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The regular meeting of the Petersburg City Council was held on Tuesday, February 21, 2023, at the Petersburg Public Library. Mayor Parham called the meeting to order at 6:09 p.m.

**1. ROLL CALL:**

Present:

Council Member Charles Cuthbert, Jr.  
Council Member Marlow Jones  
Council Member Annette Smith-Lee  
Council Member W. Howard Myers  
Council Member Arnold Westbrook, Jr.  
Vice Mayor Darrin Hill  
Mayor Samuel Parham

Absent: None

Present from City Council Administration:

Clerk of Council Nykesha D. Lucas  
City Manager John March Altman, Jr.  
City Attorney Anthony C. Williams

**2. PRAYER:**

Mayor Parham stated, "Vice Mayor Hill will lead us in our opening prayer."

Vice Mayor Hill led the council meeting in prayer.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Parham led the council and the citizens in the pledge of allegiance.

**4. DETERMINATION OF THE PRESENCE OF A QUORUM:**

A quorum was determined with the presence of all city council members.

**5. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:**

\*No items for this portion of the agenda.

**6. RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:**

Mayor Parham stated, "Responses to previous public information period is under council communicates."

**7. APPROVAL OF CONSENT AGENDA (to include minutes of previous meeting/s)**

a. Minutes:

-February 7, 2023 – Closed Session  
-February 7, 2023- Work Session

Vice Mayor Hill made a motion to approve the consent agenda. Council Member Smith-Lee seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

**8. OFFICIAL PUBLIC HEARINGS:**

- a. A public hearing on the consideration of an ordinance authorizing the city manager to execute a 2-year lease agreement between the City of Petersburg and New Light, LLC towards the sale of city-owned properties at 703 Bank Street, Parcel ID-012050017, 716 Wythe Street, Parcel ID-012330006, and 801 Bank Street, Parcel ID 012070031.

**BACKGROUND:** The Department of Economic Development received an application from New Light, LLC on November 7, 2022, to participate in the auction on GovDeals to purchase City-owned property located at 703 Bank Street which is currently a vacant residential structure. On November 8, 2022, at the conclusion of the auction, it was determined that New Light, LLC was the highest bidder. They have submitted to staff the required documentation to prove they have the wherewithal to purchase and develop the property. The proposed use of the property is to renovate the existing single family residential dwellings and rent the units at market rate.

The proposed purchase price for 703 Bank Street is \$35,100, which is 50% of the assessed value, \$70,200. The purchaser will also pay all applicable closing costs.

The Department of Economic Development received an application from New Light, LLC on December 12, 2022, to participate in the auction on GovDeals to purchase City-owned property located at 801 Bank Street and 716 Wythe Street which are currently vacant residential lots. On December 13, 2022, at the conclusion of the auction, it was determined that New Light, LLC was the highest bidder. They have submitted to staff the required documentation to prove they have the wherewithal to purchase and develop the property. The proposed use of the property is to develop 1200-1600 square foot two-story single- family dwelling with a minimum of three bedrooms and two bathrooms to sale at market rate.

The proposed purchase price for 716 Wythe Street is \$5,350, which is 50% of the assessed value, \$10,700. The purchaser will also pay all applicable closing costs.

The proposed purchase price for 801 Bank Street is \$4,551, which is 50% of the assessed value, \$9,102. The purchaser will also pay all applicable closing costs.

This proposal is in compliance with the Guidelines for the City's Disposition of City Real Estate Property, Zoning, and the City's Comprehensive Land Use Plan

**Property Information**

The zoning of the parcel at 703 Bank Street is zoned B-2, business district.

Address: 703 Bank Street  
Tax Map ID: 012-050017  
Zoning: B-2

The zoning of the parcel at 716 Wythe Street is zoned R-3, multi-family residential.

Address: 716 Wythe Street  
Tax Map ID: 012-330006  
Zoning: R-3

The zoning of the parcel at 801 Bank Street is zoned B-2, business district.

Address: 716 Wythe Street  
Tax Map ID: 012-070031  
Zoning: B-2

**RECOMMENDATION:** Staff recommend City Council makes a motion to approve the sale.

Brian Moore, Director of Economic Development, gave a brief overview of the request.

There was discussion among the City Council and staff and Mohammad Chourdry, petitioner.

Mayor Parham opened the floor for public comments.

Richard Stewart, 129 Rolfe Street, stated, "That is the Blandford area that I went to school at. I remember that house being built. And the question that I want to ask is that I believe at the time that the house went under there was a lot of crime in that area. And somebody was selling drugs or doing something in that house and the house was taken. So, my question is if this was taken away from a drug dealer or something like that and you all sell it for a different price, do they get anything, or all of the money goes to the city?"

Jeff Fleming, 1819 Chuckatuck Avenue, stated, "I think that the property being presented tonight, we need to go ahead and approve the sale of it. It is good that people want to come to Petersburg. Now there are some things I understand that we have to stop. For one, the house 703 has been there. What are you going to do to tear it down? Residential taxes are what we need. We need residents here. I think that you should approve the sale as it stands. Thank you.

Mayor Parham closed the public hearing.

There was discussion among city council members and staff.

Council Member Cuthbert made a motion to authorize the city manager to execute a purchase agreement as proposed with respect to 716 East Wythe and 801 East Bank Street and table the question of the sale of 703 East Bank until a definitive explanation is given from staff as to whether it can legally be developed as a single-family residence. Council Member Jones seconded the motion.

Council Member Jones made a substitute motion to not sell the property for less than 80% of the assessed value. Council Member Cuthbert seconded the motion. There was discussion on the motion. The motion was not approved on roll call. On roll call vote, voting yes: Cuthbert and Jones; Voting No: Smith-Lee, Myers, Westbrook, Hill, and Parham

\*Original motion goes on the floor.

Council Member Cuthbert made a motion to authorize the city manager to execute a purchase agreement as proposed with respect to 716 East Wythe and 801 East Bank Street and table the question of the sale of 703 East Bank until a definitive explanation is given from staff as to whether it can legally be developed as a single-family residence. Council Member Jones seconded the motion. The motion was not approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, and Parham; Voting No: Smith-Lee, Myers, Westbrook, Hill, and Hill

Council Member Myers made a motion to approve the ordinance as proposed. Vice Mayor Hill seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Smith-Lee, Myers, Westbrook, Hill, and Parham; Voting No: Cuthbert and Jones

**23-ORD-6 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT BETWEEN THE CITY OF PETERSBURG AND NEW LIGHT, LLC TOWARDS THE SALE OF CITY-OWNED PROPERTY AT 703 BANK STREET, PARCEL ID-012050017, 716 WYTHE STREET, PARCEL ID 012330006, AND 801 BANK STREET, PARCEL ID 012070031.**

Vice Mayor Hill asked, "When can we address this ordinance? Can we address it at our next work session as far as the price that we asked for as opposed to 50% and raising it to 75% or 80%."

