



City of Petersburg Virginia

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Special Regular City Council Meeting

October 20, 2020

12:00 PM

City Council

Samuel Parham, Mayor – Ward 3
John A. Hart, Sr., Vice-Mayor – Ward 7
Treska Wilson-Smith, Councilor – Ward 1
Darrin Hill, Councilor – Ward 2
Charlie Cuthbert, Councilor – Ward 4
W. Howard Myers, Councilor – Ward 5
Annette Smith-Lee, Councilor – Ward 6

City Manager

Aretha R. Ferrell-Benavides

-
1. **Roll Call**
 2. **Prayer**
 3. **Closed Session**
 4. **Moment of Silence**
 5. **Pledge of Allegiance**
 6. **Determination of the Presence of a Quorum**
 7. **Proclamations/Recognitions**
 - a. Petersburg Bureau of Police Accreditation Presentation
 - b. Proclamation for Breast Cancer Month
 8. **Reports/responses to previous public information period**
 9. **Communication/Special Reports**
 - a. City Manager Report - Aretha Ferrell-Benavides, City Manager
 - Financial and CAFR Update
 - b. COVID-19 Update
 - c. Petersburg Legends Historical Park and Nature Sanctuary Mural Project - Call for Artists
 - d. ARWA Presentation
 10. **Consent Agenda (to include minutes of previous meetings):**
 - a. Consideration of an appropriation for VRA Series 2015A Utility Revenue Bond for FY 2021 Utility Capital Projects in the amount of \$3,620,000 - 1st Reading
 - b. Consideration of Department of Mines, Minerals, and Energy Grant Acceptance and Appropriation in the amount of \$254,500- 1st Reading
 - c. Consideration of Edward Byrne JAG Grant Acceptance and Appropriation for \$26,589 - 1st Reading

- d. A request to schedule a public hearing and to consider a petition to rezone 550 and 601 Rives Road from A to M-1.
- e. A request to schedule a public hearing and to consider a petition to rezone 235, 243, 247 Hinton Street from R-3 to PUD.
- f. A request to schedule a public hearing to consider an ordinance authorizing the City Manager to approve the reduction of site plan review and land disturbance permit fees when offset by in-kind staffing augmentation, in an amount not to exceed 30 percent of the total fees.

11. Official Public Hearings

- a. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE to amend Section 42-3 Of The City Code To increase the Courthouse Security fee from \$10 to \$20.

12. Public Information Period

A public information period, limited in time to 30 minutes, shall be part of an Order of Business at each regular council meeting. Each speaker shall be a resident or business owner of the City and shall be limited to three minutes. No speaker will be permitted to speak on any item scheduled for consideration on the regular docket of the meeting at which the speaker is to speak. The order of speakers, limited by the 30-minute time period, shall be determined as follows:

- a. **First, in chronological order of the notice, persons who have notified the Clerk no later than 12:00 noon of the day of the meeting,**
- b. **Second, in chronological order of their sign up, persons who have signed a sign-up sheet placed by the Clerk in the rear of the meeting room prior to the meeting removed from consent agenda**

13. Business or reports from the Mayor or other Members of City Council

14. Items removed from Consent Agenda

15. Unfinished Business

16. New Business

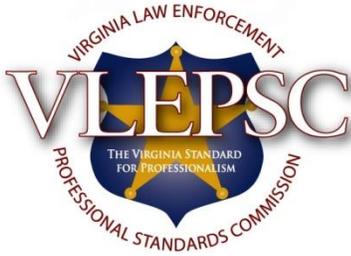
- a. Second read and consideration of FY 2020 carryover (\$957,528.50) & FY 2021 Appropriation (\$1,499,291) for the Park nd Ride Station Project.
- b. Virginia Department of Fire Programs - Aid to Locality in the amount of \$118,079.
- c. Consideration of Library of Virginia COVID CARES Act subgrant appropriation (\$36,312) for the Petersburg Public Library.
- d. Consideration of Virginia Tourism Corporation DMO WanderLOVE Grant appropriation(\$10,000) for Petersburg Tourism.
- e. Consideration of Center for Tech and Civic Life grant appropriation (\$81,889.50) for the Registrar's Office.
- f. Consideration of re/appointment to the Virginia Gateway Region.

17. City Manager's Agenda

18. Business or reports from the Clerk

19. Business or reports from the City Attorney

20. Adjournment



Virginia Law Enforcement Professional Standards Commission

Assessment Report

Petersburg Bureau of Police

(Initial Assessment)

Colonel Kenneth Miller

DATES OF ASSESSMENT

July 13-15, 2020

EXECUTIVE SUMMARY

The Petersburg Bureau of Police was established in 1748. Nicknamed “The Cockade City”, Petersburg is located along the Appomattox River which connects to the James River. During the colonial era, Petersburg was very strategic place for transportation and commercial activities. Colonel Kenneth Miller commands the Petersburg Bureau of Police. Under this leadership, the Petersburg Bureau of Police has an authorized strength of 96 sworn officers and 27 civilian support personnel.

The Petersburg Bureau of Police is the primary law enforcement agency for the citizens of the city and is comprised of the following divisions: Administration, Communications, Uniform Field Operations, Major Crimes Unit, and Special Investigations Units.

Upon conclusion of this on-site assessment, the Petersburg Bureau of Police in compliance with all applicable program standards.

TEAM MEMBERS

Team Leader: Tim Brown
Title: Lieutenant
Employer: Christiansburg Police Department
10 East Main Street
Christiansburg, VA 24073
(540) 382-3131
tbrown@christiansburg.org

Lieutenant Brown has been with Christiansburg Police Department since December 1999. He is currently serving as the agency's Accreditation Manager and Special Operations Supervisor. He has served on many assessments and mocks as well as serving as Team Leader. He is a Master Assessor for the Virginia Law Enforcement Professional Standards Commission. He also serves as Chairperson for the Certified Accreditation Professional Committee. The Christiansburg Police Department was initially accredited in June 2000 and most recently re-accredited in July 2020.

Assessor: Donna Akers
Title: Secretary of Accreditation
Employer: Christiansburg Police Department
10 East Main Street
Christiansburg VA, 24073
Telephone: (540) 382-3131
E-mail: dakers@christiansburg.org

Donna Akers is the Accreditation Assistant for the Christiansburg Police Department. She has been employed with the department since May 1994. During her tenure, Donna has held several positions, to include, Communications Officer and Police Secretary to the Patrol and Detective divisions. In addition to Accreditation, Donna also assists in Hiring and Training, and as the secretary for K-9 and Vice Operations. The Christiansburg Police Department was initially accredited in June 2000 and most recently re-accredited in July 2020. She is a Senior Assessor for the Virginia Law Enforcement Professional Standards Commission and a Certified Accreditation Professional through the Virginia Law Enforcement Accreditation Coalition.

Assessor: Gary Coleman
Title: "Retired" Captain
Employer: Washington County Sheriff's Office
20281 Rustic Ln
Abingdon, VA 24210
Telephone: (276) 274-5780
E-mail: gcoleman803@gmail.com

Gary Coleman is a "Retired" Captain with Washington County Sheriff's Office with over 30 years of experience on the job. He was promoted to the rank of Captain in 2005. As Captain, he supervised the Color Guard, the Court Services Bureau, Civil Process/Transportation Extradition and Accreditation. He has served on many assessments and mocks as well as

serving as Team Leader. He is a Senior Assessor for the Virginia Law Enforcement Professional Standards Commission. He worked for several years supervising the accreditation team at the Washington County Sheriff's Office. Before retiring, he helped to lead them to a successful re-accreditation in 2018.

AGENCY INFORMATION

The Petersburg Bureau of Police is a community-oriented law enforcement agency. The Petersburg Bureau of Police Headquarters Building is located at 37 East Tabb Street, Petersburg Virginia. In July 2017, Chief Kenneth A. Miller accepted the opportunity to lead the Petersburg Bureau of Police. The Accreditation Manager for the agency is H. Randall Griffin and Lieutenant Sherrie L. Johnson who assists him with building and maintaining the files. The Police Department has an authorized strength of 96 sworn personnel and 27 civilian employees.

The Petersburg Bureau of Police is committed to be a premier law enforcement agency, by engaging their community, building trust and reducing fear of crime. The department's focus points are:

#1 Public Safety – A results-driven, proactive philosophy utilizing the “Risk Terrain Modeling Approach to Policing.” Hot Spot enforcement with emphasis on intelligence led policing practices.

#2 Well Trained and equipped Personnel – Delivering the highest standards of service to our citizens by training and equipping a diverse team to reflect state of the art practices of modern Law Enforcement.

#3 Community Engagement – Promoting partnerships and investing trust within our community to ensure a quality return.

The Communication Unit exists within the Bureau to facilitate around-the-clock communications services for all emergency services for the City of Petersburg. The Major Crimes Unit investigates all serious crimes including murder, sexual assaults, and robberies. The Special investigations Unit's mission is to immerse themselves in the culture of Drug Dealing, Gangs, Firearms, and other Vice Crimes. The Training Unit is tasked with forwarding the agency's priorities, goals and objectives. The Uniform Operations Division is comprised of Patrol Officers, K-9 Officers, and Traffic Safety Officers. The Uniform Operations Division is the core of the Department. This Division provides the citizens and visitors of Petersburg with around-the-clock protection and service. The Crimes Prevention Unit provide safety information, referrals, and training on safety topics for individuals, community groups and businesses. Such topics include: Neighborhood Watch, Identity Theft, Personal Safety, Workplace Safety and Preventing Elder Abuse. The Crime Prevention Unit makes an effort to attend civic meetings, community events, neighborhood watch gatherings or any other opportunity to meet with citizens and speak to them on trends of crime and law enforcement strategies. Community involvement, proactive crime reporting, and information sharing was the catalyst of a successful Citizen's Police Academy held annually.

COMMUNITY INFORMATION

Petersburg is an independent city in the Commonwealth of Virginia in the United States. As of the 2010 census, the population was 32,420. The Bureau of Economic Analysis combines Petersburg (along with the city of Colonial Heights) with Dinwiddie County for statistical purposes. It is located on the Appomattox River (a tributary of the longer larger James River flowing east to meet the southern mouth of the Chesapeake Bay at the Hampton Roads harbor and the Atlantic Ocean). The city is 21 miles (34 km) south of the historic commonwealth (state) capital city of Richmond. The city's unique industrial past and its location as a transportation hub combined to create wealth for Virginia and the Middle Atlantic and Upper South regions of the nation.

Early in the colonial era of the 18th century, Petersburg was the final destination on the Upper Appomattox Canal Navigation System because of its location. The Appomattox River with its connection to the James River to the east at the Atlantic Seaboard fall line (the head of navigation of rivers on the U.S. East Coast) and the tying in with the James River shipping traffic was a strategic place for transportation and commercial activities. It connected commerce as far inland as Farmville, Virginia at the foothills of the Blue Ridge and the Appalachian Mountains chain, to shipping further east into the Chesapeake Bay and North Atlantic Ocean. For similar reasons, 17th century era Fort Henry was built at the order of the Virginia House of Burgesses at Petersburg in 1645 to protect the river traffic.

As railroads were being constructed and extended in the state in the 1830s and 1840s, Petersburg was developed as a major transfer point for both north-south and east-west competitors. The Petersburg Railroad, authorized in 1830, three years after the first American railway, B & O in Baltimore, by the state legislatures of both Virginia and North Carolina to the south, which opened in 1833. This was one of the earliest predecessors of the modern-day CSX Transportation system. Several of the earliest predecessors of the area's other major Class 1 railroad, the Norfolk Southern, also met at Petersburg. Access to railroads stimulated industry in the city. This was already established because of the waterpower available at the fall line, as the river plunged from the Piedmont level to lower tidewater lands.

During the American Civil War (1861–1865), due to this railroad network, Petersburg was key to Union plans to capture the Confederate States national capital established early in the war at Richmond. Nine months of trench warfare were conducted by Union forces during 1864–65 Siege of Petersburg. Battlefield sites are located throughout the city and surrounding areas, partly preserved as Petersburg National Battlefield by the National Park Service of the U.S. Department of the Interior.

The city is also significant for its role in African American history. Petersburg had one of the oldest free black settlements in the state at Pocahontas Island. Two Baptist churches in the city, whose congregations were founded in the late 18th century, are among the oldest black congregations and churches in the United States. In the 20th century, these and other black churches were leaders in the national Civil Rights Movement of the 1950s-1960s. In the post-bellum period, a historically black college which later developed as the Virginia State University was established nearby in Ettrick in Chesterfield County. Richard Bland College, now a junior college, was originally established here as a branch of Williamsburg's famed College of William and Mary.

Petersburg remains a transportation hub, with the network of area highways including Interstate Highways 85, 95, and U.S. Route highways with 1, 301, and 460. Both CSX and Norfolk Southern

rail systems maintain transportation centers at Petersburg. Amtrak serves the city with daily Northeast Regional passenger trains to Norfolk, Virginia, and long-distance routes from states to the South.

In the early 21st century, Petersburg civic leaders were highlighted the city's historical attractions for heritage tourism, and the industrial sites reachable by the transportation infrastructure. Not verified in body Military activity has been expanded by the federal government at nearby Fort Lee, home of the United States Army's Sustainment Center of Excellence, and the Army's Logistics Branch, Ordnance, Quartermaster, and Transportation Corps.

VERIFICATION METHOD

The standard files were reviewed by the assessment team. The assessment worked through the files by section. Assessment Team started with PER, ADM, OPR, and TRN. If an assessor determined the agency complied with the applicable standard, the team member completed the standard verification form. No further action would be taken.

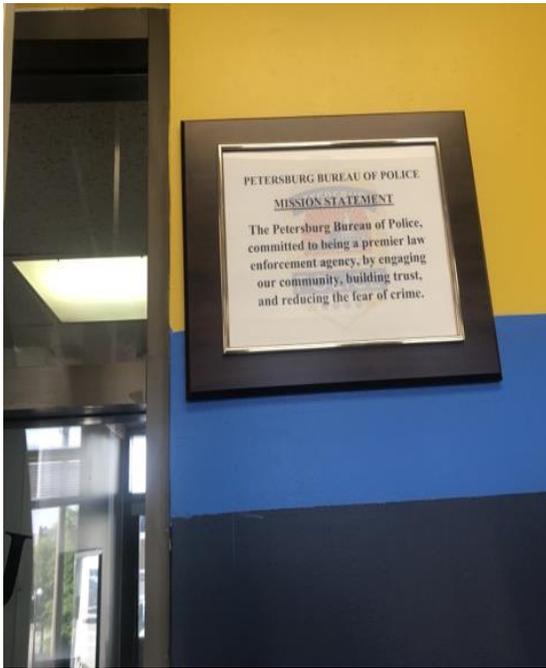
When questions arose regarding compliance, the assessor reviewed the file with the other assessors. If consensus could be achieved, the compliance form was completed. If consensus could not be achieved, the assessor conducted further interviews and/or inspections to determine compliance or lack thereof.

If the team was unable to resolve the concerns, the accreditation manager was notified of the issue and advised of the corrective action necessary and given the opportunity to amend the file. Once amended, the assessment team scrutinized the revision(s) and/or amendment(s) to verify compliance.

ASSESSMENT



The team arrived in Petersburg Virginia on July 13, 2020 and checked into the Hampton Inn. There were no issues with registration and the hotel staff was most cooperative. The accommodations were outstanding, and the rooms were well appointed. The official assessment started on July 14, 2020. The team was picked up by Accreditation Manager Randall Griffin at 8:30 am and transported to Petersburg Bureau of Police “Headquarters.” The team arrived at headquarters and provided breakfast before the agency tour. The team was introduced to Colonel Kenneth A. Miller “Director of Public Safety/ Chief of Police, Major Travis C. Christian “Deputy Chief of Police”, Captain Gregory Geist “Administrative Services Division Captain”, Captain Christopher Walker “Uniform Field Operations Commander”, Lieutenant Dustin Sloan “Administrative Services”, Lieutenant Sherrie L. Johnson “Accreditation Team Member.” Lieutenant Johnson and Randall Griffin guided the tour for the Assessment Team.



The agency tour was conducted, and the Assessment Team observed various parts of Headquarters, Communications Unit, Internal Affairs, Training Unit, Records, and Patrol Roll Call Room. During the tour, the Assessment Team met Mrs. Shantel Cooper “Emergency Communications Center Supervisor”, Ms. Pamela Sheets “Administration”, Ms. Judy Carey “Records Management”, and 1st Sgt. Thomas Carter “Internal Affairs.” All staff members were found to be very courteous and knowledgeable when asked questions by the assessors. The Team observed the entire facility. The Team had the opportunity to question personnel and observe standards compliance during the agency tour. At around 11:30 a.m., the agency tour was complete, and the Team started the file review. The Team continuously worked on the files until eating dinner at a local restaurant. The team was transported to Longhorn Steakhouse and greeted by numerous staff members where we were joined by the Program Manager Derrick Mays for dinner.



On July 15, 2020, the Team was transported to Petersburg Bureau of Police Major Crimes Building for the static display. During the static display, the team was able to observe and ask questions to personnel. We viewed prisoner Transport Vehicle “Officer T. Rawlings”, Crisis Response/Swat Vehicle & Weapons “Detective J. Darrington”, Marked Patrol Vehicle “Corporal W. Smith”, Traffic Enforcement Vehicle “Officer J. Hernandez”, Traffic/Highway Safety Vehicle “Sgt. W. Hinkle”, Crisis Intervention Vehicle “Captain E. Chambliss”, Animal Care & Control Vehicle “Warden D. Broughton”, K-9 Vehicle “Officer D. Christian”, Unmarked Patrol Vehicle “Sgt. W. Hinkle”, and Polaris All-Terrain ATV “Captain C. Walker. The Team inquired on the agency’s policies and procedures as they related to each vehicle to include pursuits, vehicle operations, citizen involvement, crime prevention, prisoner transportation, restraints used, weapons qualifications and training, use of force, patrol shifts schedules, etc. It was a very thorough and comprehensive static display and showed compliance with numerous standards. All staff members were found to be very courteous and knowledgeable when asked questions by the assessors. After the conclusion of the static display the team observed the interviews rooms at the Major Crimes Building and conducted the property evidence audit see (Property and Evidence Component). After the conclusion of the tour at the Major Crimes building team members were transported back to Headquarters to review files. Captain Gary Coleman completed the ride along see (Ride-Along Component). At approximately 2:00 pm, all files had been thoroughly reviewed. The team met with Colonel Kenneth Miller, Major Travis Christian, Accreditation Manager Randall Griffin and Lieutenant Sherrie L. Johnson to conduct the Exit Interview.

RIDE ALONG COMPONENT

On Wednesday, July 15, 2020, at 11:15 a.m., (Retired) Captain Gary Coleman conducted a ride along with Officer Eldon Dodd, an 8-year veteran of the Department, currently working the daylight shift. Officer Dodd serves as SRO and was previously assigned as a Street Crimes Detective in the Special Crimes Unit. Officer Dodd is assigned to a marked patrol vehicle. This car was equipped with lights, sirens, radio and mobile terminal. Officer Dodd was detailed in explaining the usage and functions of all equipment assigned to him personally and to the vehicle.

During the ride along, Captain Coleman asked several questions to Officer Dodd in regard to agency SOP and departmental policies and procedures. Areas discussed and observed included areas of assignment and rotations, shift schedules and overlap, seatbelt usage, use of mobile terminal, cell phone usage and body camera usage, property and evidence submittal, and court schedules. Also discussed was communication procedures, pursuits inside and outside of the city, report writing, off duty and extra duty assignments, ECO/TDOs, emergency response, traffic check points and training.

While participating in this ride along, I observed a patrol call disturbance at an apartment complex. There were two other patrol officers on scene and the call was turned over to Officer Dodd. The situation was properly handled according to departmental policy procedures

Officer Dodd was competent in answering all questions in a professional and knowledgeable fashion. He has full understanding of department policy and procedures manual and how operations are conducted.



PROPERTY/EVIDENCE VERIFICATION COMPONENT

Property and Evidence was inspected by Captain Coleman and Donna Akers on July 15, 2020. Prior to entering the room both assessors were required to sign-in and sign-out upon leaving. Detective F. Coleman and Detective W. Bergamini were questioned by team members. Team members pulled evidence requested by the assessors and showed verification of the property/evidence and the paperwork. Property/evidence, each room was also equipped with additional security for firearms, valuables and narcotics. The agency uses computerized system for documentation of property. Detective F. Coleman gave, in very meticulous in detail, an overview of the agency's procedures on the handling, packaging and processing of property and evidence. He explained the locations and security of the temporary storage units that officers utilize after-hours. Captain Coleman pulled a random sampling of evidence which included items of "high risk" and items of "general."

Items checked were:

"High Risk" Sensitive items:

- | | | |
|------|-----------|----------------------------|
| 1.) | 20-001076 | Cash 22,009.00 US Currency |
| 2.) | 19-007139 | Handgun CZ, 2075 Rami P |
| 3.) | 19-001568 | Handgun (Taurus 740SLIM) |
| 4.) | 20-002128 | Rifle I.O. Rifle 15 |
| 5.) | 19-004393 | High Point CF 380 |
| 6.) | 19-003321 | Rifle Allied Armament |
| 7.) | 20-001658 | 246.00 Us Currency |
| 8.) | 19-000995 | Coins |
| 9.) | 18-001955 | 1000.00 Us Currency |
| 10.) | 16-000854 | 880.00 Us Currency |

FILE MAINTENANCE

The electronic file management system at the Petersburg Bureau of Police was very efficient, neat, and orderly. The files contained all required forms, pertinent written directives and proofs of compliance.

