City of Petersburg
Virginia

www.petersburgva.gov

Special City Council Work Session Meeting

April 6, 2021
Virtual Meeting
12:00 PM

City Council

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

Interim City Manager
Kenneth Miller

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1. **Roll Call**
2. **Prayer**
3. **Pledge of Allegiance**
4. **Determination of the Presence of a Quorum**
5. **Approval of Consent Agenda (to include minutes of previous meeting**
   a. A request to schedule a Public Hearing and Consideration of a Supplemental Appropriation for Petersburg Public Schools in the amount of $2,514,841 (1st reading).
   b. First Reading for Consideration of an Appropriation for Federal Grant 2019-014 for Transit Operating Budget for $186,023
   c. First Reading for Consideration of an Appropriation for Federal Grant 201-014 for Transit Preventative Maintenance Budget for $256,000.
   d. Consideration of an Appropriation for an additional $14,703 for FY 2021 state aid to Petersburg Public Library. (1st Reading)
   e. To schedule a public hearing on an ordinance to amend and re-adopt Chapter 2 Sections 2-1 through 2-571 of the Petersburg City Code in furtherance of the City's Comprehensive Code update.
   f. Schedule a public hearing on an ordinance to request that the General Assembly approve amendment of Section 2-7 of the City Charter pertaining to Council Salaries.
   g. ABC Application for The Tipsy Sommelier LLC
   h. ABC Application for Essential Market, LLC
   i. ABC Application for Local Vibe Cafe LLC
   j. City Council Minutes - February 16, 2021 Special Regular City Council Minutes; March 2, 2021 Closed Session Minutes; March 2, 2021 Work Session Minutes; March 16, 2021 Closed Session; March 16, 2021 Special Regular City Council Minutes and March 23, 2021 Special Regular City Council Minutes.
6. **Special Reports**

a. CARES Act Update
b. Presentation on Bond Rating & Fund Balance-Davenport & Company
c. Personal Property Tax Motor Vehicle Exemption- Disabled Veterans
d. Presentation and Update on District 19 Community Services Board
e. Petersburg Area Transit Operational and Financial Overview
f. ERP Update
g. Update: Special Events, Recreation and Volunteerism
h. Presentation regarding the development project at 712-714 High Street.

7. Monthly Reports

a. Legislative Update- General Assembly Regular and Special Session I 2021
b. COVID 19 UPDATE

8. Finance and Budget Report

a. Presentation of the FY2021-22 Proposed Operating Budget.

9. Capital Projects Update

10. Utilities

a. Utility Relief Assistance Program Update

11. Streets

12. Facilities

13. Economic Development

14. City Manager's Agenda

a. City Managers Report

15. Business or Reports from the Clerk

16. Business or reports from the City Attorney

17. Public Comments

18. Adjournment

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Marie Pitre-Martin

RE: **A request to schedule a Public Hearing and Consideration of a Supplemental Appropriation for Petersburg Public Schools in the amount of $2,514,841 (1st reading).**

PURPOSE:

To have City Council approve supplemental appropriation #2 for Petersburg Public Schools for the current fiscal year.

REASON:

Petersburg City Public Schools received additional Federal CARES funding in the amount of $1,354,321 plus an additional transfer from the City's CARES funding in the amount of $522,495. Local funds were also received to feed students over winter break, a data analyst position, and air purifiers. Lastly state grants were received to assist Special Ed teachers with tuition reimbursement and other state funds for positive behavior as well as increases in grant awards Federal Perkins grant, McKinney-Vento, & Title I. The total of all of these equal this appropriation total of $2,514,841 (see school attachment attached).

RECOMMENDATION:

Recommend that City Council approve Petersburg's Public Schools supplemental appropriation #2 for Petersburg Public Schools in the amount of $2,514,841.

BACKGROUND:

Once we determined the amounts that would need to be carried over in our grants, and as we received grant awards for the exact totals, the School Board approved those amendments to the FY2021 appropriation. Petersburg City Council formally approves and appropriates these budget amendments in accordance with State Code when we receive additional funds.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 4/6/2021

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Petersburg Public Schools

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. PPS Supplemental Appropriation #2 Detail
2. PPS Supplemental Appropriation #2 Letter
3. Petersburg Public School Appropriation #2 FY2020-21

Petersburg City Public Schools FY2020-FY2021

REVENUES: Operating Fund

	FY20 Adopted	October Adjusments	February Adjustments	FY21 Revised	Use of Funds
LOCAL	104,700	-	40,000	144,700	City Contribution for feeding the students of Petersburg over the winter break
RECOVERED COSTS	274,000	-	-	274,000	
STATE REVENUE	29,911,571	-	36,000	29,947,571	Journey into Teaching Grant for Tuition Reimbursement for SPED Teachers
STATE SALES TAX	4,971,203	-	-	4,971,203	
FEDERAL	47,000	-	-	47,000	
CITY TRANSFER	10,000,000	-	522,495	10,522,495	City CARES Funding for New Bus, Building Renovations
Total Funds for Operating Fund	**45,308,474**	**-**	**598,495**	**45,906,969**	

REVENUES: School Food Service Fund

	FY20 Adopted	October Adjusments	February Adjustments	FY21 Revised
LOCAL	171,771	39,375	-	211,146
STATE REVENUE	72,179	-	-	72,179
FEDERAL	2,749,150	-	-	2,749,150
Total Funds for School Food Service Fund	**2,993,100**	**39,375**	**-**	**3,032,475**

REVENUES: School Grants Fund

	FY20 Adopted	October Adjusments	February Adjustments	FY21 Revised	
LOCAL	77,843	533,090	357,634	968,567	$ 75,000 Community Impact Grant for Data Analyst Position $ 83,000 Cameron Foundation for Diploma Plus Program and Air Purifiers $ 199,634 Claude Moore Carry Forward from FY20 $ 357,634
STATE REVENUE	2,005,375	1,244,040	22,547	3,271,962	$ 11,371.20 Increase in Security Grant $ (15,774.00) State Technology Grant C/O reduction $ 25,000.00 Positive Behavior State Grant $ 1,950.00 Principal's Leadership Training $ 22,547
FEDERAL	6,425,700	5,580,676	1,536,164	13,542,541	$ 7,050 Federal Perkins Carryforward from FY20 $ 7,000 Additional McKinney-Vento funds $ 11,958 CARES SPED Grant $ 658,088 CARES CoronaVirus Grant $ 77,891 CARES School Nutrition $ 606,384 CARES Technology $ 10,905 Additional Perkins Funds $ 50,166 Additional Title I funds $ 106,721 Nation School Lunch Program Equipment $ 1,536,164
Total Funds for School Grant Fund	**8,508,918**	**7,357,806**	**1,916,346**	**17,783,070**	
Total PCPS Revenues	**56,810,492**	**7,397,181**	**2,514,841**	**66,722,514**	

Petersburg City Public Schools
Maria Pitre-Martin, Ph.D., Superintendent

TO: Mr. Samuel Parham, Mayor and Members of City Council

THROUGH: Ms. Aretha R. Ferrell-Benavides, City Manager

FROM: Dr. Maria Pitre-Martin, Superintendent

DATE: January 28, 2021

SUBJECT: FY2021 Budget Supplemental Appropriation #2

When the fiscal year 2020-2021 budget was developed by Petersburg City Public Schools, the financial plan totaled $56,810,492. Because the exact amounts of grants are unknown at the time of budget development, we occasionally need to process budget supplements to increase the School Board's FY2021 appropriation.

We requested an appropriation increase of $7,397,181.28 in October. This amount included carry over grants from FY2020 and new grants for FY2021, as well as grant award changes for FY2021.

We have received additional funds since the first request, and need to ask for an additional appropriation of $2,514,841. A chart is attached to show more detailed information regarding this request. The majority of the requested increase is due to additional Federal CARES funding in the amount of $1,354,321, and an additional transfer from the City's CARES funding in the amount of $522,495. In addition, we have received local funds for feeding our students over the winter break, funds for a data analyst position, and air purifiers. We have been awarded a state grant to assist our Special Ed teachers with tuition reimbursement, and other state funds for security and positive behavior. We also had increases in the grant awards for our Federal Perkins grant, McKinney-Vento, and Title I.

This additional appropriation will make our FY2021 Appropriation total **$66,722,514.**

It is the request of the Superintendent and School Board that City Council approve and appropriate additional revenue in the amount of $2,514,841 as presented for fiscal year 2020-2021.

Business and Finance Department
255 E. South Blvd., Petersburg, VA 23805
804-732-0510

AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021 FOR PETERSBURG PUBLIC SCHOOLS.

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

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

Previously adopted	**$64,207,673**
ADD: Federal CARES funding	
ADD: City of Petersburg CARES transfer	
ADD: State Grants	
ADD: Local Grants	
ADD: Amendments to existing grants and new grants	
	2,514,841
Total Expenses	**$66,722,514**

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

Previously adopted	**$64,207,673**
ADD: Petersburg Public Schools	**2,514,841**
Total Expenses	**$66,722,514**

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Lionel Lyons, Deputy City Manager of Development and Operations

FROM: Charles Koonce

RE: **First Reading for Consideration of an Appropriation for Federal Grant 2019-014 for Transit Operating Budget for $186,023**

PURPOSE: To provide City Council with a first reading on an appropriation

REASON: Appropriations must have two readings.

RECOMMENDATION: Recommend City Council Approve the attached appropriation for $186,023 after the 2nd reading.

BACKGROUND: Petersburg Area Transit is seeking permission to utilize this older operating grant. These funds were applied for in 2019 and were not fully expended. This grant requires a match. The funding for the match was appropriated in the FY 21 budget. The appropriation of this grant does not not affect the City's General Fund allocation to PAT.

COST TO CITY: $183,023

BUDGETED ITEM: YES, match currently budgeted

REVENUE TO CITY: $186,023

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Federal Transportation Administration

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: FY 21 Budget Appropriation

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Appropriation Ord VA-2019-014-OP

AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021 IN THE MASS TRANSIT FUND

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

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

Previously adopted	**$**6,094,403
ADD: VA-2019-014 - 3-575-33010-624	**$186,023**
Total Expenses	**$6,280,426**

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

Previously Adopted	**$**6,094,403
ADD: Repairs – Vehicles 4-575-84100-6014	**$186,023**
Total Resources	**$**6,280,426

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Lionel Lyons, Deputy City Manager of Development and Operations

FROM: Charles Koonce

RE: **First Reading for Consideration of an Appropriation for Federal Grant 201-014 for Transit Preventative Maintenance Budget for $256,000.**

PURPOSE: Two readings are required prior to the approval of an appropriation

REASON: First reading for the approval of an appropriation.

RECOMMENDATION: Recommend City Council approve the attached appropriation for $256,000 after the second reading.

BACKGROUND: Petersburg Area Transit is seeking permission to utilize this older operating grant. These funds were applied for in 2019 and were not fully expended. This grant requires a 20% match. The funding for the match was appropriated in the FY 21 budget. The appropriation of this grant does not not affect the City's General Fund allocation to PAT.

COST TO CITY: $64,000

BUDGETED ITEM: Yes, match is budgeted

REVENUE TO CITY: $256,000

CITY COUNCIL HEARING DATE: 4/6/2021

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Federal Transportation Administration

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: FY 21 Budget Appropriation

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Appropriation Ord VA-2019-PM

AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021 IN THE MASS TRANSIT FUND

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

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

Previously adopted	**$**6,094,403
ADD: VA-2019-014 -PM- 3-575-33010-625	**$256,000**
Total Expenses	**$**6,350,403

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

Previously Adopted	**$**6,094,403
ADD: Repairs – Vehicles 4-575-84230-3310	**$256,000**
Total Resources	**$**6,350,403

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Randall Williams

RE: **Consideration of an Appropriation for an additional $14,703 for FY 2021 state aid to Petersburg Public Library. (1st Reading)**

PURPOSE: To increase Petersburg Public Library's state aid to from $156,433.00 to $171,136.00 as approved by the Virginia General Assembly. The FY 2020-2021 approved and adopted state aid in the budget was $156,433.00

REASON: The Virginia General Assembly approved an additional $1,000,000 of state aid for Virginia Public Libraries. The revised FY 2021 state aid total for the Petersburg Public Library is $171,136.00.

RECOMMENDATION: Recommend that City Council approve the increase of state aid in the amount of $14,703.00 to the Petersburg Public Library.

BACKGROUND: The Virginia General Assembly approved an additional $1,000,000 of state aid for Virginia Public Libraries. The revised FY 2021 state aid total for the Petersburg Public Library is $171,136.00.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Yes

CITY COUNCIL HEARING DATE: 4/6/2021

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Petersburg Public Library

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. State Aid Ordinance
2. Library of Virginia

AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020 & ENDING ON JUNE 30, 2021 IN THE GENERAL FUND

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

I. That appropriations for the fiscal year commencing July 1, 2020, and ending June 30, 2021, are made from the following resources and revenues anticipated for the fiscal year

Revenue:

Previously Appropriated	$156,433.00
Increase Library of VA (received after FY21 budget adoption) Account Code 003-100-024040-0009	5,218.00
Additional Library of VA increase (received 12/28/2020) Account Code 003-100-024040-0009	9,485.00
Total Revenue	**$171,136.00**

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

Expenditures:

Previously Appropriated	$156,433.00
Increase Library of VA (received after FY21 budget adoption) Account Code 004-100-73100-3190	5,218.00
Additional Library of VA increase (received 12/28/2020) Account Code 004-100-73100-3190	9,485.00
Total Expenditures	**$171,136.00**

LIBRARY OF VIRGINIA

Sandra Gioia Treadway
Librarian of Virginia

December 28, 2020

To: Public Library Directors

From: Paranita S. Carpenter, VCA
Library Development & Networking Division

RE: Revised State Grant-In-Aid FY2021

We received confirmation that the Virginia General Assembly has approved an additional $1 million for FY2021 state aid for Virginia public libraries. The revised FY2021 state aid total for the Petersburg Public Library is $171,136.00. Please communicate the revised state amount to the appropriate governing bodies, individuals, organizations, and media in your area. The quarterly payment schedule from the Department of Accounts will remain the same:

Month of Payment	EDI Deposit to Locality*	Deadline for Checks to Arrive at Locality**
July 2020	July 10, 2020	July 17, 2020
October 2020	October 9, 2020	October 16, 2020
January 2021	January 9, 2021	January 16, 2021
April 2021	April 9, 2021	April 16, 2021

* *EDI (Electronic Data Interchange) deposits to designated banks.*
*** Paper checks (non-EDI) should be received.*

Anticipating no further changes, these are the quarterly payment amounts for your library or library system:

First Quarter: $40,412.75
Second Quarter: $40,412.75
Third Quarter: $45,155.25
Fourth Quarter: $45,155.25

The deadline for submitting FY2021 budget revisions is April 16, 2021. Please use the second column of your FY2021 approved state aid budgets that was returned to you in October. Revisions can be sent via e-mail or USPS mail.

If you have any question, please feel free to contact either me (paranita.carpenter@lva.virginia.gov, 804-692-3993) or Kim Armentrout (kim.armentrout@lva.virginia.gov).

800 East Broad Street
Richmond, Virginia 23219

www.lva.virginia.gov

804.692.3500 *phone*
804.692.3976 *fax*

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: Anthony Williams

RE: **To schedule a public hearing on an ordinance to amend and re-adopt Chapter 2 Sections 2-1 through 2-571 of the Petersburg City Code in furtherance of the City's Comprehensive Code update.**

PURPOSE:

The City of Petersburg publishes its Code of Ordinances ("City Code") through a company known as "Municode." According to Municode, the last comprehensive review of the City Code was conducted in year 2001.

A number of the provisions of the City Code have been found to be outdated or otherwise contain errors. City Council has requested that the City Attorney conduct a comprehensive review of the City Code in order to update and correct deficiencies in the City Code.

The City Attorney has reviewed Chapter 2 Sections 2-1 through 2-571 of the City Code and recommends that City Council amend and readopt Chapter 2 Sections 2-1 through 2-571 as reflected in (Exhibit A) of the proposed Ordinance.

REASON:

Part of the Comprehensive Code Update as requested by City Council.

RECOMMENDATION: Adopt Ordinance.

BACKGROUND: The City of Petersburg publishes its Code of Ordinances ("City Code") through a company known as "Municode." According to Municode, the last comprehensive review of the City Code was conducted in year 2001.

A number of the provisions of the City Code have been found to be outdated or otherwise contain errors. City Council has requested that the City Attorney conduct a comprehensive review of the City Code in order to update and correct deficiencies in the City Code.

The City Attorney has reviewed Chapter 2 Sections 2-1 through 2-571 of the City Code and recommends that City Council amend and readopt Chapter 2 Sections 2-1 through 2-571 as reflected in (Exhibit A) of the proposed Ordinance.

COST TO CITY: $0

BUDGETED ITEM: N/A

REVENUE TO CITY: UNK

CITY COUNCIL HEARING DATE: 4/20/2021

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: All.

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Amends and readopts Chapter 2 of the City Code.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. ORDINANCE - CHAPTER 2
2. EXHIBIT A

AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 1 SECTIONS 2-1 THROUGH 2-571 OF THE PETERSBURG CITY CODE IN FURTHERANCE OF THE CITY'S COMPREHENSIVE CODE UPDATE

WHEREAS, the City of Petersburg publishes its Code of Ordinances ("City Code") through a company known as "Municode;" and

WHEREAS, according to Municode, the last comprehensive review of the City Code was conducted in year 2001; and

WHEREAS, a number of the provisions of the City Code have been found to be outdated or otherwise contain errors; and

WHEREAS, City Council has requested that the City Attorney conduct a comprehensive review of the City Code in order to update and correct deficiencies in the City Code; and

WHEREAS, the City Attorney has reviewed Chapter 2 Sections 2-1 through 2-571 of the City Code and recommends that City Council amend and readopt Chapter 2 Sections 2-1 through 2-571 as reflected in (**Exhibit A**).

NOW therefore be it ORDAINED that City Council for the City of Petersburg does hereby AMEND and READOPT Chapter 2 Sections 2-1 through 2-571 of the City Code as identified in (**Exhibit A**) and does hereby direct the City Manager and City Attorney to take all necessary action to ensure that said provisions are updated in the City's published City Code through the City's publisher.

EXHIBIT A

Chapter 2 - ADMINISTRATION[1]

Footnotes:

--- (**1**) ---

Charter reference— Vesting of administration and government of city, § 1-3; powers generally, ch. 4.