Mr. Williams stated, "Yes. They can bring it back for discussion at the work session. The actual adoption would have to be at the next regular meeting because you have to have a public hearing. My recommendation would be to consider doing it incrementally and not a huge jump. I think that will incentivize people to come out if they want to buy property sooner than later."

Council Member Cuthbert stated, "This item that we just voted on, it comes back to us in the form of approval of a development agreement correct."

Mayor Parham stated, "Yes."

Council Member Cuthbert stated, "Mr. Altman, when this comes back as a development agreement, would you have answers for us please as to whether the city is applicable or allows the use of that property for single family purposes. It is the 703 East Bank Street property. Thank you, Mr. Mayor."

- b. A public hearing for the consideration of an ordinance authorizing the city manager to execute a purchase agreement between the City of Petersburg and Properties Remembered towards the sale of city-owned property at 417 Jefferson Street, parcel ID 022390008.

**BACKGROUND:** The Department of Economic Development received an application from Properties Remembered on September 8, 2022, to participate in the auction on GovDeals to purchase City-owned property located at 417 Jefferson Street, which is currently a vacant residential lot. On October 11, 2022, at the conclusion of the auction, it was determined that Properties Remembered was the highest bidder. They have submitted to staff the required documentation to prove they have the wherewithal to purchase and develop the property. The proposed use of the property is to renovate the existing single-family residential dwellings for rent.

The proposed purchase price for 417 Jefferson Street is \$7100, which is 77.17% of the assessed value, \$9,200. The purchaser will also pay all applicable closing costs.

Property Information

The zoning of the parcel at 417 Jefferson Street is zoned R-3, multifamily residential.

Address: 417 Jefferson Street  
Tax Map ID: 022-390008  
Zoning: R-3

**RECOMMENDATION:** Staff recommend City Council makes a motion to approve the sale.

Brian Moore, Director of Economic Development, and the petitioner gave a brief overview.

There was discussion among the city council and staff.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Jones made a motion to approve the ordinance authorizing the city manager to execute a purchase agreement for property at 417 Jefferson Street. Vice Mayor Hill seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

**23-ORD-7 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT BETWEEN THE CITY OF PETERSBURG AND PROPERTIES REMEMBERED TOWARDS THE SALE OF CITY-OWNED PROPERTY AT 417 JEFFERSON STREET,**

**PARCEL ID 022390008.**

- c. A public hearing for the consideration of an appropriation for a Community Flood Preparedness Fund (CFPF) Grant awarded by the Virginia Department of Conservation & Recreation (DCR) in the amount of \$2,800,878 to be used for construction costs for drainage improvement projects in the City of Petersburg's Lakemont area and authorizing the city manager to sign the Virginia Resources Authority MOU for Lakemont drainage improvements.

**BACKGROUND:** In 2019, a neighborhood drainage study was performed using grant funds for the Lakemont neighborhood as a continuation of multiple small grants awarded/implemented in that area since 2013. Several projects were identified from that drainage study as needing to be implemented or studied further. In 2022, the City of Petersburg (with assistance from external consultant) applied to DCR for grant assistance to help fund the implementation (construction) costs needed to complete the major projects. These projects from the drainage study were identified in the grant application as: the "North Whitehill Drainage Improvements", the "Battlefield Flood Remediation and Drainage Improvements", and the Hare Street Storm Sewer Improvements".

DCR recognized the need, and in turn awarded \$2,800,878.00 for the estimated cost of construction while also approving the City's request to waive the matching funds requirement. The CFPF Grants from DCR are all reimbursement grants requiring the funds be expended by the locality and then reimbursed quarterly by DCR through Virginia Resources Authority (VRA).

**RECOMMENDATION:** Request Council adopt the attached appropriation ordinance in the total amount of \$2,800,878.

Randall Williams and Darryl Walker gave an overview of the request.

Elso DiFranco, General Manager of AMPAC, gave an update and overview of AMPAC.

Mayor Parham opened the floor for public comments.

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "I looked through this a little bit in the agenda packet and it sounds great. But I have one concern after reading the materials. The initial letter mentioned the grant agreement. And from the date that the grant agreement was sent over there would be a 90-day interval for the city to sign and approve it. Which is what you are coming to do tonight. The date on the grant award document in the package was November 1<sup>st</sup>. So, if that is when Petersburg got it, and I do not know but this is something to look at, if we did indeed receive it on November 1<sup>st</sup>, we would have passed that period. It would have been right at the end of January. This is February 21<sup>st</sup>. I am hoping that we did not miss a deadline that we needed to meet because the letter said that if the 90-day approval did not come the money would be rescinded by the state. Thank you."

Mr. Altman stated, "To address Mrs. Rudolph comment, we have had conversations with DCR with regard to our meeting scheduled and when we could get a public hearing scheduled. They are very comfortable with us approving it this evening regardless of the 90 days that was in the letter. So, we have been communicating with DCR and we have addressed the issue and they are looking for our approval this evening so we can move forward with the project."

Richard Stewart, 129 Rolfe Street, stated, "The question that I want to understand is that all the water runs down the hill in Petersburg. You have Lieutenants Run, Brickhouse Run and everything running into the Appomattox. And that is a mess. What I am saying is that I do not know where Lakemont is. Why are there not any pictures to show what work is going to be done? I am not against it but why are there not pictures? I do not know where Lakemont is. I am concerned about the Appomattox. Thank you."

Mr. Walker stated, "The actual design of the project has not been completed as of yet. We are in the midst of a project. We are going to be starting the design on another one as soon as we get the preliminary

study completed. The pictures are not at the point where we can actually present anything. The design has not really been done on the project yet. We are just getting the money set so when the design is completed, we can go begin construction.”

There was discussion among the city council and staff.

Seeing no further hands, Mayor Parham closed the public hearing.

Council Member Jones made a motion to approve the ordinance as proposed. Vice Mayor Hill seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

**23-ORD-8 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023, IN THE GRANTS FUND IN THE AMOUNT OF \$2,800,878**

- d. A public hearing and consideration of an ordinance authorizing the vacation of Right of Way along River Street between 3<sup>rd</sup> Street and 5<sup>th</sup> Street.

**BACKGROUND:** The City Council of the City of Petersburg adopted an ordinance authorizing the sale of property along River Street and the Appomattox River to establish green space and a location for outdoor events. The sale of the property has been closed, and the property was transferred to the new owner.

The vacation would result in closure of the roadway along River Street between 3rd Street and 5th Street. The property owner owns property located at 240 River Street to the South of River Street, and 277 River Street to the North of River Street.

The owner is requesting the vacation of City Right of Way on River Street, between 3rd Street and 5th Street, to facilitate use of the recently acquired property along River Street and the planned event space use.

**RECOMMENDATION:** It is recommended that the City Council schedules a Public Hearing and considers an ordinance authorizing the vacation of Right of Way.

Reginald Tabor, Planning Manager, gave a briefing on the request and consideration.

Mayor Parham opened the floor for public comments.