OVERALL ASSESSMENT OF THE AGENCY

I would like to thank the VLEPSC Commission, Mr. Derrick Mays and VALEAC for providing well-trained and hard-working assessors. “Retired” Captain Coleman and Donna Akers were a tremendous asset to the overall review of the Petersburg Bureau of Police. Also, for the hard work the mock teams’ assessment conducted prior to the on-site. They did an excellent job. This agency continuously displayed a “can do” attitude and truly put their best foot forward leading the way by what they do not just by what they say. Petersburg Bureau of Police was prepared for the official team.

The Petersburg Bureau of Police is a professionally managed law enforcement agency. Every member of the agency was friendly, well informed, and very professional in every contact with the assessment team. These qualities were observed by the team when the officers were seen dealing with the public. Each officer was willing to answer any and all questions put forth by the members of the assessment team. The professionalism and training of the men and women of Petersburg Bureau of Police Office is second to none. The enthusiasm which the officers perform their jobs are highly commendable as is the leadership of the Petersburg Bureau of Police.

We would like to commend Accreditation Manager Randall Griffin and Lieutenant Sherrie L. Johnson for a job well done. They did an outstanding job in preparing for this on-site assessment and caring for the needs of the team. It was apparent that they worked hard to prepare the personnel and presented a professional image, however, this appears to be business as usual for this agency. They conducted three mock assessments of the files. The way their electronic files are set up in Power DMS was the best I have ever seen. The arrangements for the team were superior and each member of the team made comments about the lodging, welcome baskets and the meals provided by the Petersburg Bureau of Police.

I would also like to thank Colonel Kenneth A. Miller for his commitment to the accreditation process. Colonel Kenneth A. Miller demonstrated his commitment to the accreditation process by actively participating in all phases of the assessment and in his interaction with team members. Every member of the Petersburg Bureau of Police was involved in the assessment and appeared to be proud to be a member of the agency. This can be a testament to the leadership of Colonel Kenneth A. Miller.

It is my honor to report that Petersburg Bureau of Police had zero returns during their initial on-site assessment.

Respectfully submitted,

Lt. Tim Brown

Lieutenant Tim Brown
TEAM LEADER



Proclamation

WHEREAS, October is National Breast Cancer Awareness Month; and

WHEREAS, October 16, 2020 is National Mammography Day; and

WHEREAS, about 1 in 8 U.S. women (about 12%) will develop invasive breast cancer over the course of her lifetime; and

WHEREAS, in 2020, an estimated 276,480 new cases of invasive breast cancer are expected to be diagnosed in women in the U.S., along with 48,530 new cases of non-invasive (in situ) breast cancer; and

WHEREAS, about 2,620 new cases of invasive breast cancer are expected to be diagnosed in men in 2020. A man's lifetime risk of breast cancer is about 1 in 883; and

WHEREAS, on an average, every 2 minutes a woman is diagnosed with breast cancer in the United States; and

WHEREAS, according to the Centers for Disease and Prevention (CDC), breast cancer is the second most common cancer among women; and

WHEREAS, Breast Cancer Awareness month is an opportunity to unite all citizens in our community to prevent breast cancer deaths through increased education and regular screening; and

WHEREAS, this October, as we display pink ribbons, or wear pink clothing to raise awareness, we recognize breast cancer survivors, those currently battling the disease, friends families of a diagnosed patient, and applaud the efforts of our medical professionals and researchers working on finding a cure; and

NOW, THEREFORE, I, Samuel Parham, by virtue of the authority vested in me as Mayor of the City of Petersburg, do hereby proclaim

October 2020

as

"NATIONAL BREAST CANCER AWARENESS MONTH"

and

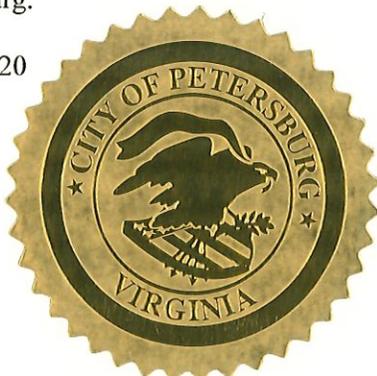
October 16, 2020

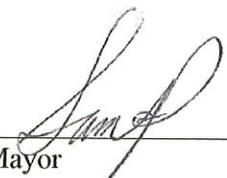
As

"NATIONAL MAMMOGRAPHY DAY"

in the City of Petersburg.

Dated: October 20, 2020





Mayor

ATTEST:


Clerk of Council



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: Aretha Ferrell-Benavides

RE: **City Manager Report - Aretha Ferrell-Benavides, City Manager**

- **Financial and CAFR Update**

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS: None



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Darnetta Tyus

RE: COVID-19 Update

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS: None



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM:

RE: **ARWA Presentation**

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS: None



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Robert Floyd

RE: **Consideration of an appropriation for VRA Series 2015A Utility Revenue Bond for FY 2021 Utility Capital Projects in the amount of \$3,620,000 - 1st Reading**

PURPOSE: To appropriate Virginia Resources Authority (VRA) Bonds for the fiscal year 2021 Utilities Capital Budget in the amount of \$3,620,000.

REASON:

The VRA Series 2015A Utility Revenue Bonds are needed to fund critical infrastructure projects contained in the Utilities FY 2021 Capital Budget. Many of these projects address serious environmental issues resulting from longstanding problems with the city's utility infrastructure.

RECOMMENDATION:

1st Reading

BACKGROUND: The Utility Department has identified the most serious issues facing the Petersburg Utility System. These are projects that council has approved in previous years. A plan has been created to resolve them. The FY 2021 Capital Budget addresses \$3,620,000 which is to be financed with 2015A VRA Bonds previously allocated to the City of Petersburg. It should be noted that the current balance of the 2015A VRA Bonds as of September 30, 2020 is \$5,290,000.

COST TO CITY: N/A

BUDGETED ITEM: Yes

REVENUE TO CITY: 3,620,000

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Utilities

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. FY 2021 Utilities Capital Budget



FY 2021 Utilities Capital Budget

PROJECT	FY 2021 Budget
WATER UTILITY	
Large Water & Sewer Meter Replacement Incl Lids	\$ 400,000
Locks Water Line Replacement	\$ 1,995,000
Mercury Street Tank Rehabilitation	\$ -
Water Master Plan, Engineering and Modeling	\$ 75,000
WATER SUBTOTAL	\$ 2,470,000
WASTEWATER UTILITY	
Equipment	\$ 225,000
Flow Monitoring	\$ 350,000
Infiltration and Reduction Projects (Relining and Repairs)	\$ 150,000
Manhole Inserts	\$ -
Poor Creek Force Main (Design)	\$ 350,000
Sewer Master Plan Phase 3-Engineering & Modeling	\$ 75,000
WASTEWATER SUBTOTAL	\$ 1,150,000
UTILITIES (WATER & WASTEWATER) TOTAL	\$ 3,620,000

	FY 2021
VRA Rev. Bonds 8-31-20 Bal.	\$ 5,290,000
Utilities CIP FY21 Total	\$ (3,620,000)
Remaining Balance End of FY21	\$ 1,670,000

* Note - Funding Source - VRA Series 2015A Revenue Bonds.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Gregory Geist

RE: **Consideration of Department of Mines, Minerals, and Energy Grant Acceptance and Appropriation in the amount of \$254,500- 1st Reading**

PURPOSE: Requesting approval from City Council to accept and appropriate the Department of Mines, Minerals, and Energy Grant in the amount of \$254,500 awarded to the City of Petersburg.

REASON: The City of Petersburg has applied for, and been awarded, grant funding from the Department of Mines, Minerals, and Energy. Per City policy, grants must be authorized by City Council prior to acceptance by the agencies.

RECOMMENDATION: Recommend that Council accept and appropriate the grant funds to be spent in the FY2020-21.

BACKGROUND: The Department of Mines, Minerals, and Energy Grant is an annual grant awarded to Government agencies to convert fuel source to propane in vehicles. Petersburg has applied for funding and the Department of Mines, Minerals, and Energy has accepted the application and awarded funding in the amount of \$254,500. There is no local match to these funds.

COST TO CITY: \$254,500

BUDGETED ITEM: N/A

REVENUE TO CITY: \$254,500

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Hall, Bureau of Police, Area Transit

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

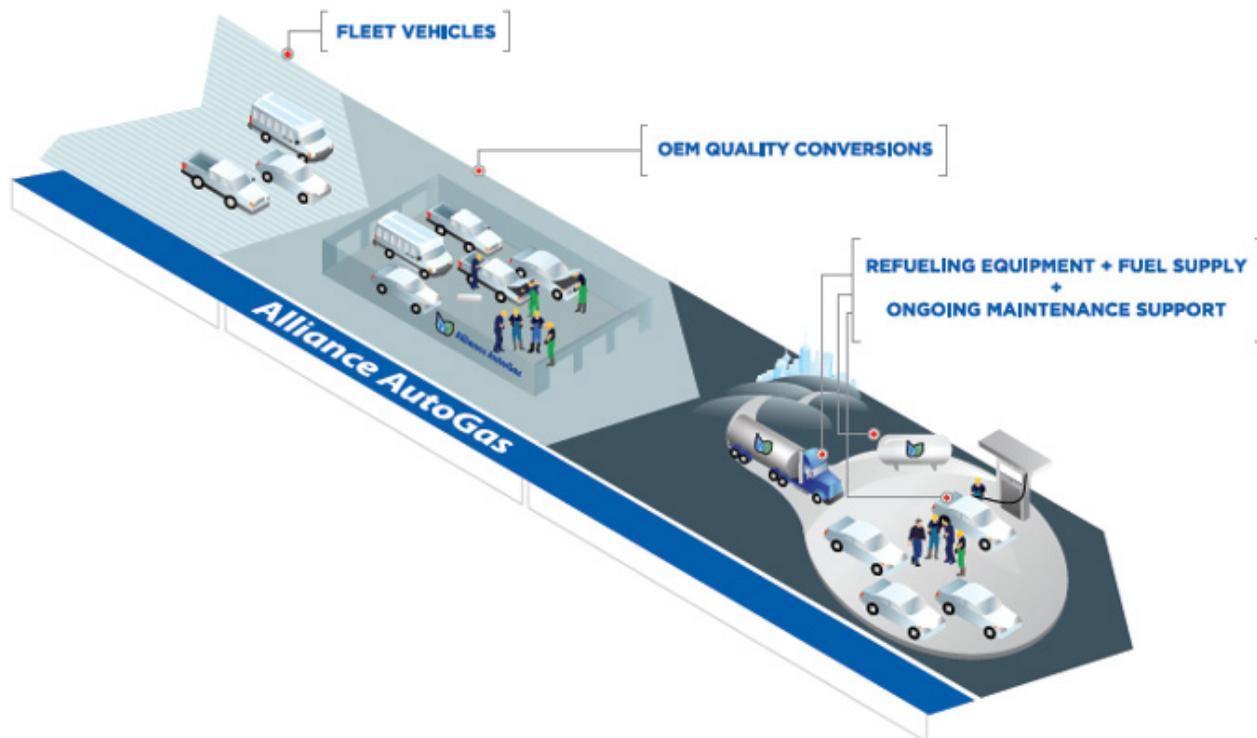
1. AAG-Complete-Solution-and-Quality-One-Pager (1)
2. AAG-Conversion-Process-One-Pager (1)
3. AAG-Infrastructure-Scalability-Data-Management-One-Pager (1)
4. AAG-Key-Facts (1)
5. Buy American 9.29.20

COMPLETE SOLUTION & QUALITY

WHO WE ARE / CONVERSION PROCESS

At Alliance AutoGas, we provide the only complete solution to convert, fuel, train, and manage your autogas fleet. In 2019 alone, Alliance members collectively displaced 16 million gallons of gasoline, producing \$6 million in fuel cost savings for the 417 fleets they service.

- ① Vehicle Technology
- ② Conversions
- ③ Refueling Infrastructure
- ④ Fuel Supply
- ⑤ Maintenance



Our state-of-the-art technology is robust, reliable, and our new conversions are designed for “plug-and-play” installation, meaning less downtime for your fleet, with most vehicles being converted in under 6 hours. Developed for a variety of makes and models, our conversions take less time to install and are EPA certified for your vehicle — meaning they will not void your existing vehicle warranty, in addition to requiring less maintenance. We offer additional peace-of-mind through our 5 year/100,000 mile warranty on new conversion models to show just how confident we are.



Alliance AutoGas proudly offers an EPA certified bifuel solution, reducing range anxiety for our fleets by allowing them to refuel with either propane autogas or gasoline. Offered at zero upfront cost, our systems are installed by Certified Conversion Centers with trained autogas technicians to deliver quality results.

With a wide range of vehicle platforms, we handle everything from the conversion technology and infrastructure to refueling, training and maintenance. In addition, we offer our own “plug and play” System, which significantly reduces cost and conversion time.

BENEFITS OF THE PLUG AND PLAY SYSTEM:

- Dramatic CO₂ emissions reduction- helps fleet managers meet and surpass sustainability initiatives for medium and heavy-duty truck fleets
- System is certified with the U.S. Environmental Protection Agency (EPA) and National Fire Protection Association’s (NFPA) 58 standards
- Labor time cut in half and conversion costs are significantly reduced
- The conversion system is supported by a 5-year, 100,000 mile warranty
- Zero intrusion on the vehicle’s original fuel tank

Our bifuel conversion systems do not void the current warranty on your vehicle, and we also offer our own 5-year, 100,000 mile warranty on our Plug and Play systems just to prove how confident we are.

INFRASTRUCTURE, SCALABILITY & DATA MANAGEMENT



Adopting an alternative fuel shouldn't be a hassle. When Alliance AutoGas converts a vehicle fleet to operate on propane autogas, we provide autogas fueling at no upfront cost to their organization. With scalable onsite and public refueling site options available, we assess each individual fleet's needs. And since autogas infrastructure grows with your fleet, we can make sure fleets have the most success based on fleet size, budget, and facility space.

In addition to refueling, our autogas dispensing stations provide data management opportunities. The Alliance Triton T3MR Dispensing Station allows users to track vehicle data they require such as Driver ID, Vehicle ID, Vehicle Mileage, Gallons pumped and more.

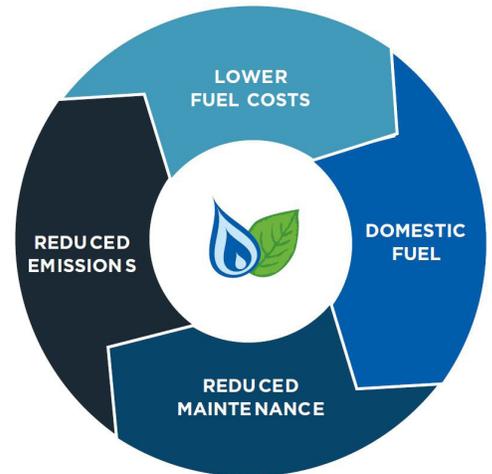
FEATURES OF THE TRITON T3MR INCLUDE:

- Simple user interface
- Cellular-based communication
- User customizable reporting
- Multi-level user access for Alliance members and customers
- Real-time management of cards and fleet resources
- Complete end to end solution
- Daily data file for back office import
- Accommodates multiple fleets/user at a single location



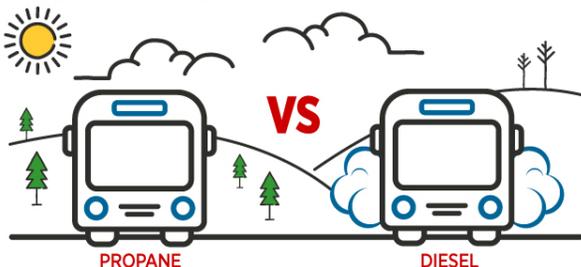
KEY FACTS

- There are over **24 MILLION VEHICLES RUNNING ON PROPANE AUTOGAS WORLDWIDE**, making Propane Autogas the third most-widely-used automotive fuel in the world. The technology has been tested in every condition and has proven itself in the real world.
- **100% OF PROPANE IN THE U.S. IS PRODUCED IN NORTH AMERICA**, increasing America's energy security.
- **PROPANE AUTOGAS COSTS, ON AVERAGE, 30% LESS THAN GASOLINE**. Even during spikes in the price of crude oil, the relationship between the price of gasoline and Propane Autogas has held steady.
- The American Propane Autogas industry has been building an extensive infrastructure for Propane AutoGas supply and distribution for years; **THERE ARE OVER 70,000 MILES OF PROPANE AUTOGAS PIPELINE IN THE U.S.**, and the current distribution capacity far exceeds current demand.
- **PROPANE AUTOGAS IS A SAFER FUEL THAN GASOLINE OR DIESEL IN CASE OF ACCIDENT**; it's less flammable and nontoxic. Thousands of school buses and taxis in the U.S. have already been converted to Propane Autogas.



- **PROPANE AUTOGAS IS A CLEANER TECHNOLOGY**, burning with fewer polluting by-products -- enabling you to be a better corporate citizen and protect public health.

96% **NO_x REDUCTION**
VERSUS CLEAN DIESEL BUS
duty cycle: low speed, stop-and-go route



- **PROPANE AUTOGAS PROVIDES THE LONGEST DRIVING RANGE OF ANY ALTERNATIVE FUEL**. Your fleet will not experience any lack of productivity after conversion.
- You can use the same quality trucks you already own, but get higher performance from them by converting them to Propane Autogas, a cleaner fuel that **EXTENDS ENGINE LIFE AND REDUCES NECESSARY MAINTENANCE**.
- You can add brand new OEM Propane Autogas-powered vehicles, or aftermarket conversion systems.
- You can **CONVERT YOUR EXISTING FLEET INTO FLEXIBLE BI-FUEL** (Gasoline/Propane Autogas) vehicles, and take advantage of both fuel sources.



**CERTIFICATE OF COMPLIANCE
FOR STEEL & IRON ITEMS**
For Compliance with "Buy America" 23 CFR 635.410

Submit this form to DMME in advance of purchase and installation of any equipment used to convert existing vehicles to alternative fuel vehicles anytime the equipment contains steel and iron products (and their coatings). Supporting documentation to demonstrate compliance with Buy America provisions (such as mill test reports, manufacturer/supplier certifications, etc.) shall be organized by Submittal Number and submitted along with this form. Supporting documentation must also be maintained by the contractor until three years after project completion.

Date: 2/4/2020

Buy America Submittal Number _____

VDOT Project No.: TI1802FHWA Project No.: 000S(303)Project Location & Description: Vehicle Fuel Conversion ProgramLocal Government or State Agency: CITY OF PETERSBURGLocal Government or State Agency Project Description: AUTOGAS CONVERSION

Equipment Purchase Contract No.: _____

Equipment Installation Contract No.: _____

The RAPID MANUFACTURING 4347 ANDERSON HWY POWHATAN VA 804-598-7467
(Name of Manufacturer/Supplier) (Street Address) (City, State) (Phone)

has furnished to BLOSSMAN SERVICES 2019 US HIGHWAY 70 SWANNANOVA NC 828-232-0910
(Name of Contractor) (Street Address) (City, State) (Phone)

the following items containing iron or steel for permanent use in the above referenced project:

Bid Item No.	Bid Item Description	Product Description (if only a portion of the Bid Item)	Quantity	Unit (I.F., YD ³ , YD ² , etc.)	Total Cost of Steel and Iron in this Item
F1	UNDERHOOD BRACKETS	STEEL UNDERHOOD BRACKETS	952	CUB INCH	\$912



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Gregory Geist

RE: **Consideration of Edward Byrne JAG Grant Acceptance and Appropriation for \$26,589 - 1st Reading**

PURPOSE: Requesting approval from City Council to accept and appropriate the Edward Byrne JAG Grant in the amount of \$26,589 awarded to the Petersburg Bureau of Police from the Department of Justice.

REASON: Petersburg Bureau of Police has applied for, and been awarded, grant funding from the Department of Justice. Per City policy, grants must be authorized by City Council prior to acceptance by the agencies.

RECOMMENDATION: Recommend that Council accept and appropriate the grant funds to be spent in the FY2020-21

BACKGROUND: The Edward Byrne JAG Grant is an annual grant awarded to Local Police agencies for various enforcement projects. Petersburg has applied for funding and the Department of Justice has accepted the application and awarded funding in the amount of \$26,589. There is no local match to these funds.

COST TO CITY: \$26,589

BUDGETED ITEM: N/A

REVENUE TO CITY: \$26,589

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Bureau of Police

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. AWARD_REPORT (3)



Department of Justice (DOJ)

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 19, 2020

Ms. Aretha Ferrell-Benavides
City of Petersburg
135 North Union Street
Petersburg, VA 23803-3267

Dear Ms. Ferrell-Benavides:

On behalf of Attorney General William P. Barr, it is my pleasure to inform you that the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), has approved the application by City of Petersburg for an award under the OJP funding opportunity entitled "JAG Local: Eligible Allocation Amounts \$25,000 or More." The approved award amount is \$26,589. These funds are for the project entitled Officer Safety Equipment and Technology Upgrade.

The award document, including award conditions, is enclosed. The entire document is to be reviewed carefully before any decision to accept the award. Also, the webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm) is to be consulted prior to an acceptance. Through that "Legal Notices" webpage, OJP sets out -- by funding opportunity -- certain special circumstances that may or will affect the applicability of one or more award requirements. Any such legal notice pertaining to award requirements that is posted through that webpage is incorporated by reference into the award.

Please note that award requirements include not only award conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. Because these requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds), it is vital that all key staff know the award requirements, and receive the award conditions and the assurances and certifications, as well as the application as approved by OJP. (Information on all pertinent award requirements also must be provided to any subrecipient of the award.)

