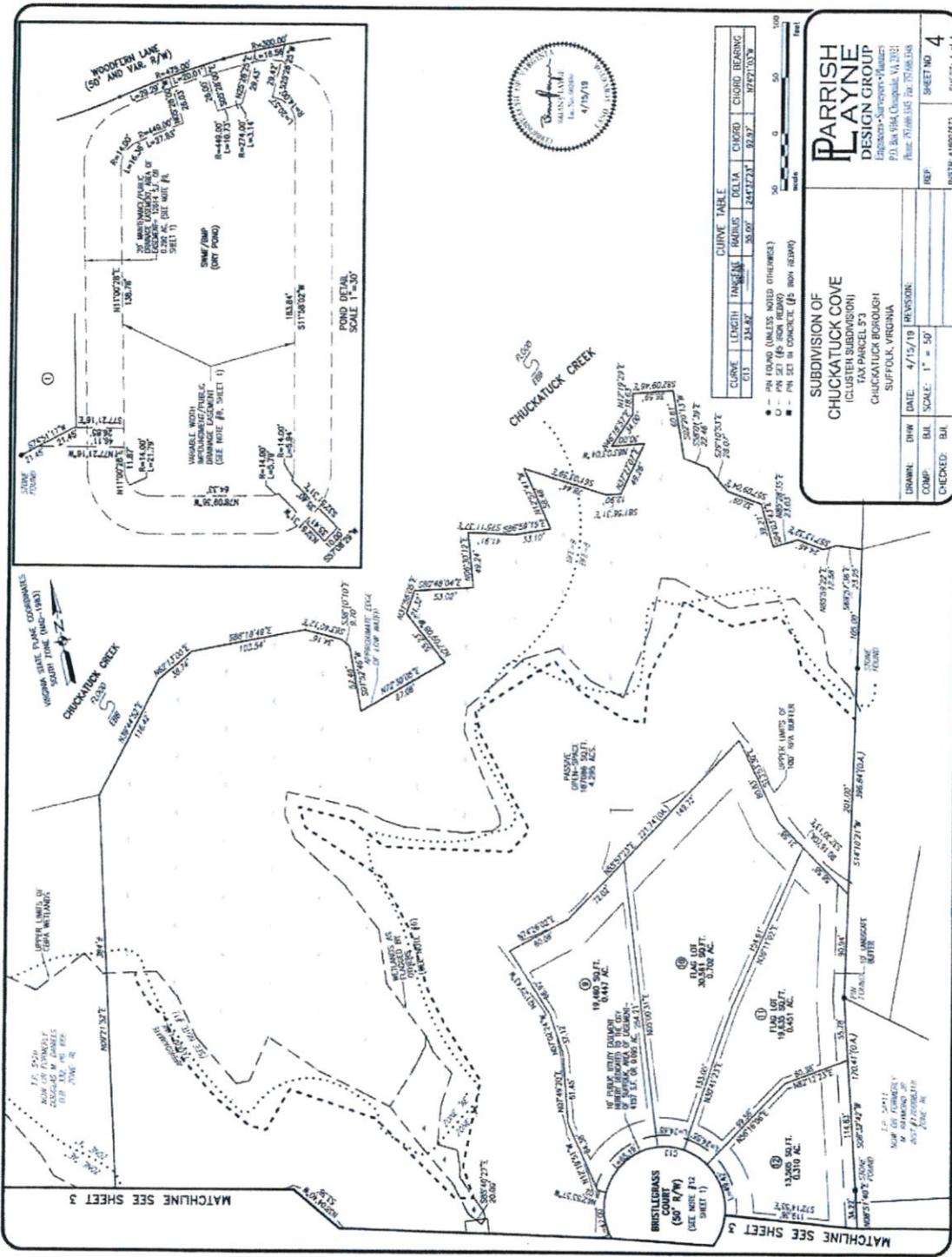


MATCHLINE SEE SHEET 2

MATCHLINE SEE SHEET 2

NOTES:
 DENOTES TEMPORARY CUR-DE-SAC EASEMENT AREA TO REVERT TO ADJACENT PROPERTY OWNERS WITH FUTURE STREET EXTENSION. TEMPORARY CUR-DE-SAC TO BE REMOVED WHEN CONNECTED TO THE ADJACENT PARCEL TO THE WEST.