Cross reference— Any ordinance relative to the retirement system for officers and employees of the city saved from repeal, § 1-7(5); community development, ch. 38; courts, ch. 42; elections, ch. 46; administration and enforcement of floodplain management regulations, § 58-36; human relations, ch. 66; law enforcement, ch. 70; offenses against the administration of justice, § 74-411 et seq.; planning, ch. 82; social services, ch. 90; taxation, ch. 106; administration of real estate taxes for the elderly and disabled, § 106-108; utilities, ch. 114; administrative responsibility for plan of development process, § 122-96 et seq.

State Law reference— The Virginia Freedom of Information Act, Code of Virginia, § 2.1-340 et seq.; State and Local Government Conflict of Interests Act, Code of Virginia, § 2.1-639.1 et seq.; Virginia Public Procurement Act, Code of Virginia, § 11-35 et seq.; counties, cities and towns, Code of Virginia, tit. 15.2; Virginia Public Records Act, Code of Virginia, § 42.1-76 et seq.

ARTICLE I. - IN GENERAL

Sec. 2-1. - City seal.

(a) The corporate seal of the city is as follows: around the margin of the seal a raised circle, 1¾ inches in diameter, containing the words "City of Petersburg, Virginia," with two stars dividing the phrases, and within the circle an eagle bearing a scroll inscribed "E Pluribus Unum."

(b) No other seal shall be used for the city, and no paper issued by municipal authority, which requires the seal of the city, shall be valid, unless the seal prescribed in this section shall be duly affixed thereto.

(c) The clerk of the city council shall be the keeper of the city seal.

(Code 1981, § 2-1; Ord. 12-85, § 1, 12-18-2012)

Sec. 2-2. - Southside Virginia Emergency Crew recognized as part of safety program.

Pursuant to Code of Virginia, § 2.1-133.6, the Southside Virginia Emergency Crew is recognized by the city as the rescue squad, which is an integral part of the official safety program of the city.

(Code 1981, § 2-4)

Sec. 2-3. - Use of courthouse.

The courthouse is hereby set apart for the use of such courts of the state as may hold their sessions in the city, for the offices of the judge of the circuit court and for other city officers, and no part thereof shall be otherwise used except by permission of the city council or the city manager. That part of the building used by the courts shall be under the special charge of the city sheriff.

(Code 1981, § 2-5)

Sec. 2-4. - Reserved.

Sec. 2-5. - Code of ethics for officials and employees of the city.

EXHIBIT A

(a) *Purpose and scope.* In order to best serve the citizens and customers of the City of Petersburg, the elected and appointed officials, and employees of the city must act individually and collectively to create a city government that is responsible, fair, honest and open. City employees and officials are expected to demonstrate the highest standards of personal integrity, honesty and conduct in all activities in order to inspire public confidence and trust in city employees.

Here, the citizens of the city expect and must receive the highest standard of ethics from all those in the public service. City officials and employees must be independent, impartial and responsible in the performance of their duties and accountable to the members of the public.

The purpose of this section is to establish guidelines reflecting expected values and behaviors for use by and applicable to elected and appointed city officials, city officers, including board and commission members and employees. Individuals employed by the city under contractual agreement must also observe the provisions of this policy for the term of their contract or as the contract may stipulate.

(b) *Policy.* Elected and appointed officials and employees of the city at all levels are guardians of the public trust. City officials and employees are required to be impartial and responsible in the fulfillment of their duties. The citizens and customers of the city expect and must receive the highest standard of ethics from all those in public service, regardless of personal consideration.

(1) *Responsibilities of public service.* City officials and employees are obligated to uphold the Constitution of the United States and the Constitution of the Commonwealth of Virginia and to comply with federal, state, and local laws and city policies. Recognizing the special responsibilities of serving the city and its citizens and customers, city officials and employees are required to maintain the highest standards of integrity and honesty, and they are expected to treat all members of the public and fellow city employees with respect, courtesy, concern and responsiveness. The conduct of city officials and employees in both their official and private affairs should be above reproach to assure that their city position is not used for personal gain.

(2) *General rule with respect to conflicts of interest.* City employees and officials are expected to avoid any conflicts of interest. Further, employees should avoid the appearance of conflicts of interest in order to ensure that city decisions are made in an independent and impartial manner.

All city officials, officers and employees are prohibited from making, participation in making, or attempting in any way to use his or her official position to influence a city decision in which the employee knows or has reason to know that he or she, or his or her immediate family member, has a financial interest as defined by law. For example, city employees and officials shall not make personal investments nor maintain any direct or indirect interest in enterprises, activities, or entities which they have or have reason to believe may be involved in decisions or recommendations to be made by them or persons under their supervision, or which may create a conflict between their private interests or may impair their independence of judgment in the accomplishment of their official duties. If persons in the public service have financial interests in matters coming before them, or before the department in which they are employed, they shall remove themselves from making, participating in the making, or seeking to influence any decision regarding such matter.

A conflict of interest may arise when dealing with a current or prospective vendor, supplier, or other business.

(3) *Acceptance of favors, gratuities and gifts.* City employees and officials shall not accept money or other consideration or favors from anyone other than the city for the performance of an act which they would be required or expected to perform in the regular course of their duties; nor shall such persons accept any gifts as defined in the city's gift ordinance, gratuities or favors of any kind which may be perceived or interpreted as an attempt to influence their actions with respect to city business.

(4) *Use of confidential information.* City employees and officials shall not use or disclose confidential information acquired by or available to them in the course of their employment with the city for personal gain or for any reason not related to city business. City employees and officials shall

uphold the public's right to know not only the decisions taken, but also the deliberations which shape public policies. Any employee or official, who is aware of a breach of confidentiality, is expected to bring forth that information to the appropriate officials in a timely manner.

(5) *Use of city employment and facilities for personal gain.* City employees and officials shall not use city time, city funds or city facilities, equipment or supplies for personal use, personal gain or for campaign related political activities, nor shall they use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others.

(6) *Outside employment.* No employee shall engage in any work, employment or occupation outside city employment, which is detrimental to city service, which prevents or impedes the efficient performance of their duties in city employment, or which is in any way in conflict with their employment with the city. No employee shall engage in any work, employment or occupation outside city employment unless they have notified their department via an outside work permit, and the permit has been approved by the department director.

(7) *Discussion of future employment.* All offers or discussions of offers to city employees of future employment outside city service must be reported immediately to the employee's supervisor whenever such discussions occur with, or when such offer is made by, any person, firm or organization presently dealing with the city concerning matters directly within the employee's current areas of decision-making responsibilities. It shall be within the supervisor's discretionary powers to relieve said employee from further decision-making responsibilities in relationship to said person, firm or organization if he or she determines that the offer of employment or discussions of an offer of employment would impair the employee's independence or judgment or could be construed by others as a bid for favorable treatment.

(8) *Employment after leaving a city position.* Former city employees or officials are barred for one year after they leave city employment from personally appearing before any agency of the city in connection with matters that were under their authority during the last two years of their city employment. Similarly, city employees or officials cannot ever be paid to work on some matter for anyone other than the city if that employee or official participated in the matter as a city employee or official.

(9) *Interference with administrative services by members of city council.* No city council member shall interfere with any city administrative service for which the city manager or other appointed city officers are responsible. Except for the purpose of inquiry, the city council member shall deal with such administrative services solely through the city manager. No council member shall give orders to any subordinate of the city manager or other appointed city officer, either publicly or privately. No council member shall attempt to coerce or influence the city manager or other appointed city officers with respect to any particular contract or administrative action. Nothing in this provision shall prohibit a city council member from requesting public information from city employees.

(10) *Reporting of improper activities.* The city has a responsibility to conduct its affairs ethically and in compliance with the law. city employees and persons in city service are expected and encouraged to promptly raise questions and concerns regarding possible violations of city policy or local, state or federal law with his/her immediate supervisor or another management employee within the employee's department.

(11) *Retaliation not tolerated.* It is the policy of the city to prohibit the taking of any adverse employment action against those who in good faith report or participate in investigations into complaints of alleged violations of city policy or local, state or federal law in retaliation for that reporting or participation. No officer or employee of the city shall directly or indirectly use or attempt to use the authority or influence of such officer or employee for the purpose of intimidating, threatening, coercing, directing or influencing any person with the intent of interfering with that person's duty to disclose alleged violation of city policy or local, state or federal law.

(12) *Discrimination and harassment.* City employees and officials shall not, in the performance of their duties, discriminate against any person on the basis of race, color, religion, national origin, ancestry, age, sex, gender, pregnancy, childbirth or related medical condition, sexual orientation,

marital status, disability, medical condition and actual or perceived gender identity and they will reinforce the city's commitment to equal employment opportunity and a work environment free of discrimination and harassment, including sexual harassment.

(c) *Violations of the code of ethics.* In addition to any other penalty as provided by law, employees who violate the code of ethics will be subject to disciplinary action, up to and including termination. The violation of this code of ethics by a city official, elected or appointed, constitutes official misconduct subject to discipline as determined by city council.

(Ord. No. 13-57, 6-18-2013)

Secs. 2-6—2-30. - Reserved.

ARTICLE II. - CITY COUNCIL[2]

Footnotes:

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Charter reference— City council, ch. 2.

Sec. 2-31. - Salaries.

The annual salary of the mayor shall be $8,500.00. The annual salary of each member of the city council shall be $6,500.00.

(Code 1981, § 2-27.1)

State Law reference— Salary of members of city council, Code of Virginia, §§ 15.2-1414.5, 15.2-1414.6.

Secs. 2-32—2-60. - Reserved.

ARTICLE III. - OFFICERS AND EMPLOYEES[3]

Footnotes:

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Charter reference— City officers generally, ch. 3.

Cross reference— Any ordinance relating to salaries, compensation or bonds of city officers and employees or members of city boards or commissions or to compensation or pay plans or classification plans for such officers or employees saved from repeal, § 1-7(4); animal control officer, § 18-3; director of social services, § 90-31 et seq.; collector of city taxes, § 106-31 et seq.

State constitution reference— County and city officers, art. VII, § IV.

DIVISION 1. - GENERALLY

Sec. 2-61. - Official oaths.

Every person elected or appointed to any office in the city, except such as are required to qualify before a court, shall, before he enters upon the duties of his office, take and subscribe the oath prescribed by the laws of the state and such other oaths as may be required by the city council.

(Code 1981, § 2-26)

Charter reference— Oath of members of the city council, § 2-4; oath of city officers generally, § 3-1.

Sec. 2-62. - Bonds.

(a) The bond of every officer or employee required to give a bond shall be with such security as the city council may approve, and shall be conditioned upon the faithful discharge by him of his duties as such officer or employee. It shall be the duty of the city manager to see that the bonds required are given and that such bonds are kept in force.

(b) A blanket bond covering all city officers and employees, with the exception of such officers and employees as may be excepted by resolution of the city council, shall be required, which bond shall be in the penalty of $25,000.00 as to any particular officer or employee. However, the city council may, by resolution, require that any particular officer or employee be covered by such bond to such amount in excess of $25,000.00 as the city council may require.

(c) In every case where a bond is required of a city officer or employee for the faithful performance of his duties, such officer or employee shall give as surety on such bond a company which has complied with the provisions of the Code of Virginia. The city shall pay out of the city treasury the premium on each bond given; provided it is obtained at the lowest rate and is approved by the city manager.

(d) The provisions of this section shall be subject to any exceptions that may be provided in Code of Virginia, § 15.2-1527 et seq., Code of Virginia, § 49-12 et seq., or other law.

(Code 1981, § 2-27)

Sec. 2-63. - Compensation.

The city council shall prescribe the compensation of all city officers. The salary of every officer shall begin from the date of his qualification, to be certified by the clerk of the city council, and shall be paid upon the approval of the finance department, but no payment shall be made to any officer who is in arrears to the city, or who is indebted to the city for taxes or any other claim, or who is in default in not rendering any account required of such officer.

(Code 1981, § 2-28)

Sec. 2-64. - Terms.

Every officer appointed by the city council, unless otherwise specifically provided, shall hold office at the pleasure of the city council.

(Code 1981, § 2-29)

Sec. 2-65. - Deputies, substitutes.

(a) Any officer appointed by the city council may be allowed by the city council to appoint a deputy, if the city council thinks a deputy necessary. But no person shall be appointed as such deputy until he has

been approved by the city council, and the officer and his sureties, if any, shall be liable for the conduct of the deputy in the office.

(b) If any officer appointed by the city council is at any time unable, by reason of sickness or other unavoidable cause, to discharge the duties of his office, the city council may appoint a substitute to act for him during such inability. Nothing in this subsection shall be construed to affect the right of the city council to remove any officer, appointed by it.

(Code 1981, § 2-30)

Sec. 2-66. - Conflicts of interests.

Conflicts of interest shall be regulated by the State and Local Government Conflict of Interests Act (Code of Virginia, § 2.1-639.1 et seq.).

(Code 1981, § 2-31)

Sec. 2-67. - Receipt for and surrender of city property.

(a) Every officer of the city, when entering upon the discharge of official duties, shall file with the director of finance an itemized receipt for all personal property furnished him by the city, specifying in detail its cost or estimated value. Every officer shall also be responsible for the safekeeping of such property as he may receive from the city and, at the expiration of his term of office, he shall surrender the property to the city in good condition, save reasonable wear and tear.

(b) Any violation of this section shall be a class 4 misdemeanor.

(Code 1981, § 2-32)

Charter reference— Duty of officers to deliver property, books and papers to their successors in office, § 3-3.

Sec. 2-68. - Appeal from officer's decision to deny, revoke or suspend permit.

Except as otherwise provided, any person aggrieved by a decision of any officer of the city denying or refusing to issue a permit provided for in this Code or other ordinance of the city, or revoking or suspending such permit, shall have the right to appeal from such decision to the circuit court of the city; provided, written notice of such appeal shall be filed with the officer in question within ten days from the date of such decision. Such notice shall set forth the grounds for appeal and, in such notice, there shall be specified, summarized or attached all testimony and other evidence presented before the officer involved, as well as all pertinent documents, plats, maps and other papers presented to such officer. The record, as constituted, shall then be transferred by the officer in question to the clerk's office of the circuit court and no other matters may be considered by the court upon the hearing of the case upon appeal.

(Code 1981, § 2-33)

Secs. 2-69—2-85. - Reserved.

DIVISION 2. - CITY MANAGER[4]

EXHIBIT A

Footnotes:

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Charter reference— City manager, § 3-5.

Sec. 2-86. - General powers and duties.

The city manager shall be responsible to the city council for the efficient administration of all administrative and executive affairs of the city. The city manager shall have the power and it shall be his duty to:

(1) See that all laws and ordinances are enforced and, to this end, he shall be vested with all powers of a police officer.

(2) Exercise supervision and control over all departments and divisions created by the city council.

(3) Attend all regular meetings of the city council with the right to take part in the discussion, but having no vote. The city manager shall be entitled to notice of all special meetings.

(4) Recommend to the city council for adoption such measures as he may deem necessary or expedient.

(5) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof, to call the violation to the attention of the city attorney, whose duty it shall be to take such steps as are necessary to protect and enforce such terms and conditions.

(6) Make and execute all contracts on behalf of the city, except those which he may authorize, in writing, the purchasing agent to execute.

(7) Act as budget commissioner and, as such, to prepare and submit to the city council the annual budget.

(8) Keep the city council at all times fully advised as to the financial condition and needs of the city.

(9) Perform all such other duties as may be prescribed by law or be required of him by ordinance or resolution of the city council.

(Code 1981, § 2-51)

Sec. 2-87. - Authority to appoint, discipline or remove officers and employees.

The city manager shall appoint all such city officers and employees as the city council shall determine are necessary for the proper administration of the affairs of the city, except those specifically reserved in the Charter of the city, the legal and judicial departments and clerical and other attendants to the city council. The city manager shall also have the power to discipline and remove any officer or employee appointed by him.

(Code 1981, § 2-52)

Sec. 2-88. - Duties with respect to insurance on city property.

(a) It shall be the duty of the city manager to keep the property of the city insured with such coverage and in such amounts as he may deem proper. On or before June 1 of each year, he shall submit to the city council a statement showing such insurance.

(b) In the event loss is sustained on any of the city's property by reason of fire, the city manager shall prove such loss and do all things necessary for the protection of the rights of the city and the collection of any insurance benefits.

(Code 1981, § 2-53)

Sec. 2-89. - Assistant manager.

(a) There is hereby established the position of assistant city manager, who shall be appointed by the city manager and serve at the pleasure of the city manager.

(b) It shall be the duty of the assistant city manager to:

(1) Perform liaison activities with other local, state, and federal agencies;

(2) Exercise supervision and control over all departments and divisions;

(3) Prepare research reports for the city manager or the city council;

(4) Act as and assume the powers of the city manager in the latter's absence;

(5) Participate in budget coordination and financial administration;

(6) Process complaints and respond to inquiries from the city council and the public; and

(7) Perform all other duties that may be required by the city manager.

(Code 1981, § 2-54)

Sec. 2-90. - Acceptance of gifts.

(a) The city manager, for and on behalf of the city, is hereby authorized to accept gifts, donations, bequests or grants of money, securities, personally or in-kind services of a value up to and including $5,000.00.

(b) Within 30 days of the end of each fiscal quarter, the city manager shall furnish the city council with a report describing all money accepted pursuant to this section. For each gift, donation, bequest and grant of money, such report shall include, at a minimum, (i) the identity of the donor or grantor, (ii) the amount of the gift, donation, bequest or grant, (iii) any conditions, including requirements for matching funds, placed upon the gift, donation, bequest or grant.

(Ord. No. 12-55, § 1, 6-5-2012)

Secs. 2-91—2-105. - Reserved.

DIVISION 3. - CLERK OF THE CITY COUNCIL

Sec. 2-106. - Office established; appointment and term.

There is hereby established the office of the clerk of the city council. The clerk shall be appointed by the city council to serve at the pleasure of the city council.

(Code 1981, § 2-71)

Sec. 2-107. - General duties.

The clerk of the city council shall attend every city council meeting and keep a neat and accurate record of the city council 's proceedings, preserve carefully the bonds of all city officers and file all papers belonging to city council. If the clerk of the city council shall be unable to attend a meeting, the city council shall designate an individual to perform the clerk's duties for that meeting.

(Code 1981, § 2-72)

Sec. 2-108. - Duty to record and index ordinances and furnish copies to city officers.

The clerk of the city council shall record, in the minute book, the number, title and purpose of all ordinances passed by the city council. The clerk shall also furnish to every city officer an attested copy or abstract of any ordinance passed by the city council affecting the duties of such officer. The books containing the proceedings and ordinances shall be accurately indexed and shall be open to the inspection of any citizen of the city.

(Code 1981, § 2-73)

Sec. 2-109. - Attestation and publication of ordinances, amendments.

