

The Special Joint City Council Meeting of the Petersburg City Council and Planning Commission was held on Tuesday, August 2, 2022, at the Petersburg Public Library. Mayor Parham called the Special City Council Meeting to order at 10:04 a.m.

1. ROLL CALL:

Present:

Council Member Charles H. Cuthbert, Jr.
Council Member Treska Wilson-Smith
Council Member W. Howard Myers
Council Member Arnold Westbrook, Jr.
Council Member Darrin Hill
Mayor Samuel Parham

Absent: Vice Mayor Annette Smith-Lee

Present from City Administration:

Clerk of Council Nykesha D. Lucas
Interim City Manager Kenneth Miller
City Attorney Anthony Williams

Present from Planning Commission:

Tammy Alexander, Chairman
Candace Taylor
Thomas S. Hairston
Chioma Adaku
James Norman
Fenton Bland, Vice Chairman
Michael Edwards
William Irvin
Michelle Murrills, Secretary

Absent: Marie Vargo

2. OFFICIAL PUBLIC HEARINGS:

Mayor Parham stated, "Before we get into our public hearing, I need to add two things under new business. I would entertain a motion to add an MOU for the Sports Complex for Richard Bland College and next would be 'item g,' which is the ordinance on the city manager background checks."

Council Member Hill made a motion to add the two items to the agenda. Council Member Myers seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, and Parham; Absent: Smith-Lee

- a. A public hearing on the consideration of an ordinance approving a petition to amend the proffers relating to off-site improvements and a Traffic Impact Analysis (TIA) adopted with the rezoning of the property for the Berkeley Estates residential development.

BACKGROUND: The City of Petersburg received a petition from Mr. Robert C. Snead, Agent for Berkeley Holding Company and RCS Group, LLC, to amend the proffers relating to the Traffic Impact Analysis (TIA) adopted with the rezoning of the property for the Berkeley Estates residential development. The proffers

*Audio available upon request.

were originally adopted February 19, 2008, with 08-Ord-18. The proffers include approved in 2008 include the following provisions:

4. The Applicant shall be responsible for the construction of off-site road segment improvements set out below that are within the existing public rights-of-way upon the sooner of: (i) the date that the applicable improvement is warranted, as set forth in the approved TIA, or (ii) the completion of the road improvements for Phase II of Berkeley Estates. The off-site road segment improvements shall be:

- (a) Overlay approximately 1300 feet of Old Wagner Road from Normandy Drive west to the end of Old Wagner Road at the beginning of Frontage Road with two inches of a VDOT approved surface course bituminous mix and a one foot (stone wedge #26 aggregate) shoulder;
- (b) Reconstruct Normandy Drive between Wagner Road and Old Wagner Road to provide a three lane typical section within the existing right-of-way;
- (c) Modify the existing traffic signal at the intersection of Wagner Road to southbound Normandy Drive to add a light for the new third lane;
- (d) Lengthen the existing right turn lane from eastbound Wagner Road to southbound Normandy Drive from 100 foot to 200 with a 100 foot taper; and
- (e) Lengthen the existing left turn lane from westbound Wagner Road to southbound Normandy Drive from 200 foot to 300 foot with a 150 foot taper.

The Developer, has expressed concern that the off-site improvements approved in the Proffers may not address the current traffic improvements needed following the completion of the development to date. The Developer has hired the same consultant to complete a new Traffic Impact Analysis (TIA) to confirm the off-site improvements that will be necessary to address any traffic concerns caused by the new development. The petition to amend the proffers would require the developer to complete off-site improvements warranted by the results of the new study.

RECOMMENDATION: Staff recommends approval of the attached ordinance.

Reginald Tabor, Department of Planning and Community Development, gave a brief overview of the request.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Hill made a motion to approve the ordinance approving the petition to amend the proffers relating to off-site improvements and a Traffic Impact Analysis (TIA) adopted with the rezoning of the property for the Berkeley Estates residential development. Council Member Myers seconded the motion.

Mr. Williams stated, "Mr. Mayor, I was wondering do we not need to get the recommendation from the Planning Commission before council takes its vote. This is a joint public hearing and typically you would have that before you vote."

Mayor Parham stated, "Under the recommendation was that staff recommends the approval of the attached ordinance. Is that the consent of the Planning Commission?"

*Audio available upon request.

Mr. Tabor asked, "Would it be possible for the Planning Commission to vote on the resolution recommending approval?"

