



# City of Petersburg Virginia

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## City Council Work Session

May 7, 2024  
Petersburg Library  
201 W. Washington Street  
Petersburg, VA 23803  
5:00 PM

### City Council

Samuel Parham, Mayor – Ward 3  
Darrin Hill, Vice Mayor – Ward 2  
Marlow Jones, Councilor – Ward 1  
Charles Cuthbert, Jr., Councilor – Ward 4  
W. Howard Myers, Councilor – Ward 5  
Annette Smith-Lee, Councilor – Ward 6  
Arnold Westbrook, Jr., Councilor – Ward 7

### City Administration

John "March" Altman, Jr. - City Manager  
Anthony Williams - City Attorney  
Tangi R. Hill - City Clerk

1. **Roll Call**
2. **Prayer**
3. **Pledge of Allegiance**
4. **Determination of the Presence of a Quorum**
5. **Public Comments**
6. **Approval of Consent Agenda (to include minutes of previous meetings):**
  - a. Minutes: - Pages 3-21
    - Minutes of April 16, 2024 - City Council Special Meeting Closed Session
    - Minutes of April 16, 2024 - City Council Work Session
    - Minutes of April 24, 2024 - City Council Special Meeting Closed Session
    - Minutes of May 1, 2024 - City Council Special Meeting Closed Session
  - b. 2024-CPA-01: A Request to Schedule a Public Hearing and Consideration in Accordance with Section 15.2.2225 of the Code of Virginia to Repeal the City of Petersburg Comprehensive Plan 2040 and Adopt a New Comprehensive Plan Titled PetersburgNEXT, which Includes Updates to Demographics, Transportation Improvements, Land Use, and Other Relevant Information. The draft plan can be viewed online at <https://petersburgvanext.com>. - Pages 22-46
  - c. Virginia Office of Emergency Medical Services – Four for Life Grant (First Reading) - Pages 47-49
  - d. A Request to Schedule a Public Hearing for the Consideration of the City of Petersburg's FY2024-25 Proposed Operating Budget Ordinance (First Reading) - Pages 50-52
  - e. A Request to Schedule a Public Hearing for Consideration of an Ordinance to Appropriate the Budget for Petersburg City Public Schools for FY2024-25 (First Reading) - Pages 53-55
  - f. A Request to Schedule a Public Hearing for the Acceptance of the 525776-FY24-Community Corrections & Pretrial Services One-Time Funding in the Amount of \$22,793 (526361) - Pages 56-69
  - g. A Request to Schedule a Public Hearing and Consideration of an Ordinance to Authorize David Breidenbach; G. Grattan, LLC and Hereinafter "Virginia Green" to Donate and Provide Maintenance Services to the Property at the Intersection of Woodland Road and Oakridge Road - Pages 60-69

- h. A Request to Schedule a Public Hearing for the Consideration of an Ordinance to Adopt the Tourism Development Plan - Pages 70-85
- i. A Request to Schedule a Public Hearing for Consideration of an Ordinance to Adopt the Tourism Development Plan Developed in Conjunction with the Commonwealth of Virginia's Tourism Development Financing Program, to Endorse a Proposed Tourism Project, and to Authorize Other Actions Consistent with the State Tourism Gap Financing - Pages 86-110

**7. Special Reports**

- a. Presentation on Upcoming Agenda Item - Formally Adopting Approved Zoning Items Without Ordinances - Pages 111-156
- b. Partnership for Petersburg Fund Presentation - Page 157-158

**8. Monthly Reports**

**9. Finance and Budget Report**

- a. FY2023-2024 City of Petersburg Budget vs Actuals - Pages 159-170

**10. Capital Projects Update**

**11. Utilities**

- a. New Utility Bill Format - Pages 171-176

**12. Streets**

**13. Facilities**

**14. Economic Development**

**15. City Manager's Agenda**

**16. Business or reports from the Clerk**

**17. Business or reports from the City Attorney**

**18. Adjournment**



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 7, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Tangi Hill

**RE:** **Minutes: - Pages 3-21**  
**-Minutes of April 16, 2024 - City Council Special Meeting Closed Session**  
**-Minutes of April 16, 2024 - City Council Work Session**  
**-Minutes of April 24, 2024 - City Council Special Meeting Closed Session**  
**-Minutes of May 1, 2024 - City Council Special Meeting Closed Session**

**PURPOSE:** Minutes from previous meetings.

**REASON:** Minutes from previous city council meetings.

**RECOMMENDATION:** To approve minutes with the consent agenda.

**BACKGROUND:** See attached information.

N/A

**CITY COUNCIL HEARING DATE:** 5/7/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** N/A

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. 04162024 Closed Session Minutes
2. April 16 2024 Regular Meeting Minutes
3. 04242024 Closed Session Minutes
4. 05012024 Closed Session

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, April 16, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:10 p.m.

**1. ROLL CALL:**

Present:

Council Member Charles H. Cuthbert, Jr.  
Council Member W. Howard Myers  
Council Member Arnold Westbrook, Jr.  
Vice Mayor Darrin Hill  
Mayor Samuel Parham

Absent:

Council Member Marlow Jones  
Council Member Annette Smith-Lee

Present from City Administration:

City Manager John March Altman, Jr.  
City Attorney Anthony Williams  
City Clerk Tangi R. Hill

Mayor Parham entertained a motion to add several items to the Closed Session agenda as follows: Discussion of the legal requirements of Title 2.2, Chapter 31, Articles 1 through 9, as it relates to conflicts of interest; §2.2-3704 of the Code of Virginia, as it relates to Public Records; §15.2-2286 of the Code of Virginia, as it pertains to special use permits; Virginia Attorney General Opinion 2010 VA. AG Lexis 35, as it relates to fees and penalties; an update concerning potential litigation regarding a code enforcement matter; Title 58.1, Chapter 39 of the Code of Virginia, as it relates to collection of delinquent real property taxes; §58.1-4109 of the Code of Virginia, as it relates to collection of delinquent real property taxes; §58.1-4109 of the Code of Virginia regarding the process for selection of a preferred gaming operator; and §2.2-4600 ET. SEQ., as it pertains to the requirements of the Virginia Public Procurement Act.

Vice Mayor Hill made a motion that the City Council add to the following items to the Closed Session: Discussion of the legal requirements of Title 2.2, Chapter 31, Articles 1 through 9, as it relates to conflicts of interest; §2.2-3704 of the Code of Virginia, as it relates to Public Records; §15.2-2286 of the Code of Virginia, as it pertains to special use permits; Virginia Attorney General Opinion 2010 VA. AG Lexis 35, as it relates to fees and penalties; an update concerning potential litigation regarding a code enforcement matter; Title 58.1, Chapter 39 of the Code of Virginia, as it relates to collection of delinquent real property taxes; §58.1-4109 of the Code of Virginia as it relates to collection of delinquent real property taxes; §58.1-4109 of the Code of Virginia regarding the process for selection of a preferred gaming operator; and §2.2-4600 ET. SEQ., as it pertains to the requirements of the Virginia Public Procurement Act. Council Member Myers seconded the motion.

On roll call vote, voting yes: Cuthbert, Myers, Westbrook, Hill, and Parham; Absent: Jones and Smith-Lee; Abstain: N/A.

**2. CLOSED SESSION:**

- a. The purpose of this meeting is to convene in the 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, assignment, and appointment of specific public officer of the City of Petersburg; pursuant to §2.2-3711(A)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the City Attorney and legal consultation regarding the subject of specific legal matters requiring the provision of legal advice by the City Attorney, specifically including but not limited to discussion of requirements of the Code of Virginia Title 25.1, Chapter 2, Article 2; a disputed claim concerning stormwater utility payments; the legal requirements of 58.1-4109 and 2.2-4300 ET. SEQ. of the Code of Virginia; legal requirements of Title 2.2, Chapter 31, Articles 1 through 9, as it relates to conflicts of interest; §2.2-3704 of the Code of Virginia, as it relates to public records; §15.2-2286 of the Code of Virginia, as it pertains to special use permits; Virginia Attorney General opinion 2010 VA. AG Lexis 35, as it relates to fees and penalties; an update concerning potential litigation regarding code enforcement matter; Title 58.1, Chapter 39 of the Code of Virginia, as it relates to collection of delinquent real property taxes; §58.1-4109 of the Code of Virginia regarding the process for selection of a preferred gaming operator; and §2.2-4600 ET. SEQ., as it pertains to the requirements of the Virginia Public Procurement Act and other matters requiring the legal advice of the City Attorney; and pursuant to 2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of the acquisition of real property for a public purpose and the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically including, but not limited to the acquisition and disposition of real property.

Vice Mayor Hill made a motion that the City Council go into closed session for the purposes noted. Council Member Westbrook seconded the motion.

On roll call vote, voting yes: Cuthbert, Myers, Westbrook, Hill, and Parham; Absent: Jones and Smith-Lee; Abstain: N/A.

The City Council entered closed session at 3:15 p.m.

**CERTIFICATION:**

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called today 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 state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote Mr. Mayor."

Vice Mayor Hill made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Smith-Lee 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, Jones, Westbrook, Smith-Lee, Hill, and Parham; Absent: Myers; Abstain: N/A

**24-RES-18 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 5:43 p.m.

Mayor Parham entertained a motion to add a resolution to authorize the settlement of a disputed claim and disbursement of erroneously collected stormwater fees to the agenda.

Vice Mayor Hill made a motion to add a resolution to authorize the settlement of a disputed claim and disbursement of erroneously collected stormwater fees to the agenda. Council Member Smith-Lee 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, Jones, Westbrook, Smith-Lee, Hill, and Parham; Absent: Myers; Abstain: N/A.

**ADJOURNMENT:**

The City Council adjourned at 5:45 p.m.

The regular meeting of the Petersburg City Council was held on Tuesday, April 16, 2024, at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:45 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/302864>

**1. ROLL CALL:**

Present:

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

Absent: Council Member W. Howard Myers

Present from City Council Administration:

City Manager John March Altman, Jr  
City Attorney Anthony Williams  
City Clerk Tangi Hill

**2. PRAYER:**

Vice Mayor Hill led the opening prayer.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Parham led the pledge of allegiance.

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

A quorum was determined with the presence of the City Council members.

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

- a. Presentation of a proclamation recognizing 2024 National Library Week and National Library Worker Day.

Mayor Parham and the Council presented Mr. Wayne Crocker and staff for with a proclamation of recognition.

- b. Presentation of a proclamation recognizing 2024 National Public Safety Telecommunicators Week.

Mayor Parham and the Council presented Police Chief Travis Christian and staff with a proclamation of recognition.

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

Mayor Parham stated that responses are found under council communications.

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

- a. Minutes:

- April 2, 2024 – City Council Closed Session Meeting Minutes
- April 2, 2024 – City Council Work Session Meeting Minutes

b. Resolution of Support for Safe Streets and Roads for All Planning Grant

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, Westbrook, Hill, and Parham; No: N/A; Abstain: N/A.

**8. OFFICIAL PUBLIC HEARINGS:**

- a. A Public Hearing and Consideration of an Ordinance Requested by City Council to amend and Readopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area, and Bulk Regulations, as Set Forth in the Zoning Ordinance of the City of Petersburg, to Allow the Rehabilitation and Continuation of Noncomplying Structures as Defined and to Clarify the Allowance of Single-Family Dwellings and Accessory Improvements on Non-Conforming Lots Recorded Prior to Adoption of the Zoning Ordinance (Second Reading)

**BACKGROUND:**

In November 2023, the Planning Commission recommended approval of text amendment to allow duplexes, triplexes, quadplexes, and historic commercial structures to be renovated even if nonconforming (e.g., inconsistent with the code in terms of use/lot/dimensions) if a certificate of nonconforming use is issued. After consideration by the Council, an alternative amendment was proposed in January 2024. This amendment narrowed the original scope, but still provides a benefit to existing duplexes to support renovation, if the use is permitted in the district, even if the structure is nonconforming. The Planning Commission recommended approval in March 2024.

**RECOMMENDATION:**

To hold a Public Hearing to receive public comments. The Planning Commission recommends approval and readoption of the text amendment to Article 24, Nonconforming Uses; and Article 25, Supplementary Height, Area, and Bulk Regulations.

**24-ORD-10 AN ORDINANCE TO AMEND AND READOPT ARTICLE 24 NONCONFORMING USES AND ARTICLE 25 SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS, AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG, TO ALLOW THE REHABILITATION AND CONTINUATION OF NONCOMPLYING STRUCTURES AS DEFINED AND TO CLARIFY THE ALLOWANCE OF SINGLE-FAMILY DWELLINGS AND ACCESSORY IMPROVEMENTS ON NON-CONFORMING LOTS RECORDED PRIOR TO ADOPTION OF THE ZONING ORDINANCE**

Naomi Siodmok, Director of Planning and Community Development, gave a brief overview of the request.

Mayor Parham opened public hearing.

Lisa Walden, 301 Oak Hill Road, stated that the amendment was a great idea for the City as a whole. She expressed concern regarding who would check to see if current businesses are licensed.

Michael Packer, 1245 Woodland Road, spoke in favor of the amendment.

Dr. Kenneth Lewis, 503 Whistletoe Street, spoke conditionally in favor of the amendment.

Jasper Lewis, 209 West High Street, spoke in favor of the amendment.

JaJa Parham, 1945 S. Sycamore Street, spoke in favor of the amendment.

Hearing no one else, Mayor Parham closed public hearing.

Vice Mayor Hill made a motion to approve the ordinance amending and readopting Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area, and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg to Allow the Rehabilitation and Continuation of Noncomplying Structures as Defined and to Clarify the Allowance of Single-Family Dwellings and Accessory Improvements on Non-Conforming Lots Recorded Prior to Adoption of the Zoning Ordinance. Council Member Smith-Lee seconded the motion.

There was discussion among the City Council members.

Council Member Cuthbert asked Vice Mayor Hill and Council Member Smith-Lee if they would consider amending their motion to direct the Clerk of Council to remove the words “with a certificate of nonconforming use” on page 33. City Attorney Williams stated that Council should amend the motion to reflect the title on the agenda.

Vice Mayor Hill amended his motion to reflect the necessary corrections to the title of the ordinance as noted on the agenda, to approve the ordinance amending and readopting Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area, and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg to Allow the Rehabilitation and Continuation of Noncomplying Structures as Defined and to Clarify the Allowance of Single Family Dwellings and Accessory Improvements on Non-Conforming Lots Recorded Prior to Adoption of the Zoning Ordinance. Council Member Smith-Lee seconded the motion.

There was discussion among the City Council members and staff.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Smith-Lee, Westbrook, Hill, and Parham; No: N/A; Abstain: Jones.

- b. A Public Hearing for the Consideration of an Ordinance to Amend and Readopt Section 2-108 of the Petersburg City Code Pertaining to Responsibilities of the Clerk with Respect to Published Ordinances (Second Reading)

**BACKGROUND:**

Council directed the City Attorney to prepare and present an amendment to Ordinance 2-108 to clarify the assignment of responsibilities for loading approved ordinances, amending the published Cod of Ordinances and Zoning and Subdivision Ordinances by the Clerk of Council. Council at their April 2, 2024 Work Session, had its first reading of the ordinance and scheduled a Public Hearing for their April 16, 2024 Regular Council Meeting.

**RECOMMENDATION:**

Hold a Public Hearing to receive public comments and the consideration of the ordinance for adoption.

**CLERK WITH RESPECT TO PUBLISHED ORDINANCES**

Anthony Williams, City Attorney, gave a brief overview of the request.

Mayor Parham opened the public hearing.

Hearing no one, Mayor Parham closed the public hearing.

There were no comments or discussion from the City Council Members.

Council Member Cuthbert made a motion to approve the ordinance to amend and readopt Section 2-108 of the Petersburg City Code Pertaining to Responsibilities of the Clerk with Respect to Published Ordinances. Vice Mayor Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Westbrook, Hill, and Parham; No: N/A Abstain: N/A.

- c. A Public Hearing and Consideration to Amend Chapter 106, Taxation, Article III, Real Estate, Division 3, Exemption for Elderly and Disabled (Second Reading)

**BACKGROUND:**

To increase the gross income and assets from the current City Codes §106-109 and §106-112. The exemption provided for in this division shall be granted to persons subject to the following provisions:

The person qualifying for and claiming exemption under this division shall be relieved of 100 percent of the real estate tax levied on the qualifying dwelling and land if the combined household income of the owner is \$0 - \$25,000, with a maximum tax relief of \$1,200. The person qualifying for and claiming exemption under this division shall be relieved of 50 percent of the real estate tax levied on the qualifying dwelling and land if the combined household income of the owner is \$25,001 - \$35,000, with a maximum tax relief of \$1,200.

**RECOMMENDATION:**

Hold the Public Hearing to receive public comments and consider adoption of the ordinance amendment to Chapter 106, Taxation, Article III, Real Estate, Division 3, Exemption for Elderly and Disabled.

**24-ORD-12 AN ORDINANCE TO AMEND CHAPTER 106, TAXATION, ARTICLE III, REAL ESTATE, DIVISION 3, EXEMPTION FOR ELDERLY AND DISABLED**

Brittany Flowers, Commissioner of Revenue, gave a brief overview of the request.

Mayor Parham opened the public hearing.

Barb Rudolph, 1675 Mt. Vernon Street, spoke in favor of the amendment.

Cynthia Wallen, 400 Black Drive, desired higher income limits.

Hearing no one else, Mayor Parham closed the public hearing.

There were no comments or discussion from the City Council Members.

Council Member Jones made a motion to approve the ordinance to amend Chapter 106,

Taxation, Article III, Real Estate, Division 3, Exemption for Elderly and Disabled. Vice Mayor Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Smith-Lee, Westbrook, Hill, and Parham; No: Jones; Abstain: N/A.

- d. A Public Hearing and Consideration of an Ordinance to Adopt the Real Property Tax Rate (Second Reading)

**BACKGROUND:**

The adoption of the ordinance establishing the annual tax levy on various classes of real estate and personal property is required of the City Council each year. The ordinance establishes the real property tax rate at \$1.27/\$100 of assessed value. The tax rate ordinance proposes no changes to the current rate structure established with the adoption of the FY 2023-2024 Operating Budget.

Maintaining the real estate tax rate of \$1.27/\$100 of assessed value represents a proposed increase in real property tax resulting from the increase in the total assessed value of the real property by 14.57 percent, resulting in a lowered tax rate of \$1.12/\$100 to offset the increase in assessed value. Based on the proposed real property tax rate and changes in other revenues, the total budget will exceed last year's by 4.86 percent.

**RECOMMENDATION:**

Hold the Public Hearing to receive public comments and consideration of adoption of the FY25 Tax Rate Ordinance.

**24-ORD-TBD ORDINANCE TO ADOPT THE REAL PROPERTY TAX RATE**

March Altman, City Manager, gave a brief overview of the request.

Mayor Parham opened the floor for public comments.

Robert Anderson, 549 North Azalea Road, spoke in opposition of the ordinance.

Barb Rudolph, 1675 Mt. Vernon Street, spoke in opposition of the ordinance.

Cynthia Wallen, 400 Black Drive, spoke in opposition of the ordinance.

Dr. Kenneth Lewis, 503 Whistletoe Street, spoke in opposition of the ordinance.

Genevieve Lohr, 19 Guarantee Street, spoke in opposition of the ordinance.

Michael Packer, 1245 Woodland Road, spoke in opposition of the ordinance.

Barbara Hoosier, 2335 Anderson Street, spoke in opposition of the ordinance.

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

Mayor Parham asked Marquis Allen, Director of Recreation, Special Events, and Volunteerism, gave a presentation regarding upgrades being made to parks and playgrounds and proposed upgrades to Legends Park.

There were comments and discussion from the City Council Members.

Council Member Cuthbert made a motion to encourage job creation and economic development

in Petersburg and to be fair to our citizens, many of whom we heard from tonight, to adopt the ordinance that is in Council's agenda packet, as part of agenda item 8.d., except that the real estate tax rate shall be reduced from \$1.27/\$100 to \$1.20/\$100 assessed value, such change to be effective July 1, 2024. Council Member Jones seconded the motion.

There were comments and discussion from the City Council Members.

Garry Cozier, Budget Manager, presented the public with the Proposed FY25 Revenue & Expense Summary by Tax Rate.

Further comments and discussion were held from the City Council Members.

Council Member Smith-Lee made a subsequent motion to table the consideration of the Ordinance to Adopt the Real Property Tax Rate until the May 7, 2024 meeting. Vice Mayor Hill seconded the motion.

Council Member Jones rescinded his second on the primary motion. Council Member Jones made a motion to hold the tax rate at its current level and getting the citizens involved in the budget process.

City Manager Altman noted that the budget calendar is a later item on the agenda. He noted that you can not adopt the budget at the same time that you adopt the tax rate. Staff will hold community presentation of the budget for the public later this month. The Council will have to adopt the tax rate at the first meeting in May and the budget at their second meeting.

Mayor Parham stated that there is a motion floor first to table the consideration of the Ordinance to Adopt the Real Property Tax Rate until the May 7th meeting.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Smith-Lee, Westbrook, Hill, and Parham; No: N/A; Abstain: Jones.

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.

Amanda Green, 310 Rolfe Street, spoke on behalf of the Collaborative Endeavors of Pocahontas Island Residents. She provided Council with a packet prepared by the residents of Pocahontas Island, that included signatures and addressees of residents in support of the three initiatives being presented. The three initiatives presented were a bridge assessment performed by the City Engineer; City of Petersburg FY25 Budget Request to Engage VDOT to Perform a Traffic Study on 5<sup>th</sup> Street/Joseph Jenkins Roberts Street and Bridge Street; and the City of Petersburg FY25 Budget Request to Perform Historic Property Evaluation/Adaptative Re-Use Survey of the Jarratt House (808 Logan Street).

Barbara Rudolph, 1675 Mt. Vernon Street, spoke regarding the City Council's decision, on January 2<sup>nd</sup>, directing the City Manager to withdraw the City from participation in the CVWMA for the purpose of a solid waste collection services contract. She submitted a FOIA request and learned that the City is securing a contract with Meridian, effective July 1<sup>st</sup>. She spoke regarding the citizens dissatisfaction with Meridian's services and inquired of their cost for services.

Linwood Christian, 900 Winfield Road, spoke regarding citizens concerns about the budget. He spoke regarding money going to private parties, that no one else is invited to, and donating to whomever without coming to the citizens. He spoke regarding money from the State for teachers that the Council has not released. He expressed his concerns with kids graduating and not being educated.

Otis Hill, 203 2<sup>nd</sup> Street, spoke regarding his request of the Fire Marshall for smoke and carbon monoxide detectors. He spoke regarding the hurricane warning that the police have on their phones. He noted how beneficial this app would be for the deaf community to alert them.

Brandon Riley, Perry Street, spoke regarding the casino hearing held by Senator Aird. He wanted to advocate for resources and fundings derived from the casino profits to go back to the community. He proposed ways that the community can be responsible for some funding to benefit their respective wards.

Genevieve Lohr, 19 Guarantee Street, spoke regarding over \$3.4 million discussed and the \$60 million that the City will receive from the casino per the RFPs. She asked what the City plans to do with the money. She spoke regarding the City of Petersburg having the highest rate of single parent households in the State. She noted that maybe the City can use the money to support services such as daycare. She recommended some general education about what leads to crime and poor health outcomes from the Crater Health District.

Kenneth Lewis, 503 Mistletoe Street, asked that the west side of Legend Park, which is the Cooper Field and the no dogs allowed signage posted that is not enforced. He addressed the Wilcox Watershed Conservancy and the dam issue that needs to be addressed. Mr. Lewis expressed his concerns with the increased tax assessments, issues with his property assessment, and the deed description discrepancies. He spoke regarding the historic Peabody High School. He noted that he will speak regarding the \$5.1 million for Virginia Avenue versus the \$2 million assess for Peabody at the next meeting.

Cynthia Wallen, 400 Black Drive, spoke regarding concerns with the Water Department and improvements needed in customer service. She stated that her home had an old water meter, which she felt resulted in high water bills of \$400-\$500 with only three people in the home. A new meter has been installed and now her monthly water bill is only \$60 a month. She stated that the City should issue water testing kits because her water has a bad smell and sometimes has color. She is concerned about the slow internet speed and outdated computers at the library. She suggested more cell towers and additional internet providers.

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

Council Member Cuthbert shared photos of 130 North Jefferson Street and how it looked January 2017 to current date. He commended the Department of Code Enforcement, Chief Miller, and Mr. Reid on its work with this blighted property. He spoke regarding a meeting, attended by himself and Mayor Parham, with one of the designers of the STAR Study that is underway to converted Washington and Wythe Streets to two-way traffic and upgrading to allow greater access to Interstate 95. He noted that he believes this will increase median household income in Petersburg, along with the tourism and hospitality industries, without resulting in a demand increase in services. He reported on conversations with representatives of the Timmons Group and a request for them to review a monetary feasible solution to increasing access to Petersburg traffic coming up and down I-95. Council Member Cuthbert asked Mayor Parham if he had anything to add.

Mayor Parham added that community meetings will be held because the possible changes are pretty significant especially at the I-85 and I-95/S. Crater Road. They are exploring alternatives with our number one goal being safety.

Council Member Jones thanked the public for showing up at the Council meeting and his Ward meeting. He suggested that the public flood the City Assessor's office with appeal letters and the City with letters regarding their thoughts of the tax rate.

Council Member Westbrook invited all to come out to his upcoming Wards 6 and 7 meeting, with Council Member Smith-Lee, on Thursday at 6pm at Cool Spring Elementary School. He asked that the citizens please cut your grass and report any issues to Mr. Randall Williams.

Council Member Smith-Lee reiterated her upcoming Wards 6 and 7 meeting and invited all to come out. She expressed her concerns with the aggression, laughter, and negativity shown. She thanked Council Member Jones for addressing the issues. She expressed her desire for everyone to come together and make things right.

Vice Mayor Hill echoed the sentiments of his fellow Council Members. He stated that the City is in a better position than it was many years ago. He noted how blighted homes are being demolished or restored. He spoke regarding new construction in the City. He asked that the focus be more on the positive than the negative. He stated that the Council has not spoken on the casino and his focus is on the budget. Vice Mayor Hill spoke regarding the percentage of home ownership in Petersburg. He expressed appreciation to those who attended his Ward meeting. He thanked Mr. Taylor for working on Ward Avenue Park and their work on the walking area and the gazabo to come. He expressed his gratitude to all the staff. He noted the difference between the City and the School Board.

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

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

**12. FINANCE AND BUDGET REPORT:**

a. Proposed FY25 Budget Calendar

Garry Cozier, Budget Manager, presented the Proposed FY25 Budget Calendar. He was accompanied by Leon Glaster, Interim Chief Financial Officer. He announced that the community meetings will be held on April 22<sup>nd</sup> and 26<sup>th</sup>, and the proposed budget will be made available to the public.

Council Member Cuthbert asked when will the Public Hearing be held for the budget. City Manager Altman stated that it will be held on May 21<sup>st</sup>. Council Member Cuthbert asked how will the community meetings be held. City Manager Altman responded that there will be an in person meeting at the library and a meeting via Zoom.

Council Member Westbrook made a motion to adopt the FY25 Budget Calendar. 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, Westbrook, Hill, and Parham; No: N/A; Abstain: N/A.

**13. UNFINISHED BUSINESS:**

**14. NEW BUSINESS:**

a. Presentation of Blighted Properties

Jim Reid, Chief Fire Marshall and Director of Neighborhood Services, announced that the department is hiring for property maintenance inspectors. He stated that Right-of-Way Manager is monitoring trash complaints and signage in right-of-way. He stated that May is Building Safety Month. He added that the property maintenance team is putting together a

comprehensive plan to address building safety. He provided an overview of code enforcement and updated the public on blighted properties that have been addressed.

Questions from Council were addressed. There were comments and discussion from the City Council Members.

Vice Mayor Hill made a motion to accept the list of blighted properties demolition list to begin demolition. 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, Westbrook, Hill, and Parham; No: N/A; Abstain: N/A.