The clerk of the city council shall attest and publish all ordinances or amendments thereof passed by the city council, for a violation of which any penalty is imposed, except as provided in sections 1-5 and 1-6 of the Charter, and such other papers and proceedings as the city council may direct, in a newspaper published in the city, to be designated by the city council. Such newspaper shall have the qualifications provided in Code of Virginia, § 8.01-324.

(Code 1981, § 2-74)

Secs. 2-110—2-125. - Reserved.

DIVISION 4. - CITY ATTORNEY[5]

Footnotes:

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Charter reference— City attorney, § 3-6.

Sec. 2-126. - General duties.

It shall be the duty of the city attorney to:

(1) prepare all bonds, contracts, deeds and instruments in writing whatsoever, which may be required by any ordinance or order of the city council, or when, by law, usage or agreement, the preparation of such instrument is to be at the expense of the city;

(2) Give, whenever required, to the city council and other officers of the city, any and all necessary legal counsel and advice concerning their duties and matters and questions pertaining to such duties;

(3) Defend any and all suits or proceedings instituted against the city;

(4) Institute and prosecute all suits or proceedings commenced by the city; and

(5) Render such other legal service as the city council may require.

(Code 1981, § 2-86)

Sec. 2-127. - Representation of city officers and employees.

(a) In addition to the other duties prescribed by law, the city attorney shall render legal services to the officers and employees of the city in all suits, actions and proceedings brought against them as defendants, other than those involving violations of the criminal laws of the state and penal ordinances of the city, in which the city has an interest when:

(1) There is no conflict between the city's interest and that of any such officer and employee; and

(2) The subject matter of the suit, action or proceeding arose during and out of the scope of the employment of such officer or employee and during the hours prescribed for performing such services.

(b) The city shall pay all costs and expenses lawfully assessed against or incurred on behalf of such officers or employees in their defense, but the city shall not be liable for any judgment rendered against any such officer or employee.

(Code 1981, § 2-87)

Sec. 2-128. - Travel expenses.

Reasonable travel expenses shall be allowed the city attorney when his attendance shall be required out of the city.

(Code 1981, § 2-88)

Secs. 2-129—2-145. - Reserved.

DIVISION 5. - DIRECTOR OF FINANCE

Sec. 2-146. - Appointment and term.

The city manager shall appoint a director of finance for the city. The director of finance's term of office shall be at the pleasure of the city manager.

(Code 1981, § 2-101)

Sec. 2-147. - Maintenance of accounting system.

The director of finance shall maintain an accounting system in accordance with generally accepted accounting principles in order to report on and analyze the financial condition of the city.

(Code 1981, § 2-102)

Sec. 2-148. - Keeping of insurance policies.

Policies of insurance on city buildings and other property shall be kept by the city director of finance.

(Code 1981, § 2-103)

Sec. 2-149. - Annual report.

The director of finance shall prepare, or cause to be prepared, an annual report on the financial condition of the city. The annual report shall contain a certificate from an independent certified public accounting firm and other financial information in accord with generally accepted accounting principles. The director of finance shall present the report to the city council as soon as possible after the close of the fiscal year.

(Code 1981, § 2-104)

Secs. 2-150—2-165. - Reserved.

DIVISION 6. - TREASURER[6]

Footnotes:

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Charter reference— Powers and duties of city treasurer, § 3-13.

Cross reference— City treasurer, § 106-31 et seq.

Sec. 2-166. - Receipts and disbursements generally.

The city treasurer shall receive all the taxes, rents and other revenues of the city and make such disbursements as the city council may order or the provisions of this Code or other ordinances of the city may require, but no money of the city shall be paid out by the city treasurer except on the warrant of the director of finance.

(Code 1981, § 2-116)

Sec. 2-167. - Record of receipts, disbursements and accounts.

It shall be the duty of the city treasurer to keep suitable books, in which all his receipts and disbursements shall be regularly entered and all accounts of the city kept clearly and plainly, so that the state of such funds and accounts may at all times be easily seen and understood.

(Code 1981, § 2-117)

Sec. 2-168. - Deposit of funds.

The city treasurer shall keep all money in his hands belonging to the city in such banks as the city council may, by resolution, designate as a depository for city funds. No such funds shall be deposited in any bank which has not met the requirements of the Virginia Security for Public Deposits Act (Code of Virginia, § 2.1-359 et seq.).

(Code 1981, § 2-118)

EXHIBIT A

Sec. 2-169. - Inspection of books and accounts; transfer to successor.

The books and accounts of the treasurer, and all papers relating to the accounts and transactions of the city, shall be at all reasonable times subject to the inspection of the city manager and the city council, or of such person as the city council may appoint to examine the such books accouts and papers, and, together with any balance of money on hand, shall be transferred by the treasurer to his successor, at every new election, or delivered up as the city council may at any time require.

(Code 1981, § 2-119)

Sec. 2-170. - Annual settlement; final settlement.

The treasurer shall receive the city levy in the manner prescribed for the receipt of the state revenue and shall, at the first August meeting of the city council, or within 30 days thereafter, settle with the city council accounts for that year. Out of the balance shown to be in the treasurer's hands upon the settlement the treasurer shall at once pay all warrants drawn on the appropriations for that year not previously paid, in the order of their presentation. When the treasurer's term of office expires or if the treasurer dies, resigns or is removed from office, the treasurer, upon the expiration of the treasurer's term of office, resignation, or removal, or the treasurer's personal representative, upon the treasurer's death, shall immediately make such settlement, showing the amount in the treasurer's hands to be accounted for and the fund to which such funds belong and deliver to the treasurer's successor all securities belonging to the treasurer's office and all money belonging to the city.

(Code 1981, § 2-120)

State Law reference— Similar provisions, Code of Virginia, § 58.1-3137.

Sec. 2-171. - Deputy treasurer.

Any deputy treasurer appointed by the city treasurer under the authority of Code of Virginia, § 15.2-1603, where such appointment is certified and recorded as therein required, and who has taken and prescribed the oath therein provided for, may discharge any of the official duties of the city treasurer during his continuance in office, unless it is some duty the performance of which by a deputy is expressly forbidden by law.

(Code 1981, § 2-121)

Secs. 2-172, 2-173. - Reserved.

DIVISION 7. - COLLECTOR OF CITY TAXES

Sec. 2-174. - Collector of city taxes, generally.

(a) The city council, in its discretion, may appoint a collector of city taxes who shall serve at the pleasure of the city council. This function may, at the discretion of city council, be filled by the city manager or other employee. The collector of city taxes shall perform such duties and have such powers as are prescribed by the city council or by state law. If city council does not appoint a collector of city taxes, duties and powers prescribed to the collector of city taxes shall be administered by the treasurer and as provided for by state law.

(b) The collector of city taxes shall be the custodian of all moneys belonging to the city; shall deposit the same in such bank or banks as the council shall prescribe; shall keep his office in some place designated by the city council; and shall keep his books and accounts in such manner as the city

council may require, which books and accounts shall always be open to the inspection of the mayor, any member or committee of the city council, and the finance director or equivalent officer. He shall report to the city council at the end of each fiscal year, and more often if required, a full and detailed account of all receipts and expenditures during that year and the state of the treasury. He shall keep as a separate fund any special assessment, and the same shall only be used for the purpose for which it was raised. In addition the collector of city taxes shall perform all other functions relating to the collection, disbursement, and accounting for city revenues.

(Ord. No. 17-30, 7-11-2017; Ord. No. 19-23, 5-7-2019)

Sec. 2-175. - Deputies of collector of taxes.

The collector of city taxes may appoint one or more deputies, who shall have oversight of city finances, as may be provided by the city council, but the sureties in the bond of such officer shall be equally liable for the acts of the deputies as for those of the principal.

(Ord. No. 17-30, 7-11-2017; Ord. No. 19-23, 5-7-2019)

Sec. 2-176. - Bond; compensation; duties; powers generally.

The collector of city taxes shall execute such bond and receive such compensation as the council may prescribe. The collector of city taxes shall collect all taxes, assessments, and other charges which may be levied or otherwise due to the city and perform such other duties as may be prescribed in this article or ordained by the council and for the purposes set forth in this article. The collector of city taxes is hereby vested with any and all the powers which are now or may hereafter be vested in any collector of state taxes.

(Ord. No. 17-30, 7-11-2017)

Sec. 2-177. - Office; books and accounts.

The collector of city taxes shall keep an office in such place as the council may designate and prescribe and shall keep therein such books and accounts, subject to the inspection of the city manager and members of the council.

(Ord. No. 17-30, 7-11-2017)

Sec. 2-178. - Removal for failure to make payment to treasurer.

The collector of city taxes is expressly prohibited from keeping the moneys of the city in the collector of city taxes' hands, or in the hands of any person for the collector of city taxes' use, beyond the time prescribed for the payment of such moneys into the city treasury, and any violation of this section shall subject him to immediate removal from office.

(Ord. No. 17-30, 7-11-2017)

Sec. 2-179. - To be governed by license ordinance, etc.

The collector of city taxes, in the collection of taxes and of taxes on licenses, shall be governed in all respects by the provisions, regulations and restrictions of the license ordinance of the city, the annual tax ordinance and the other relevant provisions of this Code and of the ordinances of the city.

EXHIBIT A

(Ord. No. 17-30, 7-11-2017)

Sec. 2-180. - Power and authority generally.

The collector of city taxes shall collect all delinquent taxes, assessments, and other charges due the city, and for that purpose shall have full power and authority to levy for all such that is due and unpaid by distress and sale of the goods and chattels of the person so delinquent or any goods and chattels legally liable therefor, in like manner as is now or may hereafter be provided by the laws of the state, in case of nonpayment of city levies, or by any other laws of the state, or as is now or may hereafter be provided by the Charter and ordinances of the city. The collector of city taxes is hereby granted, for purposes aforesaid, the power of garnishment which is vested in the state officers by state law.

(Ord. No. 17-30, 7-11-2017)

Sec. 2-181. - Duties same as treasurer.

The duties of the collector of city taxes with respect to delinquent taxes, levies, assessments, and other charges shall be the same as those prescribed by general law for treasurers with respect to such taxes, levies, assessments, and other charges.

(Ord. No. 17-30, 7-11-2017)

Sec. 2-182. - Delivery of tax books to collector of taxes.

It shall be the duty of the collector of city taxes to turn over to the city director of finance, at such times as the council shall direct, the tax books for any preceding year or years, containing the list of the names of the delinquent taxpayers for such year or years, and the city director of finance shall thereupon credit the collector of city taxes with the amount of taxes shown upon such list and return the list to the collector of city taxes and charge the collector of city taxes with the amount of taxes shown thereon.

(Ord. No. 17-30, 7-11-2017)

Sec. 2-183. - Books and accounts; reports to director of finance; payment to treasurer.

The collector of city taxes shall keep all necessary and proper books, vouchers, and accounts in regard to delinquent city taxes, assessments, and other charges, which shall be subject to the inspection of the city manager and members of the council. The collector of city taxes shall make daily reports in this regard to the director of finance and daily payments to the treasurer of all taxes, assessments and other charges collected, and the city treasurer shall give to the collector of city taxes a receipt for the taxes paid to him and deliver to the city director of finance a duplicate thereof.

(Ord. No. 17-30, 7-11-2017)

Secs. 2-184—2-190. - Reserved.

ARTICLE IV. - DEPARTMENTS[7]

Footnotes:

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EXHIBIT A

Cross reference— Fire department, § 54-31 et seq.; police department, § 70-31 et seq.

DIVISION 1. - GENERALLY

Sec. 2-191. - Creation of city departments.

In addition to departments required by city ordinance or general or special law, the city council shall have the authority to create such departments as are necessary for the efficient operation of city government. These departments may include, but are not limited to:

(1) Blandford Cemetery.
(2) Building inspection.
(3) Data processing.
(4) Finance.
(5) Fire.
(6) Health.
(7) Library.
(8) Personnel.
(9) Planning.
(10) Police.
(11) Public works.
(12) Recreation.
(13) Social services.
(14) Tourism.
(15) Traffic and transportation.

(Code 1981, § 2-3)

Sec. 2-192 – Operation and Authority of City Attorney

Notwithstanding any other provision of this Section, the Office of the City Attorney and the legal affairs of the City shall be under the control of the City Attorney who shall handle all legal matters on behalf of the city. The City, its employees, agents, and assigns shall not retain third party counsel on any City related matter other than by and through engagement executed and authorized by the City Attorney and his Office. All employees of the Office of the City Attorney, including but not limited to paralegals, legal secretaries, receptionist, and other support staff, as well as Assistant City Attorneys and Special Counsel shall be under the direct control and serve at the pleasure of the City Attorney.

(19-ORD-32 adopted 05/28/2019).

Secs. 2-193—2-210. - Reserved.

EXHIBIT A

DIVISION 2. - HEALTH DEPARTMENT[8]

Footnotes:

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State Law reference— Local health departments and directors, Code of Virginia, § 32.1-30 et seq.

Sec. 2-211. - Appointment, term and compensation of director.

A health director shall be appointed by the state commissioner of health. The term of office of the health director shall be at the pleasure of the state commissioner of health and his compensation shall be set by the state personnel system.

(Code 1981, § 2-136)

Sec. 2-212. - General powers and duties of director.

The health director shall enforce all laws, rules and regulations relating to the public health, and the laws, rules and regulations of the bureau of vital statistics, for which purpose he is hereby invested with police authority in the performance of his duties. It shall be the duty of the health director, and he shall have power and authority, to determine what is a nuisance, or what is detrimental to the health of any portion of the city. The health director shall have a general supervision over the sanitary condition of the city.

(Code 1981, § 2-137)

Sec. 2-213. - Staffing of department.

The health director shall ensure adequate staffing of the health department as authorized by the state department of health and in accordance with budgetary limitations approved by the city council.

(Code 1981, § 2-138)

Sec. 2-214. - Duties of sanitarians.

The health department sanitarians shall, under the supervision of the health director, have charge of the sanitary work of the city, shall see that the schools and public places are kept in a sanitary condition, that the orders of the health director made in pursuance of state law and city ordinances are carried out, and shall report all infractions of state law and city ordinances to the health director.

(Code 1981, § 2-139)

Sec. 2-215. - Inspection of streets and premises.

The health director shall cause to be inspected all streets, yards, lots, privies, stables or other places which are alleged to be or likely to become offensive or dangerous to the public health.

(Code 1981, § 2-140)

Cross reference— Streets, sidewalks and other public places, ch. 98.

Sec. 2-216. - Correction of conditions injurious to health generally.

When any condition shall be found which, in the opinion of the health director, is, or is likely to become, injurious to health, the health director shall require the person causing such condition or the owner or occupant of the premises on which such condition is found, to correct the condition forthwith in such manner as the health director shall deem best. If the premises in question are unoccupied and the owner is not known, or cannot be found, the health director shall cause any such condition to be removed and the premises cleaned and disinfected at the expense of the city, and the owner shall be liable to repay such expense to the city, with ten percent damages.

(Code 1981, § 2-141)

Secs. 2-217—2-240. - Reserved.

ARTICLE V. - BOARDS AND COMMISSIONS[9]

Footnotes:

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Cross reference— Tourism advisory board, § 38-31 et seq.; recreation advisory board, § 78-31 et seq.; planning commission, § 82-31 et seq.; advisory board, § 90-61 et seq.; traffic and transportation safety commission, § 110-61 et seq.

Secs. 2-241—2-280. - Reserved.

ARTICLE VI. - BOOKS, RECORDS AND ACCOUNTS[10]

Footnotes:

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Charter reference— Duty of officers to deliver property, books and papers to their successors in office, § 3-3.

State Law reference— Virginia Public Records Act, Code of Virginia, § 42.1-76 et seq.

Sec. 2-281. - Establishment and composition of records management committee.

In order to provide for the disposition of the books, records and accounts kept by the departments, boards, commissions and other agencies of the city government, a records management committee is hereby established, consisting of the assistant city manager, the city attorney, the director of finance, the clerk of the city council and the city librarian.

(Code 1981, § 2-171)

Sec. 2-282. - Disposition generally.

EXHIBIT A

The several departments, boards, commissions and other agencies of the city government shall, at such times as the city manager shall prescribe and in such form as he may require, submit to the records management committee schedules for the systematic disposition of the books, records and accounts kept by them respectively. It shall be the duty of the records management committee to review such schedules, and it shall satisfy itself that they reasonably comply with the policy established in section 2-283 and the standards prescribed in section 2-284, and shall recommend to the city manager, in writing, the disposition to be made of the books, records and accounts described in such schedules or any of them. Upon the receipt of such recommendations, the city manager is empowered to authorize the disposal of such books, records and accounts in such manner and by such method as he shall deem to be in the best interest of the city and in accordance with and pursuant to such policy and standards.

(Code 1981, § 2-172)

Sec. 2-283. - Policies as to use and disposition.

In dealing with books, records and accounts referred to in this article, the records management committee, the city manager and the departments, boards, commissions and other agencies of the city government shall conform to the following policies:

(1) Such books, records and accounts shall not be used or authorized to be used for private purposes by any officer or employee of the city government or disposed of except as authorized by this article; and

(2) Such books, records and accounts shall be systematically and periodically disposed of when they no longer serve their current administrative purposes and have lost their legal, research or historical value and significance.

(Code 1981, § 2-173)

Sec. 2-284. - Preservation.

In determining whether and for what length of time books, records and accounts referred to in this article shall be preserved, the records management committee, the city manager and the departments, boards, commissions and other agencies of the city government shall base their decisions, as far as possible, on the following criteria:

(1) The frequency and extent of the use of such books, records and accounts by the officers and employees of the city government and by the public.

(2) The availability and accessibility of copies or reproductions of such books, records and accounts for such use.

(3) The availability or accessibility of transcriptions or summarizations of the contents of such books, records and accounts for such use.

(4) The necessity or desirability for the preservation of such books, records and accounts to support or explain the contents of other such books, records or accounts which should be preserved.

(5) The importance of such books, records and accounts as an integral part of the historical documents of the city.

(6) The necessity for or desirability of preserving such books, records and accounts for studies in administrative procedures, operations or management.

(7) The necessity for or desirability of preserving such books, records and accounts to support a claim on behalf of the city or to refute a claim against the city.

(8) The value of the preservation of such books, records and accounts for legislative, administrative or other investigations.

(9) The value of the preservation of such books, records and accounts to meet the requirements of agencies having no connection with the city government.

(10) The space required to maintain and house such books, records and accounts and the cost of providing such space and its relationship to the future value of such books, records and accounts.

(Code 1981, § 2-174)

Sec. 2-285. - Reproduction.

The city manager may provide for the photographing, microphotographing or recording by any other process which accurately reproduces or forms a durable medium for reproducing the original of all or any part of the books, records and accounts referred to in this article in accordance with such standards and retention schedules as may be issued in pursuance of Code of Virginia, § 42.1-82, and the preservation of such photographs, microphotographs or medium in conveniently accessible files, and when the original of such books, records and accounts have been so photographed, microphotographed or reproduced, such original may be destroyed.