Jeff Fleming, 1819 Chuckatuck Avenue, stated, “I am all for development and green space and all for putting us on that map. But I have not heard where safety has been looked at in this. You have a railroad that goes through there. I am quite sure that you have heard of recent events in Ohio about the derailment. How would fire get back there? You are talking about an event space, and you have people. How are we going to get down there should someone get hurt? You have a river right there. How would EMS or fire get to the river should you have a river accident? I do not think that these things have been covered. Nothing has come across my desk. And before we vote on it, I think those things as well as the hydrants back there, should we have a major fire down there, we would use those hydrants. There are a lot of things with safety hazards. But no one has really looked at the safety. And then you are going to have people down there. How are you going to get them out of there? From my understanding they are going to tear the entire street up. We have a policy in the department that we do not take our engines off of hard surfaces. They will sink because they are so heavy. So, has anyone looked at that before we make any decisions on vacating that right away. Thank you.”

Richard Stewart, 129 Rolfe Street, stated, “My first question, and I am an engineer, I went to school for engineering, but why do they do a topographical view all the time. Why don't they give side views that you can actually look down the street. Now my understanding is that River Street goes by the old train station to have events. You have to be careful of what you have down there by the river. You need a better view. A side view or front view in addition to that. I hope that you all will bring some side views and you will get a better view.”

Seeing no further hands, Mayor Parham closed the public hearing.

There was discussion among the city council and staff.

Council Member Myers made a motion to deny the petitioner's request. Council Member Jones seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

- e. A public hearing on an ordinance to amend and re-adopt Sections 110-10; 10-11; and 110-12 of the City Code pertaining to Augmented Fine Streets.

**BACKGROUND:** On January 17, 2022, City Council adopted a Resolution directing the City Attorney to "to bring forward recommendations for consideration by Council at its next meeting in February or as soon thereafter as practicable, to amend Sections 110-10, 11, and 12 of the City Code to facilitate other local, non-state through ways throughout the City of Petersburg without the requirement of a petition or traffic-study, to the extent permissible under the Code of Virginia."

**RECOMMENDATION:** Adopt ordinance.

Anthony Williams, City Attorney, gave an overview of the request.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Myers made a motion to approve the ordinance as proposed. Council Member Jones seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

**23-ORD-9 AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 110-10; 10-11; AND 110-12 OF THE CITY CODE PERTAINING TO AUGMENTED FINE STREETS.**

- f. A public hearing and consideration of an ordinance approving an amendment to proffers previously adopted with the zoning for the properties located at 1200, 1220, 1225, and 1255 Harrison Creek Boulevard.

**BACKGROUND:** The City of Petersburg received a request from PBFL, LLC represented by C. Burton Cutright, to amend the proffers previously adopted with the rezoning for the properties located at 1200, 1220, 1225 and 1255 Harrison Creek Blvd, Tax Parcels # 040030805, TP# 040030806, and TP# 04003080. The purpose is to permit the construction of five (5) structures with a total of 120 units of housing, designed like the existing Aqua Luxury Apartment multi-family development on the parcels addressed as 1220, 1225 and 1255 Harrison Creek Boulevard.

**History**

The City Council adopted 08-Ord-20, February 19, 2008, which approved the rezoning of the Harrison Creek Boulevard properties to PUD with proffered conditions. The subject property was rezoned from M-1, Light Industrial District, with conditions, to Planned Unit Development (PUD) with proffered conditions. The purpose was to permit a PUD to be known as Harrison Creek, on a 36.216+/- acre parcel of land addressed as 2470 County Drive, further identified as Tax Parcel 040-03-0801. The Harrison Creek development proposal included "upscale office, commercial and lifestyle residential apartments in a mixed-use community. The proposal included Office/Retail (3.97+/- acres); a Commercial Mini-Storage site (2.02+/- acres); Community Center/Pool, Multi-Family residential complex, containing 336 dwelling units within fifteen (15) structures on 28.47+/- acres.

In 2021, the petitioners proposed an amendment to the proffered conditions that would allow the construction of up to 65 single-family detached rental homes on 6.26+/- acres of land located along Harrison Creek Blvd between Route 460 and Acqua Luxury Apartments.

The Planning Commission considered the petition to amend the proffered conditions previously approved with the rezoning of the property and voted unanimously on November 4, 2021, to recommend approval of the proposed proffer amendments.

The City Council subsequently considered the petition and referred it back to the Planning Commission.

The Planning Commission considered the petition during the January 20, 2022, meeting. During deliberations, the Commission asked about the impact of the proposed change to the proffered conditions on the City's sewer system capacity.

The Interim Director of Public Works at the time stated that while the current water/sewer system could support this development, the new development would limit future development in the area.

The Commission expressed concerns regarding a lack of home ownership, aging infrastructure, the capacity of the Poor Creek system, and the potential impact of the proposed change on the pharmaceutical cluster development.

A representative of the Developer stated that the developers originally invested \$228,000 in a pump station to create capacity. This capacity was then thought to be more than enough for the apartments and the retail space. They further stated that in the past 11 years, there has been active promotion in trying to bring in a grocery store, office establishments, and other commercial development, but there has not been any interest from any retail or grocery store in the location. There is, however, demand for off-base housing from Fort Lee. They stated that they believe that they have developed the capacity for the sewer on this site through the previous investment.

The Interim Director of Public Works stated that Petersburg has plenty of drinking water capacity, but not sewer capacity.

The Commission voted to recommend denial of the petition.

The Developer requested that the item be presented to the City Council for consideration on December 13, 2022.

### **Request**

The Developer submitted an amended development plan that replaces the proposed cottage-style residential units with structures like those in the existing development. The proposed new development would include the construction of five (5) structures with a total of 120 new units including 60 1-bedroom units and 60 2-bedroom units. Residents will have access to the amenities and facilities of the existing Aqua apartment community.

The City Council referred the item to the Planning Commission for review. The Planning Commission considered the item during the January 5, 2023, Planning Commission meeting. During the Public Hearing, the representative of the Developer spoke. Also, during the Public Hearing, the Acting Director of Public Works spoke, and he provided correspondence that includes a recommendation on the item. Following the Public Hearing, the Commission voted to recommend denial of the request.

**RECOMMENDATION:** It is recommended that the City Council holds a Public Hearing and considers an amendment to the zoning designation of the Harrison Creek Properties and related proffered conditions.

Reginald Tabor, Planning Manager, gave a brief overview of the request to adopt the amendments.

There was discussion among city staff and council members.

Council Member Cuthbert made a motion to readvertise and table until the March 21, 2023, agenda with a legal opinion. Council Member Westbrook seconded the motion.

There was discussion on the motion.

Council Member Westbrook rescinded his second to the motion made by Council Member Cuthbert.

Council Member Cuthbert motion dies due to a lack of second.

Mayor Parham opened the floor for public comments.