**15. CITY MANAGER’S REPORT AND SPECIAL REPORTS:**

a. UVA Introductory Presentation

Brian Moore, Economic Development Director, introduced Dr. Eric Scorsone, the Executive Director of the University of Virginia’s Weldon Cooper Center for Public Service. Dr. Scorsone introduced his staff. He presented remarks regarding economic development in Petersburg.

Questions from Council were addressed. There were comments and discussion from the City Council Members.

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

Report was provided by the City Clerk.

Council Member Jones provided additional comments and expression of gratitude.

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

No report was provided.

**18. ADJOURNMENT:**

The City Council adjourned at 8:51 p.m.

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

APPROVED:

\_\_\_\_\_  
Mayor

The Closed Session Meeting of the Petersburg City Council was held on Wednesday, April 24, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 4:04 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/303729>.

**1. ROLL CALL:**

Present:

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

Absent: Council Member Marlow Jones (Late)

Present from City Administration:

City Manager John March Altman, Jr.  
City Attorney Anthony Williams  
City Clerk Tangi R. Hill

**2. CLOSED SESSION:**

- a. The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the City Attorney and legal consultation regarding the subject of actual or probable litigation and specific legal matters requiring the provision of legal advice by the City Attorney, specifically including but not limited to discussion of requirements of the Code of Virginia Sections 58.1-4109 and 2.2-4300 ET. SEQ.

Vice Mayor Hill made a motion that the City Council go into closed session for the purposes noted. Council Member Smith-Lee seconded the motion.

On roll call vote, voting yes: Cuthbert, Myers, Westbrook, Smith-Lee, Hill, and Parham; Absent: Jones; Abstain: N/A.

The City Council entered closed session at 4:06 p.m.

Council Member Jones arrived at 4:08 p.m.

**CERTIFICATION:**

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called today 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 state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote Mr. Mayor."

Vice Mayor Hill made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Myers 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, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; Absent: N/A; Abstain: N/A

**24-RES-21 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 5:49 p.m.

Council Member Myers requested a motion to add a Resolution to Cancel RFP 58853 and Select Cordish as the City's Preferred Casino Gaming Operator Upon the City Being Formally Added to the List of Eligible Host Cities Effective July 1, 2024 to the agenda.

Vice Mayor Hill made a motion to add a Resolution to Cancel RFP 58853 and Select Cordish as the City's Preferred Casino Gaming Operator Upon the City Being Formally Added to the List of Eligible Host Cities Effective July 1, 2024 to the agenda. Council Member Westbrook 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, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; Absent: N/A; Abstain: N/A.

Council Member Myers requested a motion to adopt the Resolution to Cancel RFP 58853 and Select Cordish as the City's Preferred Casino Gaming Operator Upon the City Being Formally Added to the List of Eligible Host Cities Effective July 1, 2024 to the agenda.

Vice Mayor Hill made a motion to adopt the Resolution to Cancel RFP 58853 and Select Cordish as the City's Preferred Casino Gaming Operator Upon the City Being Formally Added to the List of Eligible Host Cities Effective July 1, 2024. Council Member Westbrook 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, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; Absent: N/A; Abstain: N/A.

**24-RES-22 A RESOLUTION TO CANCEL RFP 58853 AND SELECT CORDISH AS THE CITY'S PREFERRED CASINO GAMING OPERATOR UPON THE**

**CITY BEING FORMALLY ADDED TO THE LIST OF ELIGIBLE HOST  
CITIES EFFECTIVE JULY 1, 2024.**

**ADJOURNMENT:**

The City Council adjourned at 5:51 p.m.

DRAFT

The Closed Session Meeting of the Petersburg City Council was held on Wednesday, May 1, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 4:01 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/304028>.

**1. ROLL CALL:**

Present:

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

Absent: Council Member Marlow Jones

Present from City Administration:

City Manager John March Altman, Jr.  
City Attorney Anthony Williams  
City Clerk Tangi R. Hill

**2. CLOSED SESSION:**

- a. The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the City Attorney and legal consultation regarding the subject of actual or probable litigation and specific legal matters requiring the provision of legal advice by the City Attorney, specifically including but not limited to discussion of requirements of the Code of Virginia Sections 58.1-4109 and 2.2-4300 ET. SEQ.

Vice Mayor Hill made a motion that the City Council go into closed session for the purposes noted. Council Member Westbrook seconded the motion.

On roll call vote, voting yes: Cuthbert, Myers, Westbrook, Smith-Lee, Hill, and Parham; Absent: Jones; Abstain: N/A.

Council entered into Closed Session at 4:04 p.m.

Council Member Jones arrived at 4:15 p.m.

Vice Mayor Hill left at 5:32 p.m.

**CERTIFICATION:**

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called today 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 state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote Mr. Mayor.”

Council Member Myers made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Smith-Lee 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, Jones, Myers, Westbrook, Smith-Lee, and Parham; Absent: Hill; Abstain: N/A

**24-RES-23 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 5:41 p.m.

Mayor Parham entertained a motion to add a motion to revise and readopt Resolution 24-RES-22 to correct a clerical error in the resolution.

Vice Mayor Hill made a motion to a motion to revise and readopt Resolution 24-RES-22 to correct a clerical error in the resolution. Council Member Westbrook seconded the motion.

Council Member Cuthbert asked if the correction should be recited. City Attorney Williams stated that correction will be recited in the motion.

The motion was approved on roll call vote.

On roll call vote, voting yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, and Parham; Absent: Hill; Abstain: N/A.

Mayor Parham requested a motion to correct and amend the seventh paragraph of Resolution 24-RES-22 to read as follows:

Whereas, after a Town Hall Meeting held on April 14, 2024 by one of the primary patrons of SB628, Davenport revealed to the City Manager its preliminary findings that Cordish was the substantial frontrunner recommendation for selection as the preferred casino gaming operator; and

Council Member Cuthbert made a motion to correct and amend the seventh paragraph of Resolution 24-RES-22 to read as follows:

Whereas, after a Town Hall Meeting held on April 14, 2024 by one of the primary patrons of SB628, Davenport revealed to the City Manager its preliminary findings that Cordish was the substantial frontrunner recommendation for selection as the preferred casino gaming operator;

and. Council Member Westbrook 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, Jones, Myers, Westbrook, Smith-Lee, and Parham; Absent: Hill; Abstain: N/A.

**ADJOURNMENT:**

The City Council adjourned at 5:49 p.m.

DRAFT



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 7, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Naomi Siodmok, Director of Planning and Community Development

**FROM:** March Altman, Jr.

**RE:** **2024-CPA-01: A Request to Schedule a Public Hearing and Consideration in Accordance with Section 15.2.2225 of the Code of Virginia to Repeal the City of Petersburg Comprehensive Plan 2040 and Adopt a New Comprehensive Plan Titled PetersburgNEXT, which Includes Updates to Demographics, Transportation Improvements, Land Use, and Other Relevant Information. The draft plan can be viewed online at <https://petersburgvanext.com>. - Pages 22-46**

**PURPOSE:** To Repeal the City of Petersburg Comprehensive Plan 2040 and Adopt a New Comprehensive Plan Titled PetersburgNEXT

**REASON:** Local priorities and vision change with time as well as the natural and built environment. This update looks to establish current vision and goals for implementation to realize the community guided vision for the future.

**RECOMMENDATION:** Approval

**BACKGROUND:** The Comprehensive Plan update kicked-off in October 2022. Since then, there have been work sessions with the Planning Commission and Council; public engagement to include focus groups, engaging students, and surveys; and direction from City staff to inform the resulting document.

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 5/7/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

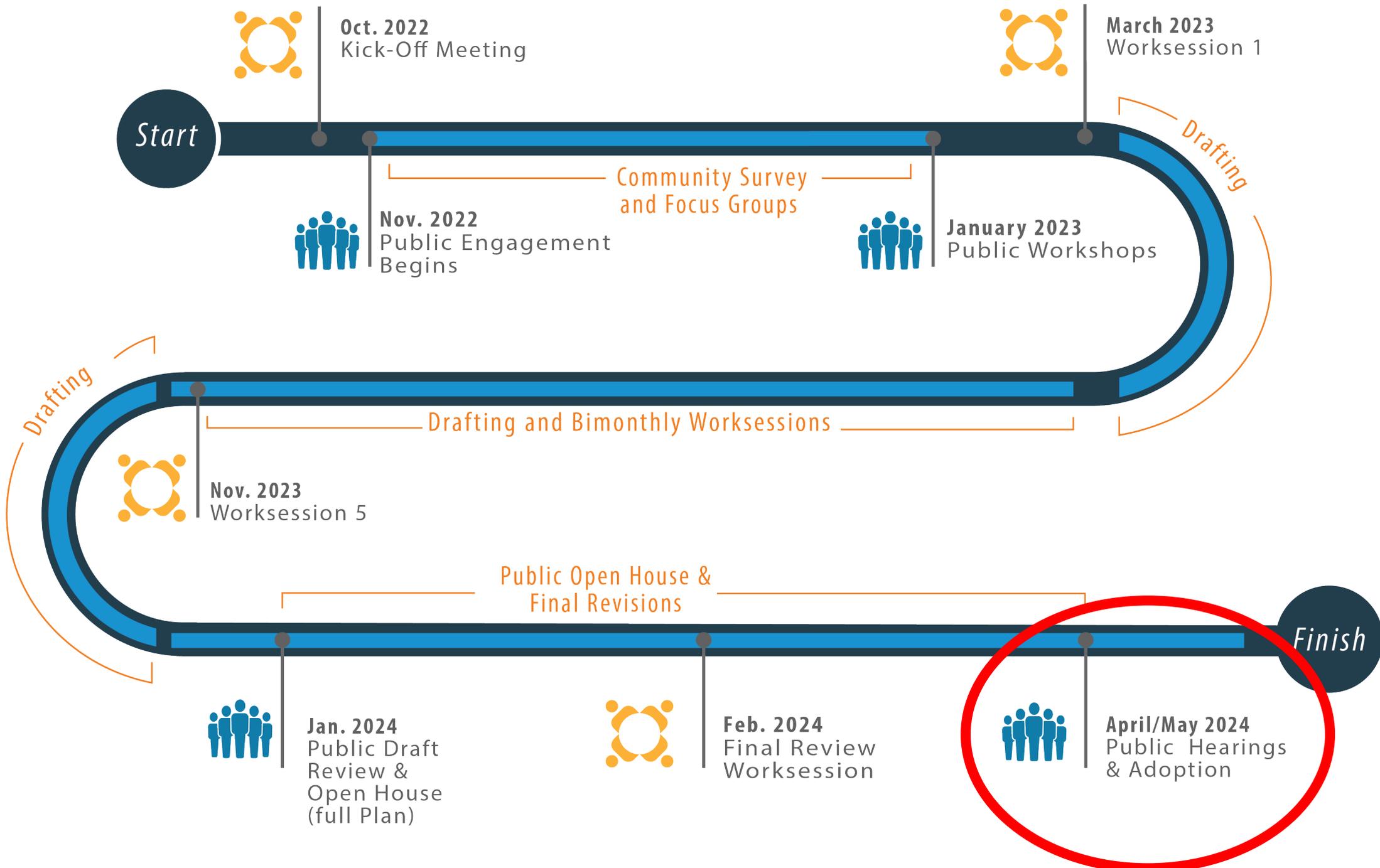
1. Petersburg\_CouncilPublicHearingPresentation

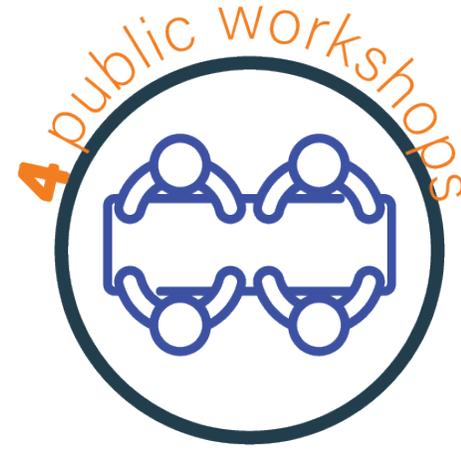


**Comprehensive Plan Update  
City Council Public Hearing  
Tuesday, May 21, 2024**



# Comprehensive Plan Background + Process





# PETERSBURG**NEXT** COMMUNITY ENGAGEMENT







# Draft Plan Overview

# PetersburgNEXT Vision Statement

---

**Petersburg is a thriving, culturally diverse community where all residents enjoy safe and attractive neighborhoods, economic opportunity, quality education, and celebration of rich history.**



# CHAPTER 1 ABOUT THE PLAN

- Legal Basis for Comprehensive Plan
- Planning Jurisdiction
- Relationship to Other Plans and Policies
- Community Engagement Summary
- Using PetersburgNEXT



## CHAPTER 2 IDENTITY

- People & Population
- Economy & Income
- Housing & Neighborhoods
- Transportation Trends
- Community Health & Wellness
- Planning Factors



## CHAPTER 3 ECONOMIC DEVELOPMENT

Petersburg will build a thriving and resilient economy that promotes quality jobs in diverse industries, workforce development, tourism, and business opportunities.



Petersburg will be a city where all housing and neighborhoods are attractive, safe, and accessible to all residents.

## CHAPTER 4 HOUSING + NEIGHBORHOODS



Petersburg provides equitable access to parks, recreation, the arts, and historic resources to facilitate healthy lifestyles, tourism, and celebration of heritage and culture.

**CHAPTER 5**  
**PARKS + RECREATION +**  
**ARTS + HISTORIC**  
**PRESERVATION**



# CHAPTER 6 COMMUNITY FACILITIES + INFRASTRUCTURE

Petersburg provides and maintains exceptional community facilities, services, and infrastructure to enhance livability and promote a high quality of life for all residents.



Petersburg prioritizes community safety and wellbeing through consistent, efficient, and equitable public safety service delivery.

## CHAPTER 7 PUBLIC SAFETY



Petersburg will commit to fostering resilience, community wellness, and quality of life through protecting and enhancing its natural resources.

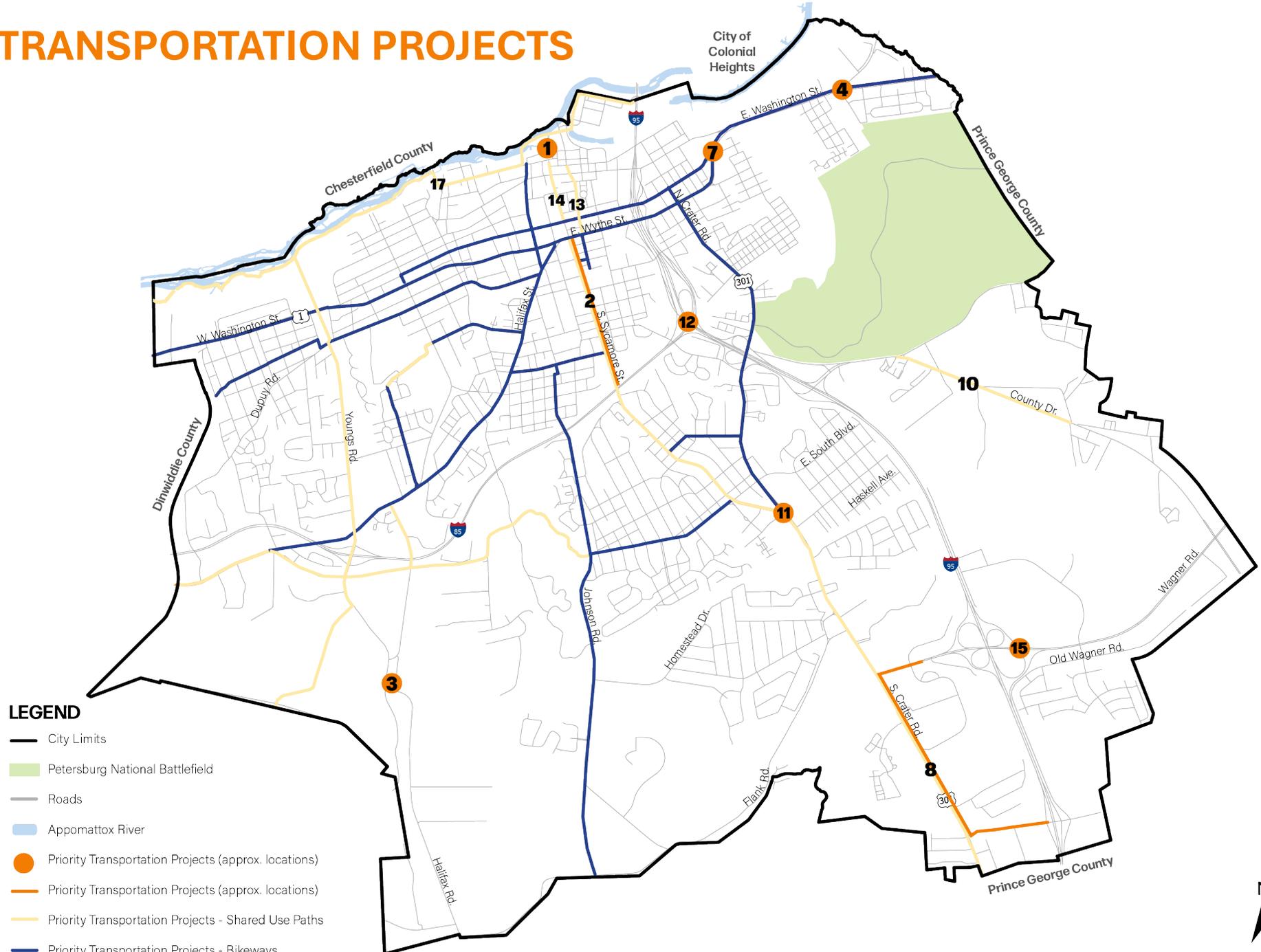
## **CHAPTER 8 ENVIRONMENTAL STEWARDSHIP**



Petersburg's community is equitably connected through a well-designed, well-maintained, and multi-modal regional transportation network.

## CHAPTER 9 MOBILITY + TRANSPORTATION

# PRIORITY TRANSPORTATION PROJECTS



## LEGEND

-  City Limits
-  Petersburg National Battlefield
-  Roads
-  Appomattox River
-  Priority Transportation Projects (approx. locations)
-  Priority Transportation Projects (approx. locations)
-  Priority Transportation Projects - Shared Use Paths
-  Priority Transportation Projects - Bikeways





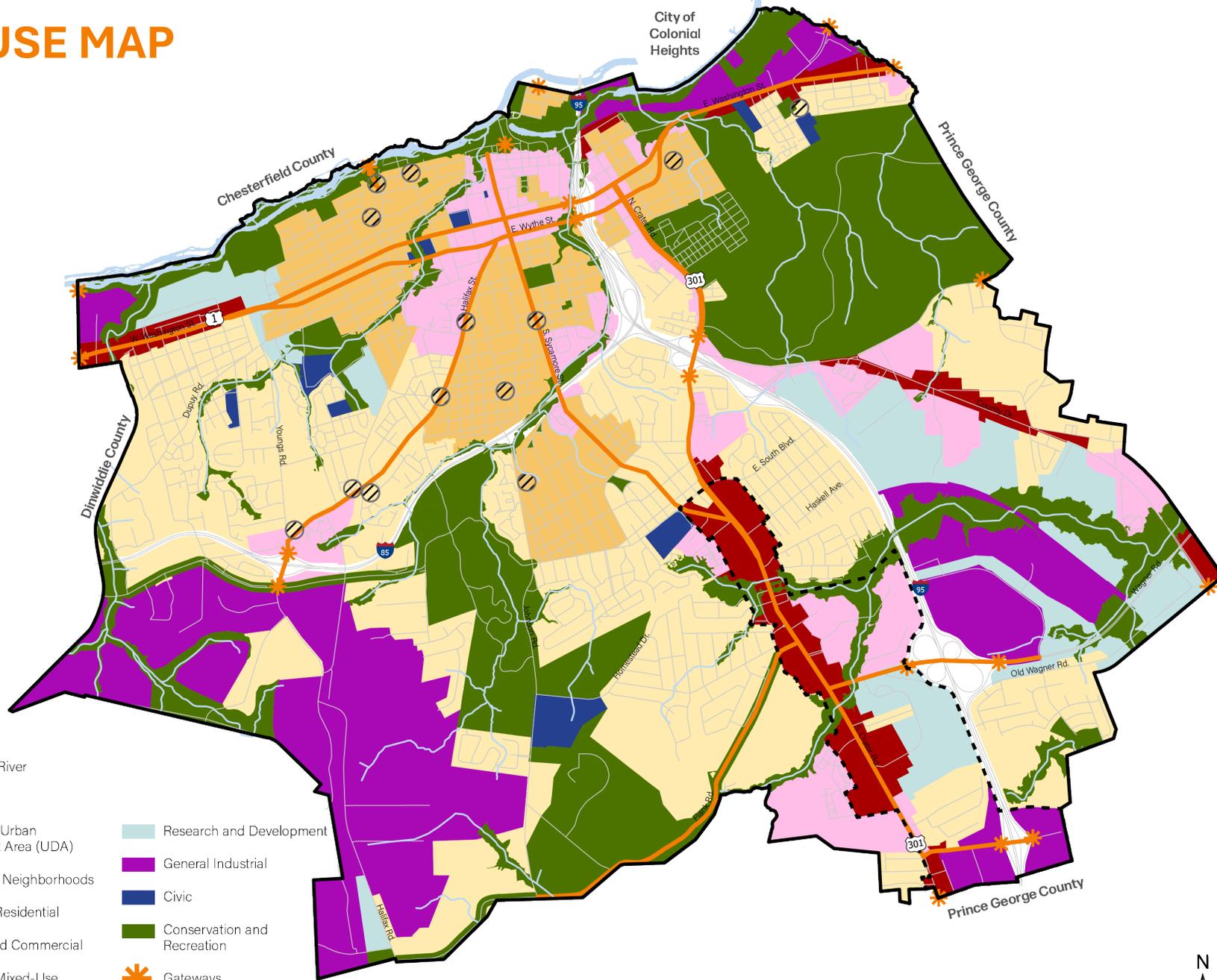
Petersburg will support land use and development patterns that are high-quality, environmentally sustainable, and enhance economic opportunity and equity for the community.

## CHAPTER 10 LAND USE

# FUTURE LAND USE MAP

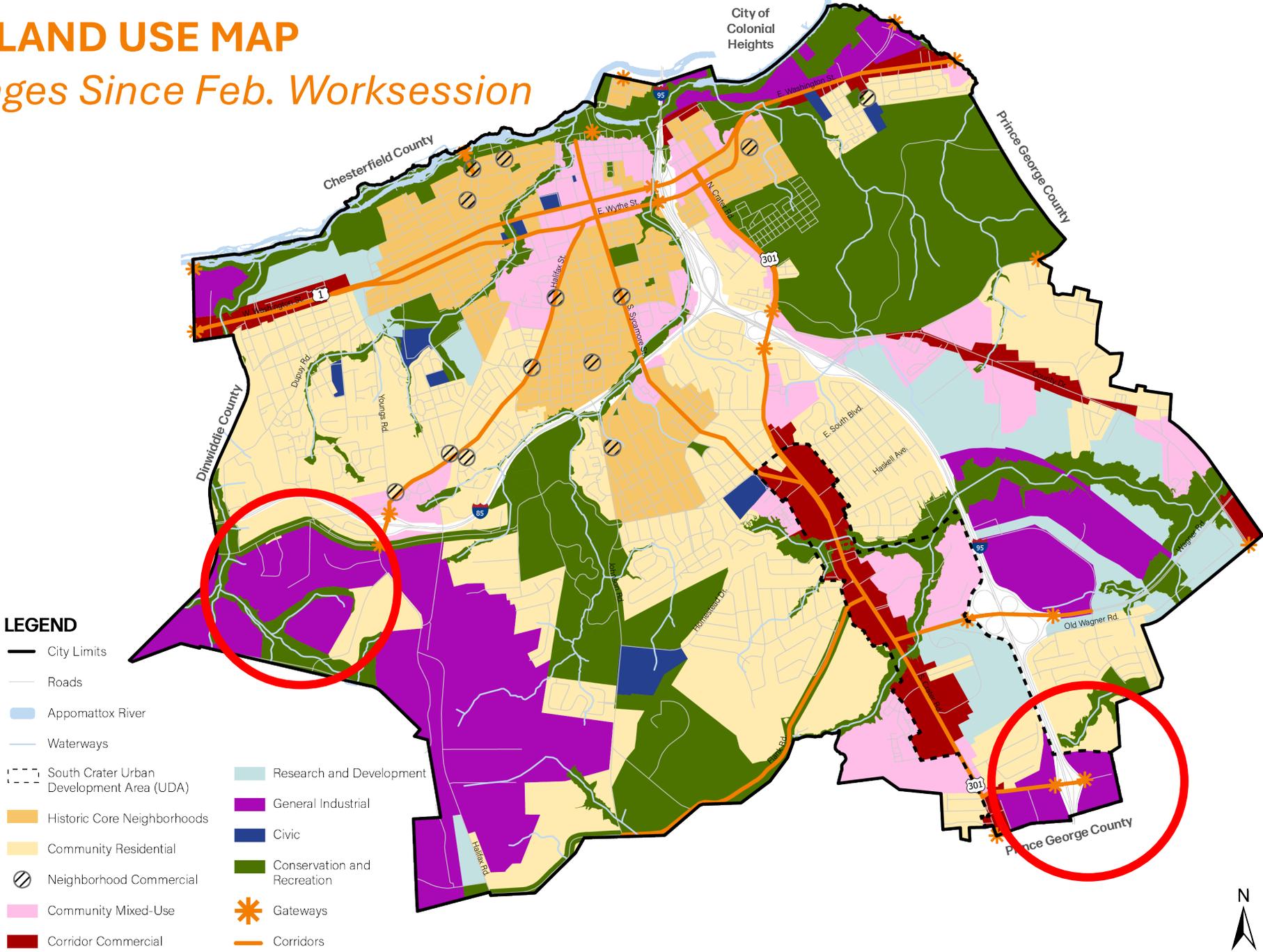
## LEGEND

-  City Limits
-  Roads
-  Appomattox River
-  Waterways
-  South Crater Urban Development Area (UDA)
-  Research and Development
-  Historic Core Neighborhoods
-  General Industrial
-  Community Residential
-  Civic
-  Neighborhood Commercial
-  Conservation and Recreation
-  Community Mixed-Use
-  Gateways
-  Corridor Commercial
-  Corridors



# FUTURE LAND USE MAP

## Key Changes Since Feb. Worksession





# CHAPTER 11 IMPLEMENTATION

- Implementation...
  - ✓ Serves as a measure of accountability
  - ✓ Builds trust with the community
  - ✓ Helps guide annual budgeting processes
  - ✓ Helps ensure any state-mandated responsibilities are met

### **Implementation Category**

Categorizes each strategy into an implementation type

### **Responsible Party**

Identifies who is responsible for implementing each strategy

### **Stakeholders + Resources**

Identifies other resources/groups that will be helpful in implementation

### **Timeframe**

The ideal length of time for each strategy to be completed

### **Cost**

Identifies, in general terms, how costly it will be to implement each strategy

# Next Steps ▶▶▶▶

- ***Planning Commission Recommendation:***  
***Recommended APPROVAL of the draft Plan as presented***
- **City Council Public Hearing**
- **City Council Vote**



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 7, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** John Michalek

**RE:** **Virginia Office of Emergency Medical Services – Four for Life Grant (First Reading) - Pages 47-49**

**PURPOSE:** The Commonwealth of Virginia, Office of Emergency Medical Services established a fund for licensed emergency medical services agencies under the Code of Virginia §46.2-694.

**REASON:** This grant provides funding assistance with medical training, equipment, and supplies beyond normal budgetary means.

**RECOMMENDATION:** The Council accept and appropriate the Virginia Office of Emergency Medical Services – Four-for-Life grant for \$135,183.36 for the fiscal year 2024 to the Department of Fire, Rescue, and Emergency Services.

**BACKGROUND:** The City of Petersburg, Department of Fire, Rescue and Emergency Services received financial assistance through the Virginia Office of EMS to support EMS training and equipment as determined applicable by the Code of Virginia.