Mayor Parham stated, "Yes."

Ms. Alexander asked, "My question is, are we just approving the traffic study or to make these changes?"

Mr. Tabor stated, "It is to have the developer to complete a new traffic impact analysis and base any offsite improvements on that traffic impact analysis."

Ms. Alexander stated, "Thank you. That is what I wanted to make clear to the commission. Mr. Williams, can we now have discussion among the Planning Commission?"

Mr. Williams stated, "Yes."

Ms. Alexander stated, "Do we have to hold the public hearing because council held their public hearing?"

Mr. Williams stated, "That was the purpose of the joint meeting. That we kill two birds with one stone."

Ms. Alexander stated, "Thank you. Alright, do we have any motions from the Planning Commission or discussion before we go?"

Mr. Edwards stated, "I would like to make a motion that we accept the recommendation from staff with the attached resolution."

Mr. Edwards make a motion to approve the resolution from the Planning Commission. Mr. Irvin seconded the motion. The motion was approved on roll call vote. Voting Yes: Adaku, Taylor, Alexander, Hairston, Norman, Irvin, and Edwards

Ms. Alexander stated, "Thank you."

Mayor Parham stated, "Thank you, Ms. Alexander we appreciate. And next we have a motion from Council Member Hill and seconded by Council Member Myers."

There was discussion among City Council Members and staff.

Council Member Hill made a motion to approve the ordinance approving the petition to amend the proffers relating to off-site improvements and a Traffic Impact Analysis (TIA) adopted with the rezoning of the property for the Berkeley Estates residential development. Council Member Myers seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, and Parham; Absent: Smith-Lee

22-ORD-43 AN ORDINANCE APPROVING THE PETITION SUBMITTED BY MR. ROBERT C. SNEAD, AGENT FOR BERKELEY HOLDING COMPANY AND RCS GROUP, LLC, TO AMEND THE PROFFERS RELATING TO THE TRAFFIC IMPACT ANALYSIS (TIA) ADOPTED WITH THE REZONING OF THE PROPERTY FOR THE BERKELEY ESTATES RESIDENTIAL DEVELOPMENT.

3. NEW BUSINESS:

*Audio available upon request.

- a. Consideration of a resolution approving the City Manager to sign and submit appropriate documents for the submittal of the Industrial Revitalization Fund grant for the rehabilitation of 112 North Sycamore Street.

BACKGROUND: The City of Petersburg, Virginia, wishes to apply for \$900,000 of Industrial Revitalization Funds for the rehabilitation of 112 North Sycamore Street that will support the City's ongoing revitalization efforts of the downtown.

The development and revitalization of this site into a multi-use business operation will support, housing, and promote small minority, and women-owned businesses. This sector of retail business was harmed by the pandemic. The first floor will be petitioned as 9,655 sq. ft. of operable retail and office service counters for small business entrepreneurs. The concept is to provide access and convenience to small shop owners very much like a department store. The mini-mall concept is to provide a one-stop experience for service(s) and shopping pleasure. The facility will have a small café and various vignettes to choose with a sense of collaborating purpose. Each department will associate its retail purpose to enhance the experience of other vendors but independently. As an added dimension to the downtown corridor with shared store fronts that offer a variety of goods and services to all genders. The atmosphere is set to attract tourists, students, and people of all ages to experience the adapted reuse of the former Lavenstein's Department Store. The adapted reuse of this facility is intended to spur an increased flow of walkable traffic, as well as provide a destination place for goods and services under one roof, with elevated residential living on the 2nd, 3rd, and 4th floors.

RECOMMENDATION: It is recommended that the City Council adopts the resolution approving the City Manager to sign and submit appropriate documents for the submittal of the industrial revitalization fund grant for rehabilitation of 112 North Sycamore Street.

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

Rob Casper gave a briefing on the financing for the rehabilitation of property at 112 North Sycamore Street.

Council Member Hill made a motion to approve the resolution approving the City Manager to sign and submit appropriate documents for the submittal of the industrial revitalization fund grant for rehabilitation of 112 North Sycamore Street. Council Member Westbrook seconded the motion. There was discussion among City Council Members and staff. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Westbrook, Hill, and Parham; Abstain: Wilson-Smith and Myers; Absent: Smith-Lee

22-R-53 A RESOLUTION APPROVING THE CITY MANAGER TO SIGN AND SUBMIT APPROPRIATE DOCUMENTS FOR THE SUBMITTAL OF THE INDUSTRIAL REVITALIZATION FUND GRANT FOR THE REHABILITATION OF 112 NORTH SYCAMORE STREET.