(Code 1981, § 2-175)

State Law reference— Authority to provide for reproduction of records, Code of Virginia, § 15.2-1412.

Secs. 2-286—2-310. - Reserved.

ARTICLE VII. - FINANCE[11]

Footnotes:

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Cross reference— Any ordinance promising or guaranteeing the payment of money by or for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness or any contract or obligation assumed by the city saved from repeal, § 1-7(1); any ordinance authorizing, providing for or otherwise relating to any specific public improvement or making any assessment saved from repeal, § 1-7(7); taxation, ch. 106.

DIVISION 1. - GENERALLY

Sec. 2-311. - Fiscal year.

The fiscal year of the city shall commence on July 1 of each year and end on the following June 30.

(Code 1981, § 2-2)

State Law reference— Uniform fiscal year for cities, Code of Virginia, § 15.2-2500.

Sec. 2-312. - Charges for city publications.

The city manager shall, from time to time, establish charges for publications which the city sells to the general public. Such charges shall include the cost to the city for such publications and a reasonable

additional amount for indirect expenses, such as postage and handling. A list of such charges shall be posted at City Hall and at all such places where such publications are sold.

(Code 1981, § 2-9)

Sec. 2-313. - Fee for passing bad check to city.

If any person shall utter, publish or pass any check or draft for payment of any taxes or any other sums due the city, which is subsequently returned for insufficient funds, or because there is no account or the account has been closed, the treasurer of city taxes shall add to such taxes or sums a fee of $20.00 for each such check or draft.

(Code 1981, § 2-6)

State Law reference— Authority for above section, Code of Virginia, 15.2-106.

Sec. 2-314. - Destruction of certain bonds and coupons.

(a) At least twice a year, a committee, which is hereby created, consisting of the treasurer, the director of finance and the city manager, shall cause all cancelled coupons paid, all coupons clipped from bonds which have been registered as to principal and interest, and all city bonds paid off, to be destroyed and shall supervise and witness the destruction of such bonds and bond coupons. A period of five fiscal years shall have elapsed from the end of the fiscal year in which such bonds and bond coupons were paid before they are destroyed.

(b) The committee shall prepare and execute a certificate setting forth the means by which such paid instruments were destroyed, the issue, series, number and maturity date of the paid bonds so destroyed and the fiscal year in which paid. Every such certification shall be in such form as shall be prescribed by the city council and shall be acknowledged in the manner prescribed by law for the acknowledgment of deeds. The certification shall be prepared in duplicate, the original of which shall be made a part of the minutes of the city council, and the copy thereof shall be retained as a permanent record of the office of the treasurer.

(c) Nothing contained in this section shall in any way affect the provisions of section 2-334.

(Code 1981, § 2-176)

State Law reference— Similar provisions, Code of Virginia, § 58.1-3130.

Secs. 2-315—2-330. - Reserved.

DIVISION 2. - RESERVED[12]

Footnotes:

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Editor's note— Ord. No. 12-06, § 1, adopted Jan. 17, 2012, repealed Div. 2, §§ 2-331—2-335, which pertained to the sinking fund and derived from Code 1981, §§ 2-189—2-193.

Secs. 2-331—2-350. - Reserved.

EXHIBIT A

DIVISION 3. - PURCHASING[13]

Footnotes:

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Editor's note— Ord. No. 14-01, adopted Jan. 7, 2014, amended Div. 3 in its entirety, in effect repealing and reenacting said division to read as set out herein. The former Div. 3, §§ 2-351—2-354, 2-371, 2-372, 2-391, 2-411—2-438, 2-456—2-462, 2-481—2-484, and 2-501—2-512, pertained to similar subject matter and derived from §§ 24.6-1—24.6-52 of the 1981 Code, and Ord. No. 10-31, § 1, adopted May 4, 2010.

Subdivision I. - In General

Sec. 2-351. - Purpose.

To the end that the municipal government of the city obtains high quality goods and services at reasonable cost, that all of its procurement procedures be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, that all qualified vendors have access to city business and that no offeror is arbitrarily or capriciously excluded, and to increase public confidence in purchasing by the city, it is the intent of this division that competition be sought to the maximum feasible degree, that the administration enjoy broad flexibility in conducting such competition, that the rules governing contract awards be made clear in advance of the competition, that specifications reflect the procurement needs of the city rather than being drawn to favor a particular vendor, and that the city and vendors freely exchange information concerning what is sought to be procured and what is offered.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-352. - Application of division.

(a) This division applies to contracts for the procurement of goods, services, insurance and construction entered into by the city involving every expenditure for public purchasing irrespective of its source.

(b) Where any procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this division, only upon written determination of the city council that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this division in conflict with the conditions of the grant or contract.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-353. - Exemptions.

(a) The requirements of this division shall not apply to the following:

(1) Purchases by the department of social services for the acquisition of motor vehicles for sale or transfer to temporary assistance to needy families (TANF) recipients.

(2) Procurement transactions involving the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with this division, where the purchasing agent has determined in a writing, which states the specific section of this division in conflict with the conditions of the grant or contract, that acceptance of the grant or contract funds under the applicable conditions is in the public interest and where the city complies with such federal requirements.

(3) The purchase of goods or services that are produced or performed by:

a. Persons, or in schools or workshops, under the supervision of the state department for the blind and vision impaired; or

b. Nonprofit sheltered workshops or other nonprofit organizations that offer transitional or supported employment services serving the handicapped.

(4) The purchase of legal services or expert witnesses or other services associated with litigation or regulatory proceedings, including the printing of legal briefs.

(5) The purchase of insurance or electric utility services if purchased through an association of which the city is a member if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with public bodies similar to the city, provided such association has procured the insurance or electric utility services by use of competitive principles and provided that the purchasing agent has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public and the basis for this determination.

(6) Any purchase for the administration of public assistance and social services programs as defined in Code of Virginia, § 63.2-100; any purchase for a community services board as defined in Code of Virginia, § 37.1-1; and any purchase of services under (i) the comprehensive services act for at-risk youth and families, Code of Virginia, §§ 2.2-5200—2.2-5214, or (ii) the Virginia Juvenile Community Crime Control Act, Code of Virginia, §§ 16.1-309.2—16.1-309.10, for goods or personal services for direct use by the recipients of such programs if the procurement is made for an individual recipient; however, contracts for the bulk procurement of goods or services for the use of recipients shall not be exempted from the requirements of this division.

(7) Contracts for purchases or equipment, services, the printing of ballots or statements of results, or other materials essential to the conduct of a general primary or special election.

(8) Purchases from the Virginia Correctional Enterprises, from the state department general services division of purchases and supply and from the state department of transportation.

(9) Purchase for special police work when the chief of police certifies to the purchasing agent that items are needed for undercover police operations.

(10) Scientific instruments and equipment, medicines and drugs, legal and scientific books and periodicals, and professional books and periodicals.

(11) Manuscripts, maps, charts, sheet music, phonograph records, compact video or audio discs, video or audio cassette tapes, books, pamphlets and periodicals.

(12) Such perishable articles as may be designated in the rules and regulations established by ordinance.

(13) Association dues and membership in professional associations for city agencies and employees.

(14) Expenses for city-sponsored:

a. Conference-related room deposits;

b. Hotel and motel lodging;

c. Conference registration;

d. Banquets; and

e. Catering.

(15) Advertising in publications.

(16) Sculptures, paintings or other works of art.

(17) Purchases on existing contracts established by professional organizations that the city may use by virtue of its membership in such organizations.

(18) Purchases on existing contracts established by other public bodies.

(19) Services purchased by the city retirement system related to the management, purchase, or sale of investments authorized by this section, including but not limited to actuarial services, when governed by the standard of care set forth in Code of Virginia, § 51.1-803.

(b) Notwithstanding subsection (a) of this section, the requirements of section 2-359 concerning prompt payment of bills and subdivision VIII of this division concerning ethics in public contracting shall apply to any procurement transaction listed in this section.

(c) The purchasing agent of the purchasing office may delegate to the director of public works the authority to purchase natural gas and to arrange for the transportation of natural gas without requiring that sealed bids be received pursuant to invitations extended as set out in section 2-401.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, §§ 2.2-4343—2.2-4346.

Sec. 2-354. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brand name or equal specification means a specification limited to one or more items by manufacturers' names or catalogue numbers, to describe the standard of quality, performance and other salient characteristics needed to meet city requirements, and which provides for the submission of equivalent products.

Brand name specification means a specification limited to one or more items by manufacturers' names or catalogue numbers.

Business means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

Change order (unilateral) means a written order signed and unilaterally issued by the purchasing agent, directing the contractor to make changes which the changes clauses of the contract authorizes the purchasing agent to order without the consent of the contractor.

Competitive negotiation means a method of source selection that involves individual discussions between the city and the offeror on the basis of responses to the city's request for proposals.

Competitive sealed bidding means a method of contractor selection under this division, not required for the procurement of professional services, that begins with the public notice and issuance of a written invitation for bids under section 2-401, includes a public opening under section 2-406, and results in the evaluation of bids under section 2-408 and an award under section 2-409.

Construction means building, altering, repairing, improving or demolishing any structure, building, road, street or highway, and any draining, dredging, excavation, grading or similar work upon real property.

Construction management contract means a contract in which a party is retained by the city to coordinate and administer contracts for construction services for the benefit of the city, and may also include, if provided in the contract, the furnishing of construction services to the city.

Contract means all types of city agreements, regardless of what they may be called, for the procurement of goods, services, insurance or construction.

Contract modification/supplement means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity or other provision of any contract accomplished by mutual action of the parties to the contract.

Contractor means any person, company, corporation, or partnership having a contract with the city or a using agency thereof.

Cost analysis means the evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed.

Cost data means factual information concerning the cost of labor, material, overhead, and other cost elements, which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.

Cost reimbursement contract means a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and this division and fee or profit, if any.

Design-build contract means a contract between the city and another party in which the party contracting with the city agrees to both design and build the structure, roadway or other item specified in the contract.

Direct or indirect participation means involvement through decision, approval, disapproval, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or any other advisory capacity.

Disadvantaged business means a business meeting the definitions set forth in the Code of Federal Regulations pertaining to the applicable federal grant program.

Emerging small business means a business that:

(1) Has been certified by the office of minority business development for a period of up to seven years;

(2) Has annual gross receipts of $500,000.00 or less for each of its three fiscal years preceding application for such certification if engaged primarily in the construction business or of $250,000.00 or less if engaged primarily in a non-construction business;

(3) Has fewer than ten full-time, permanent employees;

(4) Is not a subsidiary of another business and does not belong to a group of businesses owned and controlled by the same individuals;

(5) Has its principal place of business entirely within the boundaries of a city enterprise zone;

(6) Possesses a city business license; and

(7) Pays personal property, real estate, and business taxes, as applicable, to the city.

Employee means an individual drawing a salary or wages from the city, whether elected or not; any non-compensated individual performing personal services for the city or any department, agency, commission, council, board or any other entity established by the executive or legislative branch of this city; and any non-compensated individual serving as an elected official of the city.

Good faith minority business enterprise and emerging small business participation efforts the sum total of efforts by a particular business to provide for the equitable participation of minority business enterprises or emerging small business subcontractors. For past efforts, this sum total shall be comprised of the record of participation by minority business enterprises and emerging small businesses through subcontracting or joint ventures. For future efforts, it shall be comprised of such efforts which are proposed to allow equitable participation of minority business enterprises or emerging small business subcontractors.

Goods means all material, equipment, supplies, printing and automated data processing hardware and software.

Informality means a minor defect or variation of a bid or proposal from the exact requirements of the invitation for bids or the request for proposals which does not affect the quality, quantity or delivery schedule for the goods, services or construction being procured.

Insurance means a contract whereby, for a stipulated consideration, one party undertakes to compensate the other for loss on a specified subject by specified perils.

Intent to award means an intent by the city to accept a bid or proposal.

Invitation for bids means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

Minority business enterprise means a business, at least 51 percent of which is owned and controlled or 51 percent minority-owned and operated by minority group members or, for a stock corporation, at least 51 percent of the stock which is owned and controlled by minority group members.

Minority group members mean citizens of the United States who are Blacks, Hispanics, Asians, Indians, Eskimos, or Aleuts.

Nominal value means a value so small, slight, or the like, in comparison to what might properly be expected, as scarcely to be entitled to the same, but in no case to be more than $30.00.

Nonprofessional services means any services not specifically identified as professional services.

Person means any business, individual, corporation, union, committee, club, other organization, or group of individuals.

Professional services means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering.

Public body means any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in this division.

Public contract means an agreement between a public body and a nongovernmental source that is enforceable in a court of law.

Purchasing agent means the purchasing agent of the city.

Qualified products list means an approved list of goods, services or construction items described by model or catalog number that, prior to competitive solicitation, the city has determined will meet the applicable specification requirements.

Recycled paper means any paper having a total weight consisting of not less than 50 percent recovered materials, as that term is defined for purposes of purchasing paper and paper products in 40 CFR 247.3 (2001), as amended.

Request for proposals means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Request for qualifications means all documents, whether attached or incorporated by reference, utilized for soliciting qualification statements.

Responsible bidder and responsible offeror mean a person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will ensure good faith performance, and who has been prequalified, if required.

Responsive bidder means a person who has submitted a bid which conforms in all material respects to the invitation for bids.

Services mean any work performed by an independent contractor which does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

Specification means any written description of the physical or functional characteristics or of the nature of a good, service or construction item. It may include a description of any requirement for inspecting, testing, or preparing a good, service or construction item for delivery.

Using agency means any department, agency, bureau, board, commission, court, city jail or jail forum or other unit in the city government requiring goods, services, insurance or construction as provided for in this division.

(Ord. No. 14-01, 1-7-2014)

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions, Code of Virginia, § 2.2-4301.

Sec. 2-355. - Public inspection of certain records.

(a) Except as provided in this section, all proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act, Code of Virginia, § 2.2-3799 et seq.

(b) Cost estimates relating to a proposed procurement transaction prepared by or for a public body shall not be open to public inspection.

(c) Any competitive sealed bidding bidder, upon request, shall be afforded the opportunity to inspect bid records within a reasonable time after the opening of all bids but prior to award, except in the event that the public body decides not to accept any of the bids and to reopen the contract. Otherwise, bid records shall be open to public inspection only after award of the contract.

(d) Any competitive negotiation offeror, upon request, shall be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to award except in the event that the public body decides not to accept any of the proposals and to reopen the contract. Otherwise, proposal records shall be open to public inspection only after award of the contract.

(e) Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

(f) Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction or prequalification application submitted pursuant to section 2-400 shall not be subject to the Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq.; however, the bidder, offeror or contractor shall:

(1) Invoke the protections of this section prior to or upon submission of the data or other materials;

(2) Identify the data or other materials to be protected; and

(3) State the reasons why protection is necessary.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4342.

Sec. 2-356. - Financing arrangements.

As a requisite for entering into any contract for the procurement of goods, services, insurance, construction or other purchase to be made pursuant to this division, the approval of insurance,

construction or other purchase to be made pursuant to this division, the approval of the director of finance shall be obtained prior to agreeing to the terms of any contract that will involve lease-purchase, installment payments, payment of interest on deferred balances or any other means of financing a deferred balance of the cost of purchase of such goods and services.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-357. - Unauthorized purchases.

Except as provided in this division, no official, elected or appointed, or any employee shall purchase or contract for any goods, services, insurance or construction within the purview of this division other than by and through the purchasing agent. Any purchase order or contract made contrary to this division or any purchase order or contract made when sufficient funds are not available is not approved, and the city shall not be bound thereby.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-358. - Purchasing of recycled materials.

In determining the award of any contract for paper or paper products to be purchased for use by city agencies, the purchasing office shall award to the lowest responsible and responsive bidder offering recycled paper of a quality suitable for the purpose intended, so long as the bid price is not more than ten percent greater than the bid price of the lowest responsive and responsible bidder offering a product that does not qualify under the definition of the term "recycled paper" found in section 2-353.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4326.

Sec. 2-359. - Prompt payment of bills.

(a) Every city agency that acquires goods or services or conducts any other type of contractual business with a nongovernmental, privately owned enterprise shall promptly pay for the completed delivered goods or services by the required payment date. The required payment date shall be either:

(1) The date on which payment is due under the terms of the contract for the provision of goods or services; or

(2) If a date is not established by contract, not more than 45 days after goods or services are received or not more than 45 days after the invoice is rendered, whichever is later.

(b) Separate payment dates may be specified for contracts under which goods or services are provided in a series of partial executions or deliveries to the extent that the contract provides for separate payment for partial execution or delivery.

(c) Within 20 days after the receipt of the invoice or goods or services, the agency shall notify the supplier of any defect or impropriety that would prevent payment by the payment date.

(d) Unless otherwise provided under the terms of the contract for the provision of goods or services, every agency that fails to pay by the payment date shall pay any finance charges assessed by the supplier that shall not exceed one percent per month.

(e) This section shall not apply to the late payment provisions in any public utility tariffs or public utility negotiated contracts.

EXHIBIT A

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4352.

Secs. 2-360—2-370. - Reserved.

Subdivision II. - Purchasing Agent

Sec. 2-371. - Appointment of purchasing agent.

(a) There is hereby created the position of purchasing agent, who shall be this city's principal public purchasing official.

(b) The purchasing agent shall be appointed by the city manager and shall be subject to his general direction and control. The purchasing agent appoint and remove all officers and employees of the office, subject to applicable personnel policies established by ordinance, and shall have the power to make rules, regulations and operational procedures consistent with the division and city ordinances for the conduct of the functions of the office.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-372. - Authority and duties.

(a) The purchasing agent shall be responsible for the following functions:

(1) To purchase, lease and contractually maintain, when required, for the use of all using agencies, all goods, capital improvements and services, and to perform all other requirements as specified in this division;

(2) To secure the best value for the tax dollar, effect all purchases and contracts on the basis of free and open competitive bids whenever practicable. All awards shall be made to the lowest responsive responsible bidder;

(3) To issue and enforce an annual requisitioning schedule for all using agencies to follow for submission of requisitions for goods;

(4) To purchase, lease or contract for goods and services for using agencies in time of emergency;

(5) To operate and maintain a central stores warehouse to supply as many common items as possible to all using agencies;

(6) To operate a central print shop for the use of all using agencies;

(7) To develop, with the cooperation of using agencies, and enforce standard city specifications for goods purchased;

(8) To develop and supervise an inspection program to guide using agencies in inspection of all purchased goods delivered to the city, and to cause tests to be made, when necessary, in order to determine quality and conformance with specifications;

(9) To dispose of all surplus, salvage or obsolete city property by transfer between city agencies, trade-in on new goods, or sale by public auction competitive bids, or open fixed-price sales;

(10) To initiate and control all contracts, and to act as sole city representative in contract matters, including complaints on delivery, failure to conform to specifications, or modifying the terms of contracts;

(11) To establish rules and regulations, not inconsistent with this division, relating to the purchase of goods, services and construction for the city.