**COST TO CITY:** No cost to the city.

**BUDGETED ITEM:** N/A (Grant)

**REVENUE TO CITY:** \$135,183.36

**CITY COUNCIL HEARING DATE:**

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** None

**AFFECTED AGENCIES:** Department of Fire, Rescue and Emergency Services

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** None

**REQUIRED CHANGES TO WORK PROGRAMS:** None

**ATTACHMENTS:**

1. Four for life ORDINANCE - FY 2024 4-4-life



**AN ORDINANCE, AS AMENDED, SAID ORDINANCE  
MAKING APPROPRIATIONS FOR THE FISCAL YEAR  
COMMENCING JULY 1, 2023, AND ENDING JUNE 30, 2024  
FOR THE GRANTS FUND.**

---

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

I. That appropriations for the fiscal year commencing July 1, 2023, in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2024.

<b>Previously adopted</b>	<b>\$0.00</b>
<b>ADD:</b> Virginia Office of EMS – Four-for-Life Fund (Four-for-Life) (3-200-024040-0615-0-206)	<b><u>\$135,183.36</u></b>
<b>Total Revenues</b>	<b><u>\$135,183.36</u></b>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2023 and ending June 30, 2024, the following sums for the purposes mentioned:

<b>Previously adopted</b>	<b>\$0.00</b>
<b>ADD:</b> Virginia Office of EMS – Rescue Squad Assistance Fund (Four-for-Life) (4-200-032100-3190-0-206)	<b><u>\$135,183.36</u></b>
<b>Total Expenses</b>	<b><u>\$135,183.36</u></b>



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 7, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** John M. Altman Jr., City Manager

**FROM:** Leon Glaster, Interim CFO/Director of Finance

**RE:** **A Request to schedule a Public Hearing for the consideration of the City of Petersburg’s FY2024-25 Proposed Operating Budget**

---

**PURPOSE:** A public hearing for consideration of the City of Petersburg’s FY2024-25 Proposed operating Budget.

**REASON:** A public hearing is requested to be held in accordance with Section 15.2-2506 of the Code of Virginia, on the proposed budget of the various funds, known as ‘All Funds’, in the amount of \$137,602,113. The All Funds Budget for the fiscal year commencing July 1, 2024 and ending June 30, 2025 requires approval, adoption & appropriation by City Council.

**RECOMMENDATION:** Staff recommends that City Council approve and adopt the City of Petersburg’s FY2024-25 Proposed Operating Budget & Appropriation Ordinance following the public hearing.

**BACKGROUND:** The City Manager has proposed an operating budget across all funds of \$137,602,113 for FY2024-25. There were two community meetings held on April 23<sup>rd</sup> & April 25<sup>th</sup>. The Finance Department will present the proposed operating budget to City Council on May 7, 2024 and conduct a public hearing on May 21, 2024. The final step is for City Council to adopt the FY2024-25 Proposed Operating Budget and approve the Appropriation Ordinance.

**COST TO CITY:** \$137,602,113

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** \$137,602,113

**CITY COUNCIL HEARING DATE:** 5/21/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** N/A

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

**STAFF:** Leon Glaster, Interim CFO/Finance Director  
Garry Cozier, Budget Manager

**AN ORDINANCE MAKING APPROPRIATIONS IN THE ALL FUNDS BUDGET  
FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2024 AND ENDING JUNE  
30, 2025**

---

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

- I. That appropriations for the fiscal year commencing July 1, 2024, and ending June 30, 2025, in the All Funds Budget are made from the following resources and revenues of the City, for the fiscal year ending June 30, 2025:

**Revenues**

General Fund Revenue	\$93,009,922
Grants Fund Revenue	\$10,746,733
Streets Fund Revenue	\$7,973,243
Community Development Block Grant Revenue	\$609,344
Stormwater Fund Revenue	\$1,452,283
Utilities Fund Revenue	\$15,134,073
Golf Course Fund Revenue	\$1,197,550
Mass Transit Revenue	\$7,478,965

**TOTAL REVENUES** **\$137,602,113**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

**Expenditures**

General Fund	\$93,009,922
Grants Fund	\$10,746,733
Streets Fund	\$7,973,243
Community Development Block Grant	\$609,344
Stormwater Revenue	\$1,452,283
Utilities Revenue	\$15,134,073
Golf Course Revenue	\$1,197,550
Mass Transit Revenue	\$7,478,965

**TOTAL EXPENSES** **\$137,602,113**

This budget recommends no change to the Real Estate Tax Rate of \$1.27, no change to the Personal Property Tax Rate of \$4.90, & no change to the Machinery & Tools Tax Rate of \$3.80.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 7, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** John M. Altman Jr., City Manager

**FROM:** Leon Glaster, Interim CFO/Director of Finance

**RE:** **A Request to schedule a Public Hearing for the consideration to approve and appropriate the budget for Petersburg City Public Schools for FY2024-25.**

---

**PURPOSE:** To approve and appropriate the city transfer for the Petersburg City Public Schools for FY24-25

**REASON:** The City of Petersburg City Council must approve and appropriate the budget for Petersburg City Public Schools.

**RECOMMENDATION:** Staff recommends that City Council adopts and approves the Petersburg City Public Schools FY2023-24 Proposed Budget and Appropriation Ordinance.

**BACKGROUND:** The city transfers a budget to Petersburg City Public Schools each fiscal year. The amount proposed to be transferred for FY2024-25 is \$12,361,478.

**COST TO CITY:** \$12,361,478

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 5/21/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** Petersburg City Public Schools

**AFFECTED AGENCIES:** Petersburg City Public Schools

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS: N/A**

**ATTACHMENTS:**

**AN ORDINANCE TO ADOPT THE PROPOSED FY2024-25 CITY OF  
PETERSBURG PUBLIC SCHOOLS OPERATING BUDGET APPROPRIATION**

---

**WHEREAS**, at the meeting of the City Council of the City of Petersburg held on May 21, 2024, a budget of the estimated revenues and expenditures for the fiscal year beginning July 1, 2024, and ending June 30, 2025; and

**WHEREAS**, a tax rate sufficient to raise the last mentioned sum has been levied by ordinance of the City Council of the City of Petersburg.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Petersburg that the budget for the Petersburg City Public School for Fiscal Year 2024-2025 be and is hereby budgeted and appropriated by City Council in the amount of \$12,361,478.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 7, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Nicole Loving

**RE:** **A Request to Schedule a Public Hearing for the Acceptance of the 525776-FY24-Community Corrections & Pretrial Services One-Time Funding in the Amount of \$22,793 (526361) - Pages 56-69**

**PURPOSE:**

**REASON:** Petersburg Community Corrections was awarded a grant from the Department of Criminal Justice Services in the amount of \$22,793. This is a one-time funding for FY2024 for community corrections and pretrial services. The project period is 1/1/2024-6/30/2024. There is no required match.

**RECOMMENDATION:** Acceptance of State Funds Totaling \$22,793.

**BACKGROUND:** Petersburg Community Corrections was awarded a grant from the Department of Criminal Justice Services in the amount of \$22,793. This is a one-time funding for FY2024 for community corrections and pretrial services. The project period is 1/1/2024-6/30/2024. There is no required match.

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 5/7/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. Community Corrections Pretrial Services One-Time Funding FY 2024 (1)





# COMMONWEALTH of VIRGINIA

## Department of Criminal Justice Services

The Honorable Jackson H. Miller  
Director

Tracy Louise Winn Banks, Esq.  
Chief Deputy Director

Washington Building  
1100 Bank Street  
Richmond, Virginia 23219  
(804) 786-4000  
[www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)

April 2, 2024

John Altman, Jr.  
City Manager  
135 North Union Street  
Petersburg, Virginia 23803

RE: 525776-FY24- Community Corrections & Pretrial Services One-Time Funding FY2024

Dear John Altman, Jr.:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **526361** and was approved for a total award of **\$22,793**, funded through Award Number **2024-CCCA-GRANT**. The project period is **1/1/2024** through **6/30/2024**.

Included with this letter is a Statement of Grant Award/Acceptance (SOGA). Copies of the FY24 Special Conditions, Reporting Requirements, and Projected Due Dates are posted online at <https://www.dcjs.virginia.gov/grants/grant-requirements> for your review. In addition, there may be "Action Item" Special Conditions related to your grant award called *Encumbrances* that require your immediate attention. If there are any, please submit those documents via the On-line Grants Management System (OGMS) at <https://ogms.dcjs.virginia.gov/>.

If you have not previously done so, you must register in order to use this web-based system. The instructions on *Registering for a New Account* and *Submitting Action Item Encumbrances* are posted here <https://www.dcjs.virginia.gov/grants/ogms-training-resources> along with other resources and training videos. All registrants will be approved within 3 – 5 business days.

We will be happy to assist you in any way we can to assure your project's success. To indicate your acceptance of the award and conditions, please sign the included SOGA and return it electronically within the next 60 days to [grantsmgmt@dcjs.virginia.gov](mailto:grantsmgmt@dcjs.virginia.gov). Please note that you will not be able to draw down funds on this grant until DCJS receives the signed SOGA, and the grant is in Underway status in OGMS.

If you have questions, contact your DCJS Grant Monitor **Angelica Brown** at (804) 659-6762 or via email at [Angelica.Brown@dcjs.virginia.gov](mailto:Angelica.Brown@dcjs.virginia.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackson Miller".

Jackson Miller

## STATEMENT OF GRANT AWARD (SOGA)

Virginia Department of Criminal Justice Services

1100 Bank Street, 12<sup>th</sup> Floor

Richmond, Virginia 23219

<b>525776-FY24- Community Corrections &amp; Pretrial Services One-Time Funding FY2024</b>
---

Subgrantee:	Petersburg
DCJS Grant Number:	526361
Grant Start Date:	1/1/2024
Grant End Date:	6/30/2024

Indirect Cost Rate: \_\_\_\_\_%      \*If applicable

Federal Funds:	
State Funds:	<b>\$22,793</b>
Local Match:	_____
 Total Budget:	 <b>\$22,793</b>

Project Director	Project Administrator	Finance Officer
Felicia Loving Director 20 East Tabb Street, 3rd Floor Petersburg, Virginia 20803 804-861-4348 nloving@petersburg-va.org	John Altman, Jr. City Manager 135 North Union Street Petersburg, Virginia 20803 804-733-2301 maltman@petersburg-va.org	Leon Glaster Interim Finance Director 144 North Sycamore Street Petersburg, Virginia 23803 804-203-4395 lglaste@petersburg-va-org

**\*Please indicate your ICR in the space provided, if applicable.** As the duly authorized representative, the undersigned, having received the Statement of Grant Awards (SOGA) and reviewing the Special Conditions, hereby accepts this grant and agree to the conditions and provisions of all other Federal and State laws and rules and regulations that apply to this award.

Signature: \_\_\_\_\_

  
 \_\_\_\_\_  
 Authorized Official (Project Administrator)

Title: \_\_\_\_\_

  
 \_\_\_\_\_

Date: \_\_\_\_\_

  
 \_\_\_\_\_



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 7, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Randall Williams

**RE:** **A Request to Schedule a Public Hearing and Consideration of an Ordinance to Authorize David Breidenbach; G. Grattan, LLC and Hereinafter "Virginia Green" to Donate and Provide Maintenance Services to the Property at the Intersection of Woodland Road and Oakridge Road - Pages 60-69**

**PURPOSE:** To approve an ordinance and authorize an MOU allowing David Breidenbach; G. Grattan, LLC and hereinafter "Virginia Green" to donate and provide maintenance services to the property at the intersection of Woodland Rd. and Oakridge Rd.

**REASON:** To authorize a MOU allowing Virginia Green to donate and provide maintenance services to the property at the intersection of Woodland Rd. and Oakridge Rd.

**RECOMMENDATION:** To approve the ordinance to authorize Virginia Green to donate and provide maintenance services to the property at the intersection of Woodland Rd. and Oakridge Rd.

**BACKGROUND:** A request was made in the past for maintenance services to be donated for this City property. Based on a recent follow-up, a MOU has been prepared and is included with this agenda item.

**COST TO CITY:** \$0

**BUDGETED ITEM:** No

**REVENUE TO CITY:** \$0

**CITY COUNCIL HEARING DATE:** 5/7/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** None

**AFFECTED AGENCIES:** Grounds

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. Woodland & Oakridge Rd MOU - May 7 Work Session

## **Memorandum of Understanding**

*Between Virginia Green (Gil Grattan LLC)  
and The City of Petersburg, Virginia  
For Maintenance Services of  
Public Property located at the intersection of  
Woodland Road and Oakridge Road.*

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024 came the parties, David Breidenbach, G. Grattan, LLC d/b/a and hereinafter "Virginia Green" and the City of Petersburg, Virginia, and for its Memorandum of Understanding ("MOU") regarding the donation and provision of Maintenance services by Virginia Green for the property located at the intersection of Woodland Road and Oakridge Road, hereby does agree and say to wit:

### **RECITALS**

1. At all times herein mentioned, the City of Petersburg, Virginia (hereinafter "City") was and remains a municipal corporation formed and operating under the laws of the Commonwealth of Virginia.
2. At all times herein mentioned G. Grattan, LLC was and remains a Virginia Limited Liability Company (SCC ID No.: S0443483) whose principal office is located at 2701 Emerywood Pkwy., Ste 100, Henrico, VA 23294 and whose Registered Agent is Jonathan A. Frank, 200 South 10<sup>th</sup> Street, Suite 1600, Richmond, VA, 23219 – 0000.
3. David Breidenbach (hereinafter "Breidenbach") is a citizen of the City of Petersburg, Virginia and homeowner whose address is 1147 Oakridge Road, Petersburg, Virginia.
4. That the City is the owner of certain public property located at the intersection of Woodland Road and Oakridge Road in the City of Petersburg Virginia depicted in **(Exhibit A)**.
5. That for the mutual promises herein made, Breidenbach wishes to hire Virginia Green at Breidenbach's sole cost and expense, to maintain and improve the aesthetics of the subject property and donate said services to the City of Petersburg.
6. The "date of execution" of this Agreement shall be the date listed in the first sentence of this Agreement. If there be none, then it shall be date upon which the City executed the Agreement.

## AGREEMENT

### CITY:

7. The City herein agrees accept the donation from Breidenbach and Virginia Green and in exchange, allow Breidenbach and Virginia Green to access, maintain, and improve the subject property strictly in accordance with the terms of this Agreement.
8. Improvements pursuant to this Agreement are limited to the planting of flowers, plants, and shrubs subject to sole discretion and approval of the City; the application of weed control and fertilizer as described herein; and general law maintenance.
9. The City may terminate this MOU at anytime without cause and without recourse by the other parties or third parties.
10. Upon conclusion of this Agreement, any improvements made to the subject property pursuant to this Agreement shall become the sole property of the City of Petersburg, Virginia without further recourse by the other parties or third parties.
11. Nothing in this Agreement shall be construed as a grant of ownership or rights of any kind in relation to the subject property except for the rights to access and maintain or improve the property in accordance with the express terms contained herein.
12. The City reserves the right to reject and immediately remove any improvements, modifications, or other alterations to the subject property which may be deemed objectionable at the sole discretion of the City. Any costs associated with such removal shall be borne by Virginia Green and Breidenbach.
13. This MOU does not commit the City of Petersburg to be responsible for any funding related to these treatments and instead holds the person(s) who request the services to be responsible. Virginia Green acknowledges that in this case, the person requesting the services to be Breidenbach.

### BREIDENBACH

14. Breidenbach shall be solely responsible for securing the services of Virginia Green as described herein.
15. Prior to commencement of any work pursuant to this Agreement, Breidenbach and Virginia Green shall provide a certificate of insurance naming the City as an additionally insured in an amount and issued by a provider to the satisfaction of the City's Risk Manager at the Risk Manager's sole discretion.

16. If Breidenbach is unable to secure the services of Virginia Green or provide the required certificates of insurance within four months of the date of execution of this Agreement, this Agreement shall automatically terminate.
17. Breidenbach shall be responsible for all costs associated with this Agreement.
18. Breidenbach agrees to donate said costs and services to the City free of charge to the City.
19. At the conclusion of this Agreement, Breidenbach and Virginia Green (individually and jointly and severally) shall be solely responsible for returning the property in the same condition or better than it was at the commencement of this Agreement.
20. Breidenbach and Virginia Green (individually and jointly and severally) shall be responsible for any damages caused to the subject property as a result of the performance of this Agreement.
21. Breidenbach and Virginia Green (individually and jointly and severally) agree to indemnify and hold the City, its employees, agents, and assigns harmless for any and all claims (including but not limited to attorney's fees), made by third parties (including agents and employees of Breidenbach and Virginia Green) arising from the performance or non-performance of this Agreement.

#### **VIRGINIA GREEN**

22. Virginia Green will treat the subject property with 7 applications per year spaced approximately 6-8 weeks apart.
23. Said applications will be administered by a licensed technician employed through Virginia Green.
24. The applications include liquid weed control, fertilizer, and sedge control as well as granular fertilizer.
25. All products and application rates are administered in accordance with label instructions and VDACS regulations.
26. Virginia Green will monitor and report any discrepancies regarding the above-mentioned lawncare as necessary to the City of Petersburg and VDACS as required by law.
27. At the conclusion of this Agreement, Breidenbach and Virginia Green (individually and jointly and severally) shall be solely responsible for returning the property in the same condition or better than it was at the commencement of this Agreement.

28. Breidenbach and Virginia Green (individually and jointly and severally) shall be responsible for any damages caused to the subject property as a result of the performance of this Agreement.
29. Breidenbach and Virginia Green (individually and jointly and severally) agree to indemnify and hold the City, its employees, agents, and assigns harmless for any and all claims (including but not limited to attorney's fees), made by third parties (including agents and employees of Breidenbach and Virginia Green) arising from the performance or non-performance of this Agreement.
30. At all times herein mentioned, Virginia Green shall maintain adequate Worker's Compensation Insurance and Virginia Green shall be responsible for any and all claims and injuries to its employees, agents, and assigns which may arise from the performance of this Agreement. Upon request, Virginia Green shall provide proof of such insurance to the satisfaction and at the sole discretion of the City's Risk Manager.

#### **TERM/MODIFICATION:**

31. This MOU is at-will and may terminated by the City at anytime without cause and without recourse by the other parties or third parties.
32. This MOU represents the entire Agreement between the parties regarding the matters described herein. Any prior or subsequent agreements concerning these matters are hereby deemed null and void unless reduced to a written Addendum to this Agreement and signed by all parties.
33. This Agreement shall commence on the date of execution and continue for one year, and shall automatically renew for four consecutive years thereafter (total of five years from the date of execution) unless terminated in accordance with this Agreement.

#### **TERMINATION**

34. This Agreement may be terminated immediately by written Notice effective upon mailing or transmission to the other parties as follows:

#### **CITY OF PETERSBURG:**

John M. Altman, Jr., City Manager (or successor in office)  
135 N. Union Street  
Petersburg, VA 23803  
Phone: 804-733-2301  
Email: [maltman@petersburg-va.org](mailto:maltman@petersburg-va.org)

(with copy to)

Anthony C. Williams, City Attorney (or successor in office)  
135 N. Union Street  
Petersburg, VA 23803  
Phone: 804-733-2305  
Email: [awilliams@petersburg-va.org](mailto:awilliams@petersburg-va.org)

**VIRGINIA GREEN:**

Virginia Green (Gil Grattan L.L.C.)  
Phillip Harmsen, Regional Team Leader  
12738 Oak Lake Ct  
Midlothian, VA 23112  
Telephone: (804)663-8684  
E-mail: [phillip.harmsen@viriniagreen.com](mailto:phillip.harmsen@viriniagreen.com)

**DAVID BREIDENBACH**

1147 Oakridge Road  
Petersburg, Virginia  
Email: [david\\_breidenbach@comcast.net](mailto:david_breidenbach@comcast.net)

**GENERAL:**

35. This document shall be construed under the laws of the Commonwealth of Virginia. Any dispute arising from the performance or non-performance of this Agreement shall be litigated solely in the General District or Circuit Court for the City of Petersburg, Virginia.
36. At all times herein mentioned, the parties shall remain independent entities and shall not be subject to any claim of respondeat superior in relation to the other parties. Nothing contained in this Agreement shall be construed to create an employment relationship between the City and Virginia Green or between the City and Breidenbach.
37. The obligation of the City pursuant to this Agreement is the acceptance of the donation of the services/improvements and allowing access to the subject property as expressly described herein.

By signing this document the undersigned represent that they have the authority to bind and do hereby bind their respective entities to all terms and conditions contained in this Agreement.

**CITY OF PETERSBURG, VIRGINIA**

BY: \_\_\_\_\_ Date \_\_\_\_\_  
John M. Altman, Jr.,  
City Manager

**G. GRATTAN, LLC d/b/a "Virginia Green"**

BY: Phillip Harmsen RTL 4/18/24  
[PRINTED NAME AND TITLE] Date

**DAVID BREIDENBACH**

David Breidenbach 4/18/24  
David Breidenbach Date



EXHIBIT A





# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 7, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:**

**FROM:**

**RE:** **A Request to Schedule a Public Hearing for the Consideration of an Ordinance to Adopt the Tourism Development Plan - Pages 70-85**

**PURPOSE:**

**REASON:**

**RECOMMENDATION:** For City Council to Approve A Public Hearing to Consider an Ordinance to Adopt the Tourism Development Plan.

**BACKGROUND:** N/A

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 5/7/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** N/A

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. DRAFT Project Ordinance TDFP Hotel Petersburg
2. EXHIBIT A
3. Exhibit B Financing Plan

**AN ORDINANCE TO ADOPT THE TOURISM DEVELOPMENT PLAN DEVELOPED IN CONJUNCTION WITH THE COMMONWEALTH OF VIRGINIA'S TOURISM DEVELOPMENT FINANCING PROGRAM, TO ENDORSE A PROPOSED TOURISM PROJECT, AND TO AUTHORIZE OTHER ACTIONS CONSISTENT WITH STATE TOURISM GAP FINANCING**

---

**SECTION 1.** The City Council finds that:

**WHEREAS**, The Code of the Commonwealth of Virginia provides §58.13851 authorizes localities to establish one or more tourism zones; and

**WHEREAS**, by Ordinance Number xxx, the City Council adopted the Petersburg, Virginia Tourism Zone Overlay on DATE; and

**WHEREAS**, the City has received a request from Tabb Street Development, LLC (DEVELOPER) requesting the use of the Tourism Development Financing Program for the Hotel Petersburg to be located at 20 West Tabb Street, Petersburg, Virginia), as shown on Exhibit "A"; and

**WHEREAS**, the Hotel Petersburg is located within the Petersburg, Virginia Tourism Zone Overlay; and

**WHEREAS**, the city currently lacks any hotel entities in the Upper Midscale, Upscale, Upper Upscale or Luxury categories to accommodate both business and tourism related travelers; and

**WHEREAS**, Tabb Street Development, LLC (Developer) is spending more than \$20 million to construct a ~64 room boutique hotel operated as a Hilton Tapestry brand property by Retro Hospitality; and

**WHEREAS**, this Hotel Petersburg Project will be a comprehensive renovation of a former historic hotel, which, prior to this renovation, was vacant, blighted, and a community nuisance; and

**WHEREAS**, the City has reviewed the request to find it consistent with statutory requirements and in the best interest of the project as well as the City; and

**WHEREAS**, the City has collaborated with the Virginia Tourism Commission to draft the Petersburg Tourism Development Plan as required by § 58.1-3851.1 of the Code of Virginia, 1950, as amended, a copy of which is attached hereto as Exhibit "B"; and

**WHEREAS**, to meet the requirements §58.1-3851.1 of the Code of Virginia, 1950, as amended, the City Council, The Economic Development Authority, the Developer, and the Commonwealth will be required to execute a performance agreement.

**NOW THEREFORE BE IT ORDAINED that CITY COUNCIL does hereby:**

**SECTION 1.** That the Council hereby endorses the Hotel Petersburg Project as a project for the purposes of §58.1-3851.1 of the Code of Virginia, 1950, as amended, and accordingly, the Council finds that the Hotel Petersburg Project fills a void identified in the City's tourism strategy and described more particularly in the Petersburg Tourism Development Plan.

**SECTION 2.** That the City Council formally adopts the Hotel Petersburg Project Tourism Development Plan, attached herewith as Exhibit "B".

**SECTION 3.** That subject to the approval and certification of the State Comptroller of the Commonwealth of Virginia, and conditioned upon the execution of a performance agreement between the Developer, the City, the Economic Development Authority, and the Commonwealth, the Council hereby designates to the Hotel Petersburg Project and directs, subject to appropriation of such funds to

the Economic Development Authority, that an amount equal to the revenues generated by one percent (1%) of local sales and use tax generated by transactions taking place on the premises of the Hotel Petersburg Project, as previously committed by the City Council and Economic Development Authority in a separate performance agreement attached hereto as Exhibit "C", be applied to the payment of principal and interest on the qualified gap financing for the project for the purposes set forth in § 58.1-3851.1 of the Code of Virginia, 1950, as amended.

**SECTION 5.** Upon collection of a quarterly remittance of revenues by the Commonwealth and of the access fee, as that term is defined by § 58.1-3851.1 of the Code of Virginia, 1950, as amended, by the Developer, the City will remit such amounts to the Economic Development Authority as required by § 58.1-3851.1 of the Code of Virginia, 1950, as amended and as outlined in Exhibit "C".

**SECTION 6.** The City Manager is authorized and directed to take actions consistent with the intent of this Ordinance, including, without limitation, execution of a performance agreement between the City, the Developer, the Economic Development Authority, and the Commonwealth as required by § 58.1-3851.1 of the Code of Virginia, 1950, as amended.

**SECTION 7. Severability Clause**

If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

**SECTION 8. Effective Date**

This ordinance shall become effective immediately upon adoption following a first and second reading.

FOR CA REVIEW

# EXHIBIT “A”

## PROJECT SUMMARY SHEET

Project Name	Hotel Petersburg
Locality Applying	Petersburg
Property Address	20 West Tabb Street, Petersburg, VA
Year Built	c. 1915
Original Use of Property	Hotel
Property Size SF	45,000 sf
Vacant Since	1994
Owner	Tabb St Development
Developer	Tabb St Development
End User	Tabb St Development
Total Project Budget	~\$26,500,000
Hotel Tier	Upscale
Hotel Branding Partner	Hilton Tapestry
Hotel Rooms	+ -64
Other Amenities	Full Service Restaurant; Meeting Rooms; Retail: Speakeasy Bar; Rooftop Bar
New Employment	~40 FTE including contract employees

**EXHIBIT “B”**

**HOTEL PETERSBURG  
FINANCING PLAN**

<b>Hilton Petersburg</b>			
<b>Project Sources &amp; Uses</b>			
4/17/24			
<b>Sources</b>		<b>Uses</b>	
Old Point National Bank	\$5,800,000	Current GC contract amount	\$13,756,730
VSBFA Loan	\$2,200,000	FF&E room package	\$1,121,348
EDA Grant	\$2,600,000	Closing Costs & Soft Costs	\$3,654,152
LISC Bridge Loan	\$3,650,000	FF&E common area	\$500,000
Initial federal HTC funds closing	\$739,142	Construction Contingency	\$597,417
phase one state HTC	\$376,754	Masonry work outside of contract	\$629,179
phase two state HTC	\$861,668	Pre-opening expense budget	\$1,326,907
phase three state HTC	\$1,900,000	Construction interest old point& LISC	\$376,650
phase four state HTC	\$1,374,000	Closing costs related to PACE	\$656,985
Final phase federal HTC	\$2,887,000	Developer Fee	\$3,500,000
Borrower Equity & Deferred Developer Fee	\$4,230,804	Required tax credit investor reserve post-renovation	\$500,000
<b>Total Sources</b>	<b>\$26,619,368</b>	<b>Total Uses</b>	<b>\$26,619,368</b>

April 26, 2024

Nathaniel W. Cuthbert  
Tabb Street Development LLC  
dba Hotel Petersburg  
244 S. Sycamore Street  
Petersburg, VA 23803

RE: Economic Development Loan Fund (EDLF) Approval – Gap Financing for Tourism Development Financing Program (TDFP)

Dear Tabb Street Development LLC:

I am pleased to advise you that the Virginia Small Business Financing Authority (“Lender” or “VSBFA”) has approved the request of Tabb Street Development LLC (“Borrower”), for a loan in an amount not to exceed Two Million Two Hundred Thousand and 00/100 Dollars (**\$2,200,000.00**) (the “Loan”), subject to the terms and conditions herein.