Should City of Petersburg accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Please direct questions regarding this award as follows:

- For program questions, contact Kathy Manning, Program Manager at (202) 616-1722; and
- For financial questions, contact the Customer Service Center of OJP's Office of the Chief Financial Officer at (800) 458-0786, or at ask.ocfo@usdoj.gov.

We look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Katharine T. Sullivan".

Katharine T. Sullivan
Principal Deputy Assistant Attorney General

Encl.



Department of Justice (DOJ)
Office of Justice Programs
Office of Civil Rights

Washington, DC 20531

September 19, 2020

Ms. Aretha R. Ferrell-Benavides
City of Petersburg
135 North Union Street
Petersburg, VA 23803-3267

Dear Ms. Ferrell-Benavides:

Congratulations on your recent award. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, require recipients of federal financial assistance to give assurances that they will comply with those laws. In addition to those civil rights laws, many grant program statutes contain nondiscrimination provisions that require compliance with them as a condition of receiving federal financial assistance. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with OJP and other DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a non-discriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5). Please submit information about any adverse finding to the OCR at the above address.

We at the OCR are available to help you and your organization meet the civil rights requirements that are associated with OJP and other DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to let us know.

Sincerely,

A handwritten signature in black ink that reads "Michael L. Alston".

Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

Grant

PAGE 1 OF 32

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Petersburg 135 North Union Street Petersburg, VA 23803-3267		4. AWARD NUMBER: 2020-DJ-BX-0412	
2a. GRANTEE IRS/VENDOR NO. 546001501		5. PROJECT PERIOD: FROM 10/01/2019 TO 09/30/2023 BUDGET PERIOD: FROM 10/01/2019 TO 09/30/2023	
2b. GRANTEE DUNS NO. 066004375		6. AWARD DATE 09/19/2020	7. ACTION Initial
3. PROJECT TITLE Officer Safety Equipment and Technology Upgrade		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
		10. AMOUNT OF THIS AWARD \$ 26,589	
		11. TOTAL AWARD \$ 26,589	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY20(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.738 - Edward Byrne Memorial Justice Assistance Grant Program			
15. METHOD OF PAYMENT GPRS			
[REDACTED] AGENCY APPROVAL [REDACTED]		[REDACTED] GRANTEE ACCEPTANCE [REDACTED]	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Katharine T. Sullivan Principal Deputy Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Aretha R. Ferrell-Benavides City Manager	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
[REDACTED] AGENCY USE ONLY [REDACTED]			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR X B DJ 80 00 00 26589 FUND CODE B BUD. ACT. DJ DIV. REG. 00 SUB. 00 POMS AMOUNT 26589		21. VDJUGT3435	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 2 OF 32

PROJECT NUMBER 2020-DJ-BX-0412

AWARD DATE 09/19/2020

SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

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PROJECT NUMBER 2020-DJ-BX-0412

AWARD DATE 09/19/2020

SPECIAL CONDITIONS

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2020 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2020 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2020 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

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PROJECT NUMBER 2020-DJ-BX-0412

AWARD DATE 09/19/2020

SPECIAL CONDITIONS

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

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PROJECT NUMBER 2020-DJ-BX-0412

AWARD DATE 09/19/2020

SPECIAL CONDITIONS

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

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PROJECT NUMBER 2020-DJ-BX-0412

AWARD DATE 09/19/2020

SPECIAL CONDITIONS

9. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

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PROJECT NUMBER 2020-DJ-BX-0412

AWARD DATE 09/19/2020

SPECIAL CONDITIONS

any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.



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13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or -subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.



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14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

17. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.



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19. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

23. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.



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24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY20AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.



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27. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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28. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.



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31. Authority to obligate award funds contingent on noninterference (within the funded "program or activity") with federal law enforcement: information-communication restrictions; unallowable costs; notification

1. If the recipient is a "State," a local government, or a "public" institution of higher education:

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded wholly or partly with award funds is subject to any "information-communication restriction."

B. Also, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient, at any tier, described in par. 1.A of this condition) that would be reimbursed wholly or partly with award funds was subject to any information-communication restriction.

C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) described in par. 1.A of this condition, is in compliance with the award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: information-communication restrictions; ongoing compliance."

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient (at any tier) described in par. 1.A of this condition, may be subject to any information-communication restriction. Also, any subaward (at any tier) to a subrecipient described in paragraph 1.A of this condition must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.

2. Any subaward (at any tier) to a subrecipient described in par. 1.A of this condition must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "Noninterference ... information-communication restrictions; ongoing compliance" award condition.

4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the "Noninterference ... information-communication restrictions; ongoing compliance" condition.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference ... information-communication restrictions; ongoing compliance" condition are incorporated by reference as though set forth here in full.



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32. Authority to obligate award funds contingent on no use of funds to interfere with federal law enforcement: information-communication restrictions; unallowable costs; notification

1. If the recipient is a "State," a local government, or a "public" institution of higher education:

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient, at any tier, described in paragraph 1.A of this condition) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction.

C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) described in paragraph 1.A of this condition, is in compliance with the award condition entitled "No use of funds to interfere with federal law enforcement: information-communication restrictions; ongoing compliance."

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient (at any tier) described in paragraph 1.A of this condition, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient described in paragraph 1.A of this condition must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.

2. Any subaward (at any tier) to a subrecipient described in paragraph 1.A of this condition must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "No use of funds to interfere ... information-communication restrictions; ongoing compliance" award condition.

4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the "No use of funds to interfere ... information-communication restrictions; ongoing compliance" condition.

B. Both the "Rules of Construction" and the "Important Note" set out in the "No use of funds to interfere ... information-communication restrictions; ongoing compliance" condition are incorporated by reference as though set forth here in full.



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33. Noninterference (within the funded "program or activity") with federal law enforcement: information-communication restrictions; ongoing compliance

1. With respect to the "program or activity" funded in whole or part under this award (including any such program or activity of any subrecipient at any tier), throughout the period of performance, no State or local government entity, -agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status to/from DHS; or (2) a government entity or -agency from sending, requesting or receiving, or exchanging information regarding immigration status to/from/with DHS, or from maintaining such information. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.

2. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

4. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa.

(5) "DHS" means the U.S. Department of Homeland Security.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.



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34. No use of funds to interfere with federal law enforcement: information-communication restrictions; ongoing compliance

1. Throughout the period of performance, no State or local government entity, -agency, or -official may use funds under this award (including under any subaward, at any tier) to prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status to/from DHS; or (2) a government entity or -agency from sending, requesting or receiving, or exchanging information regarding immigration status to/from/with DHS, or from maintaining such information. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.

2. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

4. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa.

(5) "DHS" means the U.S. Department of Homeland Security.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.



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35. Noninterference (within the funded "program or activity") with federal law enforcement: No public disclosure of certain law-enforcement-sensitive information

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference: No public disclosure of federal law-enforcement information in order to conceal, harbor, or shield

Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no public disclosure may be made of any federal law-enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));

(2) the term "federal law-enforcement information" means law-enforcement-sensitive information communicated or made available, by the federal government, to a State or local government entity, -agency, or -official, through any means, including, without limitation-- (1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;

(3) the term "law-enforcement-sensitive information" means records or information compiled for any law-enforcement purpose; and

(4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded "program or activity") with federal law enforcement: information-communication restrictions; ongoing compliance" award condition are incorporated by reference as though set forth here in full.



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SPECIAL CONDITIONS

36. No use of funds to interfere with federal law enforcement: No public disclosure of certain law-enforcement-sensitive information

SCOPE. This condition applies as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).

1. No use of funds to interfere: No public disclosure of federal law-enforcement information in order to conceal, harbor, or shield

Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no funds under this award may be used to make any public disclosure of any federal law-enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));

(2) the term "federal law-enforcement information" means law-enforcement-sensitive information communicated or made available, by the federal government, to a State or local government entity, -agency, or -official, through any means, including, without limitation-- (1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;

(3) the term "law-enforcement-sensitive information" means records or information compiled for any law-enforcement purpose; and

(4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.

B. Both the "Rules of Construction" and the "Important Note" set out in the "No use of funds to interfere with federal law enforcement: information-communication restrictions; ongoing compliance" award condition are incorporated by reference as though set forth here in full.



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SPECIAL CONDITIONS

37. Noninterference (within the funded "program or activity") with federal law enforcement: Notice of scheduled release

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.

1. Noninterference with "removal" process: Notice of scheduled release date and time

Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual report to Congress on "the number of illegal alien[felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- within the funded program or activity, no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

- B. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

C. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens" award condition are incorporated by reference as though set forth here in full.



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38. No use of funds to interfere with federal law enforcement: Notice of scheduled release

SCOPE. This condition applies as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.

1. No use of funds to interfere with "removal" process: Notice of scheduled release date and time

Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual report to Congress on "the number of illegal alien[felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may use funds under this award to interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

- B. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

C. Both the "Rules of Construction" and the "Important Note" set out in the "No use of funds to interfere with federal law enforcement: Interrogation of certain aliens" award condition are incorporated by reference as though set forth here in full.



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39. Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens

SCOPE. This condition applies with respect to the "program or activity" funded (wholly or partly) by this award, as of the date the recipient accepts the award, and throughout the rest of the award period of performance. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference with statutory law enforcement access to correctional facilities

Consonant with federal law enforcement statutes and regulations--including 8 USC 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain" in the U.S., and 8 CFR 287.5(a), under which that power may be exercised "anywhere in or outside" the U.S.--within the funded program or activity, no State or local government entity, -agency, or -official may interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose of "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition:

(1) The term "alien" means what it means under sec. 101 of the Immigration and Nationality Act (INA) (8 USC 1101(a)(3)), except that, with respect to a juvenile offender, it means "criminal alien."

(2) The term "juvenile offender" means what it means under 28 CFR 31.304(f) (as in effect on Jan. 1, 2020).

(3) The term "criminal alien" means, with respect to a juvenile offender, an alien who is deportable on the basis of-

(a) conviction described in 8 USC 1227(a)(2), or

(b) conduct described in 8 USC 1227(a)(4).

(4) The term "conviction" means what it means under 8 USC 1101(a)(48). (Adjudication of a juvenile as having committed an offense does not constitute "conviction" for purposes of this condition.)

(5) The term "correctional facility" means what it means under 34 USC 10251(a)(7)) as of January 1, 2020.

(6) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that-

(a) is designed to prevent or to significantly delay or complicate, or

(b) has the effect of preventing or of significantly delaying or complicating.



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(7) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(8) A "public" institution of higher education is one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(9) "Program or activity" means what it means under 42 USC 2000d-4a.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.



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40. No use of funds to interfere with federal law enforcement: Interrogation of certain aliens

SCOPE. This condition applies as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).

1. No use of funds to interfere with statutory law enforcement access to correctional facilities

Consonant with federal law enforcement statutes and regulations -- including 8 USC 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 CFR 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- no State or local government entity, -agency, or -official may use funds under this award to interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose of "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition:

(1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (8 USC 1101(a)(3)), except that, with respect to a juvenile offender, it means "criminal alien."

(2) The term "juvenile offender" means what it means under 28 CFR 31.304(f) (as in effect on Jan. 1, 2020).

(3) The term "criminal alien" means, with respect to a juvenile offender, an alien who is deportable on the basis of—

(a) conviction described in 8 USC 1227(a)(2), or

(b) conduct described in 8 USC 1227(a)(4).

(4) The term "conviction" means what it means under 8 USC 1101(a)(48). (Adjudication of a juvenile as having committed an offense does not constitute "conviction" for purposes of this condition.)

(5) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 USC 10251(a)(7)).

(6) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that—

(a) is designed to prevent or to significantly delay or complicate, or



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(b) has the effect of preventing or of significantly delaying or complicating.

(7) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(8) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(9) "Program or activity" means what it means under 42 USC 2000d-4a.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

41. Requirement to collect certain information from subrecipients

Except as provided in this condition, the recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains from the proposed subrecipient responses to the questions identified in the program solicitation as "Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)." All subrecipient responses must be collected and maintained by the recipient, consistent with document retention requirements, and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

42. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).



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43. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

44. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

45. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

46. Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

47. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

48. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.



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49. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

50. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

51. Verification and updating of recipient contact information

The recipient must verify its Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

52. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

53. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.



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54. Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.



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55. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

a. New construction;

b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and

e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bj.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

56. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 30 OF 32

PROJECT NUMBER 2020-DJ-BX-0412

AWARD DATE 09/19/2020

SPECIAL CONDITIONS

57. Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

58. Certification of body armor "mandatory wear" policies

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

59. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

60. Body armor - impact on eligibility for other program funds

The recipient understands that the use of funds under this award for purchase of body armor may impact eligibility for funding under the Bulletproof Vest Partnership (BVP) program, a separate program operated by BJA, pursuant to the BVP statute at 34 USC 10531(c)(5).

61. Reporting requirements

The recipient must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through OJP's GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (<https://bjapmt.ojp.gov/>). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

62. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 31 OF 32

PROJECT NUMBER 2020-DJ-BX-0412

AWARD DATE 09/19/2020

SPECIAL CONDITIONS

63. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

64. JAG FY 2020 - Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2019 [BJA]

Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2019

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2019), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through a Grant Adjustment Notice, the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

65. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

66. Encouragement of submission of "success stories"

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 32 OF 32

PROJECT NUMBER 2020-DJ-BX-0412

AWARD DATE 09/19/2020

SPECIAL CONDITIONS

67. Withholding of funds: Program narrative

The recipient may not obligate, expend, or draw down any award funds until the recipient submits, and OJP reviews and accepts, the program narrative for this award, and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

68. Withholding of funds: Budget narrative or information

The recipient may not obligate, expend, or draw down any award funds until the recipient submits, and OJP reviews and accepts, the required budget information or narrative for the award, and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

69. Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not obligate, expend, or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

70. Withholding of funds: Delinquent reports under OJP awards

The recipient may not obligate, expend, or draw any award funds until it has submitted all delinquent reports for awards funded by OJP -- including required Federal Financial Reports (SF 425), semi-annual performance reports, quarterly performance metrics reports, and final reports -- and OJP issues a Grant Adjustment Notice (GAN) to remove this condition.

All reports must be submitted electronically.

The recipient is encouraged to contact the BJA grant manager for the award with any questions concerning delinquent reports.



Department of Justice (DOJ)

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Petersburg

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <https://www.bja.gov/Funding/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER
2020-DJ-BX-0412

PAGE 1 OF 1

This project is supported under FY20(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)

1. STAFF CONTACT (Name & telephone number)

Kathy Manning
(202) 616-1722

2. PROJECT DIRECTOR (Name, address & telephone number)

Gregory Geist
Captain
37 E. Tabb Street
Petersburg, VA 23803-4518
(804) 732-4222 ext.2708

3a. TITLE OF THE PROGRAM
JAG Local: Eligible Allocation Amounts \$25,000 or More

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

Officer Safety Equipment and Technology Upgrade

5. NAME & ADDRESS OF GRANTEE

City of Petersburg
135 North Union Street
Petersburg, VA 23803-3267

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD
FROM: 10/01/2019 TO: 09/30/2023

8. BUDGET PERIOD
FROM: 10/01/2019 TO: 09/30/2023

9. AMOUNT OF AWARD
\$ 26,589

10. DATE OF AWARD
09/19/2020

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation) and 8) mental health programs and related law enforcement and corrections programs.

This JAG award will be used to support criminal justice initiatives that fall under one or more of the allowable program areas above. Funded programs or initiatives may include multijurisdictional drug and gang task forces, crime prevention and domestic violence programs, courts, corrections, treatment, justice information

sharing initiatives, or other programs aimed at reducing crime and/or enhancing public/officer safety.

NCA/NCF



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager
Lionel Lyons, Deputy City Manager of Development

FROM: Reginald Tabor

RE: **A request to schedule a public hearing and to consider a petition to rezone 550 and 601 Rives Road from A to M-1.**

PURPOSE: To schedule a public hearing and to consider a petition to rezone 550 and 601 Rives Road from A to M-1.

REASON: To comply with legal requirements to hold a public hearing and receive public comment prior to consideration of a petition to rezone property.

RECOMMENDATION: It is recommended that the City Council schedules a public hearing to consider a petition to rezone the property at 550 and 601 Rives Road from A to M-1.

BACKGROUND: The City of Petersburg received a petition from Roslyn Farm Corp, to rezone 601 Rives Rd, T.P. # 102-04-0001, approximately 22.1033 acres and 550 Rives Rd, T.P. #102-050001, 23.659 acres from the B-2, General Commercial District to M-1, Light Industrial District to permit Industrial Development and Distribution land uses. The current Comprehensive Plan 2014 Future Land Use Plan designates that the area is suitable for commercial/industrial uses.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from the development of the vacant property.

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor, Economic Development, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 1007_2020CaseReport20REZ05_Rezoning550and601RivesRoadFinal

TO: Chairman Alexander and Members of the Petersburg Planning Commission

FROM: Reginald Tabor, Interim Planning Director and Sandra A Robinson, Zoning Administrator

SUBJECT: 20 REZ-05
Tax Map Parcel 102-040001; 102-050001
601 and 550 Rives Road, Petersburg, VA. 23805

A petition from Roslyn Farm Corp, represented by owner, Nick Walker to rezone 601 Rives Rd, T.P. # 102-04-0001, approximately 22.1033 acres and 550 Rives Rd, T.P. #102-050001, 23.659 acres from the B-2, General Commercial District to M-1, Light Industrial District to permit Industrial Development and Distribution. The current Comprehensive Plan 2000 suggests that the area is suitable for commercial/industrial uses.

APPLICANT: Rosalyn Farms Corporation

DATE: Delivery to the Planning Department on August 19, 2020 for consideration during the October 7, 2020 meeting of the Planning Commission.

I. APPLICANT'S PROPOSAL

The applicant, Roslyn Farms Corporation, represented by Mr. Nick Walker, owner of the property is proposing to rezone 22.1033 acres and 23.659 acres, a combined total of 45.76 acres located on the North and South sides of 601 and 550 Rives Road which is an approximate lot area of 1,993,305. Both properties are zoned B-2, General Commercial District and because the applicant is in the process of trying to secure an industrial user involved in distribution and warehousing services, the B-2, General Commercial classification does not permit for the operation of such uses therefore, the applicant is pursuing to the rezone the properties.

The proposed rezoning designation M-1, which is Light Industrial zoning designation would permit a range of light industrial uses, such as light manufacturing, trucking, storage, warehousing and production operations. Typically, these type of uses have a lot of truck and vehicular traffic. The traffic can range depending on the extent of the use. It is also reasonable to expect congestion during shift changes and during the day with deliveries. The subject parcels are located off of I-95 at the Rives Road exit ramp. The subject property has approximately eight hundred fourteen (814' to 932' respectively) feet of frontage along the north and south side of Rives Road. The subject property is zoned M-1, Light Industrial District and the Comprehensive Plan 2000 suggests that the property is suitable for commercial/industrial uses. The proposed uses requested, if permitted, will be controlled by zoning conditions and ordinance standards.

The parcels currently are entirely wooded. The parcels are located between I-95 and I-295, along Rives Road with minimal impact on any neighboring residential developments or properties and allows interstate access. The location is excellent for commercial or light industrial activities, as its in close

proximity to the highway and other industrial uses. A specific user has not been identified at the time of application submittal.

The applicant is proposing to provide and maintain a 50' buffer between any adjacent property with existing residences, specifically on the northern end of tax parcel ID 102-040001.

This rezoning request would only allow by-right development. If a use is deemed objectionable as defined in the Zoning Ordinance or as determined by the Zoning Administrator that use will require review and approval by the Planning Commission and City Council.

The development of this land would provide opportunities for additional jobs, and taxes for the City of Petersburg.

II. CHARACTER OF THE AREA

The subject property is immediately adjacent to and surrounded by other undeveloped property currently (located between I-95 and I-295) and abuts the Prince George County line along Rives Road. The I-95 Highway separates the subject parcels from the Shell Service station and Franken Stub German Restaurant, and Heritage Motor Lodge all along Rives Rd on the south side. In addition to The Petersburg Department of Social Services is located to the rear of these properties off Corporate Road and the Petersburg Area Transit provides transportation services to the site.

Existing public utilities (electricity) along Rives Road. Applicant is proposing water, sewer and road improvements.

III. PUBLIC INPUT:

As of the writing of this report, staff has received no telephone calls, e-mails or letters in support or in opposition to the request.

IV. FINDINGS AND STAFF ANALYSIS:

The City's Comprehensive Plan 2000 designates the area for commercial/ Light Industrial uses. Staff recommends approval of the request to rezone both parcels of land identified as 601 Rives Road, Tax Parcel # 102-040001 and 550 Rives Road, Tax Parcel # 102-050001 from B-2, General Commercial to M-1, Light Industrial District.

V. EXHIBITS

Tax Parcel Map Extract

Zoning Map Extract

Applicants Petition

Public Notification Information

CASE NUMBER 20-REZ-05

Applicant: Roslyn Farm Corp.