10' LANDSCAPE BUFFER
 10' PRIVATE DRAINAGE EASEMENT



CURVE TABLE				
CURVE	LENGTH	TANGENT	RADIUS	CHORD BEARING
C13	234.87	30.00	244.27	S24°17'10"W

PARRISH LAYNE
 DESIGN GROUP
 1100 West 10th Street
 Suffolk, Virginia 23401
 Phone: (804) 426-1122
 Fax: (804) 426-1123

SUBDIVISION OF
CHUCKATUCK COVE
 (CLUSTER SUBDIVISION)
 TAX PARCEL 573
 CHUCKATUCK BOROUGH
 SUFFOLK, VIRGINIA

DRAWN: BHW DATE: 4/15/19 REVISION:
 COMP: BAI SCALE: 1" = 50'
 CHECKED: BAI SHEET NO: 4
 INSTR. #180283 SHEET 4 of 4



MATCHLINE SEE SHEET 3

MATCHLINE SEE SHEET 3

ORDINANCE NUMBER _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT A DEED OPEN-SPACE EASEMENT OVER THE COMMON PASSIVE OPEN-SPACE WITHIN THE CLUSTER SUBDIVISION PLAT OF CHUCKATUCK COVE, TAX MAP NUMBER 5, PARCEL 3*OS*B; FS-2009-09

WHEREAS, the Chuckatuck Cove Cluster Subdivision has been approved utilizing the cluster development use pattern as allowed under the Unified Development Ordinance; and,

WHEREAS, in accordance with Section 31-411(d)(2) of the Unified Development Ordinance, the passive common open-space shall be preserved as open-space by a conservation easement that complies with the Virginia Open-Space Land Act; and,

WHEREAS, the Virginia Open-Space Land Act authorizes municipalities to accept conservation easements over passive common open-space.

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

Section 1. Authorization.

The City Manager is hereby authorized to execute a "Deed – Open-Space Easement", in substantially the same form as attached hereto, to accept the conservation easement.

Section 2. Findings.

City Council finds that the open-space easement satisfies the requirements of the Unified Development Ordinance and the Virginia Open-Space Land Act and hereby accepts the easement.

Section 3. Recordation.

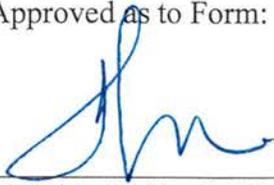
A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner in the office of the Clerk of the Circuit Court of the City of Suffolk, Virginia.

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

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Prepared by and Return to:
Whitney G. Saunders, VSB 18947
Saunders & Ojeda, P.C.
705 West Washington Street
Suffolk, VA 23434

Account Number: _____

DEED
OPEN SPACE EASEMENT
Passive – Common Open Space – Cluster
Development Use Pattern

THIS DEED OF EASEMENT is entered into this _____ day of May, 2019 by KIRK-OLD, LLC, a Virginia limited liability company (hereinafter referred to as "Grantor") and the CITY OF SUFFOLK, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "City").

WITNESSETH:

WHEREAS, Grantor is the fee simple owner of the tract or tracts of land designated "**Passive Open Space**" and "**Active Open Space**" (hereinafter "Open Space"), on that certain plat entitled "SUBDIVISION PLAT OF CHUCKATUCK COVE (CLUSTER SUBDIVISION, TAX PARCEL 5*3 CHUCKATUCK BOROUGH SUFFOLK, VIRGINIA," described in Exhibit A attached to and recorded with this Deed; and

WHEREAS, the Open Space owned by the Grantor has environmental, scenic, natural and recreational value in its present state as a passive open space area; and

WHEREAS, in furtherance of the purposes of the Open Space Land Act, Title 10.1, Chapter 17 of the Virginia Code, and as required by the City of Suffolk Unified Development Ordinance, the Grantor is willing to grant a perpetual Open Space Easement applicable to the Open Space, restricting and limiting the use of the land, on the terms and conditions and for the purposes set forth below, and the City is willing to accept the Easement; and