**1. Basic Terms:**

- (a) **Borrower:** Tabb Street Development LLC, a Virginia liability company.
- (b) **Gap Loan Amount:** A Gap Loan representing Commonwealth of Virginia TDFP financing amount of Two Million Two Hundred Thousand and 00/100 Dollars (\$2,200,000.00).
- (c) **Interest Rate:** Interest will be fixed at 5.00%. Interest shall be computed based on the actual number of days the Loan is outstanding as if each year were composed of 365 days. In the event of default under any of the Loan Documents, the interest rate on the Loan shall be increased by 5%.
- (d) **Closing Date:** Closing shall take place no later than May 31, 2024.
- (f) **Maturity Date:** The maturity date shall be ten (10) years following the Closing Date of the Loan.

**2. Project Location:** 20 W. Tabb Street, Petersburg, VA 23803.

**3. Purpose of Loan:** To refinance existing indebtedness of Borrower owing to CSPACE incurred in connection with the construction and renovation of an historic building in downtown Petersburg, VA at 20 W. Tabb Street, Petersburg, VA 23803 (the “Project” or the “Property”) to be occupied by Hotel Petersburg flagged as a Hilton Tapestry property.

**4. Terms of Repayment:** Borrower shall make interest only payments on the outstanding principal balance of the Loan for a period of nine (9) months after Closing (the “Interest Only

Period”), with payments due monthly commencing within thirty (30) days after Closing. Thereafter, the Loan shall be amortized on a twenty (20) year basis, and Borrower shall make consecutive monthly principal and interest payments in the approximate amount of \$14,519.00 until the Maturity Date of the Loan, at which time the outstanding principal balance of the Loan and all accrued interest and late fees due thereon shall be due and payable in full. Furthermore, payments may be subject to be collected quarterly. If quarterly payments occur, loan will be amortized on a twenty (20) year basis, and Borrower shall make consecutive quarterly payments in approximate amount of \$43,662.35 until Maturity Date of Loan.

Notwithstanding the foregoing, all principal, interest, late charges and other outstanding amounts under the Loan shall be due and payable on the Maturity Date. Any payments which are not received by the Lender within ten (10) days of the due date shall be subject to a late charge of five percent (5%), or \$250, whichever is less.

In the event that the total amount of sales and use tax entitlement and the access fee exceeds any annual debt service on the qualified gap financing, such excess shall be paid to the principal of the loan until the qualified gap financing is paid in full.

5. **The Individual Guarantor(s)** (“Guarantor”) shall each jointly and severally provide their unlimited guaranty of the Loan:

Nathaniel W. Cuthbert

6. **Property/Collateral:** The Loan shall be secured by a Deed of Trust on land and all improvements at 20 W. Tabb Street, Petersburg, VA 23803, to include an assignment of rents and leases. The Loan shall also be secured by an Assignment of Management Contract with Retro Hospitality.
7. **Quality of Documents and Items:** Each document and item required to be submitted to Lender pursuant to this Commitment shall be satisfactory in form and substance to Lender and its legal counsel, in their sole discretion.
8. **Required Jobs:** It is a requirement of the Loan that the Project shall retain approximately twenty (20) permanent and full-time jobs at the Property as a result of the Loan and shall, within five (5) years of the date of the Loan, create 15 additional permanent, full-time jobs (collectively, “Required Jobs”). Borrower shall provide evidence of such Required Jobs to Lender upon written request.
9. **Other Sources of Funding:** Borrower has advised Lender that the construction and buildout of the Property is estimated to cost \$18,445,00.00. Borrower shall furnish evidence satisfactory to Lender of the following additional sources of funds to Borrower for the Project:
- (a) Commercial mortgage to be provided by Old Point National Bank (the “Bank”) in the estimated amount of \$5,800,000.00, pursuant to loan documents satisfactory to Lender. The Bank shall be required to provide the VSBFA with (i) Bank’s annual review of the Borrower and Guarantor, and (ii) notice of any default under the Bank’s loan to Borrower.
10. **Conditions of Loan:** As conditions precedent to the Loan, all conditions and requirements in this Commitment must be satisfied to Lender’s satisfaction, as determined by Lender in its sole discretion and the Borrower and the Guarantor must have provided or caused to be provided to Lender, and Lender must have received, reviewed, and found satisfactory, the following:

- (a) **Loan Documents:** Note with confession of judgment provisions, loan agreement, deed of trust, security agreement, guaranty agreements with confession of judgment provisions, consents and other documents as Lender may require (collectively, the "Loan Documents"), duly executed, acknowledged and/or sworn to and delivered, upon the terms of this Commitment and containing such representations and warranties and affirmative and negative covenants, together with other additional terms and conditions, as Lender may require.
- (b) **Authority and Capacity:** Evidence of the existence, good standing, authority, and capacity of the Borrower and each Guarantor and their respective constituents and representatives as Lender may require. Borrower's and Guarantor's organizational documents shall be subject to review and approval by Lender.
- (c) **Survey:** None required
- (d) **Flood Hazards:** Evidence that the Property is not within an area identified as having special flood hazards or evidence of flood insurance as required by applicable law.
- (e) **Insurance:** Borrower's effective, paid-up policies of fire and all-risk replacement cost coverage of all insurable Property with standard non-contributory mortgage clause in favor of Lender and with loss proceeds payable to Lender; comprehensive general public liability insurance with Lender as an additional insured; and such other or additional insurance, and covering such risks, as Lender requires. All policies must be written by insurers, in amounts, with endorsements, and on terms and conditions satisfactory to Lender.
- (f) **Appraisal:** None required
- (g) **Covenants:**

**Financial Statements:** Annual financial statements from Borrower and Guarantor in form and content satisfactory to Lender evidencing a financial condition of such parties that is satisfactory to Lender and subsequent financial statements from such parties as required by Lender.

Required periodic reporting will include Annual Federal Tax Returns from Borrower and Guarantor within 30 days of filing along with an updated personal financial statement from each Guarantor. Borrower shall provide its management prepared financial statements annual at the end of each fiscal year within 60 days of each fiscal year end. Borrower and Guarantor shall provide any additional information that Lender may reasonably request from time to time.
- (h) **Title Insurance: Lien Searches:** (i) A binding commitment for mortgagee title insurance in form satisfactory to Lender (with complete, legible copies of all plats and exception documents) at least twenty (20) days before Loan closing; and (ii) for Borrower and each Guarantor reports (dated within 10 days prior to Loan closing) of searches of the central and local UCC, tax lien and judgment records, indicating no liens of record. Promptly after closing, Borrower shall provide to Lender a mortgagee title policy in the Loan amount with only those exceptions or exclusions approved by Lender in writing and including all endorsements required by Lender, together with a UCC-11 (or equivalent) report showing no liens except as permitted herein. Lender may require that title reinsurance and/or coinsurance, and all title insurers and agents and UCC search contractors be satisfactory to Lender.

- (i) **Additional Requirements:** Borrower shall be in compliance with the requirements set forth in **Exhibits A and B** attached hereto.
- (j) **Project Condition and Compliance:** Evidence that the contemplated business operations at the Project comply with all applicable laws.
- (k) **Environmental Compliance/Report:** Evidence satisfactory to Lender that the Property does not contain and is not within any area designated as a hazardous waste site or as wetlands by any federal, state or other governmental authority, that no Property of the Borrowers nor any adjoining property contains or has ever contained any hazardous, toxic or regulated substance and that neither the Property nor any use or activity thereon violates or is or could be subject to any response, remediation, clean-up or other obligation under any law or other legal requirement pertaining to health or the environment. Without limiting the foregoing, Lender shall have received and approved a written report of an environmental assessment made as of a date not more than sixty (60) days prior to Loan closing and of a scope and in form and content satisfactory to Lender, by an expert environmental site assessment engineering firm selected by Borrower and consented to by Lender, made in accordance with Lender's established guidelines, and such subsequent environmental assessments as are required by Lender.
- (l) **Additional Conditions: In addition, Borrower agrees to provide financial information, and other information in support of the State's economic development reporting requirements (equity or capital investment, job creation, etc.), as may be reasonably requested from time to time.**
- (m) **Date for Submissions:** All submissions must be made, and all conditions must be satisfied by Borrower at least seven (7) business days prior to Loan closing (unless an earlier date is specified).
- (n) **Miscellaneous:** Such other evidence, documents, certificates and items requested by Lender that are customarily provided in loan transactions of this type or necessary in connection with any other requirement of this Commitment.

## 11. General Conditions

- 11.1 **Termination of Commitment:** Lender may terminate this Commitment if there shall have occurred, in the opinion of Lender, from the date of Borrower's application for the Loan (a) any change in the ownership or capital structure of Borrower's or any non-individual Guarantor, (b) any material adverse change with respect to the Property or other security for the Loan or other source of repayment of the Loan, (c) any material adverse change in the business or financial condition of Borrower or any Guarantor, or in any other state of facts submitted to Lender in connection with the Loan, (d) any damage to the Property by fire, casualty or other cause or any part of the Property is taken in condemnation or other like proceeding, or any such proceeding is pending at the time of Closing, or (e) any pending or threatened litigation by Borrower, any Guarantor, or any affiliate of Borrower or Guarantor against Lender.
- 11.2 **Applicable Law:** THIS COMMITMENT AND THE LOAN DOCUMENTS SHALL BE GOVERNED ENTIRELY BY VIRGINIA LAW AND APPLICABLE UNITED STATES FEDERAL LAW.
- 11.3 **Entire Agreement:** The terms set forth above represent the entire understanding between Borrowers and Lender with respect to the subject matter of this Commitment, and this Commitment supersedes any prior and contemporaneous agreements,

commitments, discussions, and understandings, oral or written, with respect to the subject matter hereof.

- 11.4 Controlling Agreement:** This Commitment is hereby limited so that in no event shall the interest taken, reserved, contracted for, charged, or received exceed the maximum non-usurious amount permitted by applicable law; and any provision possibly to the contrary shall be automatically reformed and the interest payable automatically reduced to such maximum amount, without necessity of execution of any amendment or new document.
- 11.5 Assignability:** This Commitment cannot be assigned by Borrower without Lender's prior written approval, nor shall any third party rely hereon or be deemed a party benefited hereby.
- 11.6 Costs:** Borrower shall pay all out-of-pocket costs and expenses incurred by Lender in connection with the Loan (pre- and post-closing), including, but not limited to, all insurance, appraisal, survey, recording, environmental, engineering, closing, escrow and title, title insurance fees and costs, and all fees and expenses of Lender's outside legal counsel and the cost of any other reports or tests deemed necessary by Lender to satisfy the requirements of Section 10(k). Such costs and expenses incurred at or prior to Loan closing shall be due and payable prior to the closing of the Loan. The provisions of this paragraph shall survive the expiration or termination of this Commitment.
- 12. Acceptance; Termination:** This Commitment shall terminate automatically without notice at 5:00 p.m. Richmond local time on February 16, 2024, unless before that time each Borrower and each Guarantor have accepted it by delivering to Lender two copies duly executed by them. If all the conditions of this Commitment have not been satisfied or if Lender and each Borrower are unable to agree on and reduce to writing all of the Loan Documents in a manner satisfactory to both of them by the Closing Date, time being of the essence, or if there has been any misrepresentation or any material error in anything submitted to Lender regarding the Loan or pursuant to any other provision hereof, the Lender shall have the option to terminate this Commitment. Upon any such termination, all obligations hereunder shall terminate except as specified in Section 11.6.
- 13. Full Faith and Credit:** Nothing in this Commitment shall be construed to create an obligation on the part of the Commonwealth of Virginia or any political subdivision thereof to pay any amounts referred to herein or any interest or other costs incident thereto, except from the revenue of Lender and that neither the faith and credit nor the taxing power of the Commonwealth or any political subdivision thereof is pledged to the payment of any amounts due pursuant to this Commitment.

*[SIGNATURE PAGE FOLLOWS]*

Nathaniel W. Cuthbert  
Tabb Street Development LLC  
April 9, 2024  
Page 6

THE LOAN DOCUMENTS REPRESENT THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN AGREEMENTS BETWEEN THE PARTIES.

Very truly yours,

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

By: Terrance Rogers  
Regional Lending Manager  
101 North 14<sup>th</sup> Street, 11<sup>th</sup> Floor  
Richmond VA 23218  
Phone: 804-371-0058  
Email: [terrance.rogers@sbsd.virginia.gov](mailto:terrance.rogers@sbsd.virginia.gov)

The undersigned accept and agree to all the terms and conditions of the foregoing Commitment.

**BORROWER:                    Tabb Street Development LLC**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Nathaniel W. Cuthbert, Authorized Signer

**GUARANTORS:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Nathaniel W. Cuthbert

**BORROWER'S CLOSING ATTORNEY:**

Name: \_\_\_\_\_

Law Firm: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**EXHIBIT A  
FEDERAL REQUIREMENTS**

1. **PAYMENT OF TAXES.** Tabb Street Development, LLC (“Borrower”) certifies that it has paid all taxes due and payable to the U.S. Internal Revenue Service and the Commonwealth of Virginia as of the Closing Date of the Loan.

2. **NOT LOCATED IN FLOOD PLAIN.** Borrower certifies that the building, either securing this Loan or containing assets that secure this Loan, is not located in a flood plain, or is covered by flood insurance as required by applicable law in accordance with paragraph 8 below.

3. **CIVIL RIGHTS**

(a) Borrower certifies that it is, and will be, in compliance with all Federal requirements and Federal and State laws regarding Civil Rights, including but not limited to:

- (1) Section 601 of Title VI of the Civil Rights Act of 1964, codified at 42 U.S.C. 2000d et seq. (proscribing discrimination on the basis of race, color or national origin), and the Department of Commerce’s implementing regulations found at 15 CFR part 8;
- (2) 42 U.S.C. 3123 (Proscribing discrimination on the basis of sex);
- (3) 29 U.S.C. 794, as amended, and the Department of Commerce’s implementing regulations found at 15 CFR part 8b (proscribing discrimination on the basis of disabilities);
- (4) 42 U.S.C. 6101, as amended, and the Department of Commerce’s implementing regulations found at 15 CFR part 20;
- (5) 42 U.S.C. 6709 (proscribing discrimination on the basis of sex under the Local Public Works Program); and
- (6) Other Federal statutes, regulations and Executive Orders as applicable.

(b) Borrower will not intimidate, threaten, coerce, or discriminate against, any person for the purpose of interfering with any right or privilege secured by section 601 of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, 42 U.S.C. 3123, 42 U.S.C. 6709, and the Age Discrimination Act of 1975, or because the person has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part.

4. **ENVIRONMENT.** Borrower certifies that it is, and will be, in compliance with all Federal and State laws, including but not limited to:

- a) The Clean Air Act, as amended (42 U.S.C. 7401 et seq.);
- b) The Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.);
- c) The Coastal Zone Management Act of 1972, P.L. 92-583, as amended (16 U.S.C. 1451, et seq.);
- d) Executive Order 11988, Floodplain Management (May 24, 1977), and regulations and

guidelines issued thereunder by the Economic Development Administration;

- e) Executive Order 11990, Protection of Wetlands (May 24, 1977);
- f) The Endangered Species Act of 1973 P.L. 93-205, as amended (16 U.S.C. 1531, et seq.);
- g) The Safe Drinking Water Act, P.L. 93-523, as amended (42 U.S.C. 300f-300J-26);
- h) The Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271, et seq.);
- i) The Resource Conservation and Recovery Act of 1976, P.L. 94-580, as amended (42 U.S.C. 6901);
- j) Historical and Archeological Data Preservation Act, Pub. L. 86-523, as amended, 16 U.S.C. § 469a-1 et. seq.;
- k) National Historic Preservation Act of 1966, Pub. L. 89-665, as amended, 16 U.S.C. § 470 et.seq.;
- l) Flood Disaster Protection Act of 1973, Pub. L. 93-234, as amended, 42 U.S.C. § 4002 et seq.;
- m) Farmland Protection Policy Act, Pub. L. 97-98, as amended, 7 U.S.C. § 4201 et.seq.; and
- n) Other Federal Environmental Statutes and Executive Orders, and state laws as applicable.

**5. ENVIRONMENTAL REQUIREMENTS**

Borrower agrees to be responsible for all liabilities that might be incurred as a result of providing an award to assist, directly or indirectly, in the preparation of site construction, renovation, or repair of any facility or site, if applicable, to the extent that such liabilities are incurred because of ground water, surface soil, or other conditions caused by operations of Borrower or any of its predecessors on the property.

Borrower further agrees to provide a Phase I environmental audit of the real estate, if any, held as collateral acceptable to the Lender and agrees to comply with applicable laws and statutes including, but not limited to, those listed in this Agreement.

**6. ELIGIBLE LENDING AREA**

Agrees to maintain its operations within  CITY  COUNTY of Petersburg, Virginia. In the event that operations are moved out of this community, the outstanding balance of the Loan will be immediately due and payable.

- 7. EARTHQUAKE REQUIREMENTS.** For new building construction projects: Borrower is aware of and intends to comply with one of three model Codes outlined by the Committee on Seismic Safety in Construction (ICSSC): 1991 ICBO Uniform Building Code; 1992 Supplement to the BUCA National Building Code; or 1991 Amendments to the SBCC Standard Building Code.

8. **FLOOD HAZARD INSURANCE**. Where applicable, Borrower will obtain flood hazard insurance pursuant to the Flood Disaster Protection Act of 1973, P.L. 93-234, as amended (42 U.S.C. 4002, et seq.)
9. **DAVIS-BACON ACT**. Borrower certifies that if construction is being financed in whole or in part by the Loan and when any related construction contract exceeds \$2,000, it will comply with the Davis-Bacon Act, as amended [40 U.S.C. 276a-276a-5); 42 U.S.C. 3222]
10. **CONTRACT WORK HOURS AND SAFETY STANDARDS ACT 7 ANTI-KICKBACK ACT**

Borrower certifies that, if applicable, it will comply with the Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. 327-333) and with the Anti-Kickback Act, as amended (40 U.S.C. 276 (c); 18 U.S.C. 874).

11. **ACCESS FOR THE HANDICAPPED**. Borrower certifies that if the Loan is used in whole or in part to finance a building or facility intended for use by the public or the employment of physically handicapped, it must be accessible to the physically handicapped, pursuant to Public Law 90-480, as amended (42 U.S.C. 4151, et seq.), and the regulations issued thereunder.

12. **CONFLICT OF INTEREST**

a) Borrower certifies that, to its knowledge, no owner of an interest in Borrower is related by blood, marriage, law or business arrangement to the Lender or an employee of Lender or any member of Lender's Board of Directors, or a member of any other Board (hereinafter referred to as "other Board") which advises, approves, recommends or otherwise participates in decisions concerning loans or the use of grant funds.

b) Borrower certifies that it is aware that no officer, employee, or member of Lender's Board of Directors, or other Board, or person related to the officer employee, or member of the Board by blood, marriage, law, or business arrangement may receive any benefits resulting from the use of loan or grant funds, unless the officer, employee, or Board member affected first discloses to the Lender of public record the proposed or potential benefit and receives Lender's written determination that the benefit involved is not so substantial as to affect the integrity of Lender's decision process and of the services of the officer, employee or board member.

13. **NOTICE OF DEBARMENT**. Borrower agrees to notify the Lender immediately upon notification that it has been debarred, suspended, or otherwise excluded from receiving federal financial assistance.

**Tabb Street Development LLC**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Authorized Representative

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**EXHIBIT B**

**Virginia Small Business Financing Authority**

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters**

Name of Applicant Business: Tabb Street Development LLC

Tax ID #: 82-0828075

- (1) The applicant business certifies, to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal or State department or agency;
  - (b) Have not within a three-year period preceding the application for this loan been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local ) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification, and
  - (d) Have not, within a three-year period preceding the application for this loan, had any public transaction (Federal, State, or local) terminated for cause or default.
- (2) Where the applicant business is unable to certify to any of the statements in this certification, such applicant business shall attach an explanation to this proposal.

Business Name: Tabb Street Development LLC

Date: \_\_\_\_\_, 2024

By: \_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Name and Title of Authorized Representative



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 7, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Brian Moore

**RE:** **A Request to Schedule a Public Hearing for Consideration of an Ordinance to Adopt the Tourism Development Plan Developed in Conjunction with the Commonwealth of Virginia's Tourism Development Financing Program, to Endorse a Proposed Tourism Project, and to Authorize Other Actions Consistent with the State Tourism Gap Financing - Pages 86-110**

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**PURPOSE:** To provide a presentation at the public hearing for consideration prior to consideration to adopt the Tourism Development Plan, to endorse a proposed tourism project, and to authorize other actions consistent with the state tourism gap financing.

**REASON:** To allow the Hotel Petersburg to be completed. It is a very important economic project in the development of our downtown.

**RECOMMENDATION:** For City Council to hold a public hearing, that City Council approve the adoption of the Tourism Development Plan, endorse a proposed tourism project, and to authorize other actions consistent with the state tourism gap financing.

**BACKGROUND:** The city currently lacks any hotel entities in the Upper Midscale, Upscale, Upper Upscale or Luxury categories to accommodate both business and tourism related travelers. Tabb Street Development, LLC (Developer) is spending more than \$20 million to construct an approximately 64-room boutique hotel operated as a Hilton Tapestry brand property by Retro Hospitality. The Hotel Petersburg Project will be a comprehensive renovation of a former historic hotel, which, prior to this renovation, was vacant, blighted, and a community nuisance.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 5/7/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES: N/A**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A**

**REQUIRED CHANGES TO WORK PROGRAMS: N/A**

**ATTACHMENTS:**

1. EXHIBIT A
2. Exhibit B Financing Plan
3. Exhibit C\_1 DRAFT TDFP Performance Agreement Hotel Petersburg\_dw
4. Exhibit \_D\_ Map

# EXHIBIT “A”

## PROJECT SUMMARY SHEET

Project Name	Hotel Petersburg
Locality Applying	Petersburg
Property Address	20 West Tabb Street, Petersburg, VA
Year Built	c. 1915
Original Use of Property	Hotel
Property Size SF	45,000 sf
Vacant Since	1994
Owner	Tabb St Development
Developer	Tabb St Development
End User	Tabb St Development
Total Project Budget	~\$26,500,000
Hotel Tier	Upscale
Hotel Branding Partner	Hilton Tapestry
Hotel Rooms	+ -64
Other Amenities	Full Service Restaurant; Meeting Rooms; Retail: Speakeasy Bar; Rooftop Bar
New Employment	~40 FTE including contract employees

**EXHIBIT “B”**

**HOTEL PETERSBURG  
FINANCING PLAN**

<b>Hilton Petersburg</b>			
<b>Project Sources &amp; Uses</b>			
4/17/24			
<b>Sources</b>		<b>Uses</b>	
Old Point National Bank	\$5,800,000	Current GC contract amount	\$13,756,730
VSBFA Loan	\$2,200,000	FF&E room package	\$1,121,348
EDA Grant	\$2,600,000	Closing Costs & Soft Costs	\$3,654,152
LISC Bridge Loan	\$3,650,000	FF&E common area	\$500,000
Initial federal HTC funds closing	\$739,142	Construction Contingency	\$597,417
phase one state HTC	\$376,754	Masonry work outside of contract	\$629,179
phase two state HTC	\$861,668	Pre-opening expense budget	\$1,326,907
phase three state HTC	\$1,900,000	Construction interest old point& LISC	\$376,650
phase four state HTC	\$1,374,000	Closing costs related to PACE	\$656,985
Final phase federal HTC	\$2,887,000	Developer Fee	\$3,500,000
Borrower Equity & Deferred Developer Fee	\$4,230,804	Required tax credit investor reserve post-renovation	\$500,000
<b>Total Sources</b>	<b>\$26,619,368</b>	<b>Total Uses</b>	<b>\$26,619,368</b>

April 26, 2024

Nathaniel W. Cuthbert  
Tabb Street Development LLC  
dba Hotel Petersburg  
244 S. Sycamore Street  
Petersburg, VA 23803

RE: Economic Development Loan Fund (EDLF) Approval – Gap Financing for Tourism Development Financing Program (TDFP)

Dear Tabb Street Development LLC:

I am pleased to advise you that the Virginia Small Business Financing Authority (“Lender” or “VSBFA”) has approved the request of Tabb Street Development LLC (“Borrower”), for a loan in an amount not to exceed Two Million Two Hundred Thousand and 00/100 Dollars (**\$2,200,000.00**) (the “Loan”), subject to the terms and conditions herein.

**1. Basic Terms:**

- (a) **Borrower:** Tabb Street Development LLC, a Virginia liability company.
- (b) **Gap Loan Amount:** A Gap Loan representing Commonwealth of Virginia TDFP financing amount of Two Million Two Hundred Thousand and 00/100 Dollars (\$2,200,000.00).
- (c) **Interest Rate:** Interest will be fixed at 5.00%. Interest shall be computed based on the actual number of days the Loan is outstanding as if each year were composed of 365 days. In the event of default under any of the Loan Documents, the interest rate on the Loan shall be increased by 5%.
- (d) **Closing Date:** Closing shall take place no later than May 31, 2024.
- (f) **Maturity Date:** The maturity date shall be ten (10) years following the Closing Date of the Loan.

**2. Project Location:** 20 W. Tabb Street, Petersburg, VA 23803.

**3. Purpose of Loan:** To refinance existing indebtedness of Borrower owing to CSPACE incurred in connection with the construction and renovation of an historic building in downtown Petersburg, VA at 20 W. Tabb Street, Petersburg, VA 23803 (the “Project” or the “Property”) to be occupied by Hotel Petersburg flagged as a Hilton Tapestry property.

**4. Terms of Repayment:** Borrower shall make interest only payments on the outstanding principal balance of the Loan for a period of nine (9) months after Closing (the “Interest Only

Period”), with payments due monthly commencing within thirty (30) days after Closing. Thereafter, the Loan shall be amortized on a twenty (20) year basis, and Borrower shall make consecutive monthly principal and interest payments in the approximate amount of \$14,519.00 until the Maturity Date of the Loan, at which time the outstanding principal balance of the Loan and all accrued interest and late fees due thereon shall be due and payable in full. Furthermore, payments may be subject to be collected quarterly. If quarterly payments occur, loan will be amortized on a twenty (20) year basis, and Borrower shall make consecutive quarterly payments in approximate amount of \$43,662.35 until Maturity Date of Loan.

Notwithstanding the foregoing, all principal, interest, late charges and other outstanding amounts under the Loan shall be due and payable on the Maturity Date. Any payments which are not received by the Lender within ten (10) days of the due date shall be subject to a late charge of five percent (5%), or \$250, whichever is less.

In the event that the total amount of sales and use tax entitlement and the access fee exceeds any annual debt service on the qualified gap financing, such excess shall be paid to the principal of the loan until the qualified gap financing is paid in full.