Nicholas G. Walker

601 & 550 Rives Road

PETITION FOR REZONING OR SPECIAL USE PERMIT

RETURN TO: DEPARTMENT OF PLANNING (CITY HALL, THIRD FLOOR, ROOM 304) WITH THE FILING FEE: \$1,500 (CHECK/MONEY ORDER/CASH) AT THE TIME OF SUBMITTAL

A. Property Information

1. ROSLYN FARM CORPORATION, do hereby petition to rezone the following described properties from zoning district B-2 to zoning district M-1 to permit INDUSTRIAL DEVELOPMENT AND DISTRIBUTION

2. Legal Description: (Use attachment if necessary) - Identify proposed Use
SEE ATTACHED RECORDED DEED RECORDED JUNE 2, 2017

3. Tax Parcel Identification Number(s):	Map	Block	Lot
	<u>102</u>	<u>04</u>	<u>0001</u>
	<u>102</u>	<u>05</u>	<u>0001</u>

4. Current Street Address(es): - (if assigned) 601 RIVES ROAD
550 RIVES ROAD

5. Approximate Area: 1,993,305 TOTAL sq. ft. 45.76 TOTAL acres

6. Public Street Frontage 814' + 932' ft. RESPECTIVELY

7. A boundary plat of this property outlining the area to be rezoned shall be attached to this petition.

8. The following deed restrictions may affect the use of this property:

50' BUFFER WILL BE MAINTAINED BETWEEN ANY ADJACENT PROPERTY WITH EXISTING RESIDENCES SPECIFICALLY ON THE NORTHERN END OF PARCEL # 102-04-0001. VEGETATIVE BUFFER / SECURE FENCE WILL BE USED FOR SECURITY AND TO OBSTRUCT VISIBILITY TO PROPERTY FROM ADJACENT PROPERTY. SIGNAGE WILL BE ALLOWED IDENTIFYING BUSINESS ALONG RIVES ROAD AND I-95.

9. Brief:

Said deed restrictions will expire on : WILL STAY WITH PROPERTY

B. JUSTIFICATION FOR REZONING

1. The proposed change in zoning is necessary for the preservation and enjoyment of a substantial property right because: (A detailed statement of reasons why the proposed rezoning should be granted).

PROPERTIES ARE LOCATED BETWEEN I-95 AND I-295, ALONG
RIVES ROAD WITH MINIMAL IMPACT ON NEIGHBORING RESIDENTIAL
DEVELOPMENTS TO GAIN INTERSTATE ACCESS. PROPERTIES ARE
PART OF A LARGER DEVELOPMENT TO ATTRACT LARGE
INDUSTRIAL DEVELOPMENT

2. The material impact of the proposed rezoning will not be detrimental to the public welfare of the City nor to adjacent property owner(s) or properties located within the nearby vicinity because: (Specify reasons to substantiate this statement).

PROPERTIES ARE ADJACENT TO I-95 AND RIVES ROAD.
SURROUNDED BY LIMITED RESIDENTIAL DEVELOPMENT, THAT DOES
NOT NEED TO BE CROSSED FOR INTERSTATE ACCESS.

3. The proposed rezoning will be advantageous to the City and benefit the welfare of the general public because: (Specify reasons to substantiate this statement).

CLOSE PROXIMITY TO INTERSTATE 95 WITHOUT CROSSING
RESIDENTIAL PROPERTY. EXISTING UTILITIES (ELECTRICITY) ALONG
RIVES ROAD WITH APPLICANT PROPOSING WATER, SEWER AND
ROAD IMPROVEMENTS.

4. The proposed rezoning is necessary because suitable property for the proposed use is not presently situated within required existing zoning districts. (Specify reasons for this determination).

CURRENT AGRICULTURAL ZONING PROHIBITS INDUSTRIAL DEVELOPMENT,
RESTRICTING TAX REVENUE AND JOB CREATION

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

PETERSBURG BATTLEFIELDS FOUNDATION, INC.

P.O. Box 1975

PRINCE GEORGE, VA 23875

CURLY JOE AND NICOLE CHRISTOPHER, JR.

3569 FRONTAGE ROAD

PETERSBURG, VA 23805

For additional names, use back of sheet

LESS AND EXCEPT any portion thereof conveyed to the Commonwealth of Virginia by deed dated June 20, 1985, and recorded in the Prince George Clerk's Office on November 8, 1985, in Deed Book 280, page 447.

Parcel 4 - Prince George Tax Map Parcel 330(0A)00-024-A

ALL that certain parcel of land, with any and all improvements thereon and appurtenances thereto belonging, containing 15 acres, more or less, lying along the southerly line of Rives Road (State Route 629) and the westerly line of Interstate 295 in Rives Magisterial District of Prince George County, Virginia.

Parcel 5 - Petersburg Tax Map Parcel 102-04-0001

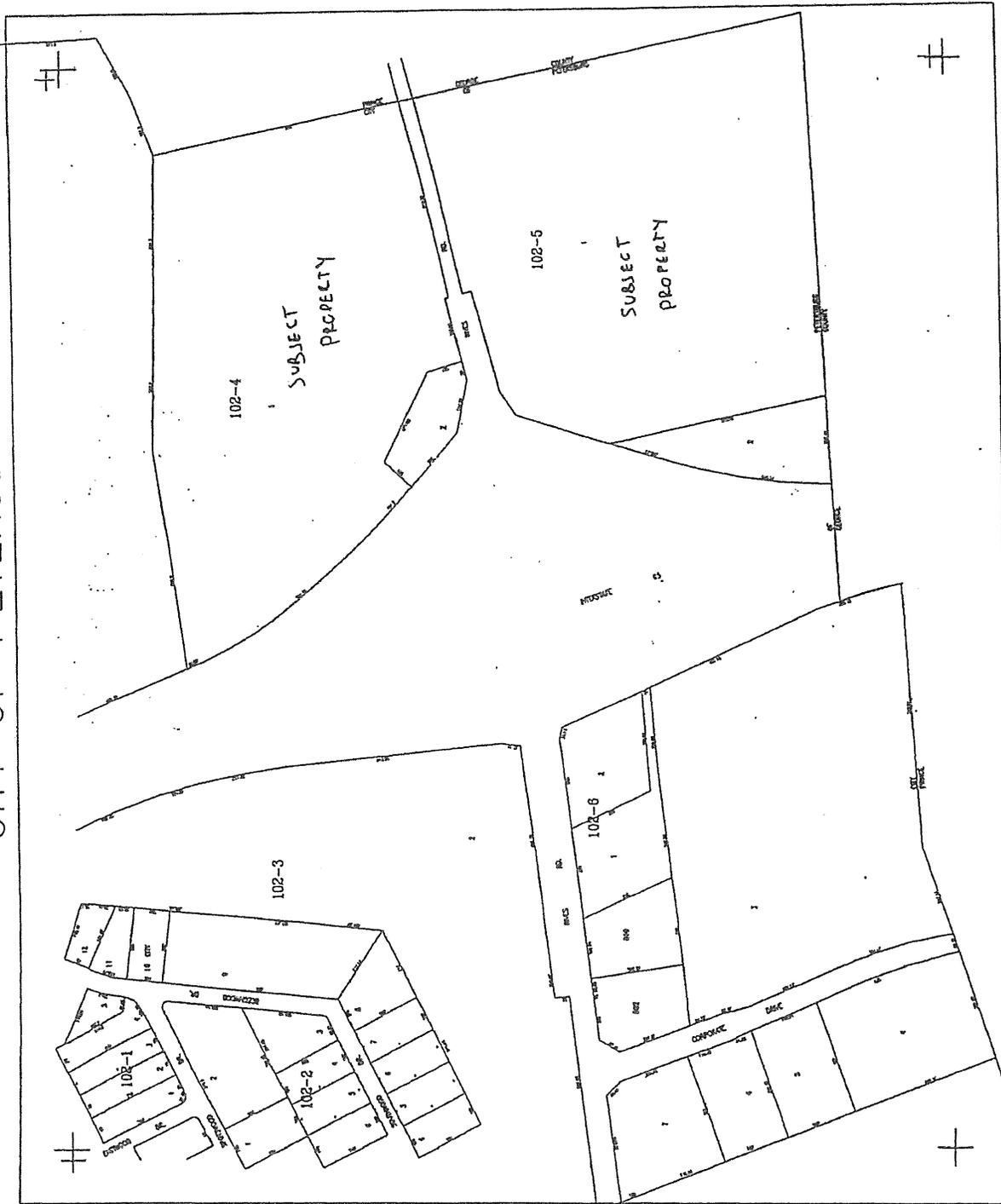
ALL that certain parcel of land, with any and all improvements thereon and appurtenances thereto belonging, lying and being in the City of Petersburg, Virginia, and containing 22.1033 acres, designated as Parcel "A" on that plat entitled "Plat No. 1, Plat Showing Property Owned by John H. and Rheta N. Burks on the North Side of Rives Road (Route 629) East of Interstate 95, Petersburg, Virginia, and Rives District, Prince George County, Virginia," made by Richard A. Bristow C.L.S., dated August 3, 1977, revised June 20, 1978 and August 7, 1978, and recorded in the Clerk's Office of the Circuit Court of the City of Petersburg, Virginia ("the Petersburg Clerk's Office"), in Plat Book 4, page 108, to which plat reference is hereby made for a more particular description of the property.

Parcels 1 through 4 above (with the exception of the City of Petersburg portion of Parcel 3) were conveyed to Richard E. Holland, Jr. Properties, LLC, a Virginia limited liability company, by Deed dated April 18, 2012, and recorded in the Prince George Clerk's Office on May 2, 2012, as Instrument Number 120001438. Parcel 5 above and the City of Petersburg portion of Parcel 3 were conveyed to Richard E. Holland, Jr. Properties, LLC, a Virginia limited liability company, by Deed dated April 26, 2012, and recorded in the Petersburg Clerk's Office on May 2, 2012, as Instrument Number 120001121.

INSTRUMENT 170001622
RECORDED IN THE CLERK'S OFFICE OF
PRINCE GEORGE ON
June 21 2017 AT 11:45 AM
\$1637.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-602 OF THE VA. CODE
STATE: \$1100.00 LOCAL: \$737.00
BISHOP KNOTT, CLERK
RECORDED BY: JZC

RS

CITY OF PETERSBURG



SCALE: 1" = 100'



MAP 102

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

PETERSBURG BATTLEFIELDS FOUNDATION, INC.

P.O. BOX 1975

PRINCE GEORGE, VA 23875

CURLY JOE AND NICOLE CHRISTOPHER, JR.

3569 FRONTAGE ROAD

PETERSBURG, VA 23805

For additional names, use back of sheet

67% in Prince George County - 33% in the City of Petersburg

Document Prepared by:
W. RICHARD HAIRFIELD, VSB#14903
HAIRFIELD MORTON, PLC
TITLE COMPANY: CHICAGO TITLE INSURANCE COMPANY

Map Parcel Nos:
Prince George: 330(OA)00-015-0; 330(OA)00-016-0; 330(OA)00-018-0;
330(OA)00-019-0; 330(OA)00-020-0; 330(OA)00-024-A
Petersburg: 102-04-0001; 102-05-0001

THIS DEED made this 30th day of May, 2017, by and between **RICHARD E. HOLLAND, JR. PROPERTIES, LLC** a Virginia limited liability company (the "Grantor"), and **ROSLYN FARM CORPORATION**, a Virginia corporation (the "Grantee").

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the Grantee to the Grantor, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant and convey with **SPECIAL WARRANTY AND ENGLISH COVENANTS OF TITLE** to the Grantee, in fee simple, the following described real estate, to-wit:

See attached Schedule "A"

This conveyance is made expressly subject to any and all easements, restrictions, reservations, covenants and/or agreements of record applicable to the property hereby conveyed.

WITNESS the following signature and seal:

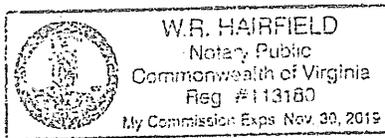
RICHARD E. HOLLAND, JR. PROPERTIES, LLC

By *Linda H. Allen* (SEAL)
Linda H. Allen, Manager

Commonwealth of Virginia
City/County of *Deshield*, to-wit:

The foregoing instrument was acknowledged before me this *1st* day of *June*, 2017 by Linda H. Allen, Manager of Richard E. Holland, Jr. Properties, LLC.

My commission expires: *11/30/19*



[Signature]
Notary Public

Grantee Address:

Roslyn Farm Corporation, P.O. Box 727, Colonial Heights, VA, 23834

Schedule "A"

Parcel 1 - Prince George Tax Map Parcel 330(0A)00-015-0

ALL that certain parcel of land, with any and all improvements thereon and appurtenances thereto belonging, lying and being in Rives Magisterial District, Prince George County, Virginia, containing 18.265 acres, designated as Parcel "B" on that plat entitled "Plat No. 1, Plat Showing Property Owned by John H. and Rheta N. Burks on the North Side of Rives Rd. (Rte. 629) East of Interstate 95, Petersburg, Va., & Rives District, Prince George Co., Va.," made by Richard A. Bristow, C.L.S., dated August 31, 1977, revised June 20, 1978 and August 7, 1978, and recorded in the Clerk's Office of the Circuit Court of Prince George County ("the Prince George Clerk's Office") in Plat Book 17, page 15, to which plat reference is hereby made for a more particular description of the property.

Parcel 2 - Prince George Tax Map Parcel 330(0A)00-016-A

ALL that certain parcel of land, with any and all improvements thereon and appurtenances thereto belonging, lying and being in Rives Magisterial District, Prince George County, Virginia, containing 10.5711 acres, designated as Parcel "D" on that plat entitled "Plat No. 2, Plat Showing Property of John H. and Rheta N. Burks, on East & West Side of Interstate 95, South of Rives Road, Petersburg, Va. & Prince George, Virginia," made by Richard A. Bristow, C.L.S., dated May 19, 1977, revised June 20, 1978 and August 7, 1978, and recorded in the Prince George Clerk's Office in Plat Book 17, page 16, to which plat reference is hereby made for a more particular description of said property; LESS AND EXCEPT the portion thereof conveyed to the Commonwealth of Virginia by deed dated June 20, 1985, and recorded in the Prince George Clerk's Office on November 8, 1985, in Deed Book 280, page 447.

Parcel 3 - Prince George Tax Map Parcels - 330(0A)00-018-0, 330(0A)00-019-0 and 330(0A)00-020-0; Petersburg Tax Map Parcel - 102-050001

ALL that certain parcel of land, with any and all improvements thereon and appurtenances thereto belonging, lying and being partially in Rives Magisterial District, Prince George County, Virginia, and partially in the City of Petersburg, Virginia, and containing 143.4 acres, as shown on that plat entitled "Plat Showing Property Owned By Frank T. Plummer, Rives Dist., Prince George County, Virginia," made F.D.P. Bruner, dated February 20, 1945, and recorded in the Prince George Clerk's Office in Plat Book 8, page 130;

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LESS AND EXCEPT 2 acres conveyed to James Hill by deed from Ernest and Josephine Harrison recorded in the Prince George Clerk's Office in Deed Book 144, page 291, and designated as Parcel 1 on that plat entitled, "Plat of 3 Lots on Ernest Harrison Land in Rives District, Prince George County, Virginia," made by H. L. Butterworth, C.L.S., dated April 19, 1951, and recorded in the Prince George Clerk's Office in Plat Book 9, page 110; and

LESS AND EXCEPT 3 lots containing in the aggregate 2-1/2 acres conveyed to J. H. Binford and wife by deed from Ernest Harrison and wife recorded in the Prince George Clerk's Office in Deed Book 151, page 386, and designated as Parcels 2, 3 and 4 on that plat entitled "Map Showing 4 Lots on the Property of Ernest Harrison in Rives District, Prince George County, Virginia," made by L. D. Pritchard, CPE, dated May 27, 1954, and recorded in the Prince George Clerk's Office in Plat Book 10, page 29; and

LESS AND EXCEPT 2 acres conveyed to Olander Lee Harrison by deed from Ernest Harrison and wife recorded in the Prince George Clerk's Office in Deed Book 167, page 115, and shown on that plat entitled "Map Showing Two 2.0 Acre Tracts Surveyed and Cut From the Ernest Harrison Property," made by L. D. Pritchard, Civil Engineer and Surveyor, dated December 31, 1959, and recorded in the Prince George Clerk's Office in Plat Book 11, page 130; and

LESS AND EXCEPT that parcel containing 0.85 acre acquired by the Commonwealth of Virginia by certificate of take dated May 19, 1958, recorded in the Prince George Clerk's Office on May 31, 1958, in Deed Book 162, page 503, and order confirming the same recorded in the Prince George Clerk's Office on September 9, 1959, in Deed Book 166, page 86; and

LESS AND EXCEPT that parcel containing 0.73 acre acquired by the Commonwealth of Virginia by deed dated September 16, 1976, and recorded in the Prince George Clerk's Office on November 12, 1976, in Deed Book 228, page 124; and

LESS AND EXCEPT that parcel containing 3 acres, more or less, acquired by the Commonwealth of Virginia by certificate of take dated October 30, 1985, recorded in the Prince George Clerk's Office on December 4, 1985, in Deed Book 280, page 869, and order confirming the same entered July 27, 1987 and recorded in the Prince George Clerk's Office in Deed Book 298, page 917; and

24



City of Petersburg

Department of Planning and
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia 23803

Sandra A Robinson
Zoning Administrator
804-733-2308
srobinson@petersburg-va.org

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Dear Owner, Agent or Occupant of each parcel involved; abutting and immediately across the street or road from the property affected:

550 Rives Road Parcel ID: 102-050001; 601 Rives Road Parcel ID: 102-040001

Notice is hereby given to all interested persons that the City of Petersburg Planning Commission will hold a public hearing on Wednesday, October 7, 2020 beginning at 6:00 p.m. in the Petersburg Area Transit Building via a virtual hearing environment.

20-REZ-05: Request of Nick Walker of Roslyn Farm Corporation to rezone 550 Rives Road, T. P. 102-050001, 23.650 acres, and 601 Rives Road, T. P. 102-040001, 22.1 acres from B-2, General Commercial District to M-1, Light Industrial district to attract an industrial or distribution user. The subject properties are located between I-95 and I-295, along Rives Road.

Information and related material concerning these requests may be examined on the Planning Commission Website: <http://www.petersburgva.gov/119/Planning-Commission>, or by contacting the Department of Planning and Community Development at (804)733-2308.

All interested persons shall have the opportunity to be heard at said public hearing.

Should you have any questions or need additional information about this matter, please contact the Department of Planning & Community Development, City Hall, Room 304, via telephone at (804)733-2308 or via email at pcd@petersburg-va.org. The Planning Dept. is open from 8:30-5:00 pm, Monday - Friday.

Reginald Tabor, Interim Director
Department of Planning & Community Development

ROSLYN FARM CORPORATION
NICK WALKER
T. P. 102-040001 & 102-050001
2020 REZ-05 (REZONE: A TO M-1)

601 Rives Rd.
550 Rives Rd.

Roslyn Farm Corp.
Nicholas G. Walker
P. O. Box 727
Colonial Heights, VA 23834

Roslyn Farm Corp.
Nicholas G. Walker
P. O. Box 727
Colonial Heights, VA 23834

Occupant
501 Rives Road
Petersburg, VA 23805

Petersburg Battlefield Foundation, Inc.
P. O. Box 1975
Prince George, VA 23875

Occupant
550 Rives Road
Petersburg, VA 23805

Joe Curly Christopher, Jr.
Nicole Laux Christopher
3569 Frontage Rd.
Petersburg, VA 23803

Berkeley Estates Holdings, Co.
P. O. Box 410
St. Stephens Church, VA 23148

Occupant
3601 Frontage Rd.
Petersburg, VA 23805

PC MEETING DATE: OCTOBER 7, 2020 @ 6:00 P.M.
APPLICANT: ROSLYN FARM CORP. – NICK WALKER
2020 REZ-03
USE: Rezone: "A"; R"-1" (Agricultural District to "M-1"
(Light Industrial District)
T. P. 102-040001 & 102-050001

102040001

Map Block Lot

1 of 1 CARD

RESIDENTIAL Petersburg

Total Card / Total Parcel
APPRaised: 252,300/ 252,300
USE VALUE: 252,300/ 252,300
ASSESSed: 252,300/ 252,300



Patriot Properties Inc.

USER DEFINED

IN PROCESS APPRAISAL SUMMARY

Table with columns: Use Code, Land Size, Building Value, Yard Items, Land Value, Total Value, Legal Description, User Acct. Includes details for parcel 400 and lot size 962676.000.

PREVIOUS ASSESSMENT

Table with columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date. Shows assessment history from 2013 to 2020.

SALES INFORMATION

Table with columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes. Lists sales for RICHARD E HOLLAND and HOLLAND R E JR.

BUILDING PERMITS

Table with columns: Date, Number, Descr, Amount, C/O, Last Visit, Fed Code, F. Descr, Comment. Includes a note: VERIFICATION OF VISIT NOT DATA.

LAND SECTION (First 7 lines only)

Table with columns: Use Code, Description, LUC Fact, No of Units, Depth/Price/Units, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh Infl, Neigh Mod, Neigh Infl, % Inf 1, % Inf 2, % Inf 3, Appraised Value, % Alt Class, Spec Land, J Code, Fact, Use Value, Notes. Includes details for 400 Comm Vac.

Summary table with columns: Total SF/ISM, Parcel LUC, Comm Vac, Prime NB Desc, Crater Roa, Total, Spl Credit, Total, Total. Values: 22,10000, 400, 400, Crater Roa, 722,007, 722,007, 722,000.

PROPERTY LOCATION

No 601 Direction/Street/City RIVES RD, PETERSBURG

OWNERSHIP

Owner 1: ROSLYN FARM CORPORATION
Owner 2:
Owner 3:
Street 1: PO BOX 727
Street 2:

Town/City: COLONIAL HEIGHTS

St/Prov: VA Cntry: Own Occ: Type:

PREVIOUS OWNER

Owner 1: RICHARD E HOLLAND - JR PROPERTIES LLC
Owner 2: -
Street 1: 203 HOLLYPORT RD
Town/City: RICHMOND
St/Prov: VA Cntry: Postal: 23229

NARRATIVE DESCRIPTION

This Parcel contains 962,676 SQUARE FEET of land mainly classified as Comm Vac

OTHER ASSESSMENTS

Table with columns: Code, Description/No, Amount, Com. Int.