- b. Consideration of a resolution approving the City Manager to sign and submit appropriate documents for the submittal of the Industrial Revitalization Fund Grant for the rehabilitation of 1964 Puddledock Road.

BACKGROUND: The City of Petersburg, Virginia, wishes to apply for \$600,000 of Industrial Revitalization Funds for the rehabilitation of 1964 Puddledock Road. The goal of the "The 1964 Project" is not to demolish the building, but to renovate the building and make it the new home for a physical therapy clinic with an indoor sports facility and wellness center. As the development of the building expands, there will be the potential to add jobs and mentoring opportunities with local schools.

*Audio available upon request.

“The 1964 Project” will meet two of the needs of the City of Petersburg through the removal of blight / vacated property as well as economic stimulation by bringing a privately owned healthcare organization to the City of Petersburg. Currently throughout the city, new privately owned businesses are working to improve the economic resources of the city through building new businesses and employment opportunities by renovating old vacant buildings and giving them new life and new purpose

RECOMMENDATION: It is recommended that the City Council adopts the resolution approving the City Manager to sign and submit appropriate documents for the submittal of the Industrial Revitalization Fund Grant for rehabilitation of 1964 Puddledock Road.

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

Mr. Wheeler gave a briefing on the financing for the rehabilitation of property at 1964 Puddledock Road.

Council Member Myers made a motion to approve the resolution approving the City Manager to sign and submit appropriate documents for the submittal of the industrial revitalization fund grant for rehabilitation of 1964 Puddledock Road. Council Member Hill seconded the motion. There was discussion among City Council Members and staff. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, and Parham; Absent: Smith-Lee

22-R-54 A RESOLUTION APPROVING THE CITY MANAGER TO SIGN AND SUBMIT APPROPRIATE DOCUMENTS FOR THE SUBMITTAL OF THE INDUSTRIAL REVITALIZATION FUND GRANT FOR THE REHABILITATION OF 1964 PUDDLEDOCK ROAD.

Council Member Hill stated, “I have one question. What is your timeframe?”

Mr. Wheeler stated, “April 1, 2023.”

Council Member Hill stated, “Thank you.”

- c. Consideration to adopt a resolution to approve the amendments to the City of Petersburg disposition guidelines for city-owned real estate property.

BACKGROUND: The City of Petersburg authorized for disposition and development an inventory of vacant real estate properties on March 19, 2019. On June 21, 2022, City Council approved the resolution to allow staff to list city-owned properties on the GovDeals website for auction. Staff have amended the disposition guidelines to reflect the process of submitting proposals and bidding on city-owned properties on the GovDeals website.

RECOMMENDATION: The Department of Economic Development recommends that the City Council approves the resolution to adopt the amendments to the City of Petersburg Disposition Guidelines for City-owned Real Estate Property.

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

There was discussion among City Council and staff.

Council Member Cuthbert made a motion to table action.

Motion dies due to lack of second.

*Audio available upon request.

Council Member Myers made a motion to approve the resolution approving the amendments to the City of Petersburg disposition guidelines for city-owned real estate property. Council Member Hill seconded the motion. There was discussion among City Council Members and staff. The motion was approved on roll call. On roll call vote, voting yes: Wilson-Smith, Myers, Westbrook, Hill, and Parham; Voting No: Cuthbert; Absent: Smith-Lee

22-R-55 A RESOLUTION TO APPROVE THE AMENDMENTS TO THE CITY OF PETERSBURG DISPOSITION GUIDELINES FOR CITY-OWNED REAL ESTATE PROPERTY.

Council Member Myers stated, "Mr. Moore, would you mind having your office update, due to redistricting, all of the properties that you have listed."

Mr. Moore stated, "We are in the process of doing that. We are also updating the full GIS system. Currently what has happened is that when the voter cards went out, they have their current and if any of the properties that changed that information was not changed. It is not yet on the GIS, but we are working with the assessor's office to get that accurate. We will take that as a task."

- d. Consideration of a resolution approving the Interim City Manager to sign and submit a grant application to the Department of Housing and Community Development, for the submittal of an Industrial Revitalization Fund Grant for the demolition of the former Ramada Inn located on 380 East Washington Street.

Mayor Parham stated, "Item D was approved on July 26th. So, that is pulled from this agenda."