5. **The Individual Guarantor(s)** (“Guarantor”) shall each jointly and severally provide their unlimited guaranty of the Loan:

Nathaniel W. Cuthbert

6. **Property/Collateral:** The Loan shall be secured by a Deed of Trust on land and all improvements at 20 W. Tabb Street, Petersburg, VA 23803, to include an assignment of rents and leases. The Loan shall also be secured by an Assignment of Management Contract with Retro Hospitality.
7. **Quality of Documents and Items:** Each document and item required to be submitted to Lender pursuant to this Commitment shall be satisfactory in form and substance to Lender and its legal counsel, in their sole discretion.
8. **Required Jobs:** It is a requirement of the Loan that the Project shall retain approximately twenty (20) permanent and full-time jobs at the Property as a result of the Loan and shall, within five (5) years of the date of the Loan, create 15 additional permanent, full-time jobs (collectively, “Required Jobs”). Borrower shall provide evidence of such Required Jobs to Lender upon written request.
9. **Other Sources of Funding:** Borrower has advised Lender that the construction and buildout of the Property is estimated to cost \$18,445,00.00. Borrower shall furnish evidence satisfactory to Lender of the following additional sources of funds to Borrower for the Project:
- (a) Commercial mortgage to be provided by Old Point National Bank (the “Bank”) in the estimated amount of \$5,800,000.00, pursuant to loan documents satisfactory to Lender. The Bank shall be required to provide the VSBFA with (i) Bank’s annual review of the Borrower and Guarantor, and (ii) notice of any default under the Bank’s loan to Borrower.
10. **Conditions of Loan:** As conditions precedent to the Loan, all conditions and requirements in this Commitment must be satisfied to Lender’s satisfaction, as determined by Lender in its sole discretion and the Borrower and the Guarantor must have provided or caused to be provided to Lender, and Lender must have received, reviewed, and found satisfactory, the following:

- (a) **Loan Documents:** Note with confession of judgment provisions, loan agreement, deed of trust, security agreement, guaranty agreements with confession of judgment provisions, consents and other documents as Lender may require (collectively, the "Loan Documents"), duly executed, acknowledged and/or sworn to and delivered, upon the terms of this Commitment and containing such representations and warranties and affirmative and negative covenants, together with other additional terms and conditions, as Lender may require.
- (b) **Authority and Capacity:** Evidence of the existence, good standing, authority, and capacity of the Borrower and each Guarantor and their respective constituents and representatives as Lender may require. Borrower's and Guarantor's organizational documents shall be subject to review and approval by Lender.
- (c) **Survey:** None required
- (d) **Flood Hazards:** Evidence that the Property is not within an area identified as having special flood hazards or evidence of flood insurance as required by applicable law.
- (e) **Insurance:** Borrower's effective, paid-up policies of fire and all-risk replacement cost coverage of all insurable Property with standard non-contributory mortgage clause in favor of Lender and with loss proceeds payable to Lender; comprehensive general public liability insurance with Lender as an additional insured; and such other or additional insurance, and covering such risks, as Lender requires. All policies must be written by insurers, in amounts, with endorsements, and on terms and conditions satisfactory to Lender.
- (f) **Appraisal:** None required
- (g) **Covenants:**

**Financial Statements:** Annual financial statements from Borrower and Guarantor in form and content satisfactory to Lender evidencing a financial condition of such parties that is satisfactory to Lender and subsequent financial statements from such parties as required by Lender.

Required periodic reporting will include Annual Federal Tax Returns from Borrower and Guarantor within 30 days of filing along with an updated personal financial statement from each Guarantor. Borrower shall provide its management prepared financial statements annual at the end of each fiscal year within 60 days of each fiscal year end. Borrower and Guarantor shall provide any additional information that Lender may reasonably request from time to time.
- (h) **Title Insurance: Lien Searches:** (i) A binding commitment for mortgagee title insurance in form satisfactory to Lender (with complete, legible copies of all plats and exception documents) at least twenty (20) days before Loan closing; and (ii) for Borrower and each Guarantor reports (dated within 10 days prior to Loan closing) of searches of the central and local UCC, tax lien and judgment records, indicating no liens of record. Promptly after closing, Borrower shall provide to Lender a mortgagee title policy in the Loan amount with only those exceptions or exclusions approved by Lender in writing and including all endorsements required by Lender, together with a UCC-11 (or equivalent) report showing no liens except as permitted herein. Lender may require that title reinsurance and/or coinsurance, and all title insurers and agents and UCC search contractors be satisfactory to Lender.

- (i) **Additional Requirements:** Borrower shall be in compliance with the requirements set forth in **Exhibits A and B** attached hereto.
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- (k) **Environmental Compliance/Report:** Evidence satisfactory to Lender that the Property does not contain and is not within any area designated as a hazardous waste site or as wetlands by any federal, state or other governmental authority, that no Property of the Borrowers nor any adjoining property contains or has ever contained any hazardous, toxic or regulated substance and that neither the Property nor any use or activity thereon violates or is or could be subject to any response, remediation, clean-up or other obligation under any law or other legal requirement pertaining to health or the environment. Without limiting the foregoing, Lender shall have received and approved a written report of an environmental assessment made as of a date not more than sixty (60) days prior to Loan closing and of a scope and in form and content satisfactory to Lender, by an expert environmental site assessment engineering firm selected by Borrower and consented to by Lender, made in accordance with Lender's established guidelines, and such subsequent environmental assessments as are required by Lender.
- (l) **Additional Conditions: In addition, Borrower agrees to provide financial information, and other information in support of the State's economic development reporting requirements (equity or capital investment, job creation, etc.), as may be reasonably requested from time to time.**
- (m) **Date for Submissions:** All submissions must be made, and all conditions must be satisfied by Borrower at least seven (7) business days prior to Loan closing (unless an earlier date is specified).
- (n) **Miscellaneous:** Such other evidence, documents, certificates and items requested by Lender that are customarily provided in loan transactions of this type or necessary in connection with any other requirement of this Commitment.

## 11. General Conditions

- 11.1 **Termination of Commitment:** Lender may terminate this Commitment if there shall have occurred, in the opinion of Lender, from the date of Borrower's application for the Loan (a) any change in the ownership or capital structure of Borrower's or any non-individual Guarantor, (b) any material adverse change with respect to the Property or other security for the Loan or other source of repayment of the Loan, (c) any material adverse change in the business or financial condition of Borrower or any Guarantor, or in any other state of facts submitted to Lender in connection with the Loan, (d) any damage to the Property by fire, casualty or other cause or any part of the Property is taken in condemnation or other like proceeding, or any such proceeding is pending at the time of Closing, or (e) any pending or threatened litigation by Borrower, any Guarantor, or any affiliate of Borrower or Guarantor against Lender.
- 11.2 **Applicable Law:** THIS COMMITMENT AND THE LOAN DOCUMENTS SHALL BE GOVERNED ENTIRELY BY VIRGINIA LAW AND APPLICABLE UNITED STATES FEDERAL LAW.
- 11.3 **Entire Agreement:** The terms set forth above represent the entire understanding between Borrowers and Lender with respect to the subject matter of this Commitment, and this Commitment supersedes any prior and contemporaneous agreements,

commitments, discussions, and understandings, oral or written, with respect to the subject matter hereof.

- 11.4 Controlling Agreement:** This Commitment is hereby limited so that in no event shall the interest taken, reserved, contracted for, charged, or received exceed the maximum non-usurious amount permitted by applicable law; and any provision possibly to the contrary shall be automatically reformed and the interest payable automatically reduced to such maximum amount, without necessity of execution of any amendment or new document.
- 11.5 Assignability:** This Commitment cannot be assigned by Borrower without Lender's prior written approval, nor shall any third party rely hereon or be deemed a party benefited hereby.
- 11.6 Costs:** Borrower shall pay all out-of-pocket costs and expenses incurred by Lender in connection with the Loan (pre- and post-closing), including, but not limited to, all insurance, appraisal, survey, recording, environmental, engineering, closing, escrow and title, title insurance fees and costs, and all fees and expenses of Lender's outside legal counsel and the cost of any other reports or tests deemed necessary by Lender to satisfy the requirements of Section 10(k). Such costs and expenses incurred at or prior to Loan closing shall be due and payable prior to the closing of the Loan. The provisions of this paragraph shall survive the expiration or termination of this Commitment.
- 12. Acceptance; Termination:** This Commitment shall terminate automatically without notice at 5:00 p.m. Richmond local time on February 16, 2024, unless before that time each Borrower and each Guarantor have accepted it by delivering to Lender two copies duly executed by them. If all the conditions of this Commitment have not been satisfied or if Lender and each Borrower are unable to agree on and reduce to writing all of the Loan Documents in a manner satisfactory to both of them by the Closing Date, time being of the essence, or if there has been any misrepresentation or any material error in anything submitted to Lender regarding the Loan or pursuant to any other provision hereof, the Lender shall have the option to terminate this Commitment. Upon any such termination, all obligations hereunder shall terminate except as specified in Section 11.6.
- 13. Full Faith and Credit:** Nothing in this Commitment shall be construed to create an obligation on the part of the Commonwealth of Virginia or any political subdivision thereof to pay any amounts referred to herein or any interest or other costs incident thereto, except from the revenue of Lender and that neither the faith and credit nor the taxing power of the Commonwealth or any political subdivision thereof is pledged to the payment of any amounts due pursuant to this Commitment.

*[SIGNATURE PAGE FOLLOWS]*

Nathaniel W. Cuthbert  
Tabb Street Development LLC  
April 9, 2024  
Page 6

THE LOAN DOCUMENTS REPRESENT THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN AGREEMENTS BETWEEN THE PARTIES.

Very truly yours,

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

By: Terrance Rogers  
Regional Lending Manager  
101 North 14<sup>th</sup> Street, 11<sup>th</sup> Floor  
Richmond VA 23218  
Phone: 804-371-0058  
Email: [terrance.rogers@sbsd.virginia.gov](mailto:terrance.rogers@sbsd.virginia.gov)

The undersigned accept and agree to all the terms and conditions of the foregoing Commitment.

**BORROWER:                    Tabb Street Development LLC**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Nathaniel W. Cuthbert, Authorized Signer

**GUARANTORS:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Nathaniel W. Cuthbert

**BORROWER'S CLOSING ATTORNEY:**

Name: \_\_\_\_\_

Law Firm: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**EXHIBIT A  
FEDERAL REQUIREMENTS**

1. **PAYMENT OF TAXES.** Tabb Street Development, LLC (“Borrower”) certifies that it has paid all taxes due and payable to the U.S. Internal Revenue Service and the Commonwealth of Virginia as of the Closing Date of the Loan.

2. **NOT LOCATED IN FLOOD PLAIN.** Borrower certifies that the building, either securing this Loan or containing assets that secure this Loan, is not located in a flood plain, or is covered by flood insurance as required by applicable law in accordance with paragraph 8 below.

3. **CIVIL RIGHTS**

(a) Borrower certifies that it is, and will be, in compliance with all Federal requirements and Federal and State laws regarding Civil Rights, including but not limited to:

- (1) Section 601 of Title VI of the Civil Rights Act of 1964, codified at 42 U.S.C. 2000d et seq. (proscribing discrimination on the basis of race, color or national origin), and the Department of Commerce’s implementing regulations found at 15 CFR part 8;
- (2) 42 U.S.C. 3123 (Proscribing discrimination on the basis of sex);
- (3) 29 U.S.C. 794, as amended, and the Department of Commerce’s implementing regulations found at 15 CFR part 8b (proscribing discrimination on the basis of disabilities);
- (4) 42 U.S.C. 6101, as amended, and the Department of Commerce’s implementing regulations found at 15 CFR part 20;
- (5) 42 U.S.C. 6709 (proscribing discrimination on the basis of sex under the Local Public Works Program); and
- (6) Other Federal statutes, regulations and Executive Orders as applicable.

(b) Borrower will not intimidate, threaten, coerce, or discriminate against, any person for the purpose of interfering with any right or privilege secured by section 601 of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, 42 U.S.C. 3123, 42 U.S.C. 6709, and the Age Discrimination Act of 1975, or because the person has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part.

4. **ENVIRONMENT.** Borrower certifies that it is, and will be, in compliance with all Federal and State laws, including but not limited to:

- a) The Clean Air Act, as amended (42 U.S.C. 7401 et seq.);
- b) The Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.);
- c) The Coastal Zone Management Act of 1972, P.L. 92-583, as amended (16 U.S.C. 1451, et seq.);
- d) Executive Order 11988, Floodplain Management (May 24, 1977), and regulations and

guidelines issued thereunder by the Economic Development Administration;

- e) Executive Order 11990, Protection of Wetlands (May 24, 1977);
- f) The Endangered Species Act of 1973 P.L. 93-205, as amended (16 U.S.C. 1531, et seq.);
- g) The Safe Drinking Water Act, P.L. 93-523, as amended (42 U.S.C. 300f-300J-26);
- h) The Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271, et seq.);
- i) The Resource Conservation and Recovery Act of 1976, P.L. 94-580, as amended (42 U.S.C. 6901);
- j) Historical and Archeological Data Preservation Act, Pub. L. 86-523, as amended, 16 U.S.C. § 469a-1 et. seq.;
- k) National Historic Preservation Act of 1966, Pub. L. 89-665, as amended, 16 U.S.C. § 470 et.seq.;
- l) Flood Disaster Protection Act of 1973, Pub. L. 93-234, as amended, 42 U.S.C. § 4002 et seq.;
- m) Farmland Protection Policy Act, Pub. L. 97-98, as amended, 7 U.S.C. § 4201 et.seq.; and
- n) Other Federal Environmental Statutes and Executive Orders, and state laws as applicable.

**5. ENVIRONMENTAL REQUIREMENTS**

Borrower agrees to be responsible for all liabilities that might be incurred as a result of providing an award to assist, directly or indirectly, in the preparation of site construction, renovation, or repair of any facility or site, if applicable, to the extent that such liabilities are incurred because of ground water, surface soil, or other conditions caused by operations of Borrower or any of its predecessors on the property.

Borrower further agrees to provide a Phase I environmental audit of the real estate, if any, held as collateral acceptable to the Lender and agrees to comply with applicable laws and statutes including, but not limited to, those listed in this Agreement.

**6. ELIGIBLE LENDING AREA**

Agrees to maintain its operations within  CITY  COUNTY of Petersburg, Virginia. In the event that operations are moved out of this community, the outstanding balance of the Loan will be immediately due and payable.

- 7. EARTHQUAKE REQUIREMENTS.** For new building construction projects: Borrower is aware of and intends to comply with one of three model Codes outlined by the Committee on Seismic Safety in Construction (ICSSC): 1991 ICBO Uniform Building Code; 1992 Supplement to the BUCA National Building Code; or 1991 Amendments to the SBCC Standard Building Code.

8. **FLOOD HAZARD INSURANCE**. Where applicable, Borrower will obtain flood hazard insurance pursuant to the Flood Disaster Protection Act of 1973, P.L. 93-234, as amended (42 U.S.C. 4002, et seq.)
9. **DAVIS-BACON ACT**. Borrower certifies that if construction is being financed in whole or in part by the Loan and when any related construction contract exceeds \$2,000, it will comply with the Davis-Bacon Act, as amended [40 U.S.C. 276a-276a-5); 42 U.S.C. 3222]
10. **CONTRACT WORK HOURS AND SAFETY STANDARDS ACT 7 ANTI-KICKBACK ACT**

Borrower certifies that, if applicable, it will comply with the Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. 327-333) and with the Anti-Kickback Act, as amended (40 U.S.C. 276 (c); 18 U.S.C. 874).

11. **ACCESS FOR THE HANDICAPPED**. Borrower certifies that if the Loan is used in whole or in part to finance a building or facility intended for use by the public or the employment of physically handicapped, it must be accessible to the physically handicapped, pursuant to Public Law 90-480, as amended (42 U.S.C. 4151, et seq.), and the regulations issued thereunder.

12. **CONFLICT OF INTEREST**

a) Borrower certifies that, to its knowledge, no owner of an interest in Borrower is related by blood, marriage, law or business arrangement to the Lender or an employee of Lender or any member of Lender's Board of Directors, or a member of any other Board (hereinafter referred to as "other Board") which advises, approves, recommends or otherwise participates in decisions concerning loans or the use of grant funds.

b) Borrower certifies that it is aware that no officer, employee, or member of Lender's Board of Directors, or other Board, or person related to the officer employee, or member of the Board by blood, marriage, law, or business arrangement may receive any benefits resulting from the use of loan or grant funds, unless the officer, employee, or Board member affected first discloses to the Lender of public record the proposed or potential benefit and receives Lender's written determination that the benefit involved is not so substantial as to affect the integrity of Lender's decision process and of the services of the officer, employee or board member.

13. **NOTICE OF DEBARMENT**. Borrower agrees to notify the Lender immediately upon notification that it has been debarred, suspended, or otherwise excluded from receiving federal financial assistance.

**Tabb Street Development LLC**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Authorized Representative

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**EXHIBIT B**

**Virginia Small Business Financing Authority**

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters**

Name of Applicant Business: Tabb Street Development LLC

Tax ID #: 82-0828075

- (1) The applicant business certifies, to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal or State department or agency;
  - (b) Have not within a three-year period preceding the application for this loan been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local ) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification, and
  - (d) Have not, within a three-year period preceding the application for this loan, had any public transaction (Federal, State, or local) terminated for cause or default.
- (2) Where the applicant business is unable to certify to any of the statements in this certification, such applicant business shall attach an explanation to this proposal.

Business Name: Tabb Street Development LLC

Date: \_\_\_\_\_, 2024

By: \_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Name and Title of Authorized Representative

## TOURISM DEVELOPMENT FINANCE PROGRAM

### PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** (the "**Agreement**") made and entered this **3rd day of May 2024** (the "**Effective Date**"), by and among **Tabb Street Development, LLC**, a Virginia limited liability company ("**Developer**"), authorized to transact business in the Commonwealth of Virginia (the "**Commonwealth**"), and Tabb Street Development, LLC's successors and assigns; the **Petersburg Economic Development Authority** (the "**Authority**"), organized under the laws of the Commonwealth of Virginia for the purpose of promoting and facilitating economic development in Petersburg, or its designee; and the **CITY OF PETERSBURG** (the "**City**"), a political subdivision of the Commonwealth of Virginia.

#### WITNESSETH:

**WHEREAS**, the Developer is developing a hotel, with approximately 64 rooms, to be located at 20 West Tabb Street in the City (the "**Project**"), the relevant specifics of which are provided on "**Exhibit A**" attached hereto; and

**WHEREAS**, the Project will promote tourism, economic development, and industry and develop trade in the City, and thereby benefit the City's inhabitants through the increase of their commerce and the promotion of their safety, health, welfare, convenience and prosperity, including, but not limited to, by the creation of new employment opportunities; and

**WHEREAS**, Virginia Code 58.1-3851.1 (the "**Code Section**") provides a mechanism by which a tourism project like the Project may utilize specific funding streams to pay for "Gap Financing" as that term is defined in the Code Section; and

**WHEREAS**, the Developer has secured financing from the Virginia Small Business Financing Authority for debt financing as the source of its Gap Financing, and

**WHEREAS**, the City, at the request of the Developer, and with the assistance of the Authority, has completed the following steps as required by the Code Section in order to qualify the Project to receive the tax and access fee revenues authorized therein:

1. Established a Tourism Zone in which the Project is located by ordinance adopted on **January 22, 2016** (the "**Tourism Zone Ordinance**").
2. Adopted a tourism development plan with respect to the Project (the "**Tourism Development Plan**") pursuant to the Tourism Zone Ordinance and revised as of 2024.
3. Endorsed the Project by ordinance adopted on **May 4, 2024** (the "**Endorsement Ordinance**," and together with the Tourism Zone Ordinance, the "**Ordinances**" in order to address a deficiency identified in the Tourism Development Plan and designated an amount equal to the revenue generated by a one percent (1%) Virginia Sales and Use tax on transactions taking place on the premises of the Project in order to service the Gap Financing; and

**WHEREAS**, in the Endorsement Ordinance, the City confirmed that it is willing to provide the required matching local revenue for the purposes and in furtherance of the Code Section by designating an amount equal to the revenues generated by a one percent (1%) local sales and use tax on transactions taking place on the premises of the Project in order to service the Gap Financing; and

**WHEREAS**, the Developer has secured commitments of at least seventy percent (70%) of the funding for the Project through debt and equity, and the Gap Financing will be necessary to meet a shortfall in funding for the Project between the debt and equity secured by the Developer and the expected development costs; and

**WHEREAS**, the City and the Authority have agreed to offer, and the Developer has agreed to accept, the incentives expressed in the Agreement in exchange for the performance promised within and required by the Agreement; and

**WHEREAS**, the Developer has further agreed to pay a Statutory Access Fee, as the same is required by the Code Section and hereafter further defined in order to service the Gap Financing; and

**WHEREAS**, as required by the Code Section and in furtherance of the public purposes for the same, the parties agree to enter into the Agreement upon the terms and conditions set forth herein; and

**NOW, THEREFORE**, in consideration of the foregoing, the mutual benefits, covenants and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

- 1. Term of Agreement.** The term of this Agreement shall run concurrently with the term of the Gap Financing obtained in connection with the Project (the "**Term**") and shall end at the earliest of such date as the Gap Financing is: (i) paid in full at the expiration of the Term; (ii) repaid in full prior to the expiration of the Term; (iii) refinanced with replacement financing by agreement of the parties; or (iv) otherwise paid in full at any time. Notwithstanding the foregoing and expressly subject to the requirements of the Code Section, the Term of this Agreement shall in no event exceed twenty (20) years beyond the receipt of the Certificate of Occupancy for the Project and the actual opening of the hotel operations. The Authority agrees to notify the Commonwealth Comptroller and the Commonwealth Tax Commissioner when the debt from the Gap Financing is retired and the Project is no longer eligible to receive the Statutory Access Fee and the tax revenues to repay such Gap Financing.
- 2. Required Capital Investment.** The required capital investment for the Project, including the Developer's obligation to provide the greater of seventy percent (70%) of the funding for the Project or \$18,000,000 through other debt or equity are set forth in "**Exhibit B**" hereto (the "**Minimum Funding**").
- 3. Gap Financing.** As detailed in "**Exhibit B**", the parties have identified a need for

Gap Financing to be repaid by the Public Contribution, the Statutory Access Fee and additional access fees (as described below). For the Project to receive the Gap Financing for purposes of the Agreement and expressly subject to the requirements of the Code Section, subject to appropriation by the City, the Authority, or its designee, shall receive quarterly payments from the City in an amount equal to the gross revenues generated by a one percent (1%) local sales and use tax on transactions occurring on the premises of the Project during such calendar quarter (the "**Locality Contribution**") and quarterly payments from the Commonwealth, by way of the City, in an amount equal to the gross revenues generated by a one percent (1%) Virginia Sales and Use Tax on transactions occurring on the premises of the Project during such calendar quarter (the "**Commonwealth Contribution**", together with the Locality Contribution, the "**Public Contribution**"). The Developer has represented to the City and the Authority that Gap Financing of \$2,2000.00 in loan proceeds will be needed to complete the Project. Accordingly, the parties agree that the Public Contribution may service up to \$1,466,666.67 maximum aggregate loan principal amount and that the Statutory Access Fee may service up to \$733,333.33 maximum aggregate loan principal amount.

4. **Statutory Access Fee.** As provided in the Code Section, The Developer will remit to the City on a quarterly basis an access fee in an amount equal to the gross revenues generated by a hypothetical one percent (1%) additional Virginia Sales and Use Tax on all transactions taking place on the premises of the Project during each such quarter (the "**Statutory Access Fee**"). The calculation of the quarterly amount of the Statutory Access Fee will be provided to The Developer by the City upon receipt of the quarterly report of Sales and Use Tax from the Commonwealth. The City will forward this report to The Developer, and The Developer will remit the Statutory Access Fee to the City as soon as practicable but not later than 30 days following receipt of the quarterly report provided by the City. The City will forward the Statutory Access Fee to the Authority or its designee as provided in the Code Section concurrently with the Public Contribution; provided, however, that the City will not remit the Public Contribution until the Statutory Access Fee has been received by the City from The Developer. Failure by The Developer to remit the Statutory Access Fee shall constitute a default under this Agreement. Notwithstanding anything stated herein, subject to the Code Section, it is expressly understood that the Statutory Access Fee will remain in place until the Gap Financing has been repaid in full.
5. **Performance Incentive Payment.** The Public Contribution and the Statutory Access Fee shall hereinafter be referred to as the "**Performance Incentive Payment**". The Performance Incentive Payment shall be paid by the Authority or its designee directly to the financial institution from which The Developer acquires the Gap Financing (or such financial institution's designee). The Authority will not pay the Public Contribution to the financial institution unless and until it receives the Statutory Access Fee from the Developer. The Performance Incentive Payment shall not be provided to the Developer directly. The Performance Incentive Payment may only be used to pay principal and interest due upon the Gap Financing (subject to the limits as to principal described above) and shall not be directed to pay any other debt service, fees or charges of any kind. The Performance Incentive Payment will be subject to all restrictions and limitations set forth in the Code Section, but so long

as the requirements of the Code Section and the terms of this Agreement are met the Performance Incentive Payments shall continue to be made by the Authority.

- 6. Non-Recourse to the Authority, the City and the Commonwealth.** As provided by the Code Section, the Developer is responsible for the repayment of the Gap Financing, and there is no recourse for the Gap Financing against the Commonwealth, the City, any other political subdivision of the Commonwealth or the Authority. Nothing in this Agreement shall be construed to create any privity of contract by and between The Developer's Gap Financing lender and any of the Commonwealth, the City, any other political subdivision of the Commonwealth or the Authority.
- 7. Non-Appropriation.** It is understood and agreed between the parties that the Authority shall only be bound and obligated hereunder to the extent that funds are actually paid or remitted by the City, the Commonwealth or the Developer (as to the Statutory Access Fee), as the case may be. The parties acknowledge that each of the Locality Contribution and the Commonwealth Contribution is subject to annual appropriation by the City and the Commonwealth, respectively.
- 8. Project Information and Right to Audit.** The Developer shall provide any information required or needed to assist in obtaining certification by the Commonwealth Comptroller (the "Comptroller") or any other appropriate officer of the Commonwealth or the City for entitlement to the revenues generated by the Virginia Sales and Use Tax on transactions taking place on or arising from the Project. The Developer shall file with the Authority, or its designee, an annual report by March 1st of each year (the "**Performance Report**"), which will contain sufficient detailed documentation to establish compliance with all criteria of the Code Section and the Agreement. The Performance Report shall be in form and substance as may be reasonably required by the Authority or its designee, the City and the Commonwealth. The Authority, or its designee, will submit an annual certification of The Developer's performance under the Agreement to the Comptroller. The Authority or its designee shall have the right to audit (the "**Audit**") books and records (in whatever form they may be kept, whether written, electronic or other) specifically pertaining to gross sales figures of the Project, as relevant to the Code Section and the Agreement (including any and all documents and other materials, in whatever form they may be kept, which support or underline those books and records), kept by or under the control of The Developer, including, but not limited to, those kept by The Developer, its employees, agents, assigns, successors and sub-users. Any Authority-requested Audit will be at the expense of the Authority and will be conducted after reasonable advance written notification is given to The Developer. The Developer shall maintain such books and records, together with such supporting or underlying documents and materials, for the Term and for at least five years following the Term, including any and all renewals thereof. The books and records, together with the supporting or underlying documents and materials, shall be made available, upon request, to the Authority, through its employees, agents, representatives or other designees, during normal business hours of The Developer's office or place of business in Petersburg, Virginia. In the event that no such location is available, the books and records, together with supporting or underlying documents and records, shall be

made available for the Audit at the requested time and location in the office of the Department of Finance, Revenue Division, in the City of Petersburg, or such other location as may be convenient for the Authority. In the event the Audit reveals that gross sales figures for the Project, as relevant to the Code Section and this Agreement, have been understated by more than 5%, The Developer shall reimburse the Authority for the cost of the Audit, to include the Authority's reasonable legal fees incurred in conducting such Audit. This paragraph shall not be construed to limit, revoke or abridge any other rights, powers or obligations relating to any audit rights which the Authority or its designee, the City or the Commonwealth may have under applicable federal, state or local statute, ordinance, regulation or agreement, whether those rights, powers or obligations are expressed or implied.

9. **Default; Right to Cure.** In the event of any default by The Developer under this Agreement, the Authority, its designee, or the City will provide written notice of default and The Developer shall have a period of thirty (30) days to cure such default, provided, however, if a non-monetary default cannot be cured within such thirty (30) day period and The Developer in good faith and with due diligence has commenced cure within such thirty (30) day period, then the Authority or its designee in its reasonable discretion may extend the cure period for an additional period not to exceed sixty (60) days in order to permit The Developer to continue to cure such default, provided further, that the total time period to cure said default not exceed ninety (90) days. If such default is not cured within such period, then the Authority, its designee or the City shall notify the Commonwealth Comptroller, and either the Authority or the City may thereafter revoke or terminate this Agreement or avail itself of any other remedy available at law or in equity; provided, however, that, upon any termination or similar event, any Performance Incentive Payment earned to the date of such notice of default shall be processed and provided in accordance with this Agreement.