PROPERTY FACTORS

Table with columns: Item Code, Description, % Item, Code, Description. Includes items like B-2, water, Sewer, Electri, Exmpt, Topo, Street, Gas.

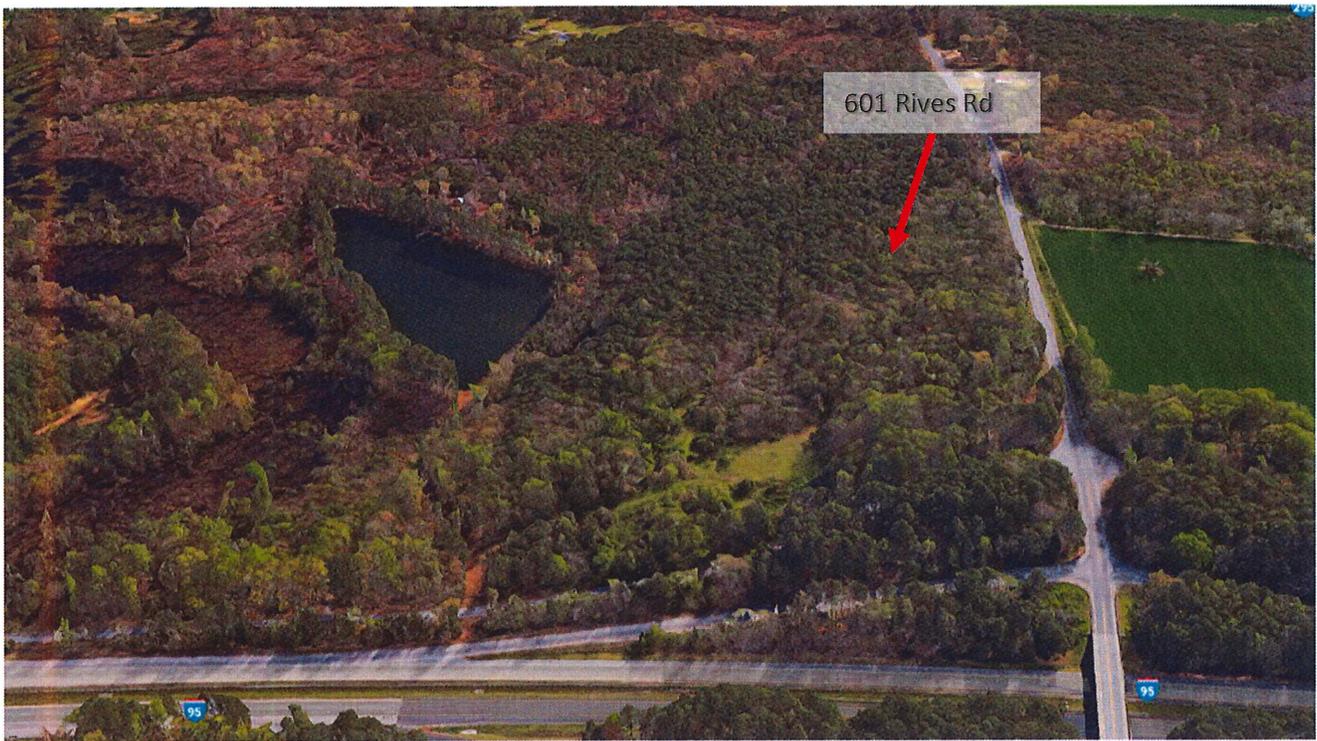
550 Rives Road - Parcel ID: 102050001





550 Rives Rd

601 Rives Rd - Parcel ID: 102040001







City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager
Lionel Lyons, Deputy City Manager of Development

FROM: Reginald Tabor

RE: **A request to schedule a public hearing and to consider a petition to rezone 235, 243, 247 Hinton Street from R-3 to PUD.**

PURPOSE: For the City Council to schedule a public hearing to receive public comment and to consider a petition to rezone the properties at 235, 243, 247 Hinton Street from R-3 to PUD.

REASON: To comply with legal requirements to hold a public hearing and receive public comment prior to consideration of a a petition to rezone property.

RECOMMENDATION: It is recommended that the City Council schedules a public hearing and considers a petition to rezone the properties at 325, 243, 247 Hinton Street from R-3 to PUD.

BACKGROUND: The City of Petersburg received a petition from Mr. Dale and Mrs. Linda Pittman to rezone the properties at 235 Hinton, T.P. #010-220027; 243 Hinton Street, T.P.# 010-220028 and 247 Hinton Street, T.P. #010-220029, from R-3, Two-Family Residence District to PUD, Planned Unit Development District. The rezoning is requested to permit a mixed-use development that would include multifamily residential and light intensity commercial uses for the purpose of hosting weddings, and other civil and social gatherings. The rooms would function as an Inn.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from the development and use of the vacant property.

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor, Economic Development, Planning and Community Development.

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 1007_2020CaseReport20REZ06_Rezoning235_243and247HintonStreetFinal

REZONING REPORT SUMMARY

TO: Chairman Alexander and Members of the Petersburg Planning Commission

FROM: Reginald Tabor, Interim Planning Director and Sandra A Robinson, Zoning Administrator

SUBJECT: Case 20-REZ-06

Tax Map Parcel 010-220027; 010-220028; 010-220029

235, 243 and 247 Hinton Street, Petersburg, VA. 23803

A petition by Mr. Dale and Linda Pittman to rezone 235 Hinton, T.P. #010-220027; 243 Hinton Street, T.P.# 010-220028 and 247 Hinton Street, T.P. #010-220029, from R-3, Two-Family Residence District to PUD, Planned Unit Development District. The rezoning is requested to permit a mixed-use development that would include multifamily residential and light intensity commercial uses for the purpose of hosting weddings, and other civil and social gatherings. The rooms would function as an Inn.

APPLICANT: Dale and Linda Pittman of 410 High Street Petersburg, Virginia

DATE: Delivery to the Planning Department on September 18, 2020 for consideration during the October 7, 2020 meeting of the Planning Commission.

I. APPLICANT'S PROPOSAL

The applicants propose the conversion of three (3) existing homes of which is Strawberry Hill, built in 1792 and in 1970 the historic structure was close to destroyed due to neglect. The Historic Petersburg Foundation partnered with the City of Petersburg and the Commonwealth of Virginia to determine a plan for preservation. The first test of Virginia Law was to keep Virginia's architectural treasures from being carried off to other locales involved Strawberry Hill and the City of Petersburg. Mr. Joe Miller was deeded the property with the agreement that he would restore the property to its original integrity however, none of that would have been possible without the citizens of Petersburg working to save Strawberry Hill. Allowing both visitors and the citizens of Petersburg to benefit from the community energy that rescued the house, Strawberry Hill should be rezoned from residential to a mixed use to a PUD (Planned Unit Development) which would permit a compatible blend of different activities as mentioned above, such uses being an event space, welcoming tourists and hosting weddings and civic gatherings. The subject homes were built originally, to serve as a single family residence in a rural setting that now has lost its landscape due to urbanization/industrialization of neighborhoods, which has made itself difficult for a single family dwelling to remain as a single family dwelling and when lots had been divided several times. This is true of Strawberry Hill a

single-family residence which is out of place, located in and near the City's residential, commercial and industrial corridors. Strawberry Hill no longer lends itself to being utilized as a single family structure due to size, historic covenants and easements prevent the house from being significantly modified and the encroachment of other urban functions have removed the pastoral quality that Strawberry Hill once portrayed. The property had been marketed for sale for several years, but unfortunately, the owner could not locate an interested buyer. The rezoning of Strawberry Hill and the two homes located on the immediate west side of Strawberry Hill would retain the historic nature and afford the properties the investment need to restore them.

Strawberry Hill is located within the City of Petersburg's Enterprise Zone. The Enterprise Zone program is managed by the Virginia Department of Housing & Community Development (DHCD). The program is designed to offer state and local incentives for businesses to locate or expand within the designated Enterprise Zoned areas. The subject properties identified within this rezoning request are located within the Enterprise Zone. The proposed use would be used as an Inn, in which all three (3) of the lots 235, 243 and 247 Hinton Street would be managed as a single rental operation.

The ground floor level of each of the properties would contain business or retail space, while the upper floors would be utilized for short and/or long-term residential space. The proposed rezoning of a PUD would allow the flexibility to accommodate for office, institutional, light commercial and residential activities.

The large commercial building addressed as 201-225 Hinton Street, further identified as T.P. 010-220025 located to the east of Strawberry Hill on the corner of Market Street and Hinton Street was rezoned from M-1, Light Industrial District to R-5(C) Multiple-Dwelling with conditions. That development cannot build more than 106 multifamily units, Hinton Street Lofts shall contain only 1 and 2 bedroom units and at least 50% of the units shall be 1 bedroom, there should be no 3 or 4 bedroom units included as part of Hinton Street Lofts. Accessory uses were to include storage, parking, and recreational areas. It was proposed and approved that they cannot allow for more than ten (10) parking spaces along the west side of the building, which is along the east side of Strawberry Hill. This building is currently vacant.

Property across Davis Street, to the west of the three properties in question is an empty, vacant lot. The property located to the north of the subject location is zoned and used for industrial/manufacturing purposes and there is some vacant land in between.

Parking will be provided along the rear of the properties and overflow parking has been discussed with representatives of First Baptist Church across the street from the subject property. The rezoning would not be detrimental to the public welfare of the city nor to adjacent property owners or properties because the Inn will be managed in a way to make it an asset to the neighborhood and would provide services that compliment the uses already in the community.

The three properties, 235, 243 and 247 Hinton Street are all structures of historic and architectural significance and located within the Folly Castle Historic District. All of them have been utilized as multi-family units for most of their history. The properties were originally constructed as duplexes. This area of Hinton Street has been in transition for the past several years and continues to evolve. The City of Petersburg Public Library is located across the street on the southeast corner of Hinton and Market Streets. The Petersburg Public Library is scheduled to expand in the near. This project incorporates the construction of an auditorium/meeting rooms on the rear of the existing building along Market Street and Hinton Street. Restoration of these properties is suitable for the area in which they are located, employing uses that are more compatible than that of a single family residence as the structures are too large to maintain for single family use making them not viable to remain as Single-family residences. Allowing the properties to be utilized as event space to accommodate larger, public groups or social gatherings is better suited for the property and is consistent within the 200 block of Hinton Street.

The three properties have approximately 32,139 square feet of lot area and .74 acre parcel of land. The parcel has a street frontage of 211.90 feet along Hinton Street and 125.2 feet along Davis Street. The rear yard has approximately 258.95 feet in addition to what appears to be an alley. The property along the west side of Davis Street is currently zoned R-3, Two Family Residence District and a few of these properties are vacant and others are utilized as both single-family and two-family residences

It is the request of the applicant/developer to convert or reuse (repurpose) the existing structures to accommodate up to 14 dwelling units and commercial uses.

Occupancy of the building has not been achievable under the existing zoning regulations and prolonged vacancy has made it a challenge to maintain the structure and puts it at further risk of deterioration.

The conversion of the buildings for up to 14 dwelling units cumulatively, is proposed. The properties are currently under full renovation to bring them back to life as livable spaces.

II. CHARACTER OF THE AREA

The parcels in the vicinity of this parcel adjacent to the North are zoned M-1, Light Industrial, B-2, General Commercial District to the south, B-3, Central Commercial District along the eastern side of N. Market Street and R-3, Two-Family Residential District along the southside of Hinton Street from Davis Street to South Jones Street. There are approximately 6 Multi-family developments in the vicinity of the property for rezoning. Those apartments are as follows: 1) The High Street Lofts units – Phase II; 2) High Street Lofts units– Phase IV, 3) High Street Lofts units – “Old Town 2 RA LP”; 4) Old Town 2 RA LP (Retail/Residential) Charlottes; 5) Commerce Street Apartments; 6) Lundsford Holdings

LLC; and 7) DF Lundsford Construction LLC. The number of units in each complex varies from 5 and above. 8) Union Street Flats along Union Street 9) Union Pen Lofts LLC formerly Arnold Pen 10) Brighton Manor Investors LLC. Each of the properties except Commerce Street, Brighton Manor and Union Flats, did not require a rezoning. Star Tobacco Loft and Perry Street Lofts are located within a 3000 foot radius from the subject rezoning.. There are clusters of homes in the area still being used as single-family and two-family residences (duplex) as well as apartments. (See Site Plan, depicting Zoning Information.) There are scattered B-2, General Commercial District designation's in the area of the request to rezone.

The site is currently served by water and sewer, and there is no indication the reuse of the properties in this capacity would overburden existing facilities.

The subject property is located near several professional, business and retail establishments. The property is centrally located to all major thoroughfares including Fort Lee, Army base.

The City's Current Comprehensive Plan, updated in 2014 Future Land Use Plan. The City has rezoned several properties in the area for the repurposing or reuse of structures such as medium and high density residential. The development of these structures has added to the quality of the rental housing stock in the City and the revitalization and redevelopment of underutilized lots and buildings.

III. ZONING ORDINANCE

Article 26. "PUD" Planned Unit Development District of the Zoning Ordinance offers developers the opportunity to overcome traditional zoning limitations, and is intended to encourage innovative design approaches to large-scale subdivisions or development. The purpose of this article is to establish procedures and standards for planned unit developments in order to achieve the following objectives:

- 1) Promote the use of land planning and design techniques that will result in the efficient, economical, and convenient arrangement of differing land uses, including residential and commercial, and supporting infrastructure;
- 2) Encourage flexibility in design to retain natural features, including but not limited to floodplains, steep slopes and unique geological formations as well as historical and archeological areas;
- 3) Provide the reservation of land for the public or private community facilities, including open space for scenic and recreational use; and
- 4) Encourage the creation of a variety of residential uses and compatible neighborhood arrangements that give the home occupant greater choice in the selection of types of environment and housing units.

IV. FINDINGS

The proposed rezoning will not impact the public welfare of either the neighborhood or the City as the proposed reuse of the property for the conversion to up to 14 dwelling units is a reasonable density and provides for density that are compatible with other uses in the area/neighborhood.

Off-street parking is provided on the current property for each of the proposed uses minimizing significant impacts related to traffic or parking in the neighborhood.

The proposed rezoning and reuse of the structures would prevent any further deterioration of a historically significant structure and removes the potential for the unoccupied building to be classified as "Blight."

The request will provide for new, unique and desirable market rate housing options to the City of Petersburg and help to support a range of housing options in the neighborhood.

The proposed use of the structure with event space, low intensity commercial, professional offices, would serve the community and provide access for the public to enjoy the historically significant building.

The request is driven by the need to rehabilitate and reuse an existing structure currently located in an R-3, Two-Family Residence District. The PUD district has been designated to provide for flexibility in the redevelopment of historically significant buildings that could not otherwise be achieved under the constraints of existing traditional zoning classifications. The rezoning of the property would allow the building to be repurposed in a way that acknowledges its historical significance which is otherwise prohibited by the current zoning classification.

V. RECOMMENDED CONDITIONS

Staff recommends that the Planning Commission approve the rezoning request with the following conditions:

- 1) That the proposed redevelopment of the existing structure located at said locations of Hinton Street conform to the requirements of the Architectural Review Board and the Cities Development Review and Site Plan Review processes;
- 2) That the applicant agrees, in writing to maintain appropriate landscaping around the parking lot and at the entrance of the building along Hinton and Davis Streets.
- 3) That the applicant employs landscaping measures to maximize coverage and reduce any potential visual impacts;
- 4) That the applicant will comply with all signage criteria as outlined in Article 21, Sign Regulations of the Zoning Ordinance and understands that any/all signage must be reviewed by the Architectural Review Board (ARB) prior to erection or placement. All exterior alterations and changes must also be reviewed and

approved by the ARB after submitted application is reviewed by the City of Petersburg's Preservation Planner. That the sign not exceed two (2) square feet in area which is the allowable amount for a Bed & Breakfast Inn.

- 5) That the applicant agrees to maintain the parking lot when constructed in a manner which will minimize its aesthetic and visual impact. That applicants shall ensure that the parking lot regardless of the number of spaces, must have individual spaces marked.
- 6) Each parking space is properly delineated with paint or plastic stripping or an approved surface by the ARB which shall provide a permanent delineation between spaces. Spaces should be arranged so that any maneuvering directly incidental to entering or leaving a parking space shall not be on any public street, alley way or walkway. ** Preservation Planner should be notified of any materials used to change parking surface and coloring. Parking requirements: (1) space for every four (4) seats; Multi-family – One (1) space per each one-bedroom unit; Two (2) spaces per every two (2) or more bedroom units; Motel: One space per each guestroom plus one (1) space per every ten(10) guestrooms plus spaces for eating and assembly rooms as required. Office space – One (1) space for every 300 square feet of floor space.
- 7) That no advertising or other signs be placed on the buildings without the review and approval of the Architectural Review Board (ARB).

VI. EXHIBITS

- Tax Parcel Map Extract
- Zoning Map Extract
- Applicants Petition
- Public Notification Information
- Applicant Exhibits

PETITION FOR REZONING OR SPECIAL USE PERMIT

RETURN TO: DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
(CITY HALL, THIRD FLOOR, ROOM 304)
FILING FEE: \$1,500 (CHECK OR MONEY ORDER) AT THE TIME OF SUBMITTAL

CASE NUMBER: 20-REZ-05
APPLICANT: Dale and Linda Pittman
ADDRESS: 410 High St.
Petersburg, VA 23803

I, Linda Pittman hereby petition to rezone the following described properties
from zoning district Residential to zoning district Mixed Use 1/PUD

A. DESCRIPTION OF PROPOSED USE: (ATTACH ADDITIONAL DOCUMENTS IF NECESSARY)

The proposed use is to a hospitality venue that would have 10 - 14 rooms/suites/apartments in the 3 houses applying for rezoning. These rooms would function as an Inn - a single commercial operation that includes residential, commercial, and business spaces. It would have the ability to host weddings and other civil and social gatherings.

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

010 - 220027, 010 - 220028, 010 - 220029

2. Current Street Address(es) if assigned):

235 Hinton St., 243 Hinton St., 247 Hinton St.

3. Approximate Area:

32,139 sq. ft. .74 acres

4. Public Street Frontage:

- 5. A boundary plat of this property outlining the area to be rezoned must be attached to this petition.
- 6. The following deed restrictions may affect the use of this property:

7. Brief:

Said deed restrictions will expire on:

C. JUSTIFICATION FOR REZONING

- 1. The proposed change in zoning is necessary for the preservation and enjoyment of a substantial property right because: (Provide a detailed statement of reasons why the proposed rezoning should be granted).

Strawberry Hill is a 1792 architectural jewel in the center of Petersburg. In 1970 the historic structure was close to gone. On the 1974 nomination form for the National Register of Historic Places Inventory, Strawberry Hill was described as “unoccupied and in rundown condition.” But forward-thinking citizens of the City of Petersburg knew that the structure was worth saving - that it was important to the city to have it continue to exist. The Historic Petersburg Foundation partnered with the City of Petersburg and the Commonwealth of Virginia to determine a plan for preservation. The first test of a Virginia law to keep Virginia’s architectural treasures from being carried off to other locales involved Strawberry Hill and the City of Petersburg. The pedigree of the house includes a great deal of Petersburg taxpayers’ time, money, and energy. Joe Miller was deeded the property with the agreement that he would return it to its original form. None of that would have been possible without the citizens of Petersburg working to save Strawberry Hill. To allow both visitors and Petersburgers to benefit from the community energy that rescued the house, Strawberry Hill should be rezoned from residential to Mixed Use. Mixed Use would allow Strawberry Hill to function as an event space, welcoming tourists and hosting weddings and civic gatherings.

It remains as important today as it was in 1970 to have Strawberry Hill continue to exist. But it also remains difficult to determine how to do that. As Petersburg grew, a home built to serve as a residence in an essentially rural setting lost the landscape it was designed to inhabit. The increased urbanization/industrialization of the neighborhood made it difficult for a single family dwelling to remain a single family dwelling and both the rural lot and the house itself were divided several times. The same is true today. Strawberry Hill as a single family residence is out of place in the center of the city’s residential/commercial/manufacturing corridor. Some of the reasons the house became “unoccupied and in rundown condition” remain. Strawberry Hill no longer lends itself naturally to the function of single family dwelling. Historic covenants and easements prevent the house from being significantly modified and the encroachment of other urban functions have largely removed the pastoral quality Strawberry Hill once had. Mr. Miller had the house on the market for years without

finding a buyer. Rezoning Strawberry Hill and its two neighboring residences would give the historic forms a modern function and afford the properties the investment needed to restore them.

Strawberry Hill is located within the Petersburg Virginia Enterprise Zone CBD. The Enterprise Zone Program is managed by the Virginia Department of Housing and Community Development (DHCD). Virginia's Enterprise Zone Program "is designed to offer state and local incentives for businesses to locate or expand within the designated zone areas." The business that would locate within the Petersburg CBD Enterprise Zone is an Inn. The Inn would use all three properties included in this application for rezoning. The three addresses together (235 Hinton, 243 Hinton, and 247 Hinton) would be managed as a single rental operation. The ground floor in each of the three buildings would be available as business or retail space while the upper floors would be offered as short and/or long-term residential space. According to the Petersburg Zoning Ordinance, Mixed Use zoning is "intended to accommodate office, institutional, commercial and residential uses. It is also ideal for areas which are targeted for redevelopment." A Mixed Use zoning designation would afford the 200 block of Hinton St. the flexibility to function as office, commercial, and residential real estate to accommodate the city's development needs. It has also been suggested that a PUD would be appropriate for achieving the same goals. We are requesting a zoning change to whichever zoning status is preferred by the city.

2. The material impact of the proposed rezoning will not be detrimental to the public welfare of the City nor to adjacent property owner(s) or properties located within the nearby vicinity because: (Specify reasons to substantiate this statement).