- e. Consideration of a resolution approving the Interim City Manager to sign the Virginia Brownsfields Assistance Funds Site Assessment and Planning Grant Performance Agreement for the Harbor Project.

BACKGROUND: The City of Petersburg and Waukeshaw Development have entered into a Development Contract outlining the terms of the property development to ensure that this site becomes and remains an event venue and is not conveyed or developed in any other manner. The Harbor property is located near many assets that will make it successful. The intended end use of this property is to become an event venue to be used by the public, nonprofits, and other organizations both locally, regionally, and statewide.

RECOMMENDATION: Recommend City Council authorize the Interim City Manager to sign the performance agreement.

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

Representative from Waukeshaw Development gave a brief update regarding the request.

Council Member Myers made a motion to authorize the Interim City Manager to sign the performance agreement. Council Member Hill seconded the motion. There was discussion among City Council Members and staff. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, and Parham; Absent: Smith-Lee

- f. Consideration of a MOU for Sports Complex with Richard Bland College.

Council Member Hill made a motion to approve the MOU for the Sports Complex with Richard Bland

*Audio available upon request.

College. Council Member Myers seconded the motion. There was discussion among City Council Members and staff. The motion was approved on roll call. On roll call vote, voting yes: Wilson-Smith, Myers, Westbrook, Hill, and Parham; Voting No: Cuthbert; Absent: Smith-Lee

- g. Consideration of an ordinance authorizing the City of Petersburg's City Manager's Office and Human Resources Department to conduct and retrieve criminal background checks.

Council Member Hill stated, "Mr. Mayor, do we need to go into closed session so we can discuss some things or then we come out about this. Because I have some questions that I need to ask. I have no problem with it but I think we need to go into closed session to discuss this matter and then come back out."

Mayor Parham stated, "Right. And I want to just state for the record that this is from the Virginia State Police. And they are requesting that City Council authorize the staff to conduct criminal background checks for the hiring of new employees. This is a procedural item and then we can do a closed session afterwards."

Council Member Hill asked, "So, since when have the state police started doing this. Where did this come from?"

Mr. Miller stated, "I would ask that we actually table this. Because the city attorney is not on this, and he should be on this list to make it easier. We could discuss this later on. I would ask that we table this item until we can get a little more clarity on this."

Council Member Hill made a motion to table action on the ordinance until the attorney can get more clarity along with the city manager on this matter. And to bring back to us when they feel needed. Council Member Myers seconded the motion. There was discussion on the motion, which was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, and Parham; Absent: Smith-Lee

Council Member Wilson-Smith asked can information be brought back when the city banned the box and information on why the state police is requesting the ordinance.

Mayor Parham stated, "Next, I would entertain a motion to add a closed session to this agenda for the purpose of discussion of a personnel matter and acquisition of real property."

Council Member Hill made a motion to add a closed session to the agenda. Council Member Myers seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, and Parham; Absent: Smith-Lee

Mayor Parham stated, "Next, I will entertain a motion to convene in closed session pursuant to §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion pertaining to performance, assignment, and appointment of specific public employees of the City of Petersburg, specifically including but not limited to discussion of the performance of specific public officers and pursuant to §2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of the acquisition and disposition of real property for a public purpose or the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position of negotiating strategy of the public body, specifically including but not limited to the acquisition and disposition of real property."

Council Member Myers made a motion that the City Council go into closed session for the purposes noted. Council Member Hill seconded the motion. There was no discussion on the motion, which was approved on roll call vote.

*Audio available upon request.

On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, and Parham; Absent: Smith-Lee

City Council entered closed session at 11:06 a.m.

The Planning Commission adjourned at 11:09 a.m.

CERTIFICATION:

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called this evening to certify in accordance with §2.2-3712 that the Code of Virginia that to the best of each members knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should so state prior to the vote indicating the substance for departure that in his or her judgment has taken place. This requires a roll call vote Mr. Mayor."

Council Member Hill made a motion to return City Council into open session and certify the purposes of the closed session. Council Member Cuthbert seconded the motion. There was no discussion on the motion.

The motion was approved on roll call vote.

On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, and Parham; Absent: Smith-Lee

22-R-56 A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER’S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.

City Council returned to open session at 11:59 a.m.

4. ADJOURNMENT:

City Council adjourned at 12:01 p.m.

Clerk of City Council

APPROVED:

Mayor

*Audio available upon request.