(b) Unless otherwise provided for by law, the city manager and the purchasing agent are the only city representatives authorized to obligate the city for the expenditure of funds to purchase goods, services and construction for the city.

(Ord. No. 14-01, 1-7-2014)

Secs. 2-373—2-390. - Reserved.

Subdivision III. - Contract Formation and Methods of Source Selection

Sec. 2-391. - Small purchases.

Any contract not exceeding the amount specified in Code of Virginia, § 2.2-4303(G) as the ceiling for the use of small purchase procedures may be made in accordance with small purchase procedures established by the purchasing agent; provided, however, that contract requirements shall not be artificially divided so as to constitute a small purchase under this section. Insofar as it is practical, no less than four businesses shall be solicited to submit quotations, at least one of which shall be a local minority business enterprise or emerging small business. The efforts to solicit a local minority business enterprise or emerging small business shall be recorded and maintained as a public record. Award shall be made to the business offering the lowest acceptable quotation. The names of the businesses submitting a quotation and the dates and amounts of each quotation shall be recorded and maintained as a public record.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4303(G).

Sec. 2-392. - Only practical source procurement.

Should the purchasing agent determine in writing, after conducting a good faith review of available sources, that there is only one source practicably available for that which is to be procured, the purchasing agent may award a contract to that source without competitive sealed bidding or competitive negotiation and may conduct negotiations, as appropriate, as to price, delivery and terms. The writing shall document the basis for this determination. The purchasing agent shall maintain a record of only practical source procurements that lists the following for each procurement:

(1) A description of that which is being procured;

(2) The contractor selected;

(3) The date on which the contract was or will be awarded;

(4) The amount and type of the contract; and

(5) The identification number of the contract file.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4303(E).

Sec. 2-393. - Emergency purchases.

(a) In an emergency, the purchasing agent may authorize or order the expenditure of funds for emergency purchases of supplies, materials, equipment and contractual services for the using agencies without

competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency shall be included in the contract file.

(b) An emergency shall be deemed to exist when the purchasing agent determines that:

(1) A breakdown or failure of machinery or other equipment has occurred;

(2) A curtailment, diminution or termination of an essential service is threatened; or

(3) A dangerous condition has developed and that a procurement without recourse to competitive sealed bidding or competitive negotiation is:

a. Needed to prevent loss of life or property;

b. Essential to protect and preserve the interests of the city and its inhabitants;

c. Needed to maintain the proper functioning of the city government; or

d. Needed to maintain the efficient rendering of public services.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4303(F).

Sec. 2-394. - Cooperative procurement.

(a) *Cooperative procurement agreements.* The city may participate in, sponsor, conduct or administer a cooperative procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia or the United States General Services Administration, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services.

(b) *Purchases off of other public bodies' contracts.*

(1) *By city.* The city may purchase from the contract of another public body or of any authority, department, agency or institution of the commonwealth even if it did not participate in the request for proposals or invitation for bids, if the request for proposals or invitation for bids specified that the procurement was being conducted on behalf of other public bodies.

(2) *By other public bodies.* A public body may purchase from the city's contract even if it did not participate in the request for proposals or invitation for bids, if the request for proposals or invitation for bids specified that the procurement was being conducted on behalf of other public bodies.

(3) *Exceptions.* The city may not purchase architectural or engineering services from the contract of any other public body or any authority, department, agency or institution of the commonwealth. No other public body may purchase from the city's contracts for architectural or engineering services.

(c) *Policies and procedures to be followed.* If the city is the party conducting the procurement, the procurement shall comply with the policies and procedures set forth within this division and the rules and regulations promulgated to implement this division. If the city is not the party conducting the procurement, then the procurement shall comply with the policies and procedures of the public body conducting the procurement. Prior to any city purchase under a contract entered by another public body, the purchasing agent shall find that the process pursuant to which the contract was entered generally complied with the policies and procedures established by this division and the rules and regulations promulgated to implement this division.

(d) *Purchases off of federal contracts.* As authorized by the United States Congress and consistent with applicable federal regulations, and provided the terms of the contract permit such purchases, the city may purchase goods and nonprofessional services from a United States General Services Administration contract or a contract awarded by any other agency of the United States government, upon approval of the purchasing agent.

(e) *Utility marking services.* The city, which is also a utility operator, may purchase services through or participate in contracts awarded by one or more utility operators which are not public bodies for utility marking services, as required by the Underground Utility Damage Prevention Act, Code of Virginia, § 56-265.14 et seq. A purchase of services under this subsection may deviate from the procurement procedures set forth in this division, upon a determination made in advance by the purchasing agent and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public and the contract is awarded based on competitive principles.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4304.

Sec. 2-395. - Conditions for use of competitive sealed bidding.

All public contracts with nongovernmental contractors for the purchase or lease of goods or for the purchase of services, insurance or construction shall be awarded after competitive sealed bidding or competitive negotiation as provided in this division, unless otherwise authorized by law.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4303(A).

Sec. 2-396. - Competitive sealed bidding or competitive negotiations on state-aid projects.

No contract for the construction of any building or for an addition to or improvement of an existing building for which state funds of not more than $30,000.00 in the aggregate or for the sum of all phases of a contract or project, either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of construction shall be let except after competitive sealed bidding or after competitive negotiation as provided under section 2-421(a)(3). The procedure for the advertising for bids or for proposals and for letting of the contract shall conform, mutatis mutandis, to this division.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4305.

Sec. 2-397. - Permitted contracts with certain religious organizations; purpose; limitations.

(a) The general assembly has indicated its intent, in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, to authorize the city to enter into contracts with faith-based organizations for the purposes described in this section on the same basis as any other nongovernmental source without impairing the religious character of such organization and without diminishing the religious freedom of the beneficiaries of assistance provided under this section.

(b) For the purposes of this section, the term "faith-based organization" means a religious organization that is or applies to be a contractor to provide goods or services for programs funded by the block grant provided pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193.

(c) The city, in procuring goods or services or in making disbursements pursuant to this section shall not:

(1) Discriminate against a faith-based organization on the basis of the organization's religious character; or

(2) Impose conditions that:

a. Restrict the religious character of the faith-based organization, except as provided in subsection (f) of this section; or

b. Impair, diminish, or discourage the exercise of religious freedom by the recipients of such goods, services, or disbursements.

(d) The city shall ensure that all invitations for bids, requests for proposals, contracts, and purchase orders prominently display a nondiscrimination statement indicating that the city does not discriminate against faith-based organizations.

(e) A faith-based organization contracting with the city:

(1) Shall not discriminate against any recipient of goods, services, or disbursements made pursuant to a contract authorized by this section on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice or on the basis of race, age, color, gender or national origin; and

(2) Shall be subject to the same rules as other organizations that contract with the city to account for the use of the funds; provided, however, if the faith-based organization segregates public funds into separate accounts, only the accounts and programs funded with public funds shall be subject to audit by the city.

Nothing in subsection (e)(2) of this section shall be construed to supersede or otherwise override any other applicable state law.

(f) Consistent with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, funds provided for expenditure pursuant to contracts with the city shall not be spent for sectarian worship, instruction, or proselytizing; however, this prohibition shall not apply to expenditures pursuant to contracts, if any, for the services of chaplains.

(g) Nothing in this section shall be construed as barring or prohibiting a faith-based organization from any opportunity to make a bid or proposal or contract on the grounds that the faith-based organization has exercised the right, as expressed in 42 USC 2000e-1 et seq., to employ persons of a particular religion.

(h) If an individual, who applies for or receives goods, services, or disbursements provided pursuant to a contract between the city and a faith-based organization, objects to the religious character of the faith-based organization from which the individual receives or would receive the goods, services, or disbursements, the city shall offer the individual, within a reasonable period of time after the date of the individual's objection, access to equivalent goods, services, or disbursements from an alternative provider. The city shall provide to each individual who applies for or receives goods, services, or disbursements provided pursuant to a contract between the city and a faith-based organization a notice in boldface type that states:

"Neither the City's selection of a charitable or faith-based provider of services nor the expenditure of funds under this contract is an endorsement of the provider's charitable or religious character, practices, or expression. No provider of services may discriminate against you on the basis of religion, a religious belief, or your refusal to actively participate in a religious practice. If you object to a particular provider because of its religious character, you may request assignment to a different provider. If you believe that your rights have been violated, please discuss the complaint with your provider or notify the appropriate person as indicated in this form."

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4343.1.

EXHIBIT A

Sec. 2-398. - Design-build and construction management contracts.

(a) Pursuant to Code of Virginia, § 2.2-4308, the city is authorized to enter into contracts for construction on a fixed-price or not-to-exceed price design-build or construction management basis in accordance with this section.

(b) Prior to making a determination to use a design-build or construction management contract for a specific construction project, the city shall have in its employ or under contract an architect or professional engineer with professional competence appropriate to the project who will advise the city regarding the use of a design-build or construction management contract for that project and assist the city with the preparation of the request for proposals and the evaluation of proposals submitted by interested offerors in response to the request for proposals for that project.

(c) Prior to issuing a request for proposals for a design-build or construction management contract, the purchasing agent shall make a written determination, to be maintained in the file for the procurement, that:

(1) Explains why a design-build or construction management contract is more advantageous than a competitive sealed bidding contract for the project;

(2) Identifies the specific benefits to the city from using the design-build or construction management contract; and

(3) Finds that competitive sealed bidding is neither practical nor fiscally advantageous to the city for the project.

(d) The selection, evaluation and award of design-build and construction management contracts shall conform to the requirements of this section. Requests for proposals for design-build and construction management contracts shall include and define the criteria of such construction projects in the areas of (i) site plans, (ii) floor plans, (iii) exterior elevations, (iv) basic building envelope materials, (v) fire protection information plans, (vi) structural, mechanical (HVAC) and electrical systems, (vii) special telecommunications and (viii) such other requirements as the using agency determines appropriate for that particular construction project. The procurement of each design-build or construction management contract shall be conducted in two steps. The first step shall consist of a prequalification. The conduct of the prequalification step shall conform to the requirements of section 2-400. The second step shall consist of a competitive negotiation. The conduct of the competitive negotiation step shall conform to the requirements of section 2-421. For any guaranteed maximum price construction management contract, the contract shall require that (i) not more than ten percent of the construction work (measured by cost of the work) shall be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work shall be performed by subcontractors of the construction manager which the construction manager shall procure by competitive sealed bidding or competitive negotiations.

(e) The purchasing agent shall issue such rules, regulations and operational procedures pursuant to the authority granted to the purchasing agent by section 2-372 of this Code as may be necessary to implement the provisions of this section. Such rules, regulations and operational procedures shall be designed to conform to the requirements of state law and this Code.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4308.

Sec. 2-399. - Prequalification of nonconstruction bidders and offerors.

(a) The purchasing agent is authorized to prequalify bidders or offerors prior to a solicitation of bids or proposals, whether for goods, services, or insurance, by requiring prospective bidders or offerors to submit such information as the purchasing agent shall deem appropriate, including but not limited to

samples, financial reports, and references. The opportunity to prequalify shall be given to any prospective bidder or offeror who has not been suspended or debarred under this division.

(b) The purchasing agent may refuse to prequalify any prospective bidder or offeror provided that the bidder or offeror is notified in writing. Such notice shall state the reasons for the action taken. A prospective bidder or offeror who fails to prequalify for a procurement may not bid on the procurement. However, such prospective bidder or offeror may appeal the disqualification as provided in section 2-451.

(c) In considering any request for prequalification, the purchasing agent shall determine whether there is reason to believe that the bidder or offeror possesses the management, financial soundness, and history of performance which indicate apparent ability to successfully complete the plans and specifications of the invitations for bids or request for proposals

(1) No other qualified, willing, and able prospective bidders have applied for prequalification.

(d) Prequalification of a bidder or offeror shall not constitute a conclusive determination that the bidder or offeror is responsible, and such bidder or offeror may be rejected as nonresponsible on the basis of subsequently discovered information.

(e) Failure of a bidder or offeror to prequalify with respect to a given procurement shall not bar the bidder or offeror from seeking prequalification as to future procurements or from bidding or offering proposals on procurements which do not require prequalification.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4317.

Sec. 2-400. - Prequalification of construction bidders.

(a) Any prequalification of prospective contractors for construction shall be pursuant to a prequalification process consistent with this section. The opportunity to prequalify shall be given to any prospective bidder who has not been suspended or debarred under this division.

(b) The application form used in the prequalification process shall set forth the criteria upon which the qualifications of prospective contractors will be evaluated. The application form shall request of prospective contractors only such information as is appropriate for an objective evaluation of all prospective contractors pursuant to such criteria. Such form shall allow the prospective contractor seeking prequalification to request, by checking the appropriate box, that all information voluntarily submitted by the contractor pursuant to this subsection shall be considered a trade secret or proprietary information subject to section 2-355.

(c) Advance notice shall be given of the deadline for the submission of prequalification applications. The deadline for submission shall be sufficiently in advance of the date set for the submission of bids as to allow the procedures set forth in this subsection to be accomplished.

(d) At least 30 calendar days prior to the date established for submission of bids or proposals under the procurement of the contract for which the prequalification applies, the city shall advise in writing each contractor which submitted an application whether that contractor has been prequalified. If a contractor is denied prequalification, the written notification to such contractor shall state the reasons for such denial of prequalification and the factual basis of such reasons. A decision by the city denying prequalification under this section shall be final and conclusive unless the contractor appeals the decision as provided in section 2-451.

(e) Prequalification may be denied to any contractor only if the city finds one of the following:

(1) The contractor does not have sufficient financial ability to perform the contract that would result from such procurement. If a bond is required to ensure performance of a contract, evidence that the contractor can acquire a surety bond from a corporation included on the United States

Treasury list of acceptable surety corporations in the amount and type required by the city shall be sufficient to establish the financial ability of such contractor to perform the contract resulting from such procurement;

(2) The contractor does not have appropriate experience to perform the construction project in question;

(3) The contractor or any officer, purchasing agent or owner thereof has had judgments entered against the contractor within the past ten years for the breach of contracts for governmental or nongovernmental construction, including but not limited to design-build or construction management;

(4) The contractor has been in substantial noncompliance with the terms and conditions of prior construction contracts with the city without good cause. If the city has not contracted with a contractor in any prior construction contracts, the city may deny prequalification if the contractor has been in substantial noncompliance with the terms and conditions of comparable construction contracts with another public body without good cause. The city may not utilize this subsection (e)(4) to deny prequalification unless the facts underlying such substantial noncompliance were documented in writing in the prior construction project file and such information relating thereto was given to the contractor at that time, with the opportunity to respond;

(5) The contractor or any officer, director, owner, project manager, procurement manager or chief financial official thereof has been convicted within the past ten years of a crime related to governmental or nongovernmental construction or contracting, including, but not limited to, a violation of:

a. Subdivision VII of this division;

b. The Virginia Governmental Frauds Act, Code of Virginia, § 18.2-498.1 et seq.;

c. Code of Virginia, § 59.1-68.6 et seq., which pertains to conspiracy to rig bids to government; or

d. Any substantially similar law of the United States or another state;

(6) The contractor or any officer, director or owner thereof is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government;

(7) The contractor failed to provide to the city in a timely manner any information requested by the city relevant to subsections (e)(1)—(6) of this section.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code § 2.2-4317.

Sec. 2-401. - Notice of invitation to bid.

(a) Notice inviting bids or requesting proposals shall be posted in a designated public area at least ten calendar days preceding the last day set for the receipt of bids or proposals.

(b) When requesting proposals or inviting bids, the purchasing agent shall also solicit proposals or sealed bids from a minimum of three responsible prospective suppliers who have requested their names to be added to a vendors' list, which the purchasing agent shall maintain, by sending another notice as will acquaint them with the proposed purchase or sale. Where there exist less than three known suppliers, the purchasing agent shall solicit proposals or sealed bids from each source. In any case, solicitations sent to the vendors on the vendors' list shall be limited to goods or services that are similar in character and ordinarily handled by the trade group to which the solicitations are sent.

(c) The purchasing agent shall also advertise pending purchases or sales by notice posted on the public bulletin board in the lobby of the purchasing office.

(d) In addition to the requirements of this section, the purchasing agent may provide the notices required by this section electronically and on the city's website in accordance with such policies and procedures as the purchasing agent may promulgate to govern such notices.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code, § 2.2-4302.1.

Sec. 2-402. - Use of brand names.

Unless otherwise provided in the invitation for bids, the name of a certain brand, make or manufacturer shall not restrict bidders to the specific brand, make or manufacturer named and shall be deemed to convey the general style, type, character and quality of the article desired. Any article that the city in its sole discretion determines to be the equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be accepted. The burden of proof as to the comparative quality and suitability of the alternative equipment, articles, materials or supplies shall be on the bidder or offeror, who shall furnish at the bidder's or offeror's own expense such information relating thereto as may be required by the purchasing agent.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4315.

Sec. 2-403. - Comments on specifications.

For complex equipment, supplies, services or construction, pre-bid conferences with prospective bidders may be desirable after draft specifications have been prepared. Such conferences may be utilized to help detect unclear provisions that tend to widen competition by removing unnecessarily restrictive language. Conferences on purchasing bids will be called by the purchasing agent and attended by a requesting agency or department representative and, if necessary, the city attorney.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4316.

Sec. 2-404. - Bid bonds on construction contracts.

(a) Except in cases of emergency, all bids or proposals for nontransportation-related construction contracts in excess of $500,000.00 or transportation-related projects authorized under Code of Virginia, § 33.1-12 that are in excess of $250,000.00 and partially or wholly funded by the commonwealth shall be accompanied by a bid bond from a surety company selected by the bidder that is authorized to do business in Virginia, as a guarantee that, if the contract is awarded to the bidder, the bidder will enter into the contract for the work mentioned in the bid. The amount of the bid bond shall not exceed five percent of the amount bid.

(b) For nontransportation-related construction contracts in excess of $100,000.00 but less than $500,000.00, where the bid bond requirements are waived, prospective contractors shall be prequalified for each individual project in accordance with section 2-400 of this Code.

(c) No forfeiture under a bid bond shall exceed the lesser of:

(1) The difference between the bid for which the bond was written and the next low bid; or

(2) The face amount of the bid bond.