Rezoning will not be detrimental to the public welfare of the City nor to adjacent property owners or properties because the Inn will be managed in a way to make it an asset to the neighborhood. An Inn would provide services that complement the uses already in the neighborhood. Across the street from the three addresses are the parking lot for Petersburg's public library and the parking lot for the First Baptist Church. Both of these properties occasionally serve as venues for events so having Strawberry Hill Inn function as event space would be consistent with a use already present in the neighborhood.

The property located to the east of the three parcels applying for rezoning is an abandoned warehouse that has been purchased by a Richmond developer. It was rezoned in 2010 to allow developers to take advantage of the CBD Enterprise Zone and is slated to become high density residential.

The property located across Davis Street to the west of the three parcels in question is an empty lot owned by the owners of the three parcels requesting the rezoning and so does not pose a problem to the zoning change. The neighbor next to the empty lot, Bill Nicholson, plans to restore his property at 305 Hinton and supports the idea of an Inn in the neighborhood.

The property located to the north of the three parcels in question is an acre of empty land owned by the owners of the three parcels requesting the rezoning, and does not pose a problem to the zoning change. It is currently zoned Manufacturing, and could serve as overflow parking space for events held at Strawberry Hill should the need arise.

-
-
-
-
-
3. The proposed rezoning will be advantageous to the City and benefit the welfare of the general public because: (Specify reasons to substantiate this statement).

The proposed rezoning will be advantageous to the City by adding both jobs and increased tax revenue. Rezoning to MXD-1 is also consistent with Petersburg's economic development plans. According to the zoning manual:

"MXD-1 regulations are intended to: (a) Encourage the preservation, rehabilitation and restoration of structures of historic or architectural merit in the district; (b) Encourage economic revitalization of the area in general and those properties with combined residential-commercial characteristics; (c) Encourage compatibility of existing and future land uses. "

The three Properties, 235, 243, and 247 Hinton, are all structures of historic/architectural merit in the Folly Castle Historic District. All of them have been multi-family units for most of their histories. The two eastern properties were multi-unit dwellings on city maps for over a century. What is now known as 235 Hinton was 231, 235, and 237 Hinton, and what is now known as 243 Hinton was actually constructed as a duplex - 243 and 245 Hinton. 247 Hinton was constructed by an insurance adjuster in the 1880s, to serve both as a home and his place of business. Both 243 and 247 were rooming houses (the high density housing of another era) for most of the second half of the 20th century. The 200 block of Hinton St. is a transitional space where the city moves from downtown business district into the residential district - an ideal spot for mixed use, blending the high traffic downtown area/library with a residential neighborhood. So, returning the three properties to Mixed Use 1 would be a restoration to the function they have served for much of their existences.

4. The proposed rezoning is necessary because suitable property for the proposed use is not presently situated within required existing zoning districts. (Specify reasons for this determination).

The proposed rezoning is necessary because the houses are no longer viable as single family residences which is how they are currently zoned. Event space employing Petersburg's historic structures is difficult to obtain. Since many of Petersburg's architectural gems are zoned residential, it is difficult for larger public groups to use them and thereby learn of our historic treasures. Because the neighborhood in which the three properties are situated is very much of mixed use character, granting

For additional names, use back of sheet

Why the proposed zoning should be granted.

- 1) The proposed change in zoning is necessary for the preservation and enjoyment of a substantial property right because: (A detailed statement of reasons why the proposed rezoning should be granted).

Strawberry Hill is a 1792 architectural jewel in the center of Petersburg. In 1970 the historic structure was close to gone. On the 1974 nomination form for the National Register of Historic Places Inventory, Strawberry Hill was described as “unoccupied and in rundown condition.” But forward-thinking citizens of the city of Petersburg knew that the structure was worth saving - that it was important to the city to have it continue to exist. The Historic Petersburg Foundation partnered with the City of Petersburg and the Commonwealth of Virginia to determine a plan for preservation. The first test of a Virginia law to keep Virginia’s architectural treasures from being carried off to other locales involved Strawberry Hill and the City of Petersburg. The pedigree of the house includes a great deal of Petersburg taxpayers time, money, and energy. Joe Miller was deeded the property with the agreement that he would return it to its original form. None of that would have been possible without the citizens of Petersburg working to save Strawberry Hill. To allow both visitors and Petersburgers to benefit from the community energy that rescued the house, Strawberry Hill should be rezoned from residential to Mixed Use. Mixed Use would allow Strawberry Hill to function as an event space, welcoming tourists and hosting weddings and civic gatherings.

It remains as important today as it was in 1970 to have Strawberry Hill continue to exist. But it also remains difficult to determine how to do that. As Petersburg grew, a home built to serve as a residence in an essentially rural setting lost the landscape it was designed to inhabit. The increased urbanization/industrialization of the neighborhood made it difficult for a single family dwelling to remain a single family dwelling and both the rural lot and the house itself were divided several times. The same is true

today. Strawberry Hill as a single family residence is out of place in the center of the city's residential/commercial/manufacturing corridor. Some of the reasons the house became "unoccupied and in rundown condition" remain. Strawberry Hill no longer lends itself naturally to the function of single family dwelling. Historic covenants and easements prevent the house from being significantly modified and the encroachment of other urban functions have largely removed the pastoral quality Strawberry Hill once had. Mr. Miller had the house on the market for years without finding a buyer. Rezoning Strawberry Hill and its two neighboring residences would give the historic forms a modern function and afford the properties the investment needed to restore them.

Strawberry Hill is located within the Petersburg Virginia Enterprise Zone CBD. The Enterprise Zone Program is managed by the Virginia Department of Housing and Community Development (DHCD). Virginia's Enterprise Zone Program "is designed to offer state and local incentives for businesses to locate or expand within the designated zone areas." The business that would locate within the Petersburg CBD Enterprise Zone is an Inn. The Inn would use all three properties included in this application for rezoning. The three addresses together (235 Hinton, 243 Hinton, and 247 Hinton) would be managed as a single rental operation. The ground floor in each of the three buildings would be available as business or retail space while the upper floors would be offered as short and/or long-term residential space. According to the Petersburg Zoning Ordinance, Mixed Use zoning is "intended to accommodate office, institutional, commercial and residential uses. It is also ideal for areas which are targeted for redevelopment." A Mixed Use zoning designation would afford the 200 block of Hinton St. the flexibility to function as office, commercial, and residential real estate to accommodate the city's development needs.

- 2) The material impact of the proposed rezoning will not be detrimental to the public welfare of the City nor to adjacent property owner(s) or properties

located within the nearby vicinity because: (Specify reasons to substantiate this statement).

Rezoning will not be detrimental to the public welfare of the City nor to adjacent property owners or properties because the Inn will be managed in a way to make it an asset to the neighborhood. An Inn would provide services that complement the uses already in the neighborhood. Across the street from the three addresses are the parking lot for Petersburg's public library and the parking lot for the First Baptist Church. Both of these properties occasionally serve as venues for events so having Strawberry Hill Inn function as event space would be consistent with a use already present in the neighborhood.

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cohesiveness for the 200 Block of Hinton and afford far more citizens and visitors alike the chance to see the beauty of Petersburg.



City of Petersburg

Department of Planning and
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia 23803

Sandra A Robinson
Zoning Administrator
804-733-2308
srobinson@petersburg-va.org

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Dear Owner, Agent or Occupant of each parcel involved; abutting and immediately across the street or road from the property affected:

235 Hinton Street Parcel ID: 010-220027; 243 Hinton Street Parcel ID: 010-220028 and 247 Hinton Street Parcel ID: 010-220029

Notice is hereby given to all interested persons that the City of Petersburg Planning Commission will hold a public hearing on Wednesday, October 7, 2020 beginning at 6:00 p.m. in the Petersburg Area Transit Building via a virtual hearing environment.

20-REZ-06: Request of Dale & Linda Pittman, owners to rezone 235 Hinton Street, T.P. 010-220027; 243 Hinton Street, T.P. 010-220028 and 247 Hinton Street, T.P. 010-220029 from R-3, Two-Family Residence District to PUD, Planned Unit Development District. This rezoning is to allow the applicants to accommodate residential, commercial and business space that would include hospitality use and provide the opportunity to host weddings, and other civil and social gatherings.

Information and related material concerning these requests may be examined on the Planning Commission Website: <http://www.petersburgva.gov/119/Planning-Commission>, or by contacting the Department of Planning and Community Development at (804)733-2308.

All interested persons shall have the opportunity to be heard at said public hearing.

Should you have any questions or need additional information about this matter, please contact the Department of Planning & Community Development, City Hall, Room 304, via telephone at (804)733-2308 or via email at pcd@petersburg-va.org. The Planning Dept. is open from 8:30-5:00 pm, Monday - Friday.

Reginald Tabor, Interim Director
Department of Planning & Community Development

OCCUPANT
304 HINTON ST.
PETERSBURG, VA 23803

FIRST BAPTIST CHURCH TRUSTEES
235 W. WASHINGTON ST.
PETERSBURG, VA 23803

PPL DEVELOPMENT CO., INC.
P. O. BOX 881
PETERSBURG, VA 23804-0881

OCCUPANT
201 W. WASHINGTON ST.
PETERSBURG, VA 23803

SUNNY FOOTWEAR, INC.
206 N. MARKET ST.
PETERSBURG, VA 23803

PAR PROPERTIES, LLC
P. O. BOX 2009
PETERSBURG, VA 23804

OCCUPANT
222 N. MARKET ST.
PETERSBURG, VA 23803

THOMAS B. & BRENDA K. REDFERN
P. O. BOX 2525
PETERSBURG, VA 23804

205 NORTH DAVIS STREET, LLC
E. ISSAC WARD
205 N. DAVIS ST.
PETERSBURG, VA 23803

Charles A Rowlett, Sr.
3411 South St.
Petersburg, VA 23803

OCCUPANT
303 COMMERCE ST.
PETERSBURG, VA 23803

PC MEETING DATE: OCTOBER 7, 2020 @ 6:00 P.M.
APPLICANT: Linda K. & Dale W. Pittman
2020 REZ-06
USE: Rezone: "R-3" to "PUD"
T. P. 010-220027/010-220028/010-220029
PC Ad Date(s): 9/23 & 9/30

LINDA K. & DALE PITTMAN
STRAWBERRY HILL MANSION, LLC
112-A W. TABB ST.
PETERSBURG, VA 23803

GOOSEBERRY HILL, LLC
DALE W. & LINDA K. PITTMAN
112-A W. TABB ST.
PETERSBURG, VA 23803

DEWBERRY HILL, LLC
112-A W. TABB ST.
PETERSBURG, VA 23803

TRP HINTON STREET, LLC
11100 W. BROAD ST.
GLEN ALLEN, VA 23060

OCCUPANT
201 HINTON ST.
PETERSBURG, VA 23803

A B MARKET GROUP, LLC
122 N. MARKET ST.
PETERSBURG, VA 23803

THE MEADOW AT STRAWBERRY HILL
1110 N. DAVIS STREET
PETERSBURG, VA 23803

HANGMAN'S TREE, LLC
209 HIGH STREET
PETERSBURG, VA 23803

804 REAL ESTATE, LLC
11 RODMAN RD.
RICHMOND, VA 23224

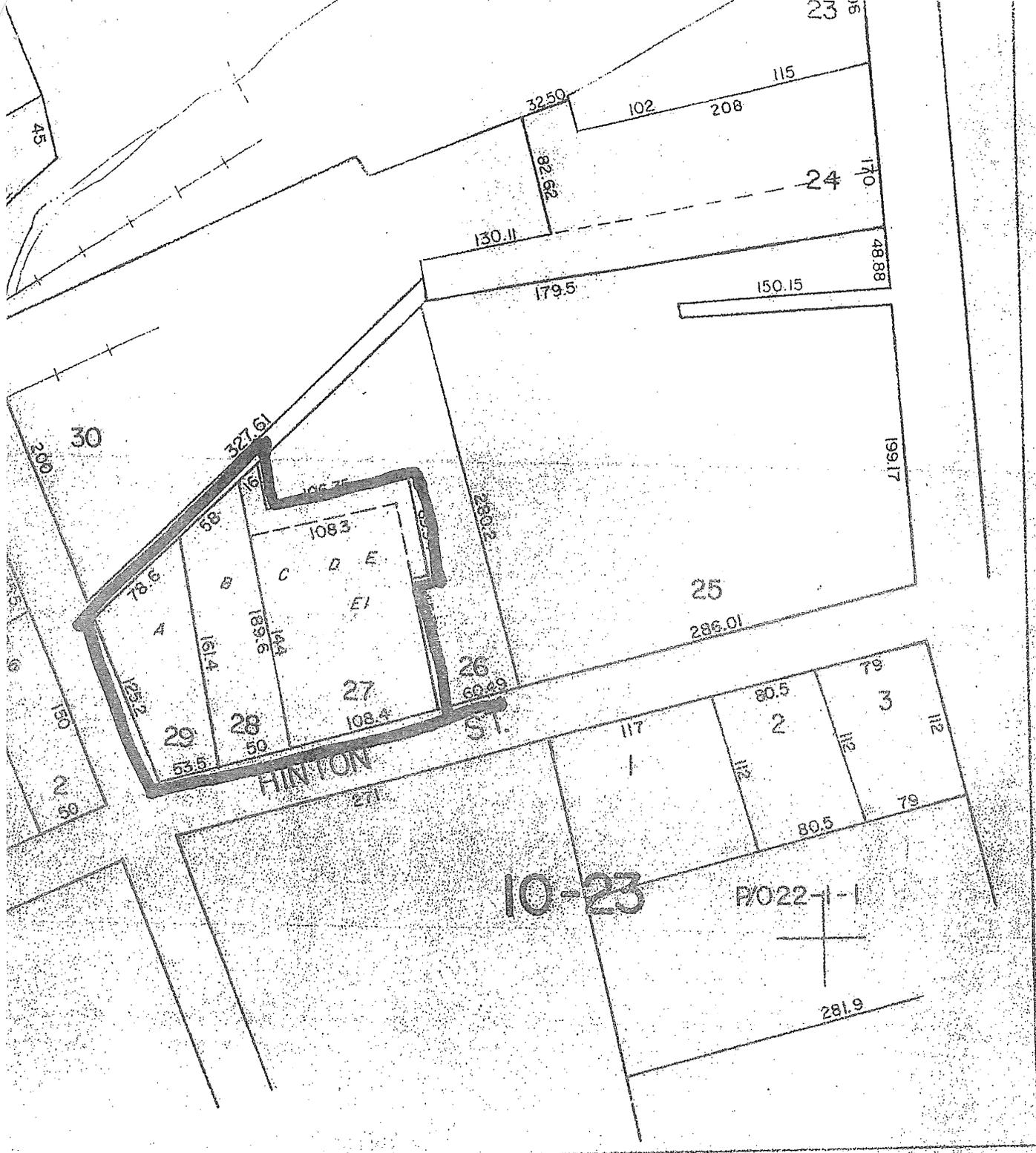
HSL 3, LLC
116 E. FRANKLIN ST.
RICHMOND, VA 23219

OCCUPANT
310-440 COMMERCE ST.
PETERSBURG, VA 23803

OCCUPANT
114 DAVIS STREET
PETERSBURG, VA 23803

OCCUPANT
309-11 HINTON ST.
PETERSBURG, VA 23803

DANIEL SALLEY
306 HINTON STREET
PETERSBURG, VA



CITY OF PETERSBURG

PROPERTY IDENTIFICATION MAP

NO. 12
 BK NO. ①
 MAP NO. 7

PONDS

MAP NO. 10

Friend Street

Hinton Street

E D C B A

PLAT No. 77

Map of STRANDBURY HILL
PETERSBURG, VA.
as subdivided by John
F. DUNN, City Engineer

Scale 50 feet to one
inch

Recorded in the Office of the
City Engineer of Petersburg
Virginia on the 10th day of
July 1891
J. F. DUNN, City Engineer

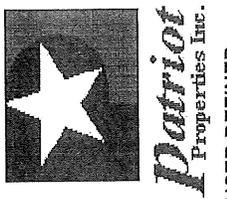
Approved by the Board of
City Engineers of Petersburg
Virginia on the 10th day of
July 1891
J. F. DUNN, City Engineer

Folley Street

Commerce Street

1st St. Road

U



IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yrd Items	Land Value	Total Value
480	52882.000			45,200	45,200
Total Card					
Total Parcel					
Source: OverRide					

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value
2020	480	FV		0	1.214	45,200	45,200	45,200
2019	480	FV		0	1.214	45,200	45,200	45,200
2018	450	FV		0	1.214	45,200	45,200	45,200
2017	450	FV		0	1.214	45,200	45,200	45,200
2016	461	FV		0	.57	45,200	45,200	45,200
2015	450	FV		0	1.214	45,200	45,200	45,200
2014	450	FV		0	1.214	45,200	45,200	45,200
2013	450	FV		0	1.214	45,200	45,200	45,200

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
PITTMAN, DALE W	2020-1349	DG	6/3/2020	GIFT		No	No		
MILLER, JEANETTE	2020-0710	DBS	3/12/2020	MULTI	360,000	No	No		Also 010220028 and 010-220029
MILLER, JEANETTE	2019-3077	DG	11/19/2019	GIFT		No	No		
MILLER, JOSEPH B	2014-1485	DB	7/3/2014	FAMILY		No	No		MILLER JOSEPH B JR - DOD 8/24/13
	479-26		12/30/1899	Unknown		No	No		

BUILDING PERMITS

Date	Number	Descr	Amount	C/O	Last Visit	Fed Code	F. Descr	Comment

PROPERTY FACTORS

Item Code	Description	%	Item Code	Description
Z IM-1	IM-1	100	water	
o			Sewer	
n			Electri	
			Exmpt	
	Census: 6103			
	Flood Haz:			
D 5	Myers		Topo	
s			Street	
t			Gas	

LAND SECTION (First 7 lines only)

Use Code	LUC	No of Units	Depth / Price/Units	Unit Type	Land Type
480	Ind Vacant	52882		SQUARE FESITE	

PROPERTY LOCATION

No	Alt No	Direction/Street/City
119		N DAVIS ST, PETERSBURG

OWNERSHIP

Owner	Unit #
Owner 1: THE MEADOW AT STRAWBERRY HILL	
Owner 2:	
Owner 3:	
Street 1: 112-A W TABB ST	
Street 2:	

PREVIOUS OWNER

Owner	Address
Owner 1: PITTMAN - DALE W	
Owner 2: PITTMAN - LINDA K	
Street 1: 112-A W TABB ST	
Town/City: PETERSBURG	
St/Prov: VA	
Postal: 23803	

NARRATIVE DESCRIPTION

This Parcel contains 52,882 SQUARE FEET of land mainly classified as Ind Vacant

OTHER ASSESSMENTS

Code	Descr/No	Amount	Com. Int

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235 Hinton St - Parcel ID: 0102200027



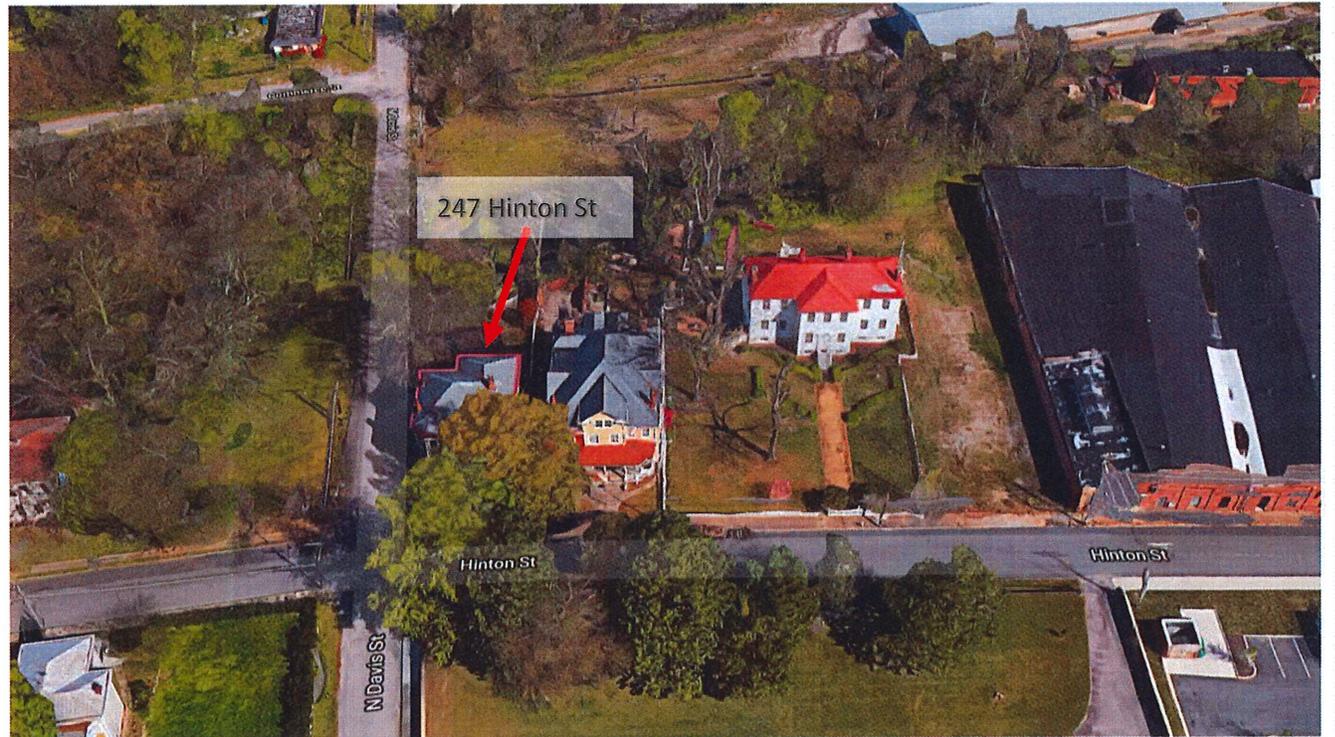


235 Hinton St



243 Hinton St

247 Hinton St - Parcel ID: 010220029





247 Hinton St



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager
Lionel Lyons, Deputy City Manager of Development

FROM: Reginald Tabor

RE: **A request to schedule a public hearing to consider an ordinance authorizing the City Manager to approve the reduction of site plan review and land disturbance permit fees when offset by in-kind staffing augmentation, in an amount not to exceed 30 percent of the total fees.**

PURPOSE: For the City Council to schedule a public hearing to receive public comment and to consider an ordinance authorizing the City Manager to approve the reduction of site plan review and land disturbance permit fees when offset by in-kind staffing augmentation, in an amount not to exceed 30 percent of the total fees.