Chip Dicks, petitioner, stated, "I would like to take moment to introduce the two owners if I could, Mr. Burt Cutright and Mr. Eric Olson. These two gentlemen came to Petersburg in 2008. And they invested \$60 million dollars in the city. And they built 336 apartments, and they are out there today. They are quality apartments. They are exactly the kind of apartments that we need in the city. Particularly the pharmaceutical companies are coming and economic development. And the feedback from a number of members of council will change the development plan from single family housing to building apartments just like the apartments that we have. So, I appreciate Mr. Tabor explaining the project. I mentioned a couple of things and in your packet are a couple of pictures that show the project. I am sure that most of you all have looked at those. There is a set of cash proffers and there is a proposed ordinance approving the project. So, I commend those to you. Again, I am going to try to respect your time with this. There are a couple of issues that have come up and I have some sheets to pass out. In addition, to the question about the planned unit zoning, I am going to address that upfront and I am going to address the final issues. In the approval from 2008, there is an ordinance that was adopted. And one of the ordinance provisions speaks to what happens to a planned unit development which is different and what happens in other circumstances. So, when you look at the ordinance itself it speaks to a number of different things that are appropriate for planned unit development. And those things include creative land use, flexibility for natural land circumstances, special preservations for community facilities and all those types of things. It talks about a process for amending the planned unit development. This speaks to the fact that you go through the planning commission and city council, and you come back to the city council for that. There is also a provision that deals with the abandonment of community development. And that is section 8 of the ordinance. And that ordinance provision speaks to an abandonment of a prevision with respect to a two-year timeframe under the ordinance. And it talks about a two-year extension, and it talks about the fact that there is a reversion automatically to the original zoning. That got changed as part of the 2008 rezoning and that provision was changed to say that if there was not a completion of the planned unit development, which it wasn't, by March 1, 2013, that city council may decide to adopt an ordinance to revert. But this provision here in 2008, prompts the provision and the ordinance with respect to planned unit development. So, the next thing I would like to talk about for a few minutes is Poor Creek. Because it has been a lot of conversation about Poor Creek. And there is a history here to think about. Number one, in 2008 the Department of Public Works said that in order to reduce the impact and accommodate the impact of this project of 336 apartments plus what was proposed to be the commercial area under the 2008 zoning, you need to pay about a quarter of a million dollars in cash proffers. And that in fact was paid. That addressed the entire impact of this Harrison Creek Development on Poor Creek. A year ago, when this PUD (Planned Unit Development) application was filed and negotiated with the Department of Public Works, the decision was made and the recommendation that you need to pay another cash proffer of a half of million dollars. And that would offset the impact on Poor Creek. There was no objection from the Department of Public Works a year ago. And there was a requirement for cash proffers of half a million dollars to be paid on a per unit basis. That comes in at about \$4,000 a unit. So, when this went to the planning commission last January 2022, public works had no objection and said this is not a problem there is sufficient capacity at Poor Creek as of January 2022. It is right in the Planning Commission minutes. What happened was, that Councilman Cuthbert requested that the Department of Public Works reevaluate. So, the Planning Commission meeting was on the 2<sup>nd</sup> of February. On January 31<sup>st</sup>, that request was made by Council Member Cuthbert. And on February 1<sup>st</sup>, a letter was issued saying the Department of Public Works has concerns about the impacts on Poor Creek and until the Poor Creek Project is completed, we are concerned whether or not you should go forward with this

project. The answer is that Poor Creek is required to be completed by 2025. This development in terms of timing will be completed at about the same time. And this project developer is paying over a half a million dollars to address the impact on Poor Creek through cash proffers that was negotiated directly with the Department of Utilities. So, those are the comments if you will on Poor Creek issues and I will be happy to answer further questions about that. Now, it goes back to the real financial impacts of this project and the benefits for the City of Petersburg. So, on the first page there are one-time payments to get paid and it is over two million dollars broken out into a half a million dollars in cash proffers, sewer connection fees in over a million dollars, water connection fee in over \$350,000. The total of water and sewer fees is right at \$2 million. Then there are all these inspections and permit fees. Again, over \$2 million in one-time fees were paid to the city as a result of this additional 120 units. The next page on the back page talks about what the annual assessments will be and what the annual revenues are for the city over the life of the project at the current tax rates. So, the real estate land assessment is \$15,000, not much. The real estate tax assessments are \$190,000. Personal property cars that will be there for management are \$116,000. So, you look at the total amount of annual revenue under the current tax rate of \$322,000 paid by this portion of these 120 units that is before you tonight under consideration. Then the utility revenue is \$73,000 broken out. So, the annual revenue with current rates is \$400,000 a year. So, in addition to the \$2 million dollars upfront you get \$400,000 a year. So, I would ask you to think about this. How often do you have a proven developer who comes in and builds and invests \$60 million dollars in the city? This project is going to be somewhere between \$10-11 million dollars on top of the money that is already invested. These revenues are the revenues that you are going to get in addition to what you are already getting for the base project. And so, when you think about it, and I look at the economic development brochures, and what I see is the current Acqua Project offered as a tremendous project. And it is. And you think about the pharmaceutical companies that come. I look at this as an advantage to serve the investment and the economic development that is coming. And it is already here. And so, this is not a negative on the city at all. And I would submit to you on Poor Creek. And the timing of Poor Creek and the timing of construction of this project fit very well. With that Mr. Mayor, I would be happy to answer any questions that I have reserved for five minutes to close after the public testimony.”

Jeff Fleming, 1819 Chuckatuck Avenue, stated, “Here we go. We are going to kick the can down the road again. This is one of our corridors to our city. Right now, if you look over it is just some burying dirt. We are trying to beautify it. We have the pharmaceutical hub. We want people to come to Petersburg. From what I understand this man is willing to spend some money to come here. Why are we making it so difficult? From what I understand and what I was hearing is that they spent \$200,000 the first time then they spent \$500,000. That should have taken care of the problem. Because if I spent it, I will be like look I paid once and I am not paying again. I think you should go ahead and vote for the amendment to this and have this ordinance and stop kicking the can down the road for the next meeting and next meeting and get it over with. Thank you.”