(d) Nothing in this section shall preclude the city from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than $500,000.00 for nontransportation-related projects or $250,000.00 for transportation-related projects authorized under Code of Virginia, § 33.1-12 and partially or wholly funded by the commonwealth.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4336.

Sec. 2-405. - Bonds for other than construction contracts.

(a) At the discretion of the purchasing agent, bidders may be required to submit with their bids a bid bond from a surety company selected by the bidder that is authorized to do business in the state, or a certified check, in an amount to be determined by the purchasing agent and specified in the invitation for bids, which shall be forfeited to the city upon the bidder's failure to execute a contract awarded to the bidder or upon the bidder's failure to furnish any required performance or payment bonds in connection with a contract awarded.

(b) The purchasing agent may require successful bidders to furnish a performance bond and/or a payment bond from a surety company selected by the bidder that is authorized to do business in the state at the expense of the successful bidder, in amounts to be determined by the purchasing agent and specified in the invitation for bids, to ensure the satisfactory completion of the work for which a contract or purchase order is awarded.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4339.

Sec. 2-406. - Bid opening.

Bids received pursuant to this division shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and such other relevant information as the purchasing agent deems appropriate, together with the name of each bidder, shall be recorded; the record and each bid shall be open to public inspection upon completion of the award. A tabulation of all bids received shall be made available for public inspection after the bid opening.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-407. - Withdrawal of bid due to error.

(a) A bidder for a public construction contract, other than a contract for construction or maintenance of public highways, may withdraw the bid from consideration if the price bid was substantially lower than the other bids due solely to a mistake in the bid, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn.

(b) If a bid contains both clerical and judgment mistakes, a bidder may withdraw the bid from consideration if the price bid would have been substantially lower than the other bids due solely to the clerical mistake that was an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid that shall be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn.

(c) One of the following procedures for withdrawal of a bid shall be selected by the purchasing agent and stated in the advertisement for bids:

(1) The bidder shall give notice in writing of the claim of right to withdraw the bid within two business days after the conclusion of the bid opening procedure and shall submit original work papers with such notice; or

(2) The bidder shall submit to the purchasing agent the bidder's original work papers, documents and materials used in the preparation of the bid within one day after the date fixed for submission of bids. The work papers shall be delivered by the bidder in person or by registered mail at or prior to the time fixed for the opening of bids. In either instance, the work papers, documents and materials may be considered as trade secrets or proprietary information subject to the conditions of section 2-355(f). The bids shall be opened one day following the time fixed by the purchasing agent for the submission of bids. Thereafter, the bidder shall have two hours after the opening of bids within which to claim in writing any mistake as defined in this subsection and withdraw the bid. The contract shall not be awarded by the city until the two-hour period has elapsed. The mistake shall be proved only from the original work papers, documents and materials delivered as required in this subsection.

(d) The purchasing agent may establish procedures for the withdrawal of bids for other than construction contracts.

(e) No bid shall be withdrawn under this section when the result would be the awarding of the contract on another bid of the same bidder or of another bidder in which the ownership of the withdrawing bidder is more than five percent.

(f) If a bid is withdrawn in accordance with this section, the lowest remaining bid shall be deemed to be the low bid.

(g) No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.

(h) If the purchasing agent denies the withdrawal of a bid under this section, the purchasing agent shall notify the bidder in writing stating the reasons for the decision and award the contract to such bidder at the bid price, provided such bidder is a responsible and responsive bidder.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4330.

Sec. 2-408. - Bid evaluation under competitive sealed bidding.

In determining the lowest responsive and responsible bidder on purchases or contracts, the following factors, among such others as will protect and preserve the interests of the city and its inhabitants, shall be considered:

(1) The ability, capacity and will of the bidder to perform the contract or provide the service required.

(2) Whether the bidder can perform the contract or provide the services promptly or within the time specified, without delay or interference.

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(4) The quality of performance of previous contracts or services.

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract, purchase or service.

(6) The equipment, personnel and facilities available to the bidder to perform the contract or provide the service.

(7) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

(8) The quality, availability and adaptability of the supplies, materials, equipment or services to the particular use required.

(9) The ability of the bidder to provide future maintenance and service for the use of the subject of the purchase or contract.

(10) The amount and conditions, if any, of the bid.

(11) The bidder's showing that it can and will comply with its proposed commitments to minority business enterprise and emerging small business participation efforts.

(12) The bidder's past performance with regard to its minority business enterprise and emerging small business participation efforts.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-409. - Bid award under competitive sealed bidding.

(a) Bids under competitive sealed bidding shall be awarded to the lowest responsive and responsible bidder. When the terms and conditions of multiple bids are so provided in the invitation to bid, awards may be made to more than one bidder.

(b) The contract shall be awarded with reasonable promptness by written notice to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. If all bids for a procurement exceed available funds allocated to that procurement by prior agency, departmental or other official action, as certified by the agency head or department director, the purchasing agent, with the approval of the city manager, is authorized, when time or economic considerations preclude resolicitations of work of a reduced scope, to negotiate an adjustment of the bid price with the lowest responsive and responsible bidder in order to bring the bid within the amount of available funds allocated to that procurement.

(c) When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing office and filed with the other papers relating to this transaction.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4318.

Sec. 2-410. - Tie bids.

(a) In the case of a tie bid, preference shall be given to goods, services and construction produced in the city or provided by persons in the city, if such a choice is available; otherwise, the tie shall be decided by lot, unless section 2-358 applies.

(b) Whenever any bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference may be allowed to the lowest responsible bidder who is a resident of this state.

(c) In any contract which is to be awarded through competitive sealed bidding, if there are equal bids among qualified bidders, the contract shall be awarded to the contractor who will be able to provide the greatest degree of accessibility to the city officials who will be administering the contract.

(d) If more than two bids received are tied, the city shall compare location, payment terms, delivery terms, and other terms and shall select the bid most favorable to the city based on that comparison, which shall be documented in writing.

(e) If none of the subsections of this section resolve the tie, the purchasing agent may cancel the solicitation and rebid. Records shall be kept of any proceeding connected with tie bids.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4328(A).

Sec. 2-411. - Contract pricing arrangements.

(a) Except as prohibited in this division, public contracts may be awarded on a fixed price or cost reimbursement basis or on any other basis that is not prohibited.

(b) Subject to the limitations of this section, any type of contract which is appropriate to the procurement and which will promote the best interests of the city may be used, provided that the use of a cost-plus-a-percentage-of-cost contract or a cost-plus-a-percentage-of-construction-cost contract is prohibited.

(c) A cost reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the city than any other type or that it is impracticable to obtain the supply, service, or construction item required except under such a contract.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4331.

Sec. 2-412. - Multiterm contracts.

(a) *Specified period.* Unless otherwise provided by law, a contract for goods, services or insurance may be entered into for any period of time deemed to be in the best interest of the city, provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.

(b) *Cancellation due to unavailability of funds in succeeding fiscal periods.* When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-413. - Contract modification or supplement.

A public contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increase by more than 25 percent of the contract during performance or $50,000.00; whichever is greater, without the advance written approval of the city council.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4309.

Sec. 2-414. - Retainage on construction contracts.

(a) In any public contract for construction that provides for progress payments in installments based upon an estimated percentage of completion, the contractor shall be paid at least 95 percent of the earned sum when payment is due, with not more than five percent being retained to ensure faithful performance of the contract. All amounts withheld may be included in the final payment.

(b) Any subcontract for a public project that provides for similar progress payments shall be subject to this section.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4333.

Sec. 2-415. - Deposit of certain retained funds on certain contracts; penalty for failure to timely complete.

(a) When contracting directly with contractors for public contracts of $200,000.00 or more for construction of highways, roads, streets, bridges, parking lots, demolition, clearing, grading, excavating, paving, pile driving, miscellaneous drainage structures, and the installation of water, gas, sewer lines and pumping stations where portions of the contract price are to be retained, the city shall include in the bid proposal an option for the contractor to use an escrow account procedure for utilization of the city's retainage funds by so indicating in the space provided in the proposal documents. If the contractor elects to use the escrow account procedure, the escrow agreement form included in the bid proposal and contract shall be executed and submitted to the purchasing agent within 15 calendar days after notification. If the escrow agreement form is not submitted within the 15-day period, the contractor shall forfeit the contractor's rights to the use of the escrow account procedure.

(b) In order to have retained funds paid to an escrow agent, the contractor, the escrow agent, and the surety shall execute an escrow agreement form. The contractor's escrow agent shall be a trust company, bank or savings institution with its principal office located in the commonwealth. The escrow agreement and all regulations adopted by the city shall be substantially the same as that used by the state department of transportation.

(c) This section shall not apply to public contracts for construction for railroads, public transit systems, runways, dams, foundations, installation or maintenance of power systems for the generation and primary and secondary distribution of electric current ahead of the customer's meter, the installation or maintenance of telephone, telegraph or signal systems for public utilities, and the construction or maintenance of solid waste or recycling facilities and treatment plants.

(d) Any such public contract for construction with the city which includes payment of interest on retained funds may require a provision whereby the contractor, exclusive of reasonable circumstances beyond the control of the contractor stated in the contract, shall pay a specified penalty for each day exceeding the completion date stated in the contract.

(e) Any subcontract for such public project which provides for similar progress payments shall be subject to this section.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4334.

Sec. 2-416. - Public construction contract provisions barring damages for unreasonable delays declared void.

(a) Any provision contained in any public construction contract that purports to waive, release, or extinguish the rights of a contractor to recover costs or damages for unreasonable delay in performing such contract, either on the contractor's behalf or on behalf of the contractor's subcontractor if and to the extent the delay is caused by acts or omissions of the city, its agents or employees and due to causes within their control shall be void and unenforceable as against public policy.

(b) Subsection (a) of this section shall not be construed to render void any provision of a public construction contract that:

(1) Allows the city to recover that portion of delay costs caused by the acts or omissions of the contractor or its subcontractors, agents or employees;

(2) Requires notice of any delay by the party claiming the delay;

(3) Provides for liquidated damages for delay; or

(4) Provides for arbitration or any other procedure designed to settle contract disputes.

(c) A contractor making a claim against the city for costs or damages due to the alleged delaying of the contractor in the performance of its work under any public construction contract shall be liable to the city and shall pay it for a percentage of all costs incurred by the city in investigating, analyzing, negotiating, litigating and arbitrating the claim, which percentage shall be equal to the percentage of the contractor's total delay claim which is determined through litigation or arbitration to be false or to have no basis in law or in fact.

(d) If the city denies a contractor's claim for costs or damages due to the alleged delaying of the contractor in the performance of work under any public construction contract, the city shall be liable to and shall pay such contractor a percentage of all costs incurred by the contractor to investigate, analyze, negotiate, litigate and arbitrate the claim. The percentage paid by the city shall be equal to the percentage of the contractor's total delay claim for which the city's denial is determined through litigation or arbitration to have been made in bad faith.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4335.

Sec. 2-417. - Performance and payment bonds.

(a) Upon the award of any (i) public construction contract exceeding $50,000.00 awarded to any prime contractor; (ii) construction contract exceeding $50,000.00 awarded to any prime contractor requiring the performance of labor or the furnishing of materials for buildings, structures or other improvements to real property owned or leased by a public body; (iii) construction contract exceeding $50,000.00 in which the performance of labor or the furnishing of materials will be paid with public funds; or (iv) transportation-related projects exceeding $250,000.00 that are partially or wholly funded by the Commonwealth, the contractor shall furnish to the city the following bonds:

(1) A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications and conditions of the contract. For transportation-related projects authorized under Code of Virginia, § 33.1-12, such bond shall be in a form and amount satisfactory to the purchasing agent.

(2) A payment bond in the sum of the contract amount. The bond shall be for the protection of claimants who have and fulfill contracts to supply labor or materials to the prime contractor to whom the contract was awarded or to any subcontractors, in furtherance of the work provided for in the contract, and shall be conditioned upon the prompt payment for all such material furnished or labor supplied or performed in furtherance of the work. For transportation-related projects authorized under Code of Virginia, § 33.1-12, and partially or wholly funded by the Commonwealth, such bond shall be in a form and amount satisfactory to the purchasing agent.

The term "labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

(b) For nontransportation-related construction contracts in excess of $100,000.00 but less than $500,000.00, where the bid bond requirements are waived, prospective contractors shall be prequalified for each individual project in accordance with section 2-400 of this Code.

(c) Each of the bonds shall be executed by one or more surety companies selected by the contractor that are authorized to do business in Virginia.

(d) Bonds shall be payable to the city.

(e) Each of the bonds shall be filed with the purchasing agent.

(f) Nothing in this section shall preclude the purchasing agent from requiring payment or performance bonds for construction contracts below $50,000.00 for nontransportation-related projects or $250,000.00 for transportation-related projects authorized under Code of Virginia, § 33.1-12, and partially or wholly funded by the commonwealth.

(g) Nothing in this section shall preclude the contractor from requiring each subcontractor to furnish a payment bond with surety thereon in the sum of the full amount of the contract with such subcontractor conditioned upon the payment to all persons who have and fulfill contracts that are directly with the subcontractor for performing labor and furnishing materials in the prosecution of the work provided for in the subcontract.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4337.

Sec. 2-418. - Action on performance bond.

No action against the surety on a performance bond given pursuant to this division shall be brought unless within one year after:

(1) Completion of the contract, including the expiration of all warranties and guaranties; or

(2) Discovery of the defect or breach of warranty, if the action is for such.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4340.

Sec. 2-419. - Actions on payment bond.

(a) Subject to subsection (b) of this section, any claimant who has performed labor or furnished material in accordance with the contract documents in furtherance of the work provided in any contract for which a payment bond has been given and who has not been paid in full before the expiration of 90 days after the day on which the claimant performed the last of the labor or furnished the last of the materials for which the claimant claims payment may bring an action on such payment bond to recover

any amount due for the labor or material and may prosecute such action to final judgment and have execution on the judgment. The obligee named in the bond need not be named a party to such action.

(b) Any claimant who has a direct contractual relationship with any subcontractor from whom the contractor has not required a subcontractor payment bond under section 2-417(f), but who has no contractual relationship, express or implied, with the contractor, may bring an action on the contractor's payment bond only if the claimant has given written notice to such contractor within 180 days from the day on which the claimant performed the last of the labor or furnished the last of the materials for which the claimant claims payment, stating with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished. Any claimant who has a direct contractual relationship with a subcontractor from whom the contractor has required a subcontractor payment bond under section 2-417(f), but who has no contractual relationship, express or implied, with such contractor, may bring an action on the subcontractor's payment bond. Notice to the contractor shall be served by registered or certified mail, postage prepaid, in an envelope addressed to such contractor at any place where the contractor's office is regularly maintained for the transaction of business. Claims for sums withheld as retainages with respect to labor performed or materials furnished shall not be subject to the time limitations stated in this subsection.

(c) Any action on a payment bond must be brought within one year after the day on which the person bringing such action last performed labor or last furnished or supplied materials.

(d) Any waiver of the right to sue on the payment bond required by this section shall be void unless it is in writing, signed by the person whose right is waived, and executed after such person has performed labor or furnished material in accordance with the contract documents.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4341.

Sec. 2-420. - Alternative forms of security.

(a) In lieu of a bid, payment or performance bond issued pursuant to this division, a bidder may furnish a certified check or cash escrow in the face amount required for the bond.

(b) If approved by the city attorney, a bidder may furnish a personal bond, property bond, or bank or savings institution's letter of credit on certain designated funds in the face amount required for the bid, payment or performance bond. Approval shall be granted only upon a determination that the alternative form of security proffered affords protection to the city equivalent to a corporate surety's bond.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4338.

Sec. 2-421. - Competitive negotiation for nonprofessional services.

(a) *Conditions for use.* Conditions for use of competitive negotiation for nonprofessional services shall be as follows:

(1) Upon a determination made in advance by the purchasing agent and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination.

(2) Upon a written determination made in advance by the city manager that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a

licensed agent or broker selected in the following manner, the basis for this determination being documented in writing:

a. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the request for proposals, including price if so stated in the request for proposals. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the purchasing agent shall select the offeror which, in the purchasing agent's opinion, has made the best proposal and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the request for proposals, awards may be made to more than one offeror.

b. Should the purchasing agent determine in writing and in the purchasing agent's sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

(3) Construction may be procured only by competitive sealed bidding. However, upon a determination made in advance by the purchasing agent and set forth in writing by the purchasing agent that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, competitive negotiation may be used in the following instances:

a. For the alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than $500,000.00; and

b. For the construction of highways and any draining, dredging, excavation, grading or similar work upon real property.

(b) *Request for proposals.* A request for proposals shall be in writing and indicate in general terms what is sought to be procured, specifying the factors which will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the contractor. If appropriate, requests for qualifications can be requested prior to the release of a request for proposals. In such case, only those vendors who have demonstrated that they are qualified may submit a response to the request for proposals.

(c) *Public notice.* At least ten days prior to the date set for receipt of proposals, public notice shall be given by posting in a public area normally used for posting of public notices or by publication in a newspaper of general circulation in the Richmond area or both. In addition, proposals may be solicited directly from potential contractors.

(d) *Receipt of proposals.* No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation.

(e) *Evaluation factors.* The request for proposals shall state the relative importance of price and other evaluation factors. One evaluation factor shall be good faith minority business enterprise and emerging small business participation efforts. Such good faith minority business enterprise and emerging small business participation efforts shall comprise ten percent of the total evaluation.

(f) *Discussion with responsible offerors and revision to proposals.* As provided in the request for proposals, discussion may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to ensure full understanding of and conformance with the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.

(g) *Award.* Award shall be made to the responsible and responsive offeror whose proposal is determined in writing to be the most advantageous to the city, taking into consideration price and the evaluation

factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4303(C), (D).

Sec. 2-422. - Contracting for professional services by competitive negotiation.

(a) *Conditions for use.* Where the cost of professional services is not expected to exceed $30,000.00 in the aggregate or for the sum of all phases of a contract or project, professional services may be procured by direct negotiation with a contractor deemed by the using agency to be qualified. Where the cost of professional services is expected to exceed $30,000.00 in the aggregate or for the sum of all phases of a contract or project, professional services shall be procured by competitive negotiation.

(b) *Competitive negotiation; discussion and award.* The purchasing agent shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. The request for proposals shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the purchasing agent may discuss nonbinding estimates of total project costs, including, but not limited to, life cycle costing and, where appropriate, nonbinding estimates of price for services. Proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subsection, on the basis of evaluation factors published in the request for proposals and all information developed in the selection process to this point, the purchasing agent shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the city can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the purchasing agent determine in writing and in the purchasing agent's sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than any others under consideration, a contract may be negotiated and awarded to that offeror. If appropriate, requests for qualifications can be made prior to the release of a request for proposals. In such cases, only those vendors who have demonstrated that they are qualified may submit a response to the request for proposals.