REASON: To establish a process that can expedite the Plan Review and Land disturbance Permit approval processes, especially for larger development projects.

RECOMMENDATION: It is recommended that the City Council schedules a public hearing and considers an ordinance authorizing the City Manager to approve the reduction of site plan review and land disturbance permit fees when offset by in-kind staffing augmentation, in an amount not to exceed 30 percent of the total fees.

BACKGROUND: The City of Petersburg receives Site Plan applications and Land Disturbance Permits for development projects in the City of Petersburg.

The City has received offers to augment City staffing to expedite the review and approval processes. Expedited review and approval processes can benefit the City by reducing staff time required for the processes, and the expedited processes can serve as incentives for additional development.

The augmented staffing would be provided by the property developer at their expense. The augmented staffing would be provided in lieu of additional staffing that would be reflected in a reduction in fees and would reflect the reduction in City Staff resources necessary for the review and approval processes. The reduction in fees would not exceed 30 percent of the total permit fees.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Public Works, Planning and Community Development.

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: None



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: ANTHONY C. WILLIAMS

RE: **PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE to amend Section 42-3 Of The City Code To increase the Courthouse Security fee from \$10 to \$20.**

PURPOSE: TO INCREASE THE COURTHOUSE SECURITY FEE FROM \$10 TO \$20

REASON: Effective July 1, 2020, Section 53.1-120 of the Code of Virginia was amended to allow an increase in the maximum Courthouse Security fee from \$10 to \$20. These funds are held by the City for appropriation to the Sheriff's Office for funding of courthouse security personnel, equipment, and other personal property used in connection with courthouse security.

RECOMMENDATION: Adopt Ordinance

BACKGROUND: Effective July 1, 2020, Section 53.1-120 of the Code of Virginia was amended to allow an increase in the maximum Courthouse Security fee from \$10 to \$20. These funds are held by the City for appropriation to the Sheriff's Office for funding of courthouse security personnel, equipment, and other personal property used in connection with courthouse security.

COST TO CITY: 0

BUDGETED ITEM: N/A

REVENUE TO CITY: UNK

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Courts and Sheriff

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Amends existing Section 42-3 of the City Code

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. courthouse assessment

AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 42-3 OF THE PETERSBURG CITY CODE PERTAINING TO ASSESSMENTS FOR COURTHOUSE SECURITY

WHEREAS, for the purposes of maintaining and improving courthouse security, localities are authorized under §53.1-120 of the Code of Virginia to impose an assessment as part of the costs in each criminal and traffic case in District and Circuit Court where a defendant is convicted; and

WHEREAS, Petersburg City Council did authorize the collection of such assessments under Section 43-3 of the Petersburg City Code; and

WHEREAS, effective July 1, 2020, the Virginia General Assembly increased the maximum allowable amount of such assessment from \$10 to \$20; and

WHEREAS, it is the belief of the Petersburg City Council that increasing such assessment would be in the best interests of the City of Petersburg.

NOW therefore be it ORDAINED that Section 42-3 of the Petersburg City Code is hereby amended and re-adopted as follows:

Sec. 42-3. - Assessment for courthouse security.

(a) Imposed; amount. Pursuant to the provisions of Code of Virginia, § 53.1-120D, and subject to the conditions and limitations thereof, there is hereby imposed an assessment as part of the costs in each criminal or traffic case in the Petersburg District or Circuit Court in which the defendant is convicted of a violation of any statute or ordinance the sum of ~~\$10~~\$20.00. This assessment shall be in addition to any other fees prescribed by law.

(b) Collection; disbursement. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the collector of city taxes and held by the treasurer subject to appropriation by the city council to the sheriff's office for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Randall Williams

RE: **Second read and consideration of FY 2020 carryover (\$957,528.50) & FY 2021 Appropriation (\$1,499,291) for the Park nd Ride Station Project.**

PURPOSE: To carryover the remaining FY 2020 balance and appropriate FY 2021 funding for the Petersburg Station Park and Ride project.

REASON:

To ensure that the project remains on schedule to be completed in FY 2023. The project will enhance the current lot and expand the parking capacity to include 76,500 square ft., three and a half stories, & 215 spaces.

RECOMMENDATION: Staff recommends the City Council approves the total amount of \$2,456,819.50 which consist of the FY 2020 carryover amount of \$957,528.50 and the FY 2021 appropriation of \$1,499,291. It should be noted that the \$8,000,00 project is a Smart Scale project and costs are 100% reimbursable up to the \$8,000,000 amount by the Department of Rail and Public Transportation (DRPT).

BACKGROUND:

n the March 5, 2019 City Council meeting, City Council adopted resolution 15-R-64, which supported the submittal by the City of Petersburg of an application for grant funding to construct a Park and Ride Parking Structure adjacent to the City’s Transit Center located at 100 Washington Street. The total amount of the project was \$8,000,000 with funding amounts spread across the following fiscal years:

Petersburg Station Park & Ride Facility	
<i>Year</i>	<i>Funding</i>
Fiscal Year 2019	\$1,270,296
Fiscal Year 2021	\$1,499,291
Fiscal Year 2022	\$2,503,851
Fiscal Year 2023	\$2,726,562

COST TO CITY: \$2,456,819.50

BUDGETED ITEM: No

REVENUE TO CITY: \$2,456,819.50

CITY COUNCIL HEARING DATE: 10/20/2020

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Transit & Budget & Procurement

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Park and Ride Resolution Ordinance



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: September 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha R. Ferrell-Benavides, City Manager

THROUGH: Lionel D. Lyons, Deputy City Manager, Development

THROUGH: Robert Floyd, Director of Budget & Procurement

FROM: Randall Williams, Assistant Director Capital Budgeting

RE: Request to carryover FY 2020 funding and appropriate additional FY 2021 funding for the Petersburg Station Park and Ride project.

PURPOSE: To carryover the remaining FY 2020 balance and appropriate FY 2021 funding for the Petersburg Station Park and Ride project.

REASON: To ensure that the project remains on schedule to be completed in FY 2023. The project will enhance the current lot and expand the parking capacity to include 76,500 square ft., three and a half stories, & 215 spaces.

RECOMMENDATION: Staff recommends the City Council approves the total amount of \$2,456,819.50 which consist of the FY 2020 carryover amount of \$957,528.50 and the FY 2021 appropriation of \$1,499,291. It should be noted that the \$8,000,00 project is a Smart Scale project and costs are 100% reimbursable up to the \$8,000,000 amount by the Department of Rail and Public Transportation (DRPT).

BACKGROUND: In the March 5, 2019 City Council meeting, City Council adopted resolution 15-R-64, which supported the submittal by the City of Petersburg of an application for grant funding to construct a Park and Ride Parking Structure adjacent to the City’s Transit Center located at 100 Washington Street. The total amount of the project was \$8,000,000 with funding amounts spread across the following fiscal years:

Petersburg Station Park & Ride Facility	
Year	Funding
Fiscal Year 2019	\$1,270,296
Fiscal Year 2021	\$1,499,291
Fiscal Year 2022	\$2,503,851
Fiscal Year 2023	\$2,726,562

COST TO CITY: \$2,456,819.50

BUDGETED ITEM: No

REVENUE TO CITY: \$2,456,819.50

CITY COUNCIL HEARING DATE: October 6, 2020

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Transit and Budget & Procurement.

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: Yes

STAFF: Budget & Procurement

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021
FOR THE CAPITAL PROJECTS FUND.**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2020, in the Community Development Block Grant Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2021.

Previously adopted	\$0.00
ADD:	
FY 2020 Revenue Carry Over balance	\$957,528.50
FY 2021 Smart Scale Funding (3-380-024040-0616)	<u>\$1,499,291.00</u>
Total Revenues	<u>\$2,456,819.50</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2020 and ending June 30, 2021, the following sums for the purposes mentioned:

Previously adopted	\$0.00
ADD:	
FY 2020 Carry Over balance	\$957,528.50
FY 2021 Smart Scale Funding (4-380-040000-3190-0-102-813)	<u>\$1,499,291.00</u>
Total Expenses	<u>\$2,456,819.50</u>



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Robert Floyd

RE: **Virginia Department of Fire Programs - Aid to Locality in the amount of \$118,079.**

PURPOSE: The Commonwealth of Virginia established a fund for fire departments under the Code of Virginia, Section §38.2-401.

REASON: To provide fire training and firefighting equipment for local jurisdictions.

RECOMMENDATION: Recommend that Council accept and appropriate the Virginia Department of Fire Programs – Aid to Localities (ATL) amount of \$118,079.00 for fiscal year 2020.

BACKGROUND: The City of Petersburg receives the Fire Programs Fund - Aid to Localities grant annually to assist with training and firefighting equipment. These funds are currently programmed for purchasing new personal protective gear, tools, and other related equipment.

COST TO CITY: No cost to City.

BUDGETED ITEM: N/A (Grant)

REVENUE TO CITY: \$118,079.00

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: None

AFFECTED AGENCIES: Department of Fire, Rescue and Emergency Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: None

REQUIRED CHANGES TO WORK PROGRAMS: None

ATTACHMENTS:

1. FY 2020 ATL Appropriation Sheet
2. State Code 38 2-401 Fire Programs

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021
FOR THE GRANTS FUND.**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2020, in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2021.

Previously adopted	\$0.00
ADD: Fire Programs – Aid to Localities (ATL) (3-200-024040-0615-0-207)	<u>\$118,079.00</u>
Total Revenues	<u>\$118,079.00</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2020 and ending June 30, 2021, the following sums for the purposes mentioned:

Previously adopted	\$0.00
ADD: Fire Programs – Aid to Localities (ATL) (4-200-032101-3190-0-207)	<u>\$118,079.00</u>
Total Expenses	<u>\$118,079.00</u>

§ 38.2-401. Fire Programs Fund

A. 1. There is hereby established in the state treasury a special nonreverting fund to be known as the Fire Programs Fund, hereinafter referred to as "the Fund." The Fund shall be administered by the Department of Fire Programs under policies and definitions established by the Virginia Fire Services Board. All moneys collected pursuant to the assessment made by the Commission pursuant to subdivision 2 of this subsection shall be paid into the state treasury and credited to the Fund. The Fund shall also consist of any moneys appropriated thereto by the General Assembly and any grants or other moneys received by the Virginia Fire Services Board or Department of Fire Programs for the purposes set forth in this section. Any moneys deposited to or remaining in such Fund during or at the end of each fiscal year or biennium, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Interest earned on all moneys in the Fund and interest earned on moneys held by the Commission pursuant to subdivision 2 of this subsection prior to the deposit of such moneys into the Fund, including interest earned on such moneys during any period when the Commission is reconciling payments from insurers, shall remain in or be deposited into the Fund, as the case may be, and be credited to it. Such interest shall be set aside for fire service purposes in accordance with policies developed by the Virginia Fire Services Board. Notwithstanding any other provision of law to the contrary, policies established by the Virginia Fire Services Board for the administration of the Fund, and any grants provided from the Fund, that are not inconsistent with the purposes set out in this section shall be binding upon any locality that accepts such funds or related grants. The Commission shall be reimbursed from the Fund for all expenses necessary for the administration of this section. The balance of moneys in the Fund shall be allocated periodically as provided in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Department of Fire Programs (Director) or his designee.

2. The Commission shall annually assess against all licensed insurance companies doing business in the Commonwealth by writing any type of insurance as defined in §§ 38.2-110, 38.2-111, 38.2-126, 38.2-130 and 38.2-131 and those combination policies as defined in § 38.2-1921 that contain insurance as defined in §§ 38.2-110, 38.2-111 and 38.2-126, an assessment in the amount of one percent of the total direct gross premium income for such insurance. Such assessment shall be apportioned, assessed and paid as prescribed by § 38.2-403. In any year in which a company has no direct gross premium income or in which its direct gross premium income is insufficient to produce at the rate of assessment prescribed by law an amount equal to or in excess of \$100, there shall be so apportioned and assessed against such company a contribution of \$100.

B. After reserving funds for the Fire Services Grant Program and Dry Fire Hydrant Grant Program pursuant to subsection D, 75 percent of the remaining moneys available for allocation from the Fund shall be allocated to the several counties, cities, and towns of the Commonwealth providing fire service operations to be used for the improvement of volunteer and career fire services in each of the receiving localities. Funds allocated to the counties, cities, and towns pursuant to this subsection shall not be used directly or indirectly to supplant or replace any other funds appropriated by the counties, cities, and towns for fire service operations. Such funds shall be

used solely for the purposes of (i) training volunteer or career firefighting personnel in each of the receiving localities; (ii) funding fire prevention and public safety education programs; (iii) constructing, improving, and expanding regional or local fire service training facilities; (iv) purchasing emergency medical care and equipment for fire personnel; (v) payment of personnel costs related to fire and medical training for fire personnel; (vi) purchasing personal protective equipment, vehicles, equipment, and supplies for use in the receiving locality specifically for fire service purposes; or (vii) providing training and education and purchasing products, including personal protective equipment, diesel exhaust removal systems, decontamination equipment, and commercial extractors, that are designed to reduce the incidence of cancer among firefighters. Notwithstanding any other provision of the Code, when localities use such funds to construct, improve, or expand fire service training facilities, fire-related training provided at such training facilities shall be by instructors certified or approved according to policies developed by the Virginia Fire Services Board. Distribution of this 75 percent of the Fund shall be made on the basis of population as provided for in §§ 4.1-116 and 4.1-117; however, no county or city eligible for such funds shall receive less than \$10,000, nor eligible town less than \$4,000. The Virginia Fire Services Board shall be authorized to exceed allocations of \$10,000 for eligible counties and cities and \$4,000 for eligible towns, respectively. Allocations to counties, cities, and towns receiving such allocations shall be fair and equitable as set forth in Board policy. Any increases or decreases in such allocations shall be uniform for all localities. In order to remain eligible for such funds, each receiving locality shall report annually to the Department on the use of the funds allocated to it for the previous year and shall provide a completed Fire Programs Fund Disbursement Agreement form. Each receiving locality shall be responsible for certifying the proper use of the funds. If, at the end of any annual reporting period, a satisfactory report and a completed agreement form have not been submitted by a receiving locality, any funds due to that locality for the next year shall not be retained. Such funds shall be added to the 75 percent of the Fund allocated to the counties, cities, and towns of the Commonwealth for improvement of fire services in localities.

C. The remainder of the moneys available for allocation from the Fund shall be used for (i) the purposes of carrying out the powers and duties assigned to the Department of Fire Programs under Chapter 2 (§ 9.1-200) of Title 9.1, which shall include providing funded training and administrative support services for nonfunded training to localities and (ii) the payment of the compensation and costs of expenses of the members of the Fire Services Board in performing their official duties; however, the Fund shall not be used for salaries or operating expenses associated with the Office of the State Fire Marshal.

D. The Fire Services Grant Program is hereby established and will be used as grants to provide regional fire services training facilities, to finance the Virginia Fire Incident Reporting System and to build or repair live fire training structures as determined by the Virginia Fire Services Board. Beginning January 1, 1996, \$1 million from the assessments made pursuant to this section shall be distributed each year for the Fire Services Grant Program to be used as herein provided, and \$100,000 shall be distributed annually for continuing the statewide Dry Fire Hydrant Grant Program. Moneys allocated pursuant to this subsection shall be used for the purposes stated in this subsection, and for no other purpose. All grants provided from these programs shall be administered by the Department according to the policies established by the Virginia Fire Services Board.

E. Moneys in the Fund shall not be diverted or expended for any purpose not authorized by this section.

F. The Director shall establish written standards for determining the extent to which clients outside the Commonwealth shall be financially responsible for the cost of fire and emergency services training provided by the Department of Fire Programs. Revenues generated by such training shall be retained in the Fire Programs Fund and may be used solely for providing additional funded direct training to members of Virginia's fire and emergency services.

1985, c. 545, § 38.1-44.1; 1986, cc. 60, 562; 1988, c. 336; 1995, cc. 615, 637; 1997, c. 791; 1998, cc. 166, 877; 2000, c. 820; 2001, cc. 397, 413; 2002, c. 389; 2004, c. 164; 2006, cc. 58, 322; 2007, cc. 647, 741; 2018, c. 649; 2019, c. 509.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Wayne Crocker, Robert Floyd

RE: **Consideration of Library of Virginia COVID CARES Act subgrant appropriation (\$36,312) for the Petersburg Public Library.**

PURPOSE: To have City Council approve the receipt and appropriation of the COVID CARES Act subgrant from the Library of Virginia in the amount of \$36,312.

REASON: The Library of Virginia received funding from the CARES act through the Institute of Museum and Library Services. The goals of the CARES Act for the Library of Virginia is to assist public libraries in responding to the coronavirus.

RECOMMENDATION: Staff recommends City Council approve the receipt and appropriation of the Library of Virginia COVID CARES Act subgrant to the Petersburg Public Library.

BACKGROUND: The Library of Virginia received funding from the CARES Act. The Library of Virginia has a goal to assist public librariues in responding to the coronavirus pandemic. The Petersburg Public Library applied for funds and was awarded \$36,312.

COST TO CITY: \$36,312

BUDGETED ITEM: No

REVENUE TO CITY: \$36,312

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Petersburg Public Library

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. CARES Act MOA Petersburg Public Library
2. LVA CARES Appropriations ordinance



MEMORANDUM OF AGREEMENT

MOA Number: LVA-CARES-007

- I. PARTIES TO THE AGREEMENT:** This Memorandum of Agreement (MOA) is entered into by Petersburg Public Library, hereafter called the “PUBLIC LIBRARY,” and the Commonwealth of Virginia through the Library of Virginia, hereafter called the “LVA.”

WHEREAS, LVA enters into an agreement to assist the Public Library in responding to the Covid-19 Pandemic and the PUBLIC LIBRARY desires to perform such services.

THEREFORE, in consideration of their respective undertakings, the LVA and PUBLIC LIBRARY hereby agree to the following terms.

- II. PURPOSE:** LVA received funding from the CARES Act (Public Law 116-136) through the Institute of Museum and Library Services (IMLS) to administer in accordance with our existing LSTA program. The goals of the CARES Act are to assist public libraries in responding to the coronavirus pandemic.

III. SCOPE OF SERVICES:

LVA shall:

- Identify those Virginia Public Libraries located in areas that meet the following targeted criteria and notify those libraries that they are eligible for LSTA sub-grants: high poverty and involvement in the Supplemental Nutrition Assistance Program (SNAP), high unemployment, and low broadband availability.

PUBLIC LIBRARY shall:

- Address efforts to prevent, prepare for, and respond to COVID-19.
- Improve broadband access (e.g. connectivity such as hotspots and digital content like eBooks, audiobooks, databases).
- Address unemployment (e.g. online unemployment resources, assistance with job searches, and training librarians to provide employment-related programming).

800 East Broad Street
Richmond, Virginia 23219

www.lva.virginia.gov

804.692.3500 *phone*
804.692.3976 *ty*

FEDERAL AWARD INFORMATION:

Federal Award ID Number LS-246564-OLS-20

Award Recipient: Commonwealth of Virginia, Library of Virginia

Project Title: LSTA CARES ACT State Grants

Federal Awarding Agency: Institute of Museum and Library Services

CFDA#: 45.310 – State Library Program

Federal Award Date: 4/20/2020

Research and Development: No

Indirect Cost Rate: Indirect Costs are not allowable for this award per IMLS

Total Federal Award: \$771,257

SUB-RECIPIENT INFORMATION:

Name: Petersburg Public Library

Address: 201 W. Washington Street, Petersburg, VA 23803

DUNS (Unique Entity Identifier): 120563762

Award Amount: \$36,312

Period of Performance: 10/1/2020 – 9/30/2021

Final Report Due: 11/15/2021

IV. REIMBURSEMENT TO PUBLIC LIBRARY:

- a. Invoices for allowable expenses that have been received and approved by the Public Library shall be submitted to LVA on a monthly basis no later than the 15th of the following month to:

lva.accountspayable@lva.virginia.gov

Your submission should include a cover sheet listing each invoice with the vendor name, invoice number, invoice amount, and a statement signed by the Public Library Director to certify that the products or services have been delivered and tested. Please submit the invoices and all relevant backup documentation.

- b. The final invoice for the grant period is due by November 15, 2021.
- c. All reimbursed expenses must be on the approved budget, submitted with Public Library application.
- d. Approved pre-award costs may be reimbursed that were charged up to 90 days prior to Public Library sub-award date (10/1/2020).