Michael Packer, 1245 Woodland Road, stated, “I rise to speak against this particular zoning. First, procedurally, this project was not advertised properly in accordance with state law. The attempt to cause it to be placed in the newspaper, and the newspaper saying that you did not timely request it. And if you asked for it a week earlier, then you would have gotten it in on time, but you did not ask for it on time. The newspaper said that we could not put it in until the 10<sup>th</sup>. The clerk said fine and that is what she wrote it for. It does not meet the requirements of the statute and it was not a mistake and it was not published. So, that is an error that would cause any action that the council takes tonight to be void and unenforceable. Also, the ad failed to give a description of what was being proposed. All it said was to change proffers, and what it needed to say was to change proffers from commercial to multi-family residential. It did not say that or give the citizens any indication of what the changes what have needed to be. A descriptive summary is necessary and that did not occur. Finally, the petition before you only involve a request to change proffers. It does not ask for a change in the plan development. The plan development currently shows commercial on the front. And then the developers are going to have to come back to you again and petition for a change in the development plan in order to build the departments. Now for the substance, there are 120 kitchen sinks proposed, 120 dishwashers, 120 washing machines, 180-bathroom sinks, 180 bathtubs and 180 toilets going in these 120-unit apartments. That is 900 fixtures that will be hooked up to the Poor Creek system. The council approved this PUD in 2008 showing apartments in the back and commercial in the front. And the developers built their apartments, and I am sure they did not have leases at the time. They built the apartments because they knew they would be able to rent them, but they did not build the commercial in front because they knew if they asked for apartments for the

whole at that time council would not approve it. So, the council said we will approve apartments in the back and commercial in the front and you should finish by 2013. And if you do not finish by 2013, then we may bring this back before us, and it will not be a vested interest. Now ten years after 2013, and the developers have come back and said, 'we do not want a PUD at all. We want a R-5 development, multi-family apartment complex development.' It is strictly an R-5 apartment under the guides of planned unit development. I am going to find it interesting what the professionals of the planning department say about their recommendation in this regard. The planned unit development requires that a development in a PUD be in accordance with the comprehensive plan. Your ordinance says that it is not in compliance with the comprehensive plan. Also, your ordinance requires that your PUD's be mixed use, and this is not a mixed use. It is all apartments. So, for that reason I suggest that you deny this petition. Thank you."

Seeing no further hands, Mayor Parham closed the public hearing.

There was discussion among the city council, the petitioner, and staff.

Council Member Jones made a motion to approve the request and ordinance. Council Member Myers seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Jones, Myers, Westbrook, Hill, and Parham; Abstain: Cuthbert; Absent: Smith-Lee

**23-ORD-10 AN ORDINANCE AMENDING THE PROFFERED CONDITIONS PREVIOUSLY ADOPTED WITH THE REZONING OF THE PROPERTIES LOCATED AT 1220 HARRISON CREEK BOULEVARD, T.P.# 040030805, 1225 HARRISON CREEK BOULEVARD, T.P.#040030806, AND 1255 HARRISON CREEK BOULEVARD, T.P. 3040030807.**

- g. A public hearing and consideration of an ordinance approving a Zoning Ordinance Text Amendment – To amend Article 15. – “B-2” General Commercial District Regulations, Section 2. Use Regulations, by changing permitted uses from those in the “B-1” Shopping Center District to those permitted in the “R-3” Two-Family Residence District and requiring a Special Use Permit for Multi Dwelling in B-2 and B-3 districts.

**BACKGROUND:** The City of Petersburg Code of Ordinances Appendix B. Zoning includes Article 15. "B-2" General Commercial District Regulations. The purpose of this district is to provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise associated with manufacturing.

Currently, within the regulations, Section 2. Use regulations. State that “A building or premises shall be used only for the following purposes: (1) Any use permitted in the "B-1" Shopping Center District and "RB" Office-Apartment District.” The RB District permits (1) Any use permitted in the "R-5" Multiple Dwelling District. Currently there are 805 parcels in the City of Petersburg zoned B-2 General Commercial District. These parcels are located along commercial corridors, including Washington Street, Wythe Street, Halifax Street, S Crater Road, County Drive, Wagner Road, and Rives Road. The 2014 Comprehensive Plan Future Land Use Plan designates properties zoned B-2 as Commercial, Development Corridors and other uses.

The RB district permits multi-family residential development by-right. This amendment would change the by-right residential use to Single-Family and Two-Family residence, and require a Special Use Permit for Multi-Family uses.

Pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, the Planning Commission held a public hearing on January 5, 2023 and considered a resolution recommending approval of the amendment to the Code, and the public hearing was advertised, in accordance with applicable laws.

The Planning Commission voted to recommend approval of the Text Amendment.

**RECOMMENDATION:** It is recommended that the City Council schedules a Public Hearing and considers an amendment to the City Code City Code Appendix B. Zoning by changing permitted uses from those in the "B-1" Shopping Center District to those permitted in the "R-3" Two-Family Residence District and requiring a Special Use Permit for Multi Dwelling in B-2 and B-3 districts.

Reginald Tabor, Planning Manager, gave a brief overview of the request to adopt the amendments.

Mayor Parham opened the floor for public comments.

Michael Packer, 1245 Woodland Road, stated, "I ask to speak in favor of this particular amendment text of the city's zoning ordinance. As I am sure that many council members understand, our ordinance was written in 1972. It is an ordinance that starts with agriculture and goes all the way down to M-2, Heavy Industrial. And it carries the uses forward and it does not cut off those uses until you get to the industrial area. And it lets the residential uses pyramid down so that now in your business districts you can have R-5 apartment complexes as a matter of right. And there are certain places in Petersburg that had been businesses for many years that are no longer business places where the structures may have been removed or structures may have remained. There might be some interest in causing those to be multifamily units. The highest and best use of those properties though are for business. Right now, the zoning ordinance will not allow you to prohibit the multifamily uses from going into those business areas. This ordinance cuts off the pyramids so that the R-5 are not allowed in the business district unless they first come to you. If the council determines that multifamily is appropriate at that particular point you can approve it. Otherwise, multifamily would not be allowed. The Economic Development Authority thought that this was an important change that needed to be made to the zoning ordinance. We brought it forward through the Director of Economic Development to the planning folks. And it is now before you and we ask you to support it. Thank you."

Seeing no further hands, Mayor Parham closed the public hearing.

There was discussion among the city council and staff.

Council Member Cuthbert made a motion to approve the ordinance and request.

Motion dies due to lack of second.

Council Member Myers made a motion to table item "g" & "h" and add this to city council's next work session and to have printouts provided during that time. Council Member Westbrook seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

- h. A public hearing and consideration of an ordinance approving a Zoning Ordinance Text Amendment – To amend Article 15. – "B-2" General Commercial District Regulations, Section 2. Use Regulations, by changing permitted uses from those in the "B-1" Shopping Center District to those permitted in the "R-3" Two-Family Residence District and requiring a Special Use Permit for Multi Dwelling in B-2 and B-3 districts.

Item "H" has been tabled with item "G" to be moved to the March 7<sup>th</sup> meeting for discussion.

- i. A public hearing for February 21, 2023, for the consideration of an ordinance to amend and re-adopt the City Code to include Section 98-25 – Bollards for Historic Properties.

**BACKGROUND:** The City of Petersburg has established and maintained Historic Districts to protect and preserve historical landmarks and resources within the city.

Most of the city's historical landmarks and resources are located on properties within the city's local historic districts and they include historic elements that are irreplaceable. Such historical elements are threatened by motor vehicle drivers who may crash into them, causing damage. Several owners of these historic properties

have indicated that they would be willing to contribute the cost of bollards for protection of their properties if the city were willing to permit installation in the public right of way.

**RECOMMENDATION:** It is recommended to schedule a public hearing for February 21, 2023, for the consideration of an ordinance to amend and re-adopt the City Code to include Section 98-25 - Bollards for Historic Properties.

Council Member Cuthbert gave a brief overview of the request to adopt the ordinance.