WHEREAS, the Grantor and the City recognize the value of the Open Space in its present state, and have a common purpose of conserving the Open Space, preserving the natural character of the Open Space, and preventing the use of development of the Open Space for any purpose or in any manner which would conflict with maintenance in accordance with purposes of the Open Space Act and the City of Suffolk Unified Development Ordinance; and

WHEREAS, the City is authorized by the Open Space Land Act to accept, hold

and administer the Passive Open Space Easement, and the City possesses the authority to accept and is willing to accept the Passive Open Space easement under the terms and conditions described below, and the Grantor, for itself, its successors and assigns waives any objection to the perpetual nature of this easement.

NOW THEREFORE, for good and valuable consideration, receipt of which all parties acknowledge, and in consideration of the mutual covenants and restrictions set forth below, the Grantor conveys to the City and its successors and assigns forever and in perpetuity an Open Space Easement of the nature and character and to the extent set forth below, applicable to the Passive Common Open Space more particularly described in Exhibit A, for the purposes of preserving the important features of the Open Space and maintaining permanently the natural character of the Open Space; and

The commitments, conditions and restrictions applicable to the Open Space, for the purpose of achieving these goals are set forth below:

1. This Easement shall be perpetual. It is an easement in gross, and shall run with the land as an incorporeal interest in the Open Space enforceable by the City against the Grantor and its heirs, successors and assigns. The Grantor for itself, its heirs successors and assigns waives any objection to the perpetual nature of the Easement.

2. There shall be no dumping of soil, trash, stumps, garbage, waste or offensive material. There shall be no dumping or filling in of any pond, wetlands, waterway, or other area except as may be permitted by applicable laws for the purpose of combating erosion. Accumulation or replication of trash, refuse, junk, sludge or other unsightly material is not permitted on the Open Space. There shall be no dumping, storage or placement on the Open Space of any stumps, brush, grass or other land clearing debris from off-site.

3. Mining, dredging and removal of loam, gravel, soil, rock, sand, coal and other materials are prohibited, except as necessary for:

- a. Maintenance of existing accesses; and
- b. Construction and maintenance of accesses to uses and structures permitted within the provisions of this Deed of Easement. Accesses shall be designed and constructed to cause a minimum of interference with the existing topography, drainage, vegetation, wildlife, recreation and conservation purposes of the Open Space.

4. Removal, destruction and cutting of trees, shrubs, or other vegetation is prohibited except as indicated on the Conceptual Plan and for:

- a. Reasonable maintenance of existing accesses or construction and maintenance of accesses permitted by this Deed of Easement; or

- b. Application of good management practices including the prevention or treatment of disease; or
- c. Removal of only such vegetation as is reasonably necessary for construction and improvements in substantial conformity with the Conceptual Plan and in accordance with this Deed of Easement.

5. There shall be no activities or uses detrimental or adverse to water conservation, erosion control, soil conservation and, subject to the permitted uses, the preservation of wildlife habitat.

6. Use, development and improvement of the Open Space shall be permitted only in accordance with the City of Suffolk Unified Development Ordinance and as depicted on the Conceptual Plan approved by the City of Suffolk and referred to in Exhibit A. The Open Space shall not be further divided, subdivided, or conveyed in fee except as depicted in the Conceptual Plan, and shall be maintained as open space.

7. There shall be no alteration of the topography of the Open Space, except as required for the construction of structures, trails or other improvements in substantial conformity with the Conceptual Plan or reasonably necessary to provide for permitted uses.

8. The features designated on the Conceptual Plan for preservation, including all woodlands and wetlands shall be maintained and preserved by the Grantor, its heirs, successors or assigns substantially as depicted on the Conceptual Plan, and in substantially the same condition as exists on the date of execution of this Deed.