V. REPORTING REQUIREMENTS:

- 1) You are required to measure the outputs and outcomes of your project(s) at the end of this grant. For outputs, use such tools as usage/circulation statistics, holds stats, fulfillment rates, # of cleaning rounds, etc. For outcomes, use surveys, Evaluation Continuum/Likert Scale, voting, observation/anecdotes, focus group questionnaires, social media interaction, etc. The measures can include, but are not limited to, the following items:

Outputs (countable products or activities)

- Number of patron borrowed hotspots.
- Number of patrons utilizing routers.
- Number of patron borrowed tablets/laptops/chromebooks.
- Number of patrons participating in virtual programming.
- Percentage of increase in use of Public Library's digital resources.
- Number of patrons picking up items in lockers.
- Number of items circulated via the locker project and the percent of increase in circulation.
- Number of outreach program attendance and the percentage of increase in outreach programs.
- Number of additional outreach events.
- Number craft packages distributed.
- Number of workshops held and the number of attendees.
- Number of tests proctored.

Outcomes (changes in participant behaviors, skills, knowledge, or life conditions)

- Percentage of students and adults learners who will demonstrate information literacy skills.
- Percentage of patrons who will report that their student or work lives improved through connectivity.
- Percentage of patrons who learned something new or were entertained due to new locker service.
- Percentage of children and adults who will report that they learned something new or were entertained by new outreach reading activities.
- Percentage of attendees who will report new knowledge or increased skills after attending a workshop.
- Percentage of job seeking attendees who report subsequent employment.

- 2) You are required to collect descriptive information throughout the project so that LVA may develop a narrative to support the data that LVA will report at the end of the grant. This narrative will include a brief description of the project's innovation, vision, impact on targeted audience, or service to a new population group. While the narrative is primarily descriptive and succinct, it is highly recommended that you collect testimonials and even anecdotal stories to emphasize impact whenever possible.

VI. MONITORING:

The LVA will monitor the Public Library to evaluate the progress and performance of the program. The Public Library shall submit quarterly progress reports to the LVA contacts listed in **Section XXIII** on the requirements outlined in **Section V** of this agreement; the reports will be due on the 15th of the month following the end of the quarter (i.e. 1/15/2021, 4/15/2021, and 7/15/2021), with the final report due 11/15/2021. The LVA and Federal personnel shall be provided access to all program-related records and facilities under reasonable request.

VII. TIME AND EFFORT REPORTING:

Salary expenses are not allowable.

VIII. AUDIT REQUIREMENTS:

The Public Library shall retain all books, accounts, reports, files and other records relating to the performance of the agreement for a period of five years after its completion. All accounting records must be supported by source documentation and retained in order to show for what purpose funds were spent. All such records shall be made available and produced for inspection when required by the LVA.

Should an audit by authorized state or federal official result in disallowance of amounts previously paid to the Public Library, the Public Library shall reimburse the LVA upon demand.

§ 200.501 Audit requirements:

(a) Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

(b) Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with § 200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

(c) Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with § 200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

(d) Exemption when Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in § 200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

IX. APPROPRIATIONS:

The PUBLIC LIBRARY acknowledges the understanding that this Agreement is subject to appropriations and constraints by the State or the Federal government budget.

X. SUBCONTRACTS:

No portion of the work shall be subcontracted without prior written consent of the LVA. In the event that the PUBLIC LIBRARY desires to subcontract some part of the work specified herein, the Public Library shall furnish the names, qualifications, and experience of their proposed sub-contractor(s) and shall assure compliance with all requirements of this agreement.

XI. INTEGRATION AND MODIFICATION:

This Agreement constitutes the entire understanding of the parties as to the matters contained herein. No alteration, amendment or modification of this Agreement shall be effective unless in writing and signed by the duly authorized officials of both the LVA and the PUBLIC LIBRARY.

XII. CONFIDENTIALITY OF PROPRIETARY INFORMATION, DUPLICATION AND DISCLOSURE:

The PUBLIC LIBRARY agrees that proprietary information disclosed by LVA to the PUBLIC LIBRARY for the purpose of an MOA shall be held in confidence and used only in the performance of the agreement. No item designed for or by the LVA shall be duplicated or furnished to others without prior written consent. All products and materials including but not limited to papers, data, reports, forms, records, materials, creations, or inventions relating to this agreement are sole and exclusive property of the LVA. All such materials shall be delivered to the LVA in usable condition at any time requested by the LVA.

XIII. DRUG-FREE WORKPLACE:

During the performance of this agreement, the Public Library agrees to (i) provide a drug-free workplace for the Library's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Public Library's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Public Library that the Public Library maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "*drug-free workplace*" means a site for the performance of work done in connection with a specific agreement awarded to the Public Library, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the agreement.

XIV. IMMIGRATION REFORM AND CONTROL ACT OF 1986:

By entering into a written agreement with the Commonwealth of Virginia, the Public Library certifies that it does not, and shall not during the performance of the agreement for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

XV. ANTI-DISCRIMINATION:

By submitting their (bids/proposals), (bidders/offerors) certify to the Commonwealth that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians With Disabilities Act, the Americans With Disabilities Act and § 2.2-4311 of the *Virginia Public Procurement Act (VPPA)*. If the award is made to a faith-based organization, the organization shall not discriminate against any recipient of goods, services, or disbursements made pursuant to the agreement on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on the basis of race, age, color, gender sexual orientation, gender identity, or national origin and shall be subject to the same rules as other organizations that agreement with public bodies to account for the use of the funds provided; however, if the faith-based organization segregates public funds into separate accounts, only the accounts and programs funded with public funds shall be subject to audit by the public body. (*Code of Virginia, § 2.2-4343.1E*).

1. During the performance of this agreement, the Public Library agrees as follows:
 - a. The Public Library will not discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, gender identity, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Public Library. The Public Library agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - b. The Public Library, in all solicitations or advertisements for employees placed by or on behalf of the Public Library, will state that such Public Library is an equal opportunity employer.
 - c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
 - d. If the Public Library employs more than five employees, the Public Library shall (i) provide annual training on the Public Library's sexual harassment policy to all supervisors and employees providing services in the Commonwealth, except such supervisors or employees that are required to complete sexual harassment training provided by the Department of Human Resource Management, and (ii) post the Public Library's sexual harassment policy in (a) a conspicuous public place in each building located in the Commonwealth that the Public Library owns or leases for business purposes and (b) the Public Library's employee handbook.
 - e. The requirements of these provisions 1. and 2. are a material part of the agreement. If the Public Library violates one of these provisions, the Commonwealth may terminate the affected part of this agreement for breach, or at its option, the whole agreement. Violation of one of these provisions may also result in debarment from State contracting regardless of whether the specific agreement is terminated.
 - f. In accordance with Executive Order 61 (2017), a prohibition on discrimination by the Public Library, in its employment practices, subcontracting practices, and delivery of goods or services, on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation, disability, or veteran status, is hereby incorporated in this agreement.
2. The Public Library will include the provisions of 1. above in every subcontract or purchase order over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

XVI. APPLICABLE LAWS AND COURTS:

This solicitation and any resulting agreement shall be governed in all respects by the laws of the Commonwealth of Virginia, without regard to its choice of law provisions, and any litigation with respect thereto shall be brought in the circuit courts of the Commonwealth. The LVA and the PUBLIC LIBRARY are encouraged to resolve any issues in controversy arising from the award of the agreement or any agreement dispute using Alternative Dispute Resolution (ADR) procedures (*Code of Virginia, § 2.2-4366*). ADR procedures are described in Chapter 9 of the *Vendors Manual*. The PUBLIC LIBRARY shall comply with all applicable federal, state and local laws, rules and regulations.

XVII. AVAILABILITY OF FUNDS:

It is understood and agreed between the parties herein that the agency shall be bound only to the extent that the legislature has appropriated funds that are legally available or may hereafter become legally available for the purpose of this Agreement.

XVIII. CHANGES TO THE AGREEMENT:

Both parties must agree in writing to modify the scope of the MOA.

XIX. RENEWAL OF AGREEMENT:

This Agreement shall not be renewed.

XX. ANTITRUST:

By entering into an agreement, the PUBLIC LIBRARY conveys, sells, assigns, and transfers to the Commonwealth of Virginia all rights, title and interest in and to all causes of action it may now have or hereafter acquire under the antitrust laws of the United States and the Commonwealth of Virginia, relating to the particular goods or services purchased or acquired by the Commonwealth of Virginia under said agreement.

XXI. ASSIGNMENT OF AGREEMENT:

An agreement shall not be assignable by the PUBLIC LIBRARY in whole or in part without the written consent of the Commonwealth.

XXII. DEFAULT:

In case of failure to deliver goods or services in accordance with the agreement terms and conditions, the Commonwealth, after due oral or written notice, may procure them from other sources and hold the PUBLIC LIBRARY responsible for any resulting additional purchase and administrative costs. This remedy shall be in addition to any other remedies that the Commonwealth may have.

XXIII. STATUS OF PERSONNEL:

Nan Carmack has been designated as LVA administrator for this Agreement.

Please contact Nan Carmack at nan.carmack@lva.virginia.gov for programmatic inquires.

Please contact Wendy Hupp at wendy.hupp@lva.virginia.gov for financial inquires.

IN WITNESS WHEREOF, the parties have caused this MOA to be duly executed intending to be bound thereby. This Memorandum of Agreement becomes effective on the date of the last signature.

Public Library Authorized Representative

LVA Authorized Representative

Signature and Date

Signature and Date

Name and Title (Printed)

Name and Title (Printed)

Note: This public body does not discriminate against faith-based organizations in accordance with the *Code of Virginia*, § 2.2-4343.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, sexual orientation, gender identity, political affiliation, or veteran status or any other basis prohibited by state law relating to discrimination in employment.

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021
FOR THE GRANTS FUND.**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2020, in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2021.

Previously adopted	\$0
ADD:	
3-200-XXXXX-X-X-XXX LVA CARES	<u>\$36,312.00</u>
Total Revenues	<u>\$36,312.00</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2020 and ending June 30, 2021, the following sums for the purposes mentioned:

Previously adopted	\$0
ADD:	
4-200-XXXXX-XXXX-X-XXX LVA CARES	<u>\$36,312.00</u>
Total Expenses	<u>\$36,312.00</u>



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Robert Floyd

RE: **Consideration of Virginia Tourism Corporation DMO WanderLOVE Grant appropriation(\$10,000) for Petersburg Tourism.**

PURPOSE: Request the appropriation of funds allocated to the City of Petersburg through the Virginia Tourism Corporation DMO WanderLOVE grants program.

REASON: City Council approval is required to authorize receipt, appropriation, and expenditure of new sources of funds

RECOMMENDATION: Recommend City Council authorize appropriation of the funds as allocated and certified.

BACKGROUND: The Virginia Tourism Corporation (VTC) offered this grant program for communities to apply for relief and assistance in response to travel marketing during Covid-19.

Use of this grant funding will focus on activities for Petersburg visitors to explore historic neighborhoods and learn about Petersburg's historic sites while following safety guidelines outlined by the CDC. Following grant guidelines provided by the VTC, self-guided walking and driving tours will explore historic personalities from the past during different periods of history. Some of the topics include African-American heritage and Presidents of the United States who've visited Petersburg; with an additional focus on many lesser-known individuals who made important contributions to the community and the nation.

COST TO CITY: \$10,000

BUDGETED ITEM: N/A

REVENUE TO CITY: \$10,000

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Tourism

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. WanderLoveAward
2. VTC DMO WanderLOVE Grant Ordinance 9-30-20

VIRGINIA IS FOR LOVERS

July 14, 2020

Sergei Troubetzkoy
Director of Tourism
Petersburg Tourism Department
15 West Bank Street
Petersburg, VA 23803

Dear Sergei:

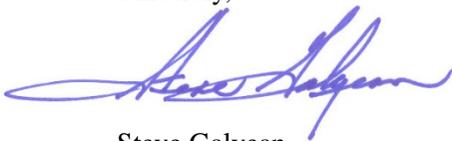
Congratulations! Your VTC DMO WanderLOVE Grant application has been approved in the amount of \$10,000.00. Thank you for submitting a competitive application.

Below are next steps that VTC asks you follow:

- Please do not issue any local media releases until after the Governor's media release. We anticipate that release to be issued within the next several days.
- VTC will provide you a media template that you may use for local announcements.
- In the next few days, you will receive from Ben Nicastro, VTC Contracts Officer, the VTC DMO WanderLOVE Marketing Grant Program Agreement. You will need to sign the agreement and return to VTC.
- When you return the signed agreement, please include an invoice to VTC for your grant award amount of \$10,000.00.
- Grant payment will be issued by VTC within 30 days of the receipt of your invoice.
- As per the grant guidelines, you will be required to incorporate components of the VTC WanderLOVE Campaign.
- Information on the VTC WanderLOVE Campaign is available at <https://www.vatc.org/coronavirus/brand-response-marketing/campaign-wanderlove/>.
- Questions regarding the VTC WanderLOVE Campaign should be directed to Lindsey Norment at lnorment@virginia.org.
- All WanderLOVE campaign placements and expenses MUST be completed no later than June 30, 2021. Extensions beyond this date will not be possible.

Again, congratulations upon your successful grant application!

Sincerely,



Steve Galyean
Planning & Partnerships Director
Virginia Tourism Corporation

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021
FOR THE GRANT FUND.**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2020, in the Grant Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2021.

Previously adopted	\$0.00
ADD: Virginia Tourism Corporation DMO WanderLOVE Grant 3-200-024040-0615-0-312	<u>\$10,000.00</u>
Total Revenues	<u>\$10,000.00</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2020 and ending June 30, 2021, the following sums for the purposes mentioned:

Previously adopted	\$0.00
ADD: Virginia Tourism Corporation DMO WanderLOVE Grant 4-200-071340-3190-0-101	<u>\$10,000.00</u>
Total Expenses	<u>\$10,000.00</u>



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Robert Floyd

RE: **Consideration of Center for Tech and Civic Life grant appropriation (\$81,889.50) for the Registrar's Office.**

PURPOSE: To have City Council approve the appropriation of the \$81,889.50 grant from the Center for Tech and Civic Life for the Registrar's Office.

REASON: The Registrar's Office for the City of Petersburg received a grant for \$81,889.50 from the Center for Tech and Civic Life. These funds need to be appropriated by City Council.

RECOMMENDATION: Staff recommends City Council approve the appropriation of the Center for Tech and Civic Life grant funds.

BACKGROUND: The Registrar's Office received grant funding from the Center for Tech and Civic Life in the amount of \$81,889.50. These funds are to be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Petersburg.

COST TO CITY: \$81,889.50

BUDGETED ITEM: No

REVENUE TO CITY: \$81,889.50

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Registrar's Office

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Center for Tech and Civic Life Appropriations ordinance
2. Center for Tech and Civic Life Grant

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021
FOR THE GRANTS FUND.**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2020, in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2021.

Previously adopted	\$0
ADD:	
3-200-16170-0006-0-101 Center for Tech and Civic Life Grant	<u>81,889.50</u>
Total Revenues	<u>81,889.50</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2020 and ending June 30, 2021, the following sums for the purposes mentioned:

Previously adopted	\$0
ADD:	
4-200-16170-0006-0-101 Center for Tech and Civic Life Grant	81,889.50
Total Expenses	<u>81,889.50</u>



CENTER FOR
TECH AND
CIVIC LIFE

September 25, 2020

Petersburg City, Virginia

General Registrar

PO Box 1031

Petersburg , VA 23804

Dear Dawn Wilmoth,

I am pleased to inform you that based on and in reliance upon the information and materials provided by Petersburg City, and the special circumstances Petersburg City faces administering elections in 2020, the Center for Tech and Civic Life ("CTCL"), a nonprofit organization tax-exempt under Internal Revenue Code ("IRC") section 501(c)(3), has decided to award a grant to support the work of the Petersburg City General Registrar ("Grantee").

The following is a description of the grant:

AMOUNT OF GRANT: \$81,889.50 USD

PURPOSE: The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Petersburg City in 2020 ("Purpose").

Before CTCL transmits these funds to Grantee, CTCL requires that Grantee review and sign this agreement ("Grant Agreement") and agree to use the grant funds in compliance with the Grant Agreement and with United States tax laws and the laws and regulations of your state and jurisdiction ("Applicable Laws"). Specifically, by signing this letter Grantee certifies and agrees to the following:

1. Grantee is a local government unit or political subdivision within the meaning of IRC section 170(c)(1).
2. This grant shall be used only for the Purpose described above, and for no other purposes.
3. Grantee has indicated that the amount of the grant shall be expended on the following specific election administration needs: Ballot drop boxes, Election department real estate costs, or costs associated with satellite election department offices, Non-partisan voter education, Personal protective equipment (PPE) for staff, poll workers, or voters, Poll worker recruitment funds, hazard pay, and/or training expenses, Polling place rental and cleaning expenses for early voting or Election Day, Temporary staffing, Voting materials in languages other than English, and Vote-by-mail/Absentee voting equipment or supplies. Grantee may allocate grant funds among those needs, or to other public purposes listed in the grant application, without further notice to or permission of CTCL.
4. Grantee shall not use any part of this grant to make a grant to another organization, except in the case where the organization is a local government unit or political subdivision within the meaning of IRC section 170(c)(1) or a nonprofit organization tax-exempt under IRC section 501(c)(3), and the subgrant is intended to accomplish the Purpose of this grant. Grantee shall take reasonable steps to ensure that any such subgrant is used in a manner consistent with the terms and conditions of this Grant Agreement, including requiring that subgrantee agrees in writing to comply with the terms and conditions of this Grant Agreement.
5. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs may be applied to the grant. The Grantee shall expend the amount of this grant for the Purpose by December 31, 2020.
6. Grantee is authorized to receive this grant from CTCL and certifies that (a) the receipt of these grant funds does not violate any Applicable Laws, and (b) Grantee has taken all required, reasonable and necessary steps to receive, accept and expend the grant in accordance with the Purpose and Applicable Law.
7. The Grantee shall produce a brief report explaining and documenting how grant funds have been expended in support of the activities described in paragraph 3. This report shall be sent to CTCL no later than January 31, 2021 in a format approved by CTCL and



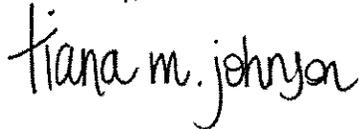
shall include with the report a signed certification by Grantee that it has complied with all terms and conditions of this Grant Agreement.

8. This grant may not supplant previously appropriated funds. The Grantee shall not reduce the budget of the General Registrar ("the Election Department") or fail to appropriate or provide previously budgeted funds to the Election Department for the term of this grant. Any amount supplanted, reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.
9. CTCL may discontinue, modify, withhold part of, or ask for the return all or part of the grant funds if it determines, in its sole judgment, that (a) any of the above terms and conditions of this grant have not been met, or (b) CTCL is required to do so to comply with applicable laws or regulations.
10. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs for the Purpose may be applied to the grant.

Your acceptance of and agreement to these terms and conditions and this Grant Agreement is indicated by your signature below on behalf of Grantee. Please have an authorized representative of Grantee sign below, and return a scanned copy of this letter to us by email at grants@techandcivicliflife.org.

On behalf of CTCL, I extend my best wishes in your work.

Sincerely,



Tiana Epps Johnson

Executive Director

Center for Tech and Civic Life



CENTER FOR TECH & CIVIC LIFE
233 N. MICHIGAN AVE., SUITE 1800
CHICAGO, IL 60601
HELLO@TECHANDCIVICLIFE.ORG

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GRANTEE

By: Arcell Young Blood

Title: City Manager

Date: 9/28/2020



CENTER FOR TECH & CIVIC LIFE
233 N. MICHIGAN AVE., SUITE 1800
CHICAGO, IL 60601
HELLO@TECHANDCIVICLIFE.ORG

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City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 20, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Nykesha Jackson

RE: **Consideration of re/appointment to the Virginia Gateway Region.**

PURPOSE: To consider re/appointments to the Virginia Gateway Region Board.

REASON: The term of the two (2) members representing the City on the Board have expired.

RECOMMENDATION: Reappointment Mayor Samuel Parham and Craig Richards (Progress-Index).

BACKGROUND:

Virginia's Gateway Region is a private, nonprofit organization that is funded new business opportunities, work with existing businesses, advance resources that will enhance the economic viability of the region, and foster regional cooperation among the public and private entities that are involved in economic development activities.

Virginia's Gateway Region includes the Cities of Colonial Heights, Hopewell and Petersburg and the Counties of Chesterfield, Dinwiddie, Prince George, Surry and Sussex.

Each member jurisdiction appoints one (1) local elected official and one (1) local business representative to the Board of Directors.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 10/20/2020

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Virginia Gateway Region 2019

	VIRGINIA GATEWAY REGION (formerly ABIDCO)			
	Number of members: 18 - Each of the 6 member localities appoint one elected official and one key local business representative - these twelve members then select 6 at-large members.			
TERMS	APPOINTMENTS	APPOINTED	TERMS	NEW APPLICANTS
03/01/17-02/28/2018	Mayor Samuel Parham	2/7/2017	Ward 3	
07/16/19-02/28/2020	Craig Richards	7/16/2019		
	AUTHORITY:			
	April 1960 Articles of Incorporation. ABIDCO is not-for-profit organization established under the laws of the Commonwealth of Virginia. Represented within the Appomattox Basin Area are the Cities of Colonial Heights, Hopewell, and Petersburg, and the counties of Chesterfield, Dinwiddie, and Prince George.			Each of the six (6) members local governing bodies appoints one (1) local elected official and one (1) key local business representative to the Board of Directors. The twelve (12) members appointed then select six (6) at-large members bringing the total membership to eighteen (18).
	MEETING DATE AND TIME:			TERMS:
	1 st Thursday at 7:30 a.m.			One year commencing October 1
	STAFF LIAISON:			DUTIES:
	Renee Wyatt-Chapline, Executive Director			To enlist, encourage and promote the development of businesses and industries throughout the area.
	Virginia's Gateway Region			
	(804) 732-8971			