Mayor Parham opened the floor for public comments.

Joe Battiston, 1 South Sycamore Street, stated, "Thank you for the opportunity to speak City Council. I support the bollards. The only thing that I am really going to say is that it should be in certain situations here the cost should not be by the property owner. In a case like this particular one where you showed the houses and the fences, yes, because that is not a public safety problem. Those of you that remember when the vehicles went into my building at 2 North Sycamore Street. It happened twice, one year and two days apart. A third vehicle almost hit the building. With those bollards there is a good chance that it would not have gone through that building. That is three times on the same exact building. We used to have these electric eyes on the front of the building. They were there in the 40s or 50s, whenever they were put in and they were considered the first electric eyes in the south. They got taken out by the first vehicle that went into the building. They went right through the front door of the drugstore. They lasted there for many years and then three years in a row we had this incident occur. I am not really concerned about the building as much as I am concerned about public safety. When I purchased those properties at that intersection, you were lucky to see one or two people a day walking the street. Today, you get those numbers in a matter of minutes. There is a tremendous amount of people walking the sidewalks now in that part of time. I am worried that if someone comes from South Sycamore to North Sycamore and runs that red light, the first thing they are going to do is push a car in that direction. And all you need is people standing there looking in the window or walking along the sidewalk to be taken out. Nothing should be for the property owner. That is a public safety issue. I would like to see it looked at. Now, Mr. Cuthbert mentioned the ARB (Architectural Review Board). Now, we have brought it up with the ARB and it is going to be well accepted to protect some of these properties. But for the homeowners that want to protect their fences, that is not a bad idea to offer them the opportunity to protect their property. Mines are a little bit different because it is a public safety issue. I can provide you with the pictures because I do have those pictures. That is all I have to say. It is a good idea to allow people to have the opportunity to learn bollards. Thank you very much."

Claudia Bezaka, 205 South Sycamore Street, stated, "The building is protected by this rod iron fence that was built in the 1850s. And that fence in 2021, two car accidents hit one side. July of that year another car, a drunk driver, hit the other side. In November 2022, another came within a foot of the fence again. So, the concern is that there are buildings with senior living across. There is a bus stop right at that corner where the cars are actually hitting the fence. So, it is a public issue, but it is also an issue of damage to property. And with that context, these bollards would create a safe separation between the vehicles on this extremely high dense area and the people, a safe separation between those two. It can block vehicles from damaging property and damaging people providing a buffer. The impact of the vehicle can be taken by the bollard. It also serves as a guide for motorists because it is a visual guide so they can actually see it. So, for that reason I am asking you to support the ordinance at the expense of public safety. I am not sure how that works at this point. After three strikes, one close one, I am encouraging you to look at this ordinance and approve it so that we can keep our property safe and the citizens safe as well. Thank you."

Jeff Fleming, 1819 Chuckatuck Avenue, stated, "Everyone knows that I am all about safety and code. I am all for the safety of the bollards, pedestrians and so forth. But legally, where will the actual bollards be located? Will they be located in a public right away? That is not laid out here. Because if it is in the public right away it comes right back to the city where the bollards were installed incorrectly. I know for the fire code it has to be 36 inches in the ground and 8-inch diameter of concrete in order to stop an impact. So, if we are putting things in the city right of way then it needs to be addressed as to how it is going to be put there and where it is going to be put. But I am all in favor of it. How close to a hydrant? It has to be 36 inches from a hydrant. Where

are they going to be placed? It just says bollards which means you can just put them anywhere. So, that needs to be looked at. Thank you.”

Eric Williams, 606 Harding Street, stated, “As an owner of a store in one of these historic properties, one thing that I have a discrepancy with is why the cost of the bollards have to be at the expense of the owner. I feel like those of us who have taken on responsibility for ushering these properties into another hundred years. These historic properties already have a shared investment in the city. So, why would this cost not be shared by the city or the architectural board? That is all the questions that I have.”

Seeing no further hands, Mayor Parham closed the public hearing.

Council Member Cuthbert made a motion to approve the ordinance and request.

Motion dies due to lack of second.

There was discussion among the city council and staff.

Council Member Jones made a motion to send this to the Planning Commission to come back with a recommendation at the business meeting in March (March 21<sup>st</sup>). Council Member Cuthbert seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Westbrook, Hill, and Parham; Voting No: Myers

**9. 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.

Bill Kinney, 1722 Buckner Street, stated, “This is my first time here to ever attend a city council meeting. I have been a resident for 38 years. I wanted to come here tonight because the question that I have in my heart is pretty important, I think. On February 3, 2023, there was a horrible accident that occurred in Ohio when numerous rail cars carrying toxic chemicals exploded and caught fire. Local citizens were evacuated, water supplies were contaminated, and citizens were becoming ill. And fish and birds were dying. In Petersburg, we have numerous trains passing through our city. We do not know what is in these trains nor do we know the conditions of the rails that are being used. There is no indicator of when these rails were last inspected. We have no idea when the rails, bridges or signals were inspected. Is there any contingency plan in our city? Should there be a derailment occurring containing hazardous materials and has that plan been exercised on a routine basis? What kind of evacuation procedures are in place to notify citizenry in Petersburg? Are there any inspections being performed periodically on railroads coming through Petersburg to ensure that they are safe? We need to take care of every preventive step possible to ensure that the citizens of Petersburg are safe from disaster. What we do here tonight can prevent a death or injury to thousands of citizens. Setting and enforcing safety standards on the rail industry is just as important as the regulations of flight and trucking. We need to get it right now. We cannot wait until tragedy occurs. We have to be like those in Ohio who are not getting the help nor answers that they need. We have to get the answers now. We have to have the answers now. And that is what I want. I want the answers for our city now.”

Mayor Parham stated, “Thank you Mr. Kinney. We will definitely research the railroads and produce those inspections for you. So, look forward to having that at the next meeting. Thank you.”

**10. BUSINESS OR REPORTS FROM THE MAYOR OR OTHER MEMBERS OF CITY COUNCIL:**

Council Member Cuthbert stated, "I have no report."

Council Member Jones stated, "I have no report."