9. The Grantor expressly reserves to itself, its successors and assigns the right to:

- a. Continue the scenic, recreational and naturalistic uses of the Open Space.
- b. Improve, repair, restore, alter, remodel or replace the permitted structures depicted on the Conceptual Plan with structures of similar size and purpose and construct any other improvements depicted on the Conceptual Plan provided that the changes are compatible with the conservation purposes of the Open Space and all other provisions of this Easement.
- c. Continue the use of the Open Space for all purposes not inconsistent with this Easement.

10. The parties agree that monetary damages would not be an adequate remedy for the breach of any of the terms, conditions and restrictions of this Easement, and therefore, in the event that the Grantor, its heirs, successors or assigns, violate or breach any of these terms, conditions and restrictions, the City and its successors and assigns,

may institute a suit and shall be entitled to enjoin by ex-parte temporary and/or permanent injunction such violation and to require the restoration of the Open Space to a condition in compliance with this Easement. The City, its successors and assigns, by any prior failure to act do not waive or forfeit the right to take any action as may be necessary to insure compliance with the terms, conditions, and restrictions of this Easement.

11. The City, its successors and assigns, have the right, with reasonable notice, to enter the Open Space for the purpose of inspection to determine whether the Grantor, or its successors or assigns, are complying with the terms, conditions and restrictions of this Easement. This right of inspection does not include the interior of any dwellings.

12. The City may assign its rights under this Easement to any State or federal agency charged with the responsibility of conservation of natural areas, or open space, or to any non-profit, tax-exempt organization engaged in promoting conservation of natural areas; and if such assignee shall be dissolved or shall abandon this Easement, or the rights and duties of enforcement or if proceedings are instituted for condemnation of this Easement, the Easement and right of enforcement shall revert to the City; and if the City shall be dissolved and the terms of the dissolution fail to provide a successor, then the City of Suffolk Circuit Court shall appoint an appropriate successor.

13. The Grantor agrees for itself, its heirs, successors and assigns to give notice in writing to the City of the names and addresses of any parties to whom the Open Space is to be transferred, at the time of transfer.

14. The City agrees to hold this Easement exclusively for conservation purposes, and will not transfer the Easement in exchange for money, other property, or services, except as provided in and permitted by the Open Space Land Act.

15. This Easement shall be construed to promote the purposes of the Virginia Open Space Land Act, to promote the Comprehensive Plan and Unified Development Ordinance of the City of Suffolk, and to promote the conservation purposes of this Easement, including such purposes as defined in the Internal Revenue Code.

16. Although this Easement in gross will benefit the public in ways recited above by encouraging and requiring elements of good land management, it shall not be construed to convey a right to the public of access or use of the Open Space, and the Grantor, its heirs, successors and assigns shall retain exclusive rights to access and use.

The covenants agreed to and the terms, conditions, restrictions and purposes imposed shall be binding not only upon the Grantor, but also its agents, personal representatives, heirs, assigns, and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the above described land, notwithstanding any restrictions at common law on the terms of easements in gross, or

their enforcement.

17. Notwithstanding any other provisions of this Deed of Easement, the City of Suffolk Unified Development Ordinance and other applicable statutes, ordinances and regulations shall apply to the Property and shall take precedence over this Easement to the extent that those requirements are more restrictive than the terms of this Easement.

18. The invalidity or unenforceability of any provision of this Easement shall not affect the validity or enforceability of any provision of this Easement or any ancillary or supplementary agreement relating to the subject of this Easement.

KIRK-OLD, LLC,
a Virginia limited liability company

By: _____
Justin Old Member

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Justin Old, Member of Kirk-Old, LLC, a Virginia limited liability company.

My commission expires: _____
My Notary Registration is _____

Notary Public

Acceptance of this Deed by City of Suffolk; a political subdivision of the Commonwealth of Virginia, pursuant to Va. Code Section 15.2-1803, is evidenced by the signature below.

Date: _____

City Manager

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

The foregoing instrument was acknowledged before me this ____ day of May, 2019 by _____, City Manager on behalf of the City of Suffolk.