(c) *Architectural or professional engineering services for multiple projects.* A contract for architectural or professional engineering services relating to construction projects may be negotiated by the city for multiple projects, provided:

(1) The projects require similar experience and expertise;

(2) The nature of the projects is clearly identified in the request for proposals; and

(3) The contract term is limited to one year or when the cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs first.

Such contract may be renewable for five additional one-year terms at the option of the city. Under such contract, the fair and reasonable prices, as negotiated, shall be used in determining the cost of each project performed; the sum of all projects performed in one contract term shall not exceed $500,000.00; and the project fee of any single project shall not exceed $100,000.00. Any unused amounts from the first contract term shall not be carried forward to the additional term. Competitive negotiations for such contracts may result in awards to more than one offeror provided the request for proposals so states.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4301.

Sec. 2-423. - Consideration of accessibility of contractors.

In any contract which is to be awarded through competitive negotiation, the request for proposals shall contain, as one factor for evaluation of proposals, the degree of accessibility that the contractor will be able to provide to the city officials who will be administering the contract.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-424. - Employment discrimination by contractor prohibited; required contract provisions.

The city shall include in every contract of more than $10,000.00 the following provisions:

(1) During the performance of this contract, the contractor agrees as follows:

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

b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, shall state that such contractor is an equal opportunity employer.

c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

(2) During the performance of this contract, the contractor shall include the provisions of subsection (1) of this section in every subcontract or purchase order of over $10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4311.

Sec. 2-425. - Obstruction of practices required under division.

It shall be unlawful for any person to:

(1) Directly or indirectly cause or coerce or attempt to cause or coerce any person to disregard any practice required to be performed under this division.

(2) Directly or indirectly engage in economic reprisal or intimidation or harm or threaten harm to any person or retaliate or interfere with any person because such person is willing to or has complied with any practice required to be performed under this division or encouraged others to comply with any section in this division or has exercised or attempted to exercise any right conferred in this division.

(3) Directly or indirectly cause or coerce or attempt to cause or coerce another person to engage in economic reprisal or intimidation or harm or threaten harm to any person or retaliate against or interfere with any person because such person is willing to or has complied with any practice

required to be performed under this division or encouraged others to comply with any section in this division or has exercised or attempted to exercise any right conferred in this division.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-426. - Cancellation of solicitations and rejection of bids or proposals; waiver of informalities.

(a) The purchasing agent may cancel an invitation for bids, a request for proposals, or any other solicitation and may reject any or all bids or proposals in whole or in part when the purchasing agent determines that it is in the best interest of the city to do so. The reasons for cancellation or rejection shall be made part of the contract file. The purchasing agent shall not cancel or reject an invitation for bids, a request for proposals, or any other solicitation, bid or proposal pursuant to this section solely to avoid awarding a contract to a particular responsive and responsible bidder or offeror.

(b) The purchasing agent may waive informalities in bids.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4319.

Secs. 2-427—2-430. - Reserved.

Subdivision IV. - Disposal of Surplus Property

Sec. 2-431. - Reports of unused property.

All using agencies shall submit to the purchasing agent, at such time and in such form as prescribed, reports showing stocks of all supplies, materials and equipment which are no longer used or which have become obsolete, worn out or scrapped. Agencies having surplus, obsolete or unused supplies, materials or equipment shall declare such property surplus to the purchasing agent by completing a declaration of surplus property form, including quantity, description, location and other details required by the form.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-432. - Transfer of stock to other using agencies.

The purchasing agent shall have the sole authority to transfer surplus stock to other using agencies.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-1124(B)(1).

Sec. 2-433. - Sale or exchange.

The purchasing agent shall have the authority to sell all supplies, materials and equipment that the purchasing agent determines in writing to be unsuitable for public use. Further, the purchasing agent shall have the authority to exchange such supplies, materials and equipment for or to trade in such supplies, materials and equipment for new supplies, materials, or equipment. When property is sold in lieu of being traded in on the purchase of new supplies, materials or equipment, the amount received shall be credited to the appropriate city account. Agencies shall list all possible trade-in items on their replacement purchase requisitions.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-434. - Donation.

(a) If the purchasing agent finds in writing that it is impractical to sell or exchange supplies, materials, equipment or vehicles that are unsuitable for public use as provided in section 2-433, the purchasing agent shall have the authority to donate such supplies, materials, equipment or vehicles to other public bodies or to nonprofit organizations.

(b) The library director shall have the authority to transfer city-owned books that the library director determines to be surplus to private nonprofit organizations that will dispose of such books through a public book sale and return the proceeds to the city for the purchase of additional books or materials for the public library.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-1124(B)(12).

Sec. 2-435. - Special restrictions.

(a) Whenever items are surplus, obsolete or unused in one agency, they shall be transferred to another city agency, sold only by the purchasing agent, or traded in on the purchase of needed supplies, materials or equipment.

(b) Surplus property not transferred to a city agency or traded in shall be sold by competitive bidding or public auction whenever practicable. When determined in writing to be impractical or when no bids or offers are received, the purchasing agent may sell surplus property on a negotiated basis. Receipts shall be credited to the appropriate income account.

(c) Employees and dependents of employees of the disposing agency and selling agency may purchase city surplus property at uniform prices available to the general public in accordance with the state and local government Conflict of Interest Act, Code of Virginia, § 2.2-3100 et seq.

(Ord. No. 14-01, 1-7-2014)

Secs. 2-436—2-440. - Reserved.

Subdivision V. - Debarment[14]

Footnotes:

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State Law reference— Similar provisions, Code of Virginia, § 2.2-4321.

Sec. 2-441. - Authority to debar or suspend.

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the city manager, after consulting with the city attorney, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three years. After consultation with the city attorney, the city manager is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in

any activity which might lead to debarment. The suspension shall be for a period not exceeding three months. The causes for debarment include the following:

(1) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract;

(2) Conviction under state and federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a city contractor;

(3) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

(4) Violation of contract provisions, as follows, of a character which is regarded by the city manager to be so serious as to justify debarment action:

a. Deliberate failure without good cause to perform in accordance with specifications or within the time limit provided in the contract; or

b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment; and

(5) Any other cause that the city manager determines to be so serious and compelling as to affect responsibility as a city contractor, including debarment by another governmental entity for any cause in this division and for violation of the ethical standards set forth in this division.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4321.

Sec. 2-442. - Decision to debar or suspend.

The city manager shall issue a written decision to debar or suspend pursuant to this division. The decision shall state the reasons for the action taken and shall inform the debarred or suspended person involved of such person's rights concerning judicial or administrative review.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4321.

Sec. 2-443. - Notice of decision.

A copy of the decision required by section 2-442 shall be mailed or otherwise furnished immediately to the debarred or suspended person.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-444. - Finality of decision.

A decision under section 2-442 shall be final and conclusive, unless the debarred or suspended person appeals the decision as provided in section 2-458 for administrative appeals or, in the alternative, by instituting legal action as provided in section 2-459.

(Ord. No. 14-01, 1-7-2014)

Secs. 2-445—2-450. - Reserved.

Subdivision VI. - Appeals and Remedies for Protest[15]

Footnotes:

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State Law reference— Similar provisions, Code of Virginia, § 2.2-4365.

Sec. 2-451. - Ineligibility of bidder, offeror or contractor.

(a) Any bidder, offeror or contractor refused permission to participate or disqualified from participating in public contracts shall be notified in writing. Such notice shall state the reasons for the action taken. This decision shall be final unless the bidder, offeror or contractor appeals the decision as provided in section 2-458 for administrative appeals or, in the alternative, by instituting legal action as provided in section 2-459.

(b) If, upon appeal, it is determined that the action taken was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the state constitution or any applicable state law or regulation, then the sole relief shall be restoration of eligibility.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4357.

Sec. 2-452. - Appeal of denial of withdrawal of bid.

(a) A decision denying withdrawal of a bid under section 2-407 due to error shall be final and conclusive unless the bidder appeals the decision as provided in section 2-458 for administrative appeals or, in the alternative, by instituting legal action as provided in section 2-459.

(b) If no bid bond was posted, a bidder refused withdrawal of a bid under section 2-407, prior to appealing, shall deliver to the purchasing agent a certified check or cash bond in the amount of the difference between the bid sought to be withdrawn and the next lowest bid. Such security shall be released only upon a final determination that the bidder was entitled to withdraw the bid.

(c) If, upon appeal, it is determined that the decision refusing withdrawal of the bid was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the state constitution, any applicable state law or regulation or the terms and conditions of the invitation for bids, the sole relief shall be withdrawal of the bid.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4358.

Sec. 2-453. - Determination of nonresponsibility.

(a) Following public opening and announcement of bids received on an invitation for bids, the city shall evaluate the bids in accordance with section 2-408. At the same time, the city shall determine whether

the apparent low bidder is responsible. If the city so determines, it may proceed with an award in accordance with section 2-409. If the city determines that the apparent low bidder is not responsible, it shall proceed as follows:

(1) Prior to the issuance of a written determination of nonresponsibility, the city shall:

a. Notify the apparent low bidder in writing of the results of the evaluation;

b. Disclose the factual support for the determination; and

c. Allow the apparent low bidder an opportunity to inspect any documents which relate to the determination, if so requested by the bidder within five business days after receipt of the notice.

(2) Within ten business days after receipt of the notice, the bidder may submit rebuttal information challenging the evaluation. The city shall issue its written determination of nonresponsibility based on all information in the possession of the city, including any rebuttal information, within five business days of the date the city received such rebuttal information. At the same time, the city shall notify the bidder in writing of its determination.

(3) Such notice shall state the basis for the determination, which shall be final unless the bidder appeals the decision as provided in section 2-458 for administrative appeals or, in the alternative, by instituting legal action as provided in section 2-459.

This subsection shall not apply to procurements involving the prequalification of bidders and the rights of any potential bidders under such prequalification to appeal a decision that such bidders are not responsible.

(b) If, upon appeal, it is determined that the decision of the city was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the state constitution, any applicable state law or regulation or the terms and conditions of the invitation for bids and the award of the contract in question has not been made, the sole relief shall be a finding that the bidder is a responsible bidder for the contract in question or a directed award as provided in section 2-458(a) or both. If it is determined that the decision of the city was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the state constitution, any applicable state law or regulation or the terms and conditions of the invitation for bids and an award of the contract has been made, the relief shall be as set forth in section 2-454(b).

(c) A bidder contesting a determination that the bidder is not a responsible bidder for a particular contract shall proceed under this section and may not protest the award or proposed award under section 2-454.

(d) Nothing contained in this section shall be construed to require the city, when procuring by competitive negotiation, to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4359.

Sec. 2-454. - Protest of award or decision to award.

(a) Any bidder or offeror may protest the award or decision to award a contract by submitting such protest in writing to the purchasing agent no later than ten calendar days after the award or the announcement of the decision to award, whichever occurs first. The purchasing agent shall not be required to consider protests not properly addressed and delivered to the purchasing agent within the ten-calendar-day period. Any potential bidder or offeror on a contract negotiated on an only practical source or emergency basis who desires to protest the award or decision to award such contract shall submit such protest in the same manner no later than ten calendar days after the notice of such contract.

However, if the protest of any actual or potential bidder or offeror depends in whole or in part upon information contained in public records pertaining to the procurement transaction which are subject to inspection under section 2-355, the time within which the protest must be submitted shall expire ten calendar days after those records are available for inspection by such bidder or offeror under section 2-355 or at such later time as provided in this section. No protest shall be for a claim that the selected bidder or offeror is not a responsible bidder or offeror. The written protest shall include the basis for the protest and the relief sought. The purchasing agent shall issue a decision in writing within ten calendar days stating the reasons for the action taken. This decision shall be final unless the bidder or offeror appeals as provided in section 2-458 for administrative appeals or, in the alternative, by instituting legal action as provided in section 2-459. Nothing in this subsection shall be construed to permit a bidder or offeror to challenge the validity of the terms or conditions of the invitation for bids or request for proposals.

(b) If, prior to an award, it is determined that the decision to award was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the state constitution, applicable state law, or the terms and conditions of the invitation for bids, the sole relief shall be a finding to that effect. The purchasing agent shall cancel the proposed award or revise it to comply with the law. If, after an award, it is determined that an award of a contract was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the state constitution, applicable state law, or the terms and conditions of the invitation for bids, the sole relief shall be as provided in subsection (c) of this section. Where the award has been made, but performance has not begun, the performance of the contract may be enjoined. Where the award has been made and performance has begun, the city manager may declare the contract void upon a finding that this action is in the best interest of the public. Where a contract is declared void, the performing contractor shall be compensated for the cost of performance up to the time of such declaration. In no event shall the performing contractor be entitled to lost profits.

(c) If the procurement review board established by section 2-458(c)(1) determines, after a hearing held following reasonable notice to all bidders or offerors, that there is probable cause to believe that a decision to award was based on fraud or corruption or on an act in violation of subdivision VII of this division, the procurement review board may enjoin the award of the contract to a particular bidder or offeror.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code, § 2.2-4360.

Sec. 2-455. - Effect of appeal upon contract.

Pending final determination of a protest or appeal pursuant to this division, the validity of a contract awarded and accepted in good faith in accordance with this division shall not be affected by the fact that a protest or appeal has been filed.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code, § 2.2-4361.

Sec. 2-456. - Stay of award during protest.

An award need not be delayed for the period allowed a bidder or offeror to protest, but if a timely protest is filed as provided in section 2-454 or a timely legal action is filed as provided in section 2-459, no further action to award the contract will be taken unless there is a written determination that proceeding without delay is necessary to protect the public interest or unless the bid or offer would expire.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code, § 2.2-4362.

Sec. 2-457. - Contractual disputes.

(a) Contractual claims, whether for money or other relief, shall be submitted in writing to the purchasing agent no later than 60 calendar days after final payment; however, written notice of the contractor's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. Nothing in this section shall preclude a contract from requiring submission of an invoice for final payment within a certain time after completion and acceptance of the work or acceptance of the goods. Pendency of claims shall not delay payment of amounts agreed due in the final payment.

(b) A procedure for consideration of contractual claims shall be included in each contract. Such procedure, which may be incorporated into the contract by reference, shall establish a time limit for a final decision in writing by the purchasing agent.

(c) A contractor may not invoke administrative procedures as provided in section 2-458 or institute legal action as provided in section 2-459 prior to receipt of the decision on the claim, unless the purchasing agent fails to render such decision within the time specified in the contract.

(d) The decision of the purchasing agent shall be final and conclusive unless the contractor appeals within 30 calendar days of the date of the final decision on the claim by the purchasing agent as provided in section 2-458 for administrative appeals or, in the alternative, by instituting legal action as provided in section 2-459.

(e) Nothing in this section shall be construed to authorize or permit any contractor pursuing, by any available procedure, an appeal of a contractual claim or dispute to cease performance of a contract while such claim or dispute is pending.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code. § 2.2-4363.

Sec. 2-458. - Administrative appeals procedure.

(a) An administrative appeals procedure is hereby established for hearing protests of a decision to award or an award, appeals from refusals to allow withdrawal of bids, appeals from disqualifications and determinations of nonresponsibility, appeals from debarments or suspensions, and appeals from decisions on disputes arising during the performance of a contract, or any of these.

(b) Procedures for the initial administrative appeal shall be as follows:

(1) Any act or decision of the city listed in subsection (a) of this section may be appealed or protested by writing to the purchasing agent within ten calendar days of the act or decision at issue. The writing must indicate the basis for the protest and the relief sought.

(2) The purchasing agent must send a written response to the appeal or protest within ten calendar days of the purchasing agent's receipt of the appeal or protest.

(3) If the decision of the purchasing agent is not satisfactory to the offeror, bidder or contractor, the offeror, bidder or contractor has ten calendar days from the receipt of the purchasing agent's decision to request, in writing, a hearing before the procurement review board. Such letter of request shall be addressed and delivered to the office of the purchasing agent.

(c) Procedures for hearings shall be as follows:

(1) A procurement review board shall be established, to be comprised of three disinterested individuals. The members of the procurement review board shall not be employees of the city.

(2) From the receipt of the letter requesting a hearing, the office of the purchasing agent of procurement services has ten calendar days to inform the offeror, bidder or contractor of the date, time and location of the hearing. Notice of the hearing must be sent at least ten calendar days prior to the hearing date.

(3) At the hearing before the procurement review board, there shall be an opportunity for both the offeror, bidder or contractor and the city to present pertinent information.

(4) The procurement review board shall issue a written decision containing findings of fact. The findings of fact shall be final and conclusive and shall not be set aside unless they are:

a. Fraudulent, arbitrary or capricious;

b. So grossly erroneous as to imply bad faith; or

c. For denial of prequalification of a potential construction bidder; such findings were not based upon the criteria for denial of prequalification set forth in section 2-400(g). No determination on an issue of law shall be final if appropriate legal action pursuant to section 2-459 is instituted in a timely manner.

(d) Any party to the administrative appeals procedure, including the city, shall be entitled to institute judicial review if such action is brought within 30 calendar days of receipt of the written decision of the procurement review board.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code § 2.2-4365.

Sec. 2-459. - Legal actions.

(a) A bidder or offeror, actual or prospective, who is refused permission or disqualified from participating in bidding or competitive negotiations or who is determined not to be a responsible bidder or offeror for a particular contract, may bring an action in the circuit court of the city challenging that decision, which shall be reversed only if the petitioner establishes that the decision was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the state constitution, any applicable state law or regulation, or the terms or conditions of the invitation for bids or request for proposals or, for denial of prequalification of a potential construction bidder, that the decision to deny prequalification was not based upon the criteria for denial of prequalification set forth in section 2-400(g). If the apparent low bidder, having been previously determined by the city to be not responsible, is found by the court to be a responsible bidder, the court may direct the city to award the contract, forthwith, to such bidder in accordance with the requirements of this section and the invitation for bids. Section 2-454(b) shall apply to any such award directed by the court.

(b) A bidder denied withdrawal of a bid under section 2-407 may bring an action in the circuit court of the city challenging that decision, which shall be reversed only if the bidder establishes that the decision of the city was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the state constitution, any applicable state law or regulation, or the terms and conditions of the invitation for bids.

(c) A bidder, offeror or contractor may bring an action in the circuit court of the city challenging a proposed award or the award of a contract, which shall be reversed only if the petitioner establishes that the proposed award or the award is not an honest exercise of discretion, but rather is arbitrary, capricious or not in accordance with the state constitution, applicable state law or regulation, or the terms and conditions of the invitation for bids or request for proposals.

(d) If injunctive relief is granted, the court, upon request of the city, shall require the posting of reasonable security to protect the city.