Council Member Westbrook, stated, "For the sake of time I will try to keep it as brief as possible. But I do have a report. I cannot let this opportunity pass. First of all, I would like to shout out to the Petersburg High Wrestling Team. For the first time in 17 years, they had two people to place in the state wrestling finals. So, I just want to make sure that they get their notoriety. And hopefully once the basketball team gets their accolades over the next few weeks. When we bring the basketball team in, we can bring in the wrestling team as well. And with that I do want to make sure with the youth that the PHS Forensic Team is competing in the super regionals under the direction of Ms. Terry Smith this weekend at the Lafayette High School in Williamsburg. So, again that sport of verbal discourse is growing. If you have been hearing me over the past few months, the speech and debate is growing. The Richmond Forum charges us to bring this to the urban communities so that people of color and the youth can become better public speakers and learn better how to solve their conflicts through talking and not through violence. So, shoutout to the five people from Petersburg High on the forensics team. With that being said, not to call out the Progress-Index, but I am a little concerned that the sports section always calls out the high school basketball and football team but sometimes the sports of wrestling, forensics, track, soccer, and baseball do not get as many varieties of recognition in our own paper. And I hope that we can start getting the youth their praise. It was something to me in my day when I could see my name and friends in the paper. So, hopefully we can get back to it being in the physical paper. And with that being said, hopefully we can do something about our delivery drivers. This weekend our speech and debate team under the honor's college umbrella is hosting the HBCU Speech and Debate National Tournament. We have 15 HBCU's with over 170 competitors coming to this area starting Thursday. It will be Thursday, Friday, Saturday, and Sunday. You will have some of the collegiate youth that are presenting in eleven speech categories and two debate categories. I encourage anyone that is interested to come out and observe what is going on. This is the first time the national tournament has been held since 2019. And this is the first time on the east coast. Normally, it is held down south. So, we want to make sure that we put on a good showing. Petersburg is having the Speak Easy. It is not open to the public. It is a direct group but if you get with me there is some VIP access if anyone is really interested. All events are open to the public to come out on Sunday. If you need directions, just report to the president's house on campus. Next up is working again. I am all about youth. Please get with Marquis Allen in Parks and Recreation. Hopefully, we can support their first pitch on baseball. Registration closes next week on the 24<sup>th</sup> as well as first kick with soccer. We are always saying that we want more for the youth, but they are there, and we need to make sure that we are supporting these efforts. As well I am sure they are preparing for summer camps. Lastly, I would like to thank everyone for their Black History Awareness. I know that we still have a few more days and I know that there are some great programs this month. But Black history is still going on. It is 365 days for me. But definitely let us celebrate it as much as we can this month."

Council Member Smith-Lee stated, "I would like to congratulate VSU Band that was on the 'Today Show.' They were fantastic. And they shouted out Petersburg, Virginia. Also, Rodney Stith and the Soul Chronical Band were absolutely phenomenal here last Friday night. We have our own David Ruffin here in the City of Petersburg. They were fantastic. Thank you, Rodney, and your band, for putting on a fantastic show. Last but not least, we lost a really big icon in the City of Petersburg. He was from Hopewell, but he participated in all the sports in the City of Petersburg. I just want to give 30 seconds of silence to Mr. William Harper. A good man, person, husband, and father."

Vice Mayor Hill stated, "I wanted to congratulate Virginia State University. I watched them on the 'Today Show.' The first thing that came out of the director's mouth was that they were from Petersburg, Virginia. But I also want to congratulate the Recreation Department along with the library administration for the last month that they have been hosting events here. They have done a great job of hosting the different activities. I just want everyone to be safe during this summer that is coming up. Get our yards right. We want Petersburg to look well and just be safe in our community. Thank you."

Mayor Parham stated, "I want to piggy-back on what the Vice Mayor Hill said. I just want to thank Marquis Allen. Because he has done a fabulous job with our Black history month programs along with Wayne Crocker. People in the state are looking at it and saying that they want to learn how to do Black history programming the way that we have been doing this past month. We cannot thank our people enough. At this time, I also want to thank our Interim Fire Chief Magann that is back there. I have to give him a shoutout. Chief Magann flew out to California last week to pick up a gentle used fire tiller truck that he brought all the way back here. It is being refurbished and fitted to meet the needs of the Petersburg Fire Department. So, I just cannot thank him enough for going beyond for getting the residents the apparatus to keep them safe."

Council Member Myers stated, "I have nothing, but I would like to add an additional 30 seconds to remember Mr. Robert Armstrong. He passed away this morning."

Council Member Westbrook stated, "Can we add to Mr. Eddie Via, Class of 1984."

Council Member Jones stated, "Can we add Chief Harvell and Eddie Crawford. May they rest in peace."

**11. ITEMS REMOVED FROM CONSENT AGENDA:**

\*There are no items for this portion of the agenda.

**12. FINANCE AND BUDGET REPORT:**

\*There are no items for this portion of the agenda.

**13. UNFINISHED BUSINESS:**

a. Consideration of a resolution to amend the Rules of Council and add Conflict of Interest.

**BACKGROUND:** Council requested that the City Attorney prepare and present an amendment to the Rules of Council incorporating a summary of the provisions of the Virginia Conflict of Interest Act into the Rules of Council.

**RECOMMENDATION:** Recommend City Council adopt the resolution.

Mr. Williams gave a brief update on the request.

There was discussion among the city council and staff.

Council Member Cuthbert made a motion to adopt the resolution. Council Member Jones seconded the motion.

Council Member Cuthbert made a motion to approve the resolution. Council Member Westbrook seconded the motion. There was discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Westbrook, and Hill; Voting No: Smith-Lee, Myers, and Parham

**23-R-15 A RESOLUTION AMENDING THE RULES OF COUNCIL AND ADDING CONFLICT OF INTEREST.**

**14. NEW BUSINESS:**

a. Consideration of an appropriation in the amount of \$10,158 from the Virginia Department of Environmental Quality (DEQ) for the City of Petersburg's Litter Prevention and Recycling Program activities for FY23 – 2<sup>nd</sup> Reading

**BACKGROUND:** The City has applied for & been awarded this Litter Grant over the last several fiscal years. Also, the city has met the requirements by completing Performance & Accounting reports that were due to DEQ by the submission date.

**RECOMMENDATION:** Recommend Council approve the attached appropriation in the amount of \$10,158 to FY 2023 Amended Budget.

Randall Williams gave an overview of the resolution request.

Vice Mayor Hill made a motion to approve the appropriation ordinance. Council Member Jones seconded the motion.

Mayor Parham opened the floor for public comment.

Seeing no hands, Mayor Parham closed public comments.

There was discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

**23-ORD-11 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2022, AND ENDING ON JUNE 30, 2023, IN THE GRANTS FUND IN THE AMOUNT OF \$10,158.**

- b. Consideration of a resolution approving the Development Agreement for Development of 421 Jefferson Street Petersburg, Virginia between the City of Petersburg and Entrusted Visions, LLC and Abe Development, LLC.

**BACKGROUND:** The City of Petersburg City Council approved an Ordinance authorizing the City Manager to execute documents related to the sale of city-owned property located at 421 Jefferson Street on December 13, 2022. Following a due diligence period, a Development Agreement has been drafted that requires, in consideration of the City's conveyance of the Property to SGF Developers, LLC shall perform the redevelopment or the Property strictly in compliance with the project summary documents and in accordance with the terms in the Agreement. The summary documents state the developer will construct a 1300 square foot residential dwelling with three bedrooms and two bathrooms for sale at market rate with a construction timeline of twelve months.

The Development Agreement shall be referenced as set forth fully in the deed of conveyance of the Property from the City to SGF Developers, LLC. The deed shall include provisions for the reverter described in the Development Agreement.