My commission expires: _____

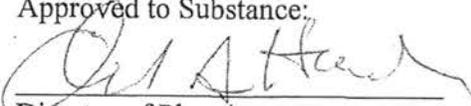
My Notary Registration is _____

Notary Public

Approved as to Form

City of Suffolk Attorney's Office

Approved to Substance:



Director of Planning

City's Address:
City Manager
P. O. Box 1858
Suffolk, Virginia 23439-1858

AGENDA: June 17, 2020, Regular Session

ITEM: Resolution - A resolution in support of the redesignation of local workforce developments, the Greater Peninsula Workforce Board and the Hampton Roads Workforce Council, into a new single local workforce development area

There are currently two local workforce development areas (LWDA 14 and LWDA 16) serving Hampton Roads. The Greater Peninsula Workforce Development Board oversees area LWDA 14 and the Hampton Roads Workforce Council oversees area LWDA 16. The Workforce Innovation and Opportunity Act, recently passed, provides for the opportunity to combine areas if the opportunity presents itself. As such, Hampton Roads Area LWDA 14 and LWDA 16 are working towards that result. For consideration, attached is a resolution of support for this initiative.

RECOMMENDATION:

Approve the attached resolution

ATTACHMENT:

Resolution

RESOLUTION NUMBER 20-R-___

A RESOLUTION IN SUPPORT OF THE REDESIGNATION OF LOCAL WORKFORCE DEVELOPMENTS, THE GREATER PENINSULA WORKFORCE BOARD AND THE HAMPTON ROADS WORKFORCE COUNCIL, INTO A NEW SINGLE LOCAL WORKFORCE DEVELOPMENT AREA

WHEREAS, under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, local workforce development areas (LWDAs) within a planning region that want to re-designate into a single LWDA shall be given the opportunity to do so; and,

WHEREAS, the Virginia Board of Workforce Development's Policy, Number 200-07, entitled, "Process for Requesting LWDA Redesignation: Redesignation Assistance," effective July 1, 2017, prescribes the process to be followed when a unit or a combination of units of political subdivisions request redesignation of their LWDAs as provided under WIOA; and WHEREAS, the subject property has no access to a public street or highway and will require the construction of a new roadway to connect with Holland Road, Route 58; and,

WHEREAS, the Greater Peninsula Workforce Board (GPWB), tasked with overseeing the delivery of workforce services within LWDA 14 and the Hampton Roads Workforce Council (HRWC), tasked with overseeing the delivery of workforce services within LWDA 16, are part of one regional economic ecosystem serving the fifteen political sub-divisions of Southeastern Virginia; and

WHEREAS, in September 2018 the GPWB and HRWC executed a Resolution establishing the Southeastern Virginia Regional Workforce Collaborative whose purpose was to address the needs of area employers through a collaborative regional approach, focused upon business engagement strategies, communication efforts, program development, provision of labor market intelligence, veteran transition support and emerging workforce initiatives; and

WHEREAS, the work of the Collaborative has resulted in a significant number of successful undertakings to include the creation of a Joint Business Services Team that has assisted over 4,000 employers, the implementation of a fundraising initiative which raised over \$250,000 in new private resources, the award of a \$100,000 GO Virginia Grant to establish the Hampton Roads Coalition for Talent, and the publication of a regional economic impact report that concluded there was a \$4.30 return on investment for each \$1.00 spent by the region's two workforce boards; now, therefore it is

NOW, THEREFORE, BE IT RESOLVED that the request of the GPWB and HRWC to be re-designated into a new, single LWDA to oversee the delivery of workforce development services within the fifteen political subdivisions located within Southeastern Virginia, as prescribed under WIOA, be approved for submission to the Virginia Board of Workforce Development and subsequent action by the Governor of the Commonwealth of Virginia.

READ AND ADOPTED: _____

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

Approved as to Form:

KD Carter

Helivi L. Holland, City Attorney

fk

Staff Reports

**Coronavirus Update- The City
Manager or designee will provide an
updated related to COVID-19**

**A motion to move the start time, for City
Council Meetings in July and
August, 2020, to 6:00 p.m., unless cancelled**

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

Non-Agenda Speakers

New Business

Announcements and Comments