10. **Nondiscrimination: Drug-Free Workplace.**

A. During the Term of this Agreement, The Developer agrees as follows:

(i) The Developer will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification/consideration reasonably necessary to the normal operation of The Developer. The Developer agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

(ii) All solicitations or advertisements for employees placed by or on behalf of The Developer will state that The Developer is an equal opportunity employer. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements hereof.

(iii) The Developer will include the provisions of the foregoing

subsections (i) and (ii) in every contract, subcontract or purchase order of over Ten Thousand Dollars (\$10,000.00), so that the provisions will be binding upon each contractor, subcontractor or vendor.

B. During the performance of this Agreement, The Developer agrees as follows:

(i) The Developer will provide a drug-free workplace for The Developer's employees.

(ii) The Developer will provide in its employee handbook, available to employees and applicants for employment, a statement notifying employees to the effect that the unlawful manufacture, sale, distribution, dispensation, possession or use of a controlled substance or marijuana is prohibited in The Developer's workplace and specifying the actions that will be taken against employees for violations of such prohibition.

(iii) The Developer will include the provisions of the foregoing subsections (i) and (ii) in every contract, subcontract or purchase order of over Ten Thousand Dollars (\$10,000.00), so that the provisions will be binding upon each contractor, subcontractor or vendor.

(iv) The Developer will state in all advertisements or solicitations for employees that The Developer maintains a drug free workplace.

11. **Entire Agreement; Amendments.** This Agreement constitutes the entire agreement among the parties hereto and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Developer may not assign its rights and obligations under this Agreement without the prior written consent of the City and the Authority, which consents shall not be unreasonably withheld.
12. **Governing Law; Venue.** This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the City of Petersburg, and such litigation shall be brought only in such court.
13. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.
14. **Severability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provision of this Agreement will not in any way be affected or impaired, and to the extent permitted by applicable law, such unenforceable, invalid or illegal provision may be interpreted or rewritten by a court of competent jurisdiction to reflect the original intentions of the parties as nearly as possible, or if the same is not permitted by applicable law, such

unenforceable, invalid or illegal provision shall be stricken from this Agreement.

15. **Assignability.** With the prior written consent of the City and The Developer, the Authority may assign and the Industrial Development Authority of the City of Petersburg shall assume all of the Authority's right, title and interest in, and all of its duties, responsibilities and obligations under, this Agreement.
16. **Attorneys' Fees.** Attorney's fees shall be paid by the party incurring such fees, provided, however, that, in the event of litigation relating to the subject matter of the Agreement, the prevailing party shall be entitled to recover from the other party its reasonable attorneys' fees, costs and expenses; provided further, however, that in no event will the City be required to pay any other party's attorneys' fees, costs or expenses.
17. **Notices.** Any notices required or permitted under the Agreement shall be given in writing, and shall be deemed to be received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid, or by overnight courier (refusal shall mean return of certified mail or overnight courier package not accepted by the addressee); copies may be provided via e-mail:

if to The Developer, to:

with a copy to:

Tabb Street Development,  
LLC c/o Dr. Nat Cuthbert  
1010 Wisconsin Ave. NW, Suite 600  
Petersburg, VA  
Email:

Insert Developer Attorney  
Info

if to the Authority, to:

with a copy to:

Petersburg Economic Development  
Authority  
Address  
Petersburg, VA  
Email:  
Attention: NAME,  
President & CEO

Insert City Attorney Info

if to the City, to:

with a copy to:

The City of Petersburg, Virginia  
a municipal corporation of the  
Commonwealth of Virginia  
Address

The City of Petersburg, Virginia,  
a municipal corporation of the  
Commonwealth of Virginia  
Address

Attention: City Manager

Attention: City Attorney

**IN WITNESS WHEREOF**, the parties hereto have executed this Performance Agreement as of the date first written above.

PETERSBURG ECONOMIC DEVELOPMENT  
AUTHORITY, a Virginia nonstock, nonprofit  
corporation

Title: \_\_\_\_\_

Date:

**Tabb Street Development, LLC**, a  
Virginia limited liability company

Title: \_\_\_\_\_

Date:

**CITY OF PETERSBURG**, a municipal  
corporation of the Commonwealth of Virginia

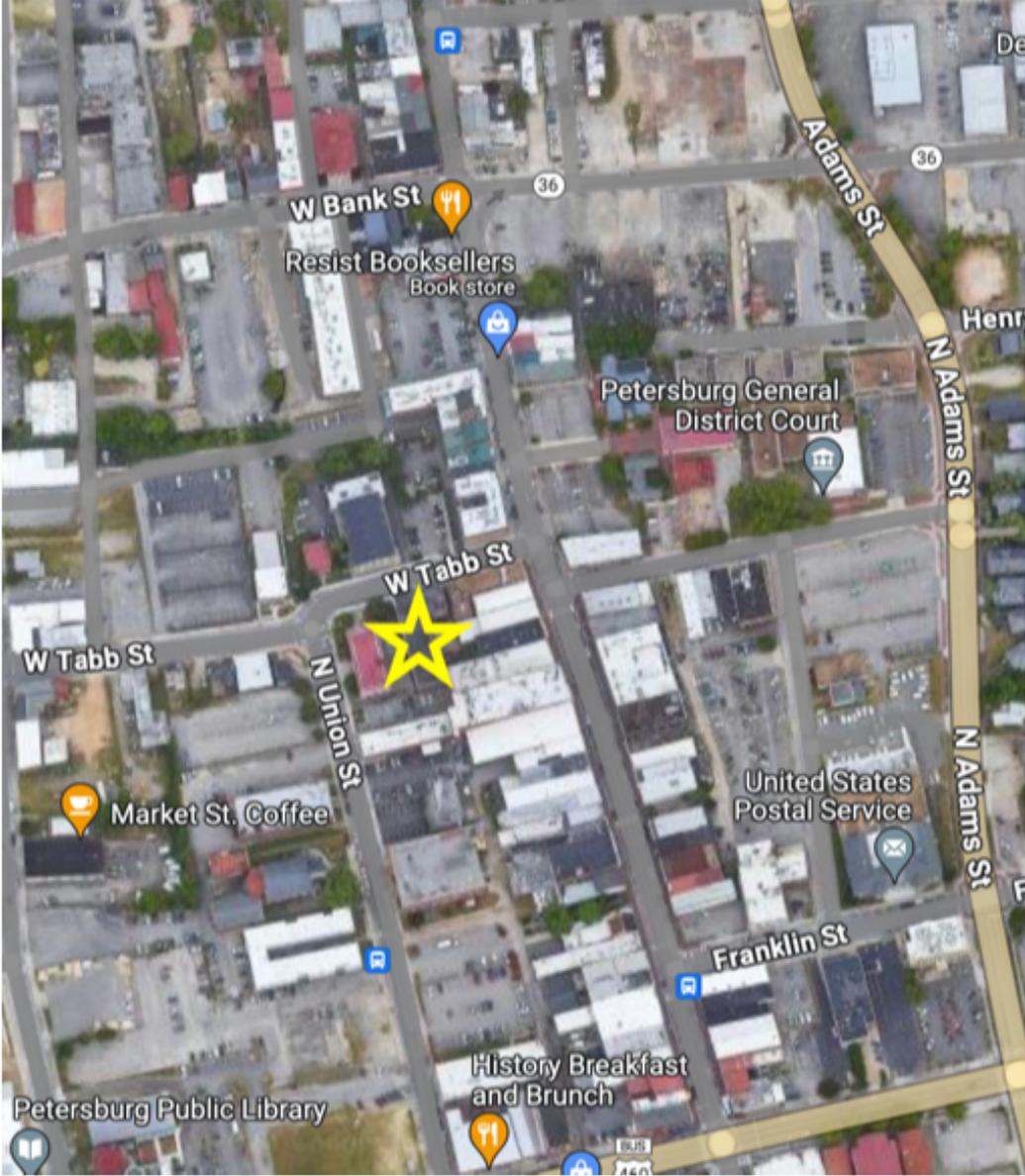
Title: \_\_\_\_\_

Date:

**EXHIBIT A: PROJECT DESCRIPTION**  
**EXHIBIT B: QUALIFIED GAP FINANCING**

# **EXHIBIT “D”**

## **MAP SHOWING LOCATION OF HOTEL PETERSBURG**





# City of Petersburg

Department of Planning and Community Development  
135 N Union St, Room 304  
Petersburg, VA 23803  
(804) 733-2308

## MEMORANDUM

**DATE:** May 7, 2024  
**TO:** City Council  
**FROM:** Planning and Community Development  
**RE:** Formally Adopting Approved Items Without Ordinances

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### EXECUTIVE SUMMARY:

The Department of Planning and Community Development submits a formal request to the City Council to reapprove, via consent agenda, ordinances that had previously received approval but remained pending formal codification. The dates of these zoning actions range from September 2, 2014 to July 7, 2020. These are ordinances that have been before Council previously, been voted on, and passed; however, they were not formally finalized due to the lack of the inclusion of an ordinance when the approval action was taken. All affected parties have proceeded with the assumption of approval, so this agenda is for administrative and legal purposes only. The City Attorney has been contacted and has verified that this process is appropriate for formal adoption of these ordinances.

### CHRONOLOGY OF EVENTS:

1. July 21, 2023 – Planning was notified by Nykesha Lucas, City Clerk, of approved items that needed adopted ordinances.
2. February 12, 2024 – Began process of fact-finding and drafting of missing ordinances.
3. March 31, 2024 – Finalized drafted ordinances.

**BACKGROUND:** On July 23, 2023, the Planning Department was made aware of items that had gone through all proper procedures, including being approved by City Council, but the formal ordinance had not been written or signed. In February, work began to find facts related to these cases and initial drafts. These were written using a template based on previous ordinances. The info for these cases was found using the agendas and minutes from the

meetings in which the items were passed. After initial drafts, they were reviewed and checked for special conditions. Finally, they were reviewed for wording and clarification. The Planning Department also discussed with the City Attorney the proper adoption process.

The ordinances submitted for approval are Planning Department-related ordinances only and fall into three categories: Special Use Permits, Rezoning, and Community Development Block Grant Use approvals. There are 23 total ordinances; 14 Special Use Permits, 8 Rezoning, one CDBG.

## **ATTACHMENTS**

Presentation

Missing Ordinance List

Process Document

CITY COUNCIL

MAY 7, 2024



# Missing Ordinances

Formal adoption of Ordinances  
from 2014-2021

# Request

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- VA State Code notes that "An amendment or repeal of an ordinance shall be in the form of an ordinance..."
- Planning is seeking to formally adopt ordinances for past City Council actions that did not include ordinances in the hearing packets.
- As a reminder, all affected parties assumed approval. This is an administrative issue that should not impact the results of these decisions.

# Background

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- July 23, 2023: Planning notified of approved items needing ordinances by City Clerk from 2014 - 2021.
- February 12, 2024: Fact-finding and drafting of missing ordinances began.
- Information taken from Agendas and Minutes  
Reviewed for any special conditions and specific wordings.
- March 31, 2024: Finalized drafted ordinances.

Ordinance Number	Type	Description	Hearing Date
14-Ord-84	Special Use Permit	AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A WIRELESS COMMUNICATION TOWER TO BE CONSTRUCTED AT 1243 COMMERCE STREET (PARCEL # 024150021), IN A M-1. LIGHT INDUSTRIAL, DISTRICT	12/13/2014
15-Ord-17	Special Use Permit	AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A STAND-ALONE USED VEHICLE SALES BUSINESS AT 1614 EAST WASHINGTON STREET, PARCEL NUMBER 004080003, WITHIN A B-2, GENERAL COMMERCIAL, DISTRICT	3/17/2015
15-Ord-18	Rezoning	AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A STAND-ALONE USED VEHICLE SALES BUSINESS AND AUTOMOTIVE REPAIR AT 534 EAST WASHINGTON STREET, PARCEL NUMBER 012280002, IN A B-2, GENERAL COMMERCIAL, DISTRICT	3/17/2015
15-Ord-19	Rezoning	AN ORDINANCE TO APPROVE A REZONING FROM M-1, LIGHT INDUSTRIAL DISTRICT, TO R-3, TWO FAMILY RESIDENCE DISTRICT, TO ACCOMMODATE RESIDENTIAL USE OF 557-559 COMMERCE STREET PARCEL NUMBER 023030012	3/17/2015

<b>Ordinance Number</b>	<b>Type</b>	<b>Description</b>	<b>Hearing Date</b>
15-Ord-20	Rezoning	AN ORDINANCE APPROVING A REZONING FROM M-1, LIGHT INDUSTRIAL DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO FACILITATE CONSTRUCTION OF 40 MARKET RATE RENTAL UNITS AT 123 PINE STREET PARCEL NUMBER 023300004	3/17/2015
15-Ord-52	Special Use Permit	AN ORDINANCE TO APPROVE A PETITION OF ALWYN A. VAUGHAN FOR A SPECIAL USE PERMIT TO OPERATE A CAR WASHING AND DETAILING OPERATION AT 2199 COUNTY DRIVE, PARCEL NUMBER 035020002, IN A B-2, GENERAL COMMERCIAL, DISTRICT, WITH CONDITIONS	6/16/2015
15-Ord-68	Special Use Permit	AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A STAND-ALONE VEHICLE REPAIR BUSINESS AT 946 EAST WYTHE STREET, PARCEL NUMBER 012210800, IN A B-2, GENERAL COMMERCIAL, DISTRICT	11/17/2015
16-Ord-14	CDBG	ORDINANCE APPROVING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR PROGRAM YEAR FY 16-17	4/5/2016
16-Ord-20	Special Use Permit	AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A STAND-ALONE VEHICLE REPAIR BUSINESS AT 3022-A SOUTH CRATER ROAD, PARCEL NUMBER 081040807 IN A B-2, GENERAL COMMERCIAL ZONING DISTRICT	5/3/2016

<b>Ordinance Number</b>	<b>Type</b>	<b>Description</b>	<b>Hearing Date</b>
16-Ord-45	Special Use Permit	AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A CHILDCARE CENTER OPERATING AT 2568 NORTH STEDMAN DRIVE, PARCEL NUMBER 039010012, WITHIN A R-1, SINGLE FAMILY RESIDENCE DISTRICT	11/1/2016
17-Ord-21	Rezoning	AN ORDINANCE TO APPROVE A REZONING TO ACCOMMODATE RESIDENTIAL USE AT 217-221 NORTH SOUTH STREET, PARCEL NUMBER 023020800, FROM M-1, LIGHT INDUSTRIAL, TO PUD, PLANNED UNIT DEVELOPMENT	5/16/2017
18-Ord-21	Special Use Permit	AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR THE STORAGE OF MORE THAN 200 TIRES AT 756 SOUTH WEST STREET, PARCEL NUMBER 03008001, IN A M-1, LIGHT INDUSTRIAL, DISTRICT	9/4/2018
18-Ord-32	Rezoning	AN ORDINANCE APPROVING A PETITION TO MODIFY PROFFERS RELATED TO 500 OLD WAGNER ROAD AND 3601 FRONTAGE ROAD	11/20/2018
19-Ord-13	Special Use Permit	AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A USED VEHICLE DEALERSHIP AT 2128 WEST WASHINGTON STREET, PARCEL NUMBER 027040001, IN A B-2, GENERAL COMMERCIAL, DISTRICT	2/5/2019
19-Ord-20	Special Use Permit	AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR PROPERTY AT 241 SOUTH SYCAMORE STREET WITH CONDITIONS 1-20 ATTACHED TO AGENDA ITEM "10F" PROVIDED THAT CONDITION "8" END WITH THE WORDS "OR SIMILAR ACTIVITIES." FOR USE AS A BED & BREAKFAST IN AN RB, OFFICE- APARTMENT DISTRICT	5/7/2019

<b>Ordinance Number</b>	<b>Type</b>	<b>Description</b>	<b>Hearing Date</b>
19-Ord-29	Special Use Permit	AN ORDINANCE TO APPROVE A PETITION FOR SPECIAL USE PERMIT TO OPERATE A STAND-ALONE VEHICLE AND TRUCK REPAIR SHOP AT 107 NORTH SOUTH STREET, PARCEL NUMBER 023060013, IN A B-2, GENERAL COMMERCIAL, DISTRICT	5/28/2019
19-Ord-42	Special Use Permit	AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR 323 WEST WASHINGTON STREET, TAX MAP PARCEL NUMBER 023-120018, FOR A PROFESSIONAL BUSINESS OFFICE IN THE R-3 (TWO-FAMILY RESIDENCE) DISTRICT ON THE FIRST FLOOR SUBJECT TO CERTAIN CONDITIONS	9/17/2019
19-Ord-55	Rezoning	AN ORDINANCE TO REZONE 301-301A WAGNER ROAD, PARCEL NUMBER 06402800, AND 151 REAR WAGNER ROAD, PARCEL NUMBER 082010001, FROM A, AGRICULTURAL, TO B-2, GENERAL COMMERCIAL	11/19/2019
20-Ord-31	Special Use Permit	AN ORDINANCE TO REZONE 2045 SQUIRREL LEVEL ROAD, PARCEL NUMBER 07050002, AND A PORTION OF 2100 DEFENSE ROAD, PARCEL NUMBER 07050001, FROM A, AGRICULTURAL, AND R-1, SINGLE FAMILY RESIDENTIAL, DISTRICTS TO THE M-2, HEAVY INDUSTRIAL, DISTRICT FOR INDUSTRIAL USES	7/7/2020
20-Ord-32	Rezoning	AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A WIRELESS COMMUNICATION TOWER TO BE CONSTRUCTED AT 1 FOUR SQUARE INDUSTRIAL DRIVE, PARCEL NUMBER 071070010, IN AN M-1, LIGHT INDUSTRIAL, DISTRICT	7/7/2020
20-Ord-39	Rezoning	AN ORDINANCE TO APPROVE REZONING 607 HIGH STREET, PARCEL NUMBER 010170017, FROM R-3, TWO-FAMILY RESIDENCE, DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT, DISTRICT	9/1/2020

Ordinance Number	Type	Description	Hearing Date
20-Ord-54	Rezoning	AN ORDINANCE TO APPROVE A REZONING AT 601 AND 550 RIVES ROAD, PARCEL NUMBERS 10204001 AND 102050001, RESPECTIVELY, FROM B-2, GENERAL COMMERCIAL, DISTRICT TO M-1, LIGHT INDUSTRIAL, DISTRICT FOR THE PURPOSE OF SECURING INDUSTRIAL USES INVOLVED IN DISTRIBUTION AND WAREHOUSE SERVICES	11/10/2020
20-Ord-55	Rezoning	AN ORDINANCE TO APPROVE THE REZONING OF THE PROPERTIES AT 235, 243, AND 247 HINTON STREET FROM R-3, TWO-FAMILY RESIDENCE, DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT, DISTRICT.	11/10/2020

**AN ORDINANCE TO APPROVE MODIFYING PROFFERS RELATED TO 500 OLD WAGNER ROAD AND 3601 FRONTAGE ROAD AT PARCEL NUMBERS 083020001 AND 086030009, RESPECTIVELY, IN AN R-1, SINGLE-FAMILY RESIDENTIAL, DISTRICT**

**WHEREAS**, the City of Petersburg received a petition from Ryan Homes (Brian Bowe, Agent) to modify the proffers of Berkely Estates Subdivision to construct units below the mandated minimum square feet of one and two-story dwelling units at 500 Old Wagner Road and 3601 Frontage Road at Parcel Numbers 083020001 and 086030009, respectively; and

**WHEREAS**, the plans propose a single-family dwelling units of 1,296 square feet versus the approved minimum square footage of 1,500 square feet and two-story dwelling units of 1,440 square feet and 1,680 square feet versus the approved minimum square footage of 1,700 square feet; and

**WHEREAS**, these properties are zoned, R-1, Single-Family Residential; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition from the proffers of Berkely Estates Subdivision to below the mandated minimum square feet of one and two-story dwelling units at 500 Old Wagner Road and 3601 Frontage Road at Parcel Numbers 083020001 and 086030009, respectively with the conditions listed below:

A. The Applicant shall develop the Berkeley Estates subdivision in general accordance with the street layout set forth in that certain tentative Master Plan that Berkeley Estates attached hereto, dated February 14, 2008, by Charles Townes, surveyor, consisting of two sheets. Additionally, such street layout shall be consistent with the requirements of the Subdivision Ordinance at the time of subdivision plat submission.

B. Berkeley Estates Subdivision shall contain no more than 250 lots and shall be controlled by the ordinance standards of the City of Petersburg.

C. Berkeley Estates Subdivision shall be developed in accordance with a Phasing Plan as follows:

- I. Building permits for approved lots within Phase I may be applied for and obtained upon final subdivision plat approval and recordation;
- II. Building permits for approved lots within Phase II may not be applied for and obtained until after June 30, 2009;
- III. Building permits for approved lots within Phase III may not be applied for and obtained until after June 30, 2010;
- IV. Building permits for approved lots within Phase IV may not be applied for and obtained until after June 30, 2011;
- V. Building permits for approved lots within Phase V may not be applied for and obtained until after June 30, 2012;

D. The one-story dwelling units shall contain a minimum of 1,296 square feet of finished living space, and the two-story dwelling units shall contain a minimum of 1,440 square feet and 1,680 square feet of finished living space. For purposes of this condition, "finished living space" shall not include garages, patios, open porches or any accessory structures. At least 80% of the total number of dwelling units shall be two story units. At least 100% of the total number of dwelling units shall have at least a two car garage. Each of the dwelling units shall have concrete driveways and each of the dwelling units shall have brick foundations.

E. The Applicant shall execute a "Declaration of Covenants and Restrictions" (Declaration), approved in advance by the City Attorney as consistent with the Ordinance adopted approving this zoning case, and so by create a homeowners association (the "HOA"). The HOA shall adopt and enforce the standards for development, consistent with the proffers, and assure the quality of development, architectural compatibility, environmental protection and other elements of development control.

The Declaration shall be recorded among the land records of the City of Petersburg prior to the conveyance of any properties by the Applicant to third parties and as soon as practicable upon approval of the zoning case. The HOA shall be funded by all owners of property within the Berkeley Estates development by payment of dues to the HOA based upon the number of lots approved as part of the subdivision process.

F. Mr. Snead, the existing builder has to complete Phase I.

G. An agreement with Ryan Homes for lighting to be included for all newly constructed homes. In addition, an agreement to request Mr. Snead to also include lighting for the existing houses.

H. Renderings be provided for the streetscape and entry into the subdivision.

I. The planning director may have authority to administratively approve minor deviations from plans.

**AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A USED VEHICLE DEALERSHIP AT 2128 WEST WASHINGTON STREET, PARCEL NUMBER 027040001, IN A B-2, GENERAL COMMERCIAL, DISTRICT**

**WHEREAS**, the City of Petersburg received an application from Abdo Seidi requesting that a special use permit be issued for a stand-alone used vehicle sales; be located At 2128 West Washington Street, Parcel Number 027040001.

**WHEREAS**, the proposed use is not associated with a new vehicle dealership or not located upon the same parcel as such new vehicle-dealership; and

**WHEREAS**, under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (22), if the proposed use is located on parcels of less than one acre in area, such to be permitted within the B-2 and M-1, zoning districts only, with a Special Use Permit; and

**WHEREAS**, the location for the proposed use is within a B-2, General Commercial District; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws.

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted in favor of approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the permit Abdo Seidi requesting that a special use permit be issued for a stand-alone used vehicle sales; be located At 2128 West Washington Street, Parcel Number 027040001.

**AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR PROPERTY AT 241 SOUTH SYCAMORE STREET WITH CONDITIONS 1-20 ATTACHED TO AGENDA ITEM "10F" PROVIDED THAT CONDITION "8" END WITH THE WORDS "OR SIMILAR ACTIVITIES." FOR USE AS A BED & BREAKFAST IN AN RB, OFFICE-APARTMENT DISTRICT**

**WHEREAS**, the City of Petersburg received an application from of Veritas Financial, LLC on behalf of Ray Ferguson, Jr for a Special Use Permit pursuant to Article 23, Section 4 (13) of the Zoning Ordinance to operate a Bed & Breakfast Inn at 241 South Sycamore Street, Parcel Number 02220011; and

**WHEREAS**, under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (13), if the proposed use is R-3, R-4, R-5, and RB zoning districts only, with a Special Use Permit; and

**WHEREAS**, the location for the proposed use is within a RB, Office-Apartment District; and

**WHEREAS**, the bed and breakfast is the principal use of the property, and the events are considered ancillary or accessory; and

**WHEREAS**, the property cannot be solely used as an event venue; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted in favor of approval; and

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the permit from Veritas Financial, LLC on behalf of Ray Ferguson, Jr for a Special Use Permit pursuant to Article 23, Section 4 (13) of the Zoning Ordinance to operate a Bed & Breakfast Inn, with the following conditions, at 241 South Sycamore Street, Parcel Number 02220011:

- (1) The approval be granted for one year. The applicant would be required to go through the process again by applying with a new application, and an additional fee. The case would again be heard by the Planning Commission and City Council, there will need to be two public hearings held before a decision is given to allow continuation of the use.
- (2) The property is subject to review and approval of the Architectural Review Board (ARB) for any exterior changes.
- (3) That 241 South Sycamore Street, also identified as Tax Parcel 022-25-0011, be authorized for use as a Bed and Breakfast Inn with five (5) guest rooms, each having a capacity of two (2) guests.
- (4) Three (3), off-street parking spaces be maintained at all times for the Bed and Breakfast Inn.
- (5) A resident manager must reside on the premises.
- (6) That the aggregate sign area not exceed two (2) square feet in area, not including a permitted {exempt} street number, the design of such sign must be approved by the

Architectural Review Board, following the submission of a sign permit application to the Zoning Administrator.

(7) That any exterior building modifications shall be subject to approval by the Architectural Review Board (ARB).

(8) A Business License must be obtained prior to the opening of the establishment. Such license shall be duly maintained in a current status for the bed and breakfast inn at all times that the business is in operation. Failure to maintain a current business license constitutes a violation of the Special Use Permit.

(9) That the business shall not have amplified sound audible from beyond the property and all events should be completed by 10:00 p.m.

(10) That the bed and breakfast inn business shall not include the provision of or holding of special events or assemblies, concerts, or commercial banquets, or similar activities, except events that are ancillary and for a guest who is staying at the bed and breakfast inn.

(11) That the Manager of the Bed and Breakfast Inn must notify the City of Petersburg in writing of any ancillary events, the guest who will be lodging at the Bed and Breakfast Inn and the number of invited guest. The City of Petersburg Event Reporting Form) must be submitted to the Planning Office in advance of the event taking place.

(12) The Special Use Permit shall be granted to and for Victorian Venues for the operation of a Bed and Breakfast Inn at 241 South Sycamore Street, and shall not be transferable nor run with the land.

(13) No ABC license shall be held by the Veritas Financial, LLC Victorian Venues or the Bed and Breakfast Inn at the address of 241 South Sycamore Street.

(14) The operation of the subject Bed and Breakfast Inn shall comply with all applicable building codes, such as requirement pertaining to building capacity and fire safety, and public health codes in effect in the City of Petersburg. Issuance of a Special Use Permit shall not be deemed a waiver of conditions of building and fire code requirements, nor other health and safety requirements.

(15) That the most restrictive occupancy shall govern the permitted number of patrons at an event hosted by a guest of the Bed and Breakfast Inn. Based on ample parking and interruption to an existing urban community, an occupancy shall not exceed 75 persons, unless life safety regulations require a lesser occupancy.

(16) The off-street parking, which is required for the ancillary events, shall be located at the lot owned by First Baptist Church located at 236 Harrison Street. The parking lease agreement shall include a notification to the City of Petersburg in the event of cancellation by either party. If the parking is no longer available, the Bed and Breakfast Inn will need to secure a new parking lease within 500 feet of 241 South Sycamore Street. Failure to obtain and maintain parking will result in a violation of the Special Use Permit.

(17) The operation of the Bed and Breakfast Inn shall include signage directing guest to the off-street parking area. In addition to signage staff may be assigned to manage the parking of cars.