**RECOMMENDATION:** Staff recommends City Council makes a motion to approve the development agreement.

Brian Moore, Director of Economic Development, gave an overview of the request.

Vice Mayor Hill made a motion to approve the resolution. Council Member Myers seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

**23-R-16 A RESOLUTION APPROVING THE DEVELOPMENT AGREEMENT FOR DEVELOPMENT OF 421 JEFFERSON STREET, PETERSBURG, VIRGINIA BETWEEN THE CITY OF PETERSBURG AND SGF DEVELOPERS, LLC**

- c. Consideration of a resolution approving the Development Agreement for Development of 1022 High Pearl Street, Petersburg, Virginia Between the City of Petersburg and Entrusted Visions,

LLC, and Abe Development.

**BACKGROUND:** The City of Petersburg City Council approved an Ordinance authorizing the City Manager to execute documents related to the sale of city-owned property located at 1022 High Pearl Street on December 13, 2022. Following a due diligence period, a Development Agreement has been drafted that requires, in consideration of the City's conveyance of the Property to Entrusted Visions, LLC and Abe Development, LLC shall perform the redevelopment of the Property strictly in compliance with the project summary documents and in accordance with the terms in the Agreement. The summary documents state the developer will renovate the existing single family dwelling to sale at market rate.

The Development Agreement shall be referenced as set forth fully in the deed of conveyance of the Property from the City to Entrusted Visions, LLC and Abe Development, LLC. The deed shall include provisions for the reverter described in the Development Agreement.

**RECOMMENDATION:** Staff recommends City Council makes a motion to approve the development agreement.

Brian Moore, Director of Economic Development, gave an overview of the request.

Vice Mayor Hill made a motion to approve the resolution. Council Member Smith-Lee seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

**23-R-17 A RESOLUTION APPROVING THE DEVELOPMENT AGREEMENT FOR DEVELOPMENT OF 1022 HIGH PEARL STREET, PETERSBURG, VIRGINIA, BETWEEN THE CITY OF PETERSBURG AND ENTRUSTED VISIONS, LLC AND ABE DEVELOPMENT, LLC.**

d. Consideration of reappointment/s to the Appomattox River Water Authority (ARWA) Board.

**BACKGROUND:** The Appomattox River Water Authority consists of the Cities of Colonial Heights and Petersburg and the Counties of Chesterfield, Dinwiddie, and Prince George. The Authority is responsible for the operation of the Appomattox River Water Treatment plant.

The Authority Board includes one (1) Member and one (1) Alternate Member from each of the political subdivisions. The City Council has, as have other as its representatives on the Board and the Director of Public Works as the alternate.

**RECOMMENDATION:** Recommend City Council reappoint John M. "March" Altman, Jr., City Manager, as the primary, and Tangela Innis, Deputy City Manager, as the alternate member to the Appomattox River Water Authority Board for a term ending December 31, 2027.

Mrs. Lucas gave a brief overview of the request.

Vice Mayor Hill made a motion to approve the resolution. Council Member Smith-Lee seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, Parham

**23-R-18 A RESOLUTION REAPPOINTING JOHN M. "MARCH" ALTMAN, JR., CITY MANAGER TO THE APPOMATTOX RIVER WATER AUTHORITY BOARD AS THE PRIMARY AND TANGELA INNIS AS THE ALTERNATE FOR A TERM ENDING DECEMBER 31, 2027.**

e. Consideration of a resolution on the 2022 Richmond-Crater Multi-Regional Hazard Mitigation Plan (HMP).

**BACKGROUND:** In 2020, PlanRVA Regional Commission and Crater Planning District Commission began partnering together with twenty-four (24) participating local communities to develop a multi-regional update to the 2017 Crater Regional Natural Hazard Mitigation Plan previously adopted by the City. Coordination for reviews and final draft of the latest update to the plan are now complete, and we are now at the adoption stage. All localities in the HMP study area must adopt this updated HMP for the plan to become effective to begin implementation and ultimately improve local resilience and public safety.

In addition to the important benefits described above, Petersburg's adoption of this updated HMP will ensure that the City, like the other localities, will be eligible to receive grant funding assistance from FEMA's HHPD Grant through the VA Department of Conservation and Recreation (DCR). Funding currently awarded from the HHPD Grant will specifically help Petersburg with design costs for the Wilcox Lake Dam – and in turn should help the City fund other non-design related needs for the dam, including costs related to essential dam maintenance.

Link to review plan:

<https://petersburgva.v8.civicclerk.com/Meetings/Agenda/ItemFiles/DownloadItemFile?id=4258>

**RECOMMENDATION:** Request Council approve the attached resolution adopting the updated 2022 Richmond-Crater Multi-Region Hazard Mitigation Plan.

Darryl Walker, Stormwater Program Manager, introduced Mr. Ruffa to give updates and review.

Jay Ruffa, Crater Planning District Commission, gave a briefing of the request.

Council Member Myers made a motion to approve the resolution. Council Member Smith-Lee seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, Parham

**23-R-19 A RESOLUTION ADOPTING THE UPDATED 2022 RICHMOND-CRATER MULTI-REGION HAZARD MITIGATION PLAN.**

- f. Consideration of a resolution of City Council of the City of Petersburg, Virginia declaring its intention to reimburse itself from the proceeds of one or more tax-exempt financing for certain expenditures in connection with courts facilities for the city.

**BACKGROUND:** Adoption of the resolution will allow the city to reimburse itself for expenditures associated with the new courthouse project that the city has incurred with bond proceeds.

**RECOMMENDATION:** Recommend approving resolution.

Council Member Myers made a motion to approve the resolution. Council Member Jones seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, Parham

**23-R-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETERSBURG, VIRGINIA DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCING FOR CERTAIN EXPENDITURES IN CONNECTION WITH COURTS FACILITIES FOR THE CITY.**

**15. CITY MANAGER'S AGENDA:**

Mr. Altman stated that he has no items.

**16. BUSINESS OR REPORTS FROM THE CLERK:**

Mrs. Lucas stated that she has no items.

**17. BUSINESS OR REPORTS FROM CITY ATTORNEY:**

Mr. Williams stated, "I have one brief item. You may recall about a year ago that the council authorized us to enter into the multi-state opioid settlement agreement with the attorney general's office. Since then, we have been receiving a modest amount of money from the funds that were collected. As well as that we have access to the opioid settlement fund. I recently received an email from the attorney general's office indicating that they had additional settlements for which we would qualify. Those are Teva, Allergan, Wal-Mart, CVS, and Walgreens. I anticipate bringing a resolution to the council at the next work session for adoption at the next business meeting. The reason that I am bringing this to your attention is that we have a deadline that has to be adopted by prior to the end of next month. So, this is something that we need to make sure is on the agenda and that the council approves it to allow us to get more funds from the settlements. And that is all I have."

**18. ADJOURNMENT:**

City Council adjourned at 9:13 p.m.

\_\_\_\_\_  
Clerk of City Council

APPROVED:

\_\_\_\_\_  
Mayor