(e) A contractor may bring an action involving a contract dispute with the city in the circuit court of the city.

(f) A bidder, offeror or contractor need not utilize administrative procedures as provided in section 2-458, but if those procedures are invoked by the bidder, offeror or contractor, the procedures shall be exhausted prior to instituting legal action concerning the same procurement transaction unless the city council adopts a resolution providing otherwise.

(g) Nothing in this section shall be construed to prevent the city from instituting legal action against a contractor.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code § 2.2-4364.

Sec. 2-460. - Alternative dispute resolution.

The city may enter into agreements to submit disputes arising from contracts entered into pursuant to this division to arbitration and to utilize mediation and other alternative dispute resolution procedures; however, such procedures entered into by the city shall be nonbinding.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code § 2.2-4366.

Secs. 2-461—2-470. - Reserved.

Subdivision VII. - Ethics in Public Contracting

Sec. 2-471. - Purpose.

(a) The provisions of this division supplement, but shall not supersede, other provisions of law including, but not limited to, the state and local government conflict of interests act, Code of Virginia, § 2.2-3100 et seq.; the Virginia Governmental Frauds Act, Code of Virginia, § 18.2-498.1 et seq.; and Code of Virginia, §§ 18.2-438 et seq. and 18.2-446 et seq.

(b) The provisions of this division apply notwithstanding the fact that the conduct described may not constitute a violation of the state and local government conflict of interests act.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4367.

Sec. 2-472. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Immediate family means a spouse, children, parents, brothers and sisters, and any other person living in the same household as the employee.

Official responsibility means administrative or operating authority, whether immediate or final, to initiate, approve, disapprove or otherwise affect a procurement transaction or any claim resulting therefrom.

Pecuniary interest arising from the procurement means a personal interest in a contract as defined in the state and local government conflict of interests act, Code of Virginia, § 2.2-3100 et seq.

Procurement transaction means all functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of the contract, and all phases of contract administration.

Public employee means any person employed by the city, including elected officials or appointed members of the city council.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4368.

Sec. 2-473. - Proscribed participation by public employees in procurement transaction.

Except as may be specifically allowed by Code of Virginia, § 2.2-3112(A)(2)—(4), no public employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the city when the employee knows that:

(1) The employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction;

(2) The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor such as an officer, director, trustee, partner, or the like or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent;

(3) The employee, the employee's partner, or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or

(4) The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning, prospective employment with a bidder, offeror or contractor.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4369.

Sec. 2-474. - Solicitation or acceptance of gifts.

No public employee having official responsibility for a procurement transaction shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged. The city may recover the value of anything conveyed in violation of this section.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4371(a).

Sec. 2-475. - Disclosure of subsequent employment.

No public employee or former public employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the city unless the employee or former employee provides written notification to the city manager prior to commencement of employment by that bidder, offeror or contractor.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4370.

Sec. 2-476. - Gifts by bidders, offerors, contractors or subcontractors.

No bidder, offeror, contractor or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4371(b).

Sec. 2-477. - Kickbacks.

(a) No contractor or subcontractor shall demand or receive from any of his or her suppliers or his or her subcontractors, as an inducement for the award of a subcontract or order, any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, unless consideration of substantially equal or greater value is exchanged.

(b) No subcontractor or supplier shall make or offer to make kickbacks as described in this section.

(c) No person shall demand or receive any payment, loan, subscription, advance, deposit of money, services or anything of value in return for an agreement not to compete on a public contract.

(d) If a subcontractor or supplier makes a kickback or other prohibited payment as described in this section, the amount thereof shall be conclusively presumed to have been included in the price of the subcontract or order and ultimately borne by the city and will be recoverable from both the maker and recipient. Recovery from one offending party shall not preclude recovery from other offending parties.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4372.

Sec. 2-478. - Participation in bid preparation; limitation on submitting bid for same procurement.

(a) No person who, for compensation, prepares an invitation for bids or request for proposals for or on behalf of the city shall submit a bid or proposal for that procurement or any portion thereof, or disclose to any bidder or offeror information concerning the procurement which is not available to the public. However, the city manager may permit such person to submit a bid or proposal for that procurement or any portion thereof if the city determines that the exclusion of such person would limit the number

of potential qualified bidders or offerors in a manner contrary to the best interest of the city. This determination shall be stated in writing and kept as part of the procurement's records.

(b) For the purpose of this section only, the term "prepares" shall include but not be limited to:

(1) Serving as a director or deputy director of the agency which has initiated the procurement;

(2) Serving as the purchasing agent of the purchasing office after the purchasing office has received information on an agency's intent to procure;

(3) Serving as the procurement manager for the agency which has initiated the procurement;

(4) Serving as the procurement officer in charge of the procurement;

(5) Assisting in the development of specifications for invitations for bids or requests for proposals;

(6) Attending an evaluation committee meeting that is closed to the public;

(7) Voting on or scoring a bid or proposal; or

(8) Any other participation in the procurement process which could lead to unfair advantage.

(c) The determination of disqualification under this section shall be made by the city manager.

(d) A contractor submitting a bid or proposal may appeal a determination of disqualification under this section by following the administrative appeals procedure as provided in section 2-458 or, in the alternative, instituting legal action as provided in section 2-459.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4373.

Sec. 2-479. - Purchase of building materials, etc., from architect or engineer prohibited.

(a) No building materials, supplies or equipment for any building or structure constructed by or for the city shall be sold by or purchased from any person employed as an independent contractor by the city to furnish architectural or engineering services, but not construction, for such building or structure, or from any partnership, association or corporation in which such architect or engineer has a personal interest as defined in Code of Virginia, § 2.2-3101.

(b) No building materials, supplies or equipment for any building or structure constructed by or for the city shall be sold by or purchased from any person who has provided or is currently providing design services specifying a sole source for such materials, supplies or equipment to be used in such building or structure to the independent contractor employed by the city to furnish architectural or engineering services in which such person has a personal interest as defined in Code of Virginia, § 2.2-3101.

(c) The provisions of subsections (a) and (b) of this section shall not apply in cases of emergency.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4374.

Sec. 2-480. - Certification of compliance required; penalty for false statements.

(a) The city may require public employees having official responsibility for procurement transactions in which they participated to annually submit for such transactions a written certification that they complied with the provisions of this division.

(b) Any public employee required to submit a certification as provided in subsection (a) of this section who knowingly makes a false statement in such certification shall be punished as provided in section 2-482.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4375.

Sec. 2-481. - Misrepresentations prohibited.

No public employee having official responsibility for a procurement transaction shall:

(1) Knowingly falsify, conceal, or misrepresent a material fact;

(2) Knowingly make any false, fictitious or fraudulent statements or representations; or

(3) Make or use any false writing or document knowing the writing or document to contain any false, fictitious or fraudulent statement or entry.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4376.

Sec. 2-482. - Penalty for violation.

Willful violation of any provision of this division shall constitute a class 1 misdemeanor. Upon conviction, any public employee, in addition to any other fine or penalty provided by law, shall forfeit his or her employment.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 2.2-4377.

Secs. 2-483—2-490. - Reserved.

Subdivision VIII. - Public-Private Partnerships

Sec. 2-491. - Purpose; definitions; application.

(a) *Purpose.* This division establishes procedures for the implementation by the city of the Public-Private Transportation Act of 1995, codified in Chapter 22 of Title 56 of the Code of Virginia (1950), as amended, and the Public-Private Education Facilities and Infrastructure Act of 2002, codified in Chapter 22.1 of Title 56 of the Code of Virginia (1950), as amended. Pursuant to state law, this division allows the city to create public-private partnerships for the development of a wide range of projects for public use if the city determines that (i) there is a need for the project and (ii) private involvement may provide the project to the public in a timely or cost-effective fashion.

(b) *Definitions.* Terms used in this division shall have the meanings ascribed to them by §§ 56-557 or 56-575.1 of the Code of Virginia (1950), as amended, or section 2-354 of this Code, unless the context clearly indicates a different meaning. The terms "project" or "qualifying project" as used in this division, shall also refer to qualifying transportation facilities unless the context clearly indicates a different meaning.

(c) *Application.* This division applies only to projects defined as "qualifying transportation facilities" under § 56-557 of the Code of Virginia (1950), as amended, or "qualifying projects" under § 56-575.1 of the Code of Virginia (1950), as amended. Such projects include the following:

(1) Any education facility, including, but not limited to a school building (including any stadium or other facility primarily used for school events), any functionally related and subordinate facility and land to a school building and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education;

(2) Any building or facility for principal use by any public entity;

(3) Any improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity;

(4) Utility and telecommunications and other communications infrastructure;

(5) A recreational facility;

(6) Technology infrastructure, including, but not limited to, telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services;

(7) Technology, equipment, or infrastructure designed to deploy wireless broadband services to schools, businesses or residential areas;

(8) Any improvements necessary or desirable to any unimproved locally- or state-owned real estate; or

(9) Any road, bridge, tunnel, overpass, ferry, airport, mass transit facility, vehicle parking facility, port facility or similar commercial facility used for the transportation of persons or goods, together with any other property that is needed to operate the transportation facility, acquired, constructed, improved, maintained and/or operated by a private entity pursuant to the Public-Private Transportation Act of 1995, codified in Chapter 22 of Title 56 of the Code of Virginia (1950), as amended.

Nothing in this division shall be interpreted or construed to affect the city's duty to comply with any other applicable law not in conflict with the Public-Private Transportation Act of 1995, codified in Chapter 22 of Title 56 of the Code of Virginia (1950), as amended or the Public-Private Education Facilities and Infrastructure Act of 2002, codified in Chapter 22.1 of Title 56 of the Code of Virginia (1950), as amended.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code § 56-557.1.

Sec. 2-492. - Prerequisite for operation of a qualifying project.

(a) Generally. Proposals may be either solicited by the city or submitted to the city by a private entity on an unsolicited basis according to section 2-494 or section 2-495. In general, proposals should provide a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the city. Each proposal shall identify specifically or conceptually any facility, building, infrastructure or improvement included in that proposal as part of a qualifying project.

(b) Clarifications. Each proposal submitted under this division shall be clearly identified as a "PPEA proposal." Further, the city may require that any proposal be clarified. Such clarification may include, but need not be limited to:

(1) Submission of additional documentation;

(2) Responses to specific question; and

(3) Interviews with potential project participants.

(c) Upon receipt by the city of a proposal submitted by a private entity initiating the approval process pursuant to subsection A of section 2-493, the city shall determine whether to accept such proposal for consideration in accordance with the Code of Virginia § 56-575.16. If the city determines not to accept for consideration the proposal submitted by the private entity pursuant to section 2-493(a), it shall return the proposal, together with all fees and accompanying documentation, to the private entity.

(d) Two-phase process. The city shall require proposers to follow a two-part proposal submission process consisting of a conceptual phase and a detailed phase. The conceptual phase proposal shall contain specified information on proposer qualifications and experience, project characteristics, project financing, anticipated public support or opposition, or both, and project benefit and compatibility. The detailed phase proposal shall contain specified deliverables.

(e) The responsible public entity may reject any proposal initiated by a private entity pursuant to section 2-493(a) at any time. If the responsible public entity rejects a proposal initiated by a private entity that purports to develop specific cost savings, the public entity shall specify the basis for the rejection

(f) Freedom of information; confidential proprietary information.

(1) Generally. Proposal documents submitted by private entities are subject to the Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq. The city shall release those documents if requested as required by that act, except to the extent that they relate to:

a. Confidential proprietary information submitted to the city under a promise of confidentiality; or

b. Memoranda, working papers or other records related to proposals if making public such records would adversely affect the financial interest of the city or the private entity or the bargaining position of either party.

c. Once a comprehensive agreement has been entered into, and the process of bargaining of all phases or aspects of the comprehensive agreement is complete, the city shall make available, upon request, procurement records in accordance with section 2-355.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code, § 56-575.3.

Sec. 2-493. - Approval of qualifying projects.

(a) A private entity may request approval of a qualifying project by the city. Such request shall be accompanied by the following material and information unless waived by the city:

(1) A topographic map (1:2,000 or other appropriate scale) indicating the location of the qualifying project;

(2) A description of the qualifying project, including the conceptual design of such facility or facilities or a conceptual plan for the provision of services or technology infrastructure, and a schedule for the initiation of and completion of the qualifying project to include the proposed major responsibilities and timeline for activities to be performed by both the public and private entity;

(3) A statement setting forth the method by which the private entity proposes to secure necessary property interests required for the qualifying project;

(4) Information relating to the current plans for development of facilities or technology infrastructure to be used by a public entity that are similar to the qualifying project being proposed by the private entity, if any, of each affected local jurisdiction;

(5) A list of all permits and approvals required for the qualifying project from local, state, or federal agencies and a projected schedule for obtaining such permits and approvals;

(6) A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the private entity to accommodate such crossings;

(7) A statement setting forth the private entity's general plans for financing the qualifying project including the sources of the private entity's funds and identification of any dedicated revenue source or proposed debt or equity investment on the behalf of the private entity;

(8) The names and addresses of the persons who may be contacted for further information concerning the request;

(9) User fees, lease payments, and other service payments over the term of the interim or comprehensive agreement pursuant to section 2-499(a) or (b) and the methodology and circumstances for changes to such user fees, lease payments, and other service payments over time; and

(10) Such additional material and information as the responsible public entity may reasonably request.

(b) The city may request proposals or invite bids from private entities for the development or operation of qualifying projects.

(c) The city may grant approval of the development or operation of the education facility, technology infrastructure or other public infrastructure or government facility needed by a public entity as a qualifying project, or the design or equipping of a qualifying project so developed or operated, if the city determines that the project serves the public purpose of this chapter. The city may determine that the development or operation of the qualifying project as a qualifying project serves such public purpose if:

(1) There is a public need for or benefit derived from the qualifying project of the type the private entity proposes as a qualifying project;

(2) The estimated cost of the qualifying project is reasonable in relation to similar facilities; and

(3) The private entity's plans will result in the timely development or operation of the qualifying project.

In evaluating any request, the city may rely upon internal staff reports prepared by personnel familiar with the operation of similar facilities or the advice of outside advisors or consultants having relevant experience.

(d) The city may charge a reasonable fee to cover the costs of processing, reviewing and evaluating the request, including without limitation, reasonable attorney's fees and fees for financial, technical, and other necessary advisors or consultants.

(e) The city's approval shall be subject to the private entity's entering into an interim or comprehensive agreement pursuant to section 2-499.

(f) In connection with its approval of the qualifying project, the city shall establish a date for the commencement of activities related to the qualifying project. The city may extend such date from time to time.

(g) The city shall take appropriate action to protect confidential and proprietary information provided by the private entity pursuant to section 2-492(f).

(h) Any proposed comprehensive agreement for a qualifying project where the responsible public entity is an agency or institution of the commonwealth that (i) creates state tax-supported debt, (ii) requires a level of appropriation significantly beyond the appropriation received by the responsible public entity in the most recent appropriation act, or (iii) significantly alters the commonwealth's discretion to change the level of services or the funding for such services over time, shall be reviewed by the appropriating body prior to execution.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code, § 56-575.4.

Sec. 2-494. - Proposal submission—Solicited proposals.

(a) *Generally.* The city may issue requests for proposals (RFP) from private entities to acquire, construct, improve, renovate, expand, maintain, operate, implement or install qualifying projects or to design or equip projects so constructed, improved, renovated, expanded, maintained, operated, implemented or installed.

(b) *Methods of solicitation.* When proceeding under this division, the city shall use competitive sealed bidding as defined in section 2-354 to procure a comprehensive agreement concerning a qualifying project. However, the city may use competitive negotiation as defined in section 2-354 and as outlined for the procurement of nonprofessional services in division III of this chapter to procure a comprehensive agreement concerning a qualifying project if the city manager or designee determines in writing, stating the reasons for the determination, that the use of competitive negotiation is likely to be advantageous to the city and the public, based on (i) the probable scope, complexity or urgency of the project or (ii) risk sharing, added value, an increase in funding or economic benefit from the project that would not otherwise be available.

(c) *Contents of solicitation.* The solicitation may invite bidders or offerors to submit bids or proposals on individual projects identified by the city. The city shall set forth in the solicitation the format and supporting information required to be submitted. The solicitation shall contain or incorporate by reference the applicable terms and conditions, including any unique capabilities or qualifications that will be required of the private entities submitting proposals.

(d) *Public notice.* The city shall post, publish and otherwise advertise the solicitation as required by this chapter and in the manner in which the city customarily posts, publishes and advertises its invitations to bid or requests for proposals.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-495. - Proposal submission—Unsolicited proposals.

(a) *Generally.*

(1) The city may receive, evaluate and select for negotiations unsolicited proposals from private entities to acquire, construct, improve, renovate, expand, maintain, operate, implement or install a qualifying project or to design or equip projects so constructed, improved, renovated, expanded, maintained, operated, implemented or installed. The city may publicize its needs and may encourage interested parties to submit proposals subject to the terms and conditions of this division and the Public-Private Transportation Act of 1995, codified in Chapter 22 of Title 56 of the Code of Virginia (1950), as amended, or the Public-Private Education Facilities and Infrastructure Act of 2002, codified in Chapter 22.1 of Title 56 of the Code of Virginia (1950), as amended, as applicable. Any proposal submitted pursuant to this division that is not received in response to an invitation for bids or a request for proposals shall be treated as an unsolicited proposal under this division.

(2) Upon receipt of any unsolicited proposal and payment of any required fee(s) by the proposer, the city will determine whether to accept the unsolicited proposal for the purpose of publication and conceptual-phase consideration. If the city determines not to accept the proposal and not to proceed to publication and conceptual-phase consideration it will return the proposal together with all fees and accompanying documentation to the proposer.

(b) *Notice.*

(1) If the city chooses to accept an unsolicited proposal for conceptual-phase consideration, the city shall do the following:

a. Post a notice in a public area regularly used by the city for posting of public notices for a period of not less than 45;

b. Publish the same notice once for a period of not less than 45 days prior to deciding whether to proceed further with the proposal in one or more newspaper or periodicals of general circulation in the jurisdiction to notify any parties that may be interested in submitting competing unsolicited proposals;

c. Advertise the notice in *Virginia Business Opportunities* and on the Commonwealth's electronic procurement website. The notice shall state that the city (i) has received an unsolicited bid under the PPEA, (ii) intends to evaluate the proposal, (iii) may negotiate an interim or comprehensive agreement with the proposer based on the proposal, and (iv) will receive for simultaneous consideration any competing proposals that comply with the procedures adopted by the city and PPEA. Notice shall also summarize the proposed qualifying project or projects, and identify their proposed locations. Interested parties shall have at least 45 days from the date the notice is first published by the city to submit competing unsolicited proposals