(18) The Victorian Venues contract shall stipulate the parking arrangement for guest, so that the person entering into the agreement can advise their guest on the parking requirement.

(19) Victorian Venues as a part of the Bed and Breakfast Inn operation shall notify the adjoining property owners of upcoming events. This notification should also be extended to the adjoining property owners of the parking lot at 236 Harrison Street.

(20) Other requirements as deemed necessary to provide for the protection of surrounding property, persons and neighborhood values.

(21) This ordinance shall take effect immediately upon adoption.

(22) This Special Use Permit will expire April 6, 2020 but is subject to renewal on terms to be determined based on a new application for a Special Use Permit, and following public hearings before the Planning Commission and City Council.

**AN ORDINANCE TO APPROVE A PETITION FOR SPECIAL USE PERMIT TO OPERATE A STAND-ALONE VEHICLE AND TRUCK REPAIR SHOP AT 107 NORTH SOUTH STREET, PARCEL NUMBER 023060013, IN A B-2, GENERAL COMMERCIAL, DISTRICT**

**WHEREAS**, the City of Petersburg received a petition from Lisa Capek for a special use permit to operate a stand-alone vehicle and repair shop at 107 North South Street, identified as parcel number 023060013; and

**WHEREAS**, under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (22), general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, are permitted within the B-2 and M-1 zoning districts only with a special use permit; and

**WHEREAS**, the location for the proposed use is within a B-2, General Commercial District; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition from Lisa Capek for a special use permit to operate a stand-alone vehicle and repair shop at 107 North South Street, identified as parcel number 023060013.

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR 323 WEST WASHINGTON STREET, TAX MAP PARCEL NUMBER 023-120018, FOR A PROFESSIONAL BUSINESS OFFICE IN THE R-3 (TWO-FAMILY RESIDENCE) DISTRICT ON THE FIRST FLOOR SUBJECT TO CERTAIN CONDITIONS**

**WHEREAS**, the City Council is authorized under Article 23, §4 of the Petersburg Zoning Ordinance to grant special uses for expressly designated uses; and

**WHEREAS**, the City Council and City Staff believe that allowing the Council to grant special uses for Professional and Business Offices in the R-3 (Two-Family Residence) district with certain conditions would be of benefit in business retention, orderly development and redevelopment of the City is consistent with good planning practices and principles; and

**WHEREAS**, the Council is has the authority to grant under the Special Uses Enumerated, Professional and Business Offices in the R-3 (Two-Family Residence) district subject to certain conditions; and

**WHEREAS**, this request has been reviewed and favorably recommended to Council for approval by the Petersburg Planning Commission; and

**WHEREAS**, the City Council of the City of Petersburg is of the opinion that the Special Use is not detrimental to the neighborhood.

**NOW, THEREFORE BE IT ORDAINED**, by the City Council of the City of Petersburg, the granting of a Special Use to Chris and Colleen Riggs for the operation of a Professional Business Office in the R-3 (Two-Family Residence) district subject to the following conditions:

- (a) Operating hours limited to 7:30 a.m. to 7:00 p.m., Monday-Saturday.
- (b) No exterior alterations to the residence.
- (c) Not transferable.
- (d) If in a historic district; signage requires approval from ARB, all signage limited to an aggregate of fifteen (15) square feet.
- (e) No more than two (2) employees.
- (f) 4,500 square foot minimum size of the main structure with the use limited to the first floor of the residence, and the business and professional use not to exceed fifteen hundred (1,500) square feet of the first floor area.
- (g) Three (3) Off-street parking spaces provided on-site.

**AN ORDINANCE TO REZONE 301-301A WAGNER ROAD, PARCEL NUMBER 06402800, AND 151 REAR WAGNER ROAD, PARCEL NUMBER 082010001, FROM A, AGRICULTURAL, TO B-2, GENERAL COMMERCIAL, DISTRICT**

**WHEREAS**, the City Council is authorized under Article 26a, §1 of the Petersburg Zoning Ordinance to grant special uses for expressly designated uses; and

**WHEREAS**, the applicant is petitioning for an amendment to the zoning of 301-301a Wagner Road from "A" Agricultural District to "B-2" General Commercial for the purposes of business development, including possibly offices and/or medical facilities; and

**WHEREAS**, the adjacent properties are zoned B-2 and PUD without residential use; and

**WHEREAS**, the Planning Commission made a recommendation to City Council to approve the rezoning with a vote of 7-0.

**NOW, THEREFORE BE IT ORDAINED** that the City Council of the City of Petersburg approve the rezoning of 301-301A Wagner Road and 151 Rear Wagner Road from A, Agricultural, to B-2, General Commercial, District.

**AN ORDINANCE TO REZONE 2045 SQUIRREL LEVEL ROAD, PARCEL NUMBER 07050002, AND A PORTION OF 2100 DEFENSE ROAD, PARCEL NUMBER 07050001, FROM A, AGRICULTURAL, AND R-1, SINGLE FAMILY RESIDENTIAL, DISTRICTS TO THE M-2, HEAVY INDUSTRIAL, DISTRICT FOR INDUSTRIAL USES**

**WHEREAS**, the City of Petersburg received a petition from Nick Walker on behalf of Roslyn Farm Corporation for a rezoning from “A” Agricultural and “R-1” Single Family Residential to permit future industrial use development at 2045 Squirrel Level Road and a portion of 2100 Defense Road, identified as Parcel Number 07050002 and 07050001, respectively; and

**WHEREAS**, under Article 26 of the Zoning Ordinance, Section 1., the City of Petersburg is allowed to rezone “...to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.”; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition from Nick Walker on behalf of Roslyn Farm Corporation for a rezoning from A, Agricultural, and R-1, Single Family Residential, to M-2, Heavy Industrial, to permit future industrial use development at 2045 Squirrel Level Road and a portion of 2100 Defense Road, identified as Parcel Numbers 07050002 and 07050001, respectively.

**AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A WIRELESS COMMUNICATION TOWER TO BE CONSTRUCTED AT 1 FOUR SQUARE INDUSTRIAL DRIVE, PARCEL NUMBER 071070010, IN AN M-1, LIGHT INDUSTRIAL, DISTRICT**

**WHEREAS**, the City of Petersburg received a petition from Skyway Towers, LLC construct, operate and maintain a 199' wireless communication tower, pursuant to Article 23, Section 4.1 of the Zoning Ordinance; and

**WHEREAS**, the property address is 1 Four Square Industrial Drive, identified as parcel number 071070010; and

**WHEREAS**, the proposed use follows all regulations set forth in the document titled "Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process."; and

**WHEREAS**, the property is zoned M-1, Light Industrial; and

**WHEREAS**, in accordance to Article 23 of the Zoning Ordinance, Section 4.1. Titled Special use permits for communication towers; criteria and procedures, such to be permitted following approval by City Council; and

**WHEREAS**, pursuant to the requirements of Article 23 Section 4.1 (5) Any Special Use Permit granted under this section shall be conditioned on the applicant's providing (a) evidence of casualty and liability insurance to protect adjacent property owners, the City, and other parties in the event of collapse, and (b) a bond in an amount sufficient to guarantee the safe and efficient removal of the communications tower in the event its use for communications purposes is discontinued for a continuous period of one year; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition from Skyway Towers, LLC construct, to operate and maintain a 199' wireless communication tower, pursuant to Article 23, Section 4.1 of the Zoning Ordinance at the property address of 1 Four Square Industrial Drive, identified as parcel number 071070010, with the following conditions:

- 1) That the design of the proposed tower and base facilities conform to the submitted preliminary site plan, or to another, clearly specified plan acceptable to the Planning Commission.
- 2) That the applicant agrees, in writing to eliminate interference with television, radio, cable television, emergency communications, and telephone transmissions.
- 3) That the applicant's employ the landscaping measures described in their application to maximize coverage and reduce any potential visual impacts.

- 4) That the applicant agree to provide for the co-location of a minimum of three (3) additional competing services, or other telecommunication services, on the proposed tower.
- 5) That the applicant agree to absolve the City of Petersburg of responsibility for accidents affecting the proposed tower or its operations.
- 6) That the applicants agree to present a contract providing for the removal of the tower and associated facilities in the event of abandonment of the use of the tower for a period of more than ninety (90) days, and that a performance bond adequate to ensure removal of the tower and related facilities be provided to the City.
- 7) That the applicant agrees to maintain the tower in a manner which will minimize its aesthetic and visual impact, that applicants shall ensure that the color and visibility of the tower do not change appreciably as the result of corrosion or other factors, and that no advertising or other signs be placed on the tower.
- 8) That the applicants agree to provide for annual inspection of the tower, by certified professionals, for structural integrity, and that copies of the reports be provided to the City.

**AN ORDINANCE TO APPROVE REZONING 607 HIGH STREET, PARCEL NUMBER 010170017, FROM R-3, TWO-FAMILY RESIDENCE, DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT, DISTRICT**

**WHEREAS**, the City of Petersburg received a request from SC Maplewood Ave, LLC (Mark Baker) to rezone the site of the former High Street United Methodist Church, from R-3, Two-Family Residence district to PUD, Planned Unit Development District, to permit a mixed-use development that would include multi-family residential and commercial uses; and

**WHEREAS**, under Article 26 of the Zoning Ordinance, Section 2. Conditions as part of rezoning or amendment to zoning map; Any applicant may proffer in writing any reasonable conditions, prior to a public hearing before the City Council, in addition to the regulations provided for within the rezoning district by this chapter, as part of a rezoning or amendment to the zoning map; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws.

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition; and

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition from SC Maplewood Ave, LLC (Mark Baker) to rezone the site of the former High Street United Methodist Church, from R-3 to PUD, to permit a mixed-use development that would include multi-family residential and commercial uses with the following conditions:

- 1) That the design of the proposed redevelopment of the existing structure located at 607 High Street substantially conform to the submitted preliminary site plan, which will be reviewed through the City's Site Plan Review process.
- 2) That the applicant agrees, in writing to maintain appropriate landscaping around the parking lot and at the entrance of the building along High Street.
- 3) That the applicant employs landscaping measures to maximize coverage and reduce any potential visual impacts.
- 4) That the applicant will comply with all signage criteria as outlined in Article 21, Sign Regulations of the Zoning Ordinance and understands that any/all signage must be reviewed by the Architectural Review Board (ARB) prior to erection or placement. All exterior alterations and changes must also be reviewed and approved by the ARB after submitted application is reviewed by the City of Petersburg's Preservation Planner.
- 5) That the applicant agrees to maintain the parking lot in a manner which will minimize its aesthetic and visual impact. That applicants shall ensure that the parking lot regardless of the number of spaces, must have individual spaces marked.
- 6) Each parking space is properly delineated with paint or plastic stripping which shall provide a permanent delineation between spaces. Spaces should be arranged so that any maneuvering directly incidental to entering or leaving a parking space shall not be on any public street, alley,

or walkway. \*\* Preservation Planner should be notified of any materials used to change parking surface and coloring. Parking requirements:

Church or civic associations – One (1) space for every four (4) seats;

Multi-family – One (1) space per each one-bedroom unit Two (2) spaces per every two (2) or more bedroom units;

Yoga studio – One (1) space for every 200 square feet of floor space. 7) That no advertising or other signs be placed on the building without the review and approval of the ARB

**AN ORDINANCE TO APPROVE A REZONING AT 601 AND 550 RIVES ROAD, PARCEL NUMBERS 10204001 AND 102050001, RESPECTIVELY, FROM B-2, GENERAL COMMERCIAL, DISTRICT TO M-1, LIGHT INDUSTRIAL, DISTRICT FOR THE PURPOSE OF SECURING INDUSTRIAL USES INVOLVED IN DISTRIBUTION AND WAREHOUSE SERVICES**

**WHEREAS**, The City of Petersburg received a petition from Roslyn Farm Corp, to rezone 601 Rives Rd, Parcel Number 102040001, and 550 Rives Rd, Parcel Number 102050001, from the B-2, General Commercial District to M-1, Light Industrial District to permit Industrial Development and Distribution land uses; and

**WHEREAS**, the current Comprehensive Plan 2014 Future Land Use Plan designates that the area is suitable for commercial/industrial uses; and

**WHEREAS**, under Article 26 of the Zoning Ordinance, Section 2. Conditions as part of rezoning or amendment to zoning map; Any applicant may proffer in writing any reasonable conditions, prior to a public hearing before the City Council, in addition to the regulations provided for within the rezoning district by this chapter, as part of a rezoning or amendment to the zoning map; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws.

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition from Roslyn Farm Corp, to rezone 601 Rives Rd, Parcel Number 102040001, and 550 Rives Rd, Parcel Number 102050001, from the B-2, General Commercial District to M-1, Light Industrial District to permit Industrial Development and Distribution land uses.

**AN ORDINANCE TO APPROVE THE REZONING OF THE PROPERTIES AT 235, 243, AND 247 HINTON STREET FROM R-3, TWO-FAMILY RESIDENCE, DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT, DISTRICT**

**WHEREAS**, The City of Petersburg received a petition from Mr. Dale and Mrs. Linda Pittman to rezone the properties at 235 Hinton, Parcel Number 010220027; 243 Hinton Street, Parcel Number 010220028 and 247 Hinton Street, Parcel Number 010220029, from R-3, Two-Family Residence, District to PUD, Planned Unit Development, District;

**WHEREAS**, the rezoning is requested to permit a mixed-use development that would include multifamily residential and light intensity commercial uses for the purpose of hosting weddings, and other civil and social gatherings and the rooms would function as an Inn; and

**WHEREAS**, under Article 26 of the Zoning Ordinance, Section 2. Conditions as part of rezoning or amendment to zoning map; Any applicant may proffer in writing any reasonable conditions, prior to a public hearing before the city council, in addition to the regulations provided for within the rezoning district by this chapter, as part of a rezoning or amendment to the zoning map; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws.

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition:

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition from Mr. Dale and Mrs. Linda Pittman to rezone the properties at 235 Hinton, Parcel Number 010220027; 243 Hinton Street, Parcel Number 010220028 and 247 Hinton Street, Parcel Number 010220029, from R-3, Two-Family Residence District to PUD, Planned Unit Development District with the following conditions:

- 1) That the proposed redevelopment of the existing structure located at said locations of Hinton Street conform to the requirements of the Architectural Review Board and the Cities Development Review and Site Plan Review processes.
- 2) That the applicant agrees, in writing to maintain appropriate landscaping around the parking lot and at the entrance of the building along Hinton and Davis Streets.
- 3) That the applicant employs landscaping measures to maximize coverage and reduce any potential visual impacts.
- 4) That the applicant will comply with all signage criteria as outlined in Article 21, Sign Regulations of the Zoning Ordinance and understands that any/all signage must be reviewed by the Architectural Review Board (ARB) prior to erection or placement. All exterior alterations and changes must also be reviewed and approved by the ARB after submitted application is reviewed by the City of Petersburg's Preservation Planner. That the sign not exceed two (2) square feet in area which is the allowable amount for a Bed & Breakfast Inn.

5) That the applicant agrees to maintain the parking lot when constructed in a manner which will minimize its aesthetic and visual impact. That applicants shall ensure that the parking lot regardless of the number of spaces, must have individual spaces marked.

6) Each parking space is properly delineated with paint or plastic stripping or an approved surface by the ARB which shall provide a permanent delineation between spaces. Spaces should be arranged so that any maneuvering directly incidental to entering or leaving a parking space shall not be on any public street, alley way or walkway.

Preservation Planner should be notified of any materials used to change parking surface and coloring. Parking requirements: (1) space for every four (4) seats; Multi-family - One (1) space per each one-bedroom unit; Two (2) spaces per every two (2) or more bedroom units; Motel: One space per each guestroom plus one (1) space per every ten (10) guestrooms plus spaces for eating and assembly rooms as required.

Office space - One (1) space for every 300 square feet of floor space.

7) That no advertising or other signs be placed on the buildings without the review and approval of the Architectural Review Board (ARB).

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A WIRELESS COMMUNICATION TOWER TO BE CONSTRUCTED AT 1243 COMMERCE STREET (PARCEL # 024150021), IN A M-1. LIGHT INDUSTRIAL, DISTRICT**

**WHEREAS**, the City of Petersburg received a petition by Velocitel, Inc. on behalf of New Cingular Wireless, PCS, LLC to construct, operate and maintain a 127' wireless communication tower, pursuant to Article 23, Section 4.1 of the Zoning Ordinance. The property address is 1243 Commerce Street, further identified as parcel number 024150021; and

**WHEREAS**, the proposed use follows all regulations set forth in the document titled "Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process."; and

**WHEREAS**, the location for the proposed use is within a M-1, Light Industrial District; and

**WHEREAS**, in accordance to Article 23 of the Zoning Ordinance, Section 4.1. Titled Special use permits for communication towers; criteria and procedures, such to be permitted following approval by City Council and;

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws.

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition from Velocitel, Inc. on behalf of New Cingular Wireless, PCS, LLC to construct, operate and maintain a 127' wireless communication tower at 1243 Commerce Street, further identified as parcel number 024150021.

**WHEREAS**, the Special Use Permit is subject to the following conditions;

1. The design of the proposed tower and accessory uses conform to the submitted preliminary site plan;
2. The applicant must certify in writing that there will be no interference with television, radio, emergency communications and telephone transmission;
3. The applicant must maintain a landscaped buffer that will completely screen the base of the tower and the ground equipment;
4. The applicant must agree to provide for the co-location of competing services, or other telecommunication services on the proposed tower;
5. The applicant agree to release the City of Petersburg of responsibility for accidents

- affecting the proposed tower or its operations and agree to provide the City of Petersburg with a Certificate of Insurance naming the City as an additional insured party;
6. The applicant must submit a contract providing for the removal of the tower and associated facilities in the event of abandonment of the use of the tower for a period of more than ninety days, and that a performance bond adequate to ensure removal of the tower and related facilities is provided to the City;
  7. The applicant agree to maintain the tower in a manner which will minimize its aesthetic and visual impact that applicants shall ensure that the color and visibility of the tower remain in accordance with the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA) guidelines;
  8. No advertising , signage or lighting shall be on the tower, unless otherwise required by Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA) regulations;
  9. A periodic inspection of the tower is required by a certified professional for structural integrity, and that copies of reports must be provided to the City;
  10. A Preliminary Site Plan meeting and Site Plan review is required.
  11. Prior to approval of a site plan, an executed agreement must be submitted to the Planning Department and all conditions and stipulations must comply.

**AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A STAND-ALONE USED VEHICLE SALES BUSINESS AT 1614 EAST WASHINGTON STREET, PARCEL NUMBER 004080003, WITHIN A B-2, GENERAL COMMERCIAL, DISTRICT**

**WHEREAS**, the City of Petersburg received a petition from Darryl Johnson for a special use permit to operate a stand-alone used vehicle business at 1614 East Washington Street, identified as parcel number 004080003; and

Commented [NS1]: @Tyler Jackson are there conditions?

**WHEREAS**, under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (22), if the proposed use is located on parcels of less than one acre in area, such use is to be permitted within the B-2 and M-1, zoning districts only, with a Special Use Permit; and

**WHEREAS**, the location for the proposed use is within a B-2, General Commercial District; and

**WHEREAS**, the proposed use is not associated with a new vehicle dealership or not located upon the same parcel as such new vehicle-dealership; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition from Darryl Johnson for a special use permit to operate a stand-alone used vehicle business at 1614 East Washington Street, identified as parcel number 004080003.

**WHEREAS**, the special use permit is subject to the following conditions;

- (1) Appropriate groundcover/landscaping be added to East Washington and Gibbons Street frontages; and
- (2) The existing sign pole should be utilized for any new signage. If the existing structure is not utilized then it must be removed.

**AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A STAND-ALONE USED VEHICLE SALES BUSINESS AND AUTOMOTIVE REPAIR AT 534 EAST WASHINGTON STREET, PARCEL NUMBER 012280002, IN A B-2, GENERAL COMMERCIAL, DISTRICT**

**WHEREAS**, the City of Petersburg received a petition for a special use permit to operate a stand-alone used vehicle business not associated with a new-vehicle dealership and a stand-alone auto vehicle repair business, subject to certain terms and conditions, at 534 East Washington Street Parcel Number 012280002; and

**WHEREAS**, under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (22), if the proposed use is located on parcels of less than one acre in area, such to be permitted within the B-2 and M-1, zoning districts only, with a Special Use Permit; and

**WHEREAS**, the location for the proposed use is within a B-2, General Commercial District; and

**WHEREAS**, the proposed use is not associated with a new vehicle dealership or not located upon the same parcel as such new vehicle-dealership; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition for a special use permit to operate a stand-alone used vehicle business not associated with a new-vehicle dealership and a stand-alone auto vehicle repair business at 534 East Washington Street Parcel Number 012280002, subject to certain terms and conditions listed below:

1. The petitioner will paint the exterior of the building.
2. No fencing in the subject property and no cars may protrude over the sidewalk or into East Washington Street right-of-way.
3. Any vehicle not capable of operation or which does not bear a current Virginia inspection sticker, shall be kept within the enclosed building.
4. No Inoperable vehicles may be retained on the subject property unless work to repair such vehicle is in progress. Use of this property for storing inoperable vehicles is prohibited.
5. In no case shall the business be operated as a scrap of junkyard. No outside storage, to include but not limited to, vehicle components, metal scrap, plastic materials, glass, used or waste tires, is prohibited.
6. Collection and deposition of engine fluids must be done in accordance with local, state, and federal standards, regulations, or laws.
7. Any site lighting shall be directed downward and inward.
8. The petitioner will provide off-street parking spaces for customers and employees with spaces to be marked appropriately for these uses.
9. A minor site plan (landscaping and signage) is required to be reviews and approved by the Planning Staff.

10. Violation of the amended conditions attached to this special use permit may be cause for permit revocation.

**AN ORDINANCE TO APPROVE A REZONING FROM M-1, LIGHT INDUSTRIAL DISTRICT, TO R-3, TWO FAMILY RESIDENCE DISTRICT, TO ACCOMMODATE RESIDENTIAL USE OF 557-559 COMMERCE STREET PARCEL NUMBER 023030012**

**WHEREAS**, the City of Petersburg received a petition to rezone the area of 557-559 Commerce Street from M-1, Light Industrial District, to R-3, Two Family Residence District, to facilitate rehabilitation for residential use; and

**WHEREAS**, under Article 26 of the Zoning Ordinance, Section 2. Conditions as part of rezoning or amendment to zoning map; Any applicant may proffer in writing any reasonable conditions, prior to a public hearing before the City Council, in addition to the regulations provided for within the rezoning district by this chapter, as part of a rezoning or amendment to the zoning map; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of the rezoning petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition to rezone the area of 557-559 Commerce Street from M-1, Light Industrial District, to R-3, Two Family Residence District, to facilitate rehabilitation for residential use.

**AN ORDINANCE APPROVING A REZONING FROM M-1, LIGHT INDUSTRIAL DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO FACILITATE CONSTRUCTION OF 40 MARKET RATE RENTAL UNITS AT 123 PINE STREET, PARCEL NUMBER 023300004**

**WHEREAS**, the City of Petersburg received a petition to rezone the area of 123 Pine Street from M-1, Light Industrial District, to PUD, Planned Unit Development District, to facilitate construction of 40 Market rate rental units; and

**WHEREAS**, under Article 26 of the Zoning Ordinance, Section 2. Conditions as part of rezoning or amendment to zoning map; Any applicant may proffer in writing any reasonable conditions, prior to a public hearing before the city council, in addition to the regulations provided for within the rezoning district by this chapter, as part of a rezoning or amendment to the zoning map; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws.

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**WHEREAS**, the rezoning is subject certain conditions:

1. The property shall be developed as multifamily residential not to exceed 40 units. The plan for development shall comply with applicable state, local and federal regulations in effect at the time of development with regard to land use/land (re)development and building codes. These conditions shall apply to the Applicant or its successors or assigns.
2. Use designations, within the PUD concept, shall be as indicated on the floor plan and site plan.
  - a. Multi-family (market rate rental apartments), proposed layout and square footage of individual amenities noted.
  - b. Accessory use(s) to include parking areas, screened refuse collection area, community/recreational areas, fitness center. All accessory uses are for the enjoyment of the resident and their guests.
3. Off-street parking shall be provided as required by Article 19 of the Zoning Ordinance and subject to the approval of the Department of Planning/CD.
4. All parking lots shall be in conformance with the requirements of Article 19, including lighting, curb and gutters surfaced with asphalt, concrete or other approved material. Parking areas that are part of this development shall be included in the site plan review process.
5. Site Plan Review is required and during that review streetscape must be shown and approved by the Department of Public Works and landscaping must be shown and approved by the Department of Planning/CD.
6. All refuse containers shall be in an enclosure and shown on the site plan.

7. A Certificate of Appropriateness must be approved by the Architectural Review Board (ARB) prior to the approval of a site plan and the issuance of building permits.
8. Any minor modifications to the site plan may be approved by the Director of Planning and Community Development.
9. Signage must be addressed during stie plan review and must conform with the general provisions of the sign regulations as set forth in the Zoning Ordinance for the B-2 zoning district. The freestanding sign shall not exceed 8 feet in height and 50 square feet in area. A monument sign is preferred but a pole sign will be permitted if situated in an appropriate location to be decided by applicant, DPW and Planning.
10. That this ordinance includes a waiver of the ten-acre minimum tract of land requirement for a PUD for the above-reference parcel.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition to rezone the area of 123 Pine Street from M-1, Light Industrial District, to PUD, Planned Unit Development District, to facilitate construction of 40 Market rate rental units.

**AN ORDINANCE TO APPROVE A PETITION OF ALWYN A. VAUGHAN FOR A SPECIAL USE PERMIT TO OPERATE A CAR WASHING AND DETAILING OPERATION AT 2199 COUNTY DRIVE, PARCEL NUMBER 035020002, IN A B-2, GENERAL COMMERCIAL, DISTRICT, WITH CONDITIONS**

**WHEREAS**, the City of Petersburg received a petition from Alwyn A. Vaughan for a special use permit to operate a car washing and detailing business at 2199 County Drive, subject to certain terms and conditions, identified as parcel number 0235020002; and

**WHEREAS**, Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only; and

**WHEREAS**, under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (22), if the proposed use is located on parcels of less than one acre in area, such to be permitted within the B-2 and M-1, zoning districts only, with a Special Use Permit; and

**WHEREAS**, the location for the proposed use is within a B-2, General Commercial District; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition from Alwyn A. Vaughan for a special use permit to operate a car washing and detailing business at 2199 County Drive, identified as parcel number 0235020002, subject to certain terms and conditions listed above.

**WHEREAS**, the special use permit to operate a car washing and detailing business at 2199 County Drive, identified as Parcel Number 0235020002, is subject to the following conditions:

1. The applicant shall submit a site plan showing how the strip of grass area will contain landscaping as an improvement to the lot.
2. Signs shall be limited to wall-mounted signs that have combined size of no more than 100 square feet, and no more than one (1) freestanding sign with a maximum size of fifty (50) square feet. No new freestanding sign shall be established without removal of any existing freestanding sign or poles.
3. No visibly damaged motor vehicles shall be kept on the premises.
4. No additional exterior fencing is permitted. All existing screening shall be maintained to provide screening from adjacent residential uses.
5. No vehicle stored on the property, waiting to be cleaned, may be retained on the premises for a period in excess of 48 hours.
6. There shall be no outside storage of vehicle components, metal scrap, plastic materials, glass, used or waste tires.
7. No repair operation shall take place on the premises.

8. Prior to the Zoning Administrators approval of the zoning section of the Business License Action Form, the applicant has to provide verification that the method of wastewater control is in place and functional.
9. Violation of the amended conditions listed above may be cause for permit revocation.

**AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A STAND-ALONE VEHICLE REPAIR BUSINESS AT 946 EAST WYTHE STREET, PARCEL NUMBER 012210800, IN A B-2, GENERAL COMMERCIAL, DISTRICT**

**WHEREAS**, the City of Petersburg received a petition from Mark Specter of Specter Properties, Inc. on behalf of the operator Jamie Holman requesting that a special use permit be issued for a stand-alone vehicle repair business, subject to certain terms and conditions; be located at 946 East Wythe Street, Parcel Number 012210800 ; and

**WHEREAS**, under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (23) the use of a parcel in the B-2 district for Stand-Alone Vehicle Repair is permitted by Special Use as decided by council; and

**WHEREAS** the parcel is zoned B-2, General Commercial.

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition; and

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby approve the petition from Mark Specter of Specter Properties, Inc. on behalf of the operator Jamie Holman requesting that a special use permit be issued for a stand-alone vehicle repair business at 946 East Wythe Street, Parcel Number 012210800, subject to certain terms and conditions as outlined below:

1. The lot is currently paved, and no portions have existing grass or landscaping areas. Therefore, no landscape plan is being presented. No vehicle parking is to be permitted in or to protrude into the right-of-way.
2. Currently, the only fencing that exists is on the east side of the subject property, which is beside the building. No additional fencing is currently desired in the front of the building.
3. The petitioner will submit a sign plan to the Department of Planning and community Development for its review and approval. Re-use of the existing pole sign is desired.
4. Any vehicle not capable of operation or which does not bear a current Virginia inspection sticker, shall be kept within the enclosed building or behinds the building so not to be visible. However, the vehicle can't be stored on the lot unless it is being repaired.
5. No inoperable vehicles may be retained on the subject property unless work to repair the vehicle is in progress. Use of this property for storin inoperable vehicles is prohibited.
6. In no case shall the business be operated as a scrap or junkyard. No outside storage, to include but not limited to; vehicle components metal scrap plastic materials glass used or waste tires is prohibited.
7. Collection and deposition of engine fluids must be done in accordance with local, state, and federal standards, regulations, or laws.

8. Any site lighting shall be directed downward and inward.
9. The petitioner will provide off-street parking spaces for customers and employees with spaces to be marked appropriately for these uses.
10. Other requirements may be imposed as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.
11. Violation of the amended conditions attached to this special use permit may be cause for permit revocation.

**ORDINANCE APPROVING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR PROGRAM YEAR FY 16-17**

**WHEREAS**, the City of Petersburg receives funding through the U.S. Department of Housing and Community Development (HUD) Community Development Block Grant (CDBG) Program; and

**WHEREAS**, the City distributes the funding to address housing and community development needs; and

**WHEREAS**, up to 15% of CDBG funding can be allocated to public service activities, 20% of CDBG funding can be allocated to administration, and the remainder to housing and community development projects; and

**WHEREAS**, the following are projects for funding requested for approval:

Rebuilding together: \$23,800

Project Homes: \$194,000

PRHA: \$118,000

Freedom Support Center: \$29,200

Black History Museum: \$29,200

CARES, Inc.: \$14,600

HOPE Center: \$14,600

CDBG Administration: \$119,232

YMCA: \$14,600

Serenity: \$4,831

Petersburg Mobile Market: \$14,600

Main Street Program: \$19,500

**NOW THEREFORE BE IT ORDAINED**, that the City Council of the City of Petersburg adopts this ordinance and approves the proposed subrecipients of CDBG funding.

**AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A STAND-ALONE VEHICLE REPAIR BUSINESS AT 3022-A SOUTH CRATER ROAD, PARCEL NUMBER 081040807 IN A B-2, GENERAL COMMERCIAL ZONING DISTRICT**

**WHEREAS**, the City of Petersburg received a petition from Jamie Holman of JCS Auto Center requesting that a special use permit be issued for a stand-alone vehicle repair business, subject to certain terms and conditions; be located at 3022-A South Crater Road, Parcel Number 081040807; and

**WHEREAS**, under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (23) the use of a parcel in the B-2 district for Stand-Alone Vehicle Repair is permitted by Special Use as decided by council; and

**WHEREAS** the parcel is zoned B-2, General Commercial; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition; and

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition from Jamie Holman of JCS Auto Center requesting that a special use permit be issued for a stand-alone vehicle repair business located at 3022-A South Crater Road, Parcel Number 081040807, subject to the below terms and conditions:

1. The petitioner will provide off-street parking spaces for customers and employees. The spaces will remain marked and clearly identified on the lot.
2. The petitioner shall utilize the existing freestanding sign structure for his roadway signage. Additional signage is permitted on the building; subject to compliance with the sign regulations and approval by the Zoning Administrator.
3. Any vehicle not capable of operation or which does not bear a current Virginia inspection sticker, shall be kept within the enclosed building. Only vehicles that are being picked up by a customer may be stored on the lot.
4. No inoperable vehicles may be retained on the subject property unless work to repair such vehicle is in progress. Use of this property for storing inoperable vehicles is prohibited.
5. In no case shall the business be operated as a scrap or junkyard. No outside storage, to include but not limited to, vehicle components, metal scrap, plastic materials, glass, used or waste tires, is permitted.
6. Collection and deposition of engine fluids must be done in accordance with local, state, and federal standards, regulations, or laws.
7. Any site lighting shall be directed downward and inward.
8. No additional fencing is permitted.

9. This Special Use Permit is not transferable.

10. Violation of the conditions attached to this special use permit will cause revocation of the business license and the special use permit.

**AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A CHILDCARE CENTER OPERATING AT 2568 NORTH STEDMAN DRIVE, PARCEL NUMBER 039010012, WITHIN A R-1, SINGLE FAMILY RESIDENCE DISTRICT**

**WHEREAS**, the City of Petersburg received an application requesting that a special use permit be issued for a childcare center, subject to certain terms and conditions; be located at 2568 North Stedman Drive, Parcel Number 039010012; and

**WHEREAS**, under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (12) use of a parcel in the R-1 district for a Childcare Center is permitted by Special Use as decided by Council; and

**WHEREAS**, the parcel is zoned R-1, Single Family Residence District; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted in favor of approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the petition requesting a special use permit be issued for a childcare center located at 2568 North Stedman Drive, Parcel Number 039010012, subject to the following conditions:

1. The Special Use Permit shall be granted to the applicant, Ms. Jones only, at 2568 N. Stedman Drive only, and shall terminate upon vacation of the property, and shall not run with the land.
2. The most restrictive number of children shall be permitted as determined by either the Department of Social Services or the Statewide Building Code (Code Compliance).
3. The applicant shall obtain and maintain a child care license from the Virginia Department of Social Services, and shall notify the Department of Planning and Community Development of any changes in licensing. The applicant shall provide a copy of such licenses to the Department of Planning and Community Development. The Special Use Permit shall terminate if the required state license is allowed to lapse or is revoked by the State.
4. A sign no larger than thirty-two (32) square feet shall be permitted on the premises with sign permit approval.
5. The applicant shall provide fencing at least four (4) feet in height for outdoor recreation.
6. The applicant shall keep grass on the subject property cut and maintained at all times.
7. The applicant shall install or maintain working smoke detectors in all rooms used by children in her care.
8. The applicant will adhere to limitations placed on the care of children of specific ages by a specific number of care-givers, in accordance with State child-care regulations.
9. Prior to the issuance of a business license or the required permit to open, all conditions must be met.

10. This permit shall be subject to revocation, if the applicant fails at any time to comply with the established conditions and any other applicable regulations.

**AN ORDINANCE TO APPROVE A REZONING TO ACCOMMODATE RESIDENTIAL USE AT 217-221 NORTH SOUTH STREET, PARCEL NUMBER 023020800, FROM M-1, LIGHT INDUSTRIAL, TO PUD, PLANNED UNIT DEVELOPMENT**

**WHEREAS**, the City of Petersburg received a petition to rezone the area of 217-221 North South Street from M-1 "LIGHT INDUSTRIAL" to PUD "PLANNED UNIT DEVELOPMENT" with conditions; in order to convert a former gun shop into two, market rate residential units; and

**WHEREAS**, under Article 26 of the Zoning Ordinance, Section 2. Conditions as part of rezoning or amendment to zoning map; Any applicant may proffer in writing any reasonable conditions, prior to a public hearing before the city council, in addition to the regulations provided for within the rezoning district by this chapter, as part of a rezoning or amendment to the zoning map; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws.

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted to recommend approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the to rezone the area from M-1 "LIGHT INDUSTRIAL" to PUD "PLANNED UNIT DEVELOPMENT" at of 217-221 North South Street Parcel Number 023020800, subject to the conditions listed below:

- 1) The applicant is required to see that 217 N. South Street is developed into two market-rate residential units, as well as 221 N. South Street be renovated for offices. 219 N. South St. is without plan at time of application.
- 2) The 10-acre waiver be granted, as PUD has a 10-acre site requirement unless waived.

**AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR THE STORAGE OF MORE THAN 200 TIRES AT 756 SOUTH WEST STREET, PARCEL NUMBER 030080001, IN A M-1, LIGHT INDUSTRIAL, DISTRICT**

**WHEREAS**, the City of Petersburg received an application requesting that a special use permit be issued for a tire storage and distribution center, subject to certain terms and conditions; be located at 756 S. West Street, Parcel Number 030080001; and

**WHEREAS**, under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (14), a special use permit is required for the storage of more than 200 tires in the M-1 and M-2 Districts only; and

**WHEREAS**, the total number of tires stored at this site exceeds 200; and

**WHEREAS**, the parcel is in M-1, Light Industrial District; and

**WHEREAS**, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held prior to considering approval of this Special Use Permit Petition by the Planning Commission, and subsequently by the City Council, and the public hearings were advertised, in accordance with applicable laws; and

**WHEREAS**, the petition was considered by the Planning Commission, and the Planning Commission voted in favor of approval of the petition.

**NOW THEREFORE BE IT ORDAINED** that City Council of the City of Petersburg does hereby Approve the permit for a tire storage and distribution center located at 756 S. West Street, Parcel Number 030080001, subject to the conditions listed below:

- (1) The applicant shall maintain clean sites with no tires being stored outside of an enclosed building at the current locations at 10 E Wythe Street and 1955 Puddledock Road as well as no outside storage of tires at the proposed warehouse location of 756 S West Street.
- (2) The permit shall be granted to the applicant, Mr. Clyde Johnson, but the approval does not run with the land.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 7, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Tangi Hill

**RE:** **Partnership for Petersburg Fund Presentation - Page 157-158**

**PURPOSE:** Kevin Foster, Executive Director of the John Randolph Foundation, will present to the Council information regarding a Partnership for Petersburg Fund. This item will be considered for the Council's action at the May 21, 2024 meeting.

**REASON:** Provide a presentation regarding a Partnership for Petersburg Fund.

**RECOMMENDATION:**

**BACKGROUND:** The John Randolph Foundation partners with donors and organizations in the Tri-Cities area of Virginia to support healthy communities and bright futures. It was established in 1991 as a supporting organization to the John Randolph Medical Center. In 1995, the Medical Center was sold, and the Foundation became a separate, nonprofit organization. The proceeds from the sale were given to the Foundation to establish an endowment, the Health Legacy Fund, which has grown steadily under their prudent investment policies. Through the generosity of donors, JRF manages 106 charitable funds for a variety of causes and has invested over \$26 million in the community through grants and over \$2.4 million in scholarships since 1995. JRF is one of Virginia's 14 health legacy foundations, and is the only accredited community foundation. The John Randolph Foundation is a 501(c)3 nonprofit.

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 5/7/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:** None



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 7, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** John M. Altman Jr., City Manager

**FROM:** Leon Glaster, Interim CFO/ Director of Finance

**RE:** **Finance & Budget Report: Budget to Actuals**

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**PURPOSE:** Review April YTD Budget to Actuals for the City of Petersburg

**REASON:** Review April YTD Budget to Actuals for the City of Petersburg

**RECOMMENDATION:** N/A

**BACKGROUND:** Monthly budget to actual reports are being completed by the finance department.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 5/7/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** N/A

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:** April Budget to Actual Report

**STAFF:**

# April YTD Budget to Actuals

FY2024-25



# General Fund Revenue

General Fund Revenues	2023-2024 Amended	2023-2024 YTD	% Received
General Property Taxes	40,440,253	29,626,111	73%
Other Local Taxes	16,661,901	13,916,319	84%
Permits, Fees & Licenses	369,490	533,327	144%
Fines & Forfeitures	522,500	541,888	104%
Revenue From Use of Money/Property	81,000	55,865	69%
Charges For Services	3,112,450	2,881,394	93%
Miscellaneous Revenue	1,455,500	1,577,312	108%
Recovered Costs	36,500	35,942	98%
Revenue From the Commonwealth	16,820,807	7,157,225	43%
Revenue From the Federal Government	8,203,416	1,335,916	16%
Non-Revenue Receipts	380,000	221,096	58%
<b>TOTAL</b>	<b>88,083,817</b>	<b>57,882,396</b>	<b>66%</b>



# General Fund

DEPARTMENT	BUDGET	YTD THRU 4.30.24	REMAINING BALANCE	% EXPENDED
CITY COUNCIL	329,992	274,994	54,998	83.33%
CITY MANAGER	799,250	688,565	110,685	86.15%
CITY ATTORNEY	460,916	270,190	190,726	58.62%
HUMAN RESOURCES	899,178	753,290	145,888	83.78%
COMMISSIONER OF THE REVENUE	454,199	346,520	107,679	76.29%
CITY ASSESSOR	588,365	486,691	101,674	82.72%
CITY TREASURER	248,514	185,464	63,050	74.63%
FINANCE	772,630	586,007	186,623	75.85%
BILLING & COLLECTIONS	500,753	570,824	-70,071	113.99%
INFORMATION TECHNOLOGY	1,168,327	897,403	270,924	76.81%
PROCUREMENT	339,230	212,795	126,435	62.73%
REGISTRAR	550,738	507,997	42,741	92.24%
CIRCUIT COURT JUDGES & ADMIN	91,510	74,881	16,629	81.83%
GENERAL DISTRICT COURT	52,500	27,391	25,109	52.17%
MAGISTRATES	25,000	24,499	2,801	98.00%
JUVENILE & DOMESTIC RELATIONS	8,750	2,268	6,482	25.92%
CLERK OF CIRCUIT COURT	841,894	628,403	213,491	74.64%
SHERIFF	1,915,903	1,629,446	286,457	85.05%
COMMONWEALTH ATTORNEY	1,627,090	1,232,156	394,934	75.73%
VICTIM WITNESS	26,286	12,882	13,404	49.01%
POLICE	9,547,042	8,185,136	1,361,906	85.73%
911 EMERGENCY COMMUNICATIONS	1,441,878	987,170	454,709	68.46%
FIRE	7,905,650	6,187,681	1,717,969	78.27%



# General Fund

DEPARTMENT	BUDGET	YTD THRU 4.30.24	REMAINING BALANCE	% EXPENDED
REGIONAL JAIL	3,000,000	2,453,622	546,379	81.79%
11 <sup>TH</sup> DISTRICT COURT	104,583	86,633	17,950	82.84%
VJCCCA	218,383	141,617	76,766	64.85%
CODE ENFORCEMENT	977,695	538,049	439,646	55.03%
ANIMAL CONTROL	325,338	189,362	135,976	52.17%
ENGINEERING	463,308	316,061	147,250	68.22%
REFUSE COLLECTION	1,700,000	1,913,673	(213,673)	112.57%
GROUNDS	1,362,750	992,851	369,898	72.86%
FACILITIES MANAGEMENT	3,040,292	2,419,278	621,014	70.65%
COMMUNITY POLICING OUTREACH	127,131	54,799	72,332	43.10%
SOCIAL SERVICES	10,555,957	7,720,951	2,835,006	62.02%
CHILDRENS SERVICES ACT	4,303,460	3,850,502	452,958	89.47%
TRANSFER TO SCHOOLS	12,361,478	10,301,231	2,060,247	83.33%
RECREATION & LEISURE	854,053	781,423	72,630	91.50%
CEMETARIES	48,047	33,692	14,355	63.54%
GOVERNMENT RELATIONS	938,851	509,666	429,185	40.86%
PUBLIC LIBRARY	1,585,286	1,068,620	516,666	67.41%
PLANNING	1,069,577	455,349	614,228	42.57%
ECONOMIC DEVELOPMENT	504,271	308,195	196,076	61.12%
NON-DEPARTMENTAL	8,259,966	5,381,178	2,878,788	65.15%
DEBT SERVICE	3,402,126	2,668,435	733,691	78.42%
TRANSFERS	2,541,226	2,218,607	322,619	87.30%
<b>TOTALS</b>	<b>88,339,372</b>	<b>69,176,444</b>	<b>19,165,231</b>	<b>78.31%</b>



# Grants Fund

DEPARTMENT	BUDGET	YTD THRU 4.30.24	REMAINING BALANCE	% EXPENDED
Victim Witness	273,530	239,361	34,169	87.51%
Community Corrections	527,846	380,315	147,531	72.05%
<b>TOTALS</b>	<b>801,376</b>	<b>619,676</b>	<b>181,700</b>	<b>77%</b>



# Streets Fund

	BUDGET	YTD THRU 4.30.24	REMAINING BALANCE	% EXPENDED
Streets Operations	7,822,875	5,227,138	2,595,737	66.82%

	REVENUE PROJECTION	REVENUE RECEIVED THRU 4.30.24	% RECEIVED
STATE REVENUE	6,756,606	7,826,492	116%



# Utilities Fund

DEPARTMENT	BUDGET	YTD THRU 4.30.24	REMAINING BALANCE	% EXPENDED
WASTEWATER	7,970,591	6,469,938	1,500,653	81.17%
WATER	6,960,409	4,212,421	2,747,989	60.52%
<b>TOTALS</b>	<b>14,931,000</b>	<b>10,682,358</b>	<b>4,248,642</b>	<b>71.54%</b>

	REVENUE PROJECTION	REVENUE RECEIVED THRU 4.30.24	% RECEIVED
UTILITIES REVENUE	15,000,000	13,976,813	93%



# Stormwater Fund

DEPARTMENT	BUDGET	YTD THRU 4.30.24	REMAINING BALANCE	% EXPENDED
STORMWATER	1,322,153	378,182	943,974	28.60%

	REVENUE PROJECTION	REVENUE RECEIVED THRU 4.30.24	% RECEIVED
STORMWATER REVENUE	1,322,156	1,083,952	82%



# Dogwood Trace Fund

DEPARTMENT	BUDGET	YTD THRU 4.30.24	REMAINING BALANCE	% EXPENDED
GOLF COURSE	1,104,550	1,099,271	5,279	99.52%

	REVENUE PROJECTION	REVENUE RECEIVED THRU 4.30.24	% RECEIVED
GOLF COURSE REVENUE	1,355,366	1,130,966	83%



# Mass Transit Fund

DEPARTMENT	BUDGET	YTD THRU 4.30.24	REMAINING BALANCE	% EXPENDED
Para-Transit	226,049	202,140	23,909	89.42%
State Projects	1,667,392	141,370	1,526,022	8.48%
Administration	3,541,795	2,472,153	1,071,138	69.80%
Greyhound Service	10,000	-	10,000	0%
Maintenance	1,027,031	824,684	202,347	80.30%
<b>TOTALS</b>	<b>6,472,267</b>	<b>3,640,348</b>	<b>2,833,415</b>	<b>56.25%</b>

	REVENUE PROJECTION	REVENUE RECEIVED THRU 4.30.24	% RECEIVED
MASS TRANSIT REVENUE	6,472,267	2,100,837	32%



# April YTD Budget to Actuals

FY2024-25





**City of Petersburg Public Utilities**  
 PO Box 1271  
 Petersburg, VA 23804

**Forwarding Service Requested**

Account Information	
Customer Number:	7717XXX
Service Number:	5040XXX
Bill Date:	04/16/2024
Due Date:	05/06/2024
Service Address:	333 PETERSBURG AVE

Special Message

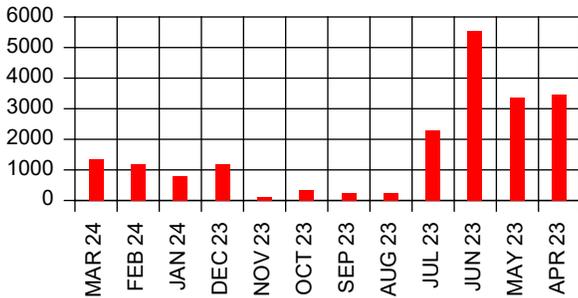


TEST ACCOUNT  
 333 PETERSBURG AVE  
 PETERSBURG VA 238052028

SEE BACK OF BILL FOR INQUIRIES AND PAYMENT OPTIONS

SERVICE TYPE	SERVICE DATES	CURRENT READ	PREVIOUS READ	USAGE	CHARGE
WATER	02/20/2024 - 03/22/2024	375450	374250	1200	11.00
TAXES	03/01/2024 - 03/31/2024				2.20
SEWER	02/20/2024 - 03/22/2024	375450	374250	1200	24.90
STORMWATER	02/20/2024 - 03/22/2024				3.75
REFUSE	02/20/2024 - 03/22/2024				20.00

**Water Usage History (in gallons)**



**Account Activity**

Previous Balance:	62.31
Penalties:	0.00
Payments / Credits:	-62.31

Past Due Balance(s) Subject to Disconnection. See Back for Details

CURRENT CHARGES	OVER 30	OVER 60	OVER 90	TOTAL DUE
61.85	0.00	0.00	0.00	61.85

FAILURE TO RECEIVE BILL DOES NOT EXEMPT THE ACCOUNT FROM PENALTY  
 PLEASE RETURN THIS STUB WITH YOUR PAYMENT

Customer No.	7717XXX
Service At	333 PETERSBURG AVE
Billing Date	04/16/2024

Due Date*	05/06/2024
Amount Due	61.85
Amount Enclosed	

\*10% Penalty will be added 11 days after Due Date

Please Make Check Payable to:

**CITY OF PETERSBURG**  
**PO BOX 1271**  
**PETERSBURG, VA 23804**

TEST ACCOUNT  
 333PETERSBURG AVE  
 PETERSBURG VA 23805



**City of Petersburg Department of Public Utilities**

PO Box 1271

Petersburg, VA 23804

Monday - Friday 8:00am to 5:00pm

<p align="center"><b>INQUIRIES</b></p> <p>UtilityBilling@petersburg-va.org                  During Business Hours 804-733-2349                  Emergency, After Hours, &amp; Holidays 804-732-4222</p>	<p align="center"><b>DISCONNECTIONS, FEES, AND OTHER CHARGES</b></p> <p>Disconnect/Restore Service - As outlined in section 112-59 of the Code of City of Petersburg, "If the bill for water/sewer shall remain unpaid for 20 days after becoming delinquent and written notice has been sent by first class mail or by means of a door-hanger, the water/ sewer supply to the premises shall be discontinued and shall not be restored until the delinquent account, plus a charge as set forth in the Schedule (\$50), for reconnecting the service has been paid in full to the Treasurer". In addition, if a current Utility Application is not on file, a new application will be required.</p> <p>Penalties - A penalty of 10% will be applied to outstanding balance(s) on the 11th calendar day after the due date.</p>
<p align="center"><b>RATES AND REGULATIONS</b></p> <p>Utility rate schedules and regulations are on file at the Department of Public Utilities. You may also find the rate schedule on <a href="http://www.petersburg-va.org/DocumentCenter/View/6421/">http://www.petersburg-va.org/DocumentCenter/View/6421/</a></p> <p><b>Rates Effective: July 1, 2019</b></p>	

**What should I do if sewage backs up into my home?** If you suspect a stoppage do not run any water down the drains and quickly close all drain openings with stoppers or plugs. Call the City of Petersburg Utilities Department at 804-733-2355. If the blockage is in the Cities sewer lines, and the City is not given the initial opportunity to clear the lines, the City is not responsible for reimbursement of plumbing services.

**Payment Options:**

<b>IN PERSON</b>	City of Petersburg 144 N Sycamore St, Petersburg VA 23803. We accept check, cash, money order or Credit Cards. Payment may be made Monday - Friday 8:00am to 5:00pm.
<b>MAIL</b>	Make check or money order payable to: City of Petersburg Mail to: PO Box 1271 Petersburg, VA 23804
<b>DROP BOX</b>	A drop off box is located at City of Petersburg 144 N Sycamore St, Petersburg VA 23803.
<b>CREDIT CARD</b>	Pay by Mastercard, Visa, or Discover - Credit card services are provided by PayPal Corporation for a convenience fee of 3% of the total bill. Customer credit card information is not retained by City of Petersburg. The convenience fee will be added to your payment.
	CREDIT CARD PAYMENTS ONLINE: Go to - <a href="https://www.petersburg-va.com">https://www.petersburg-va.com</a>

**DON'T BE THE LAST TO KNOW. SIGN UP FOR ALERTS!**

The Alert system is an up to the minute way of being notified of important information within the City. Our Alert website is immediately updated when there is an emergency in the City and we would encourage you to take a moment and sign up today. When you choose to sign up for Utility Alerts you will be advised, via your choice of text or email, of water leaks, line work and any other maintenance and/or repair activity that may affect your location. In addition to Utilities, you may also select other City departments that could influence your daily activities.

Please visit <https://public.alertsense.com/SignUp/?regionid=2089> and link to the Alert program today!



**City of Petersburg  
Outsource  
Printing and Mailing**

**divco**data  TM

**Diversified Companies, LLC**  
PROCESS ■ PRINT ■ MAIL

# Key Positives:

- **Cost Savings:** In-house printing requires investment in equipment, maintenance, and staffing. Outsourcing eliminates these fixed costs, replacing them with a variable cost based on our printing volume. Print service providers also leverage economies of scale to get better deals on paper and postage, passing those savings on to us.
- **Efficiency and Expertise:** Managing an in-house print operation can be time-consuming. Print service providers have the expertise and technology to handle high-volume printing efficiently and accurately. This frees up our staff to focus on core business activities.
- **Added Value:** Outsourcing allows us to update our printing and mailing needs. New bills will be in standard envelopes with a return envelope included.

- **Technology and Compliance:** Print service providers invest in the latest technologies, ensuring high-quality service. We will have the ability to eBill those citizens that are interested. They also stay up to date on postal regulations, maximizing postage savings and ensuring compliance.
- **New information/options:** The new bill will include:
  - Last payment amount
  - 12-month usage chart
  - 30-60-90 ageing table
- **Overall, outsourcing our print and mail services can streamline our operations, save us money, and allow us to focus on what we do best – running the city.**

# Example:



**City of Petersburg Public Utilities**  
 PO Box 1271  
 Petersburg, VA 23804

Forwarding Service Requested

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Special Message

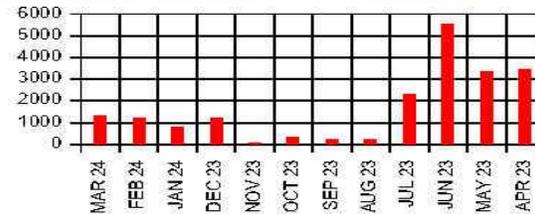


TEST ACCOUNT  
 333 PETERSBURG AVE  
 PETERSBURG VA 238052028

SEE BACK OF BILL FOR INQUIRIES AND PAYMENT OPTIONS

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SEWER	02/20/2024 - 03/22/2024	375450	374250	1200	24.90
STORMWATER	02/20/2024 - 03/22/2024				3.75
REFUSE	02/20/2024 - 03/22/2024				20.00

**Water Usage History (in gallons)**



Account Activity	
Previous Balance:	62.31
Penalties:	0.00
Payments / Credits:	-62.31

Past Due Balance(s) Subject to Disconnection. See Back for Details

CURRENT CHARGES	OVER 30	OVER 60	OVER 90	TOTAL DUE
61.85	0.00	0.00	0.00	61.85

FAILURE TO RECEIVE BILL DOES NOT EXEMPT THE ACCOUNT FROM PENALTY  
 PLEASE RETURN THIS STUB WITH YOUR PAYMENT

Customer No.	7717XXX
Service At	333 PETERSBURG AVE
Billing Date	04/16/2024

Due Date*	05/06/2024
Amount Due	61.85
Amount Enclosed	

\*10% Penalty will be added 11 days after Due Date

Please Make Check Payable to:

**CITY OF PETERSBURG**  
**PO BOX 1271**  
**PETERSBURG, VA 23804**



TEST ACCOUNT  
 333 PETERSBURG AVE  
 PETERSBURG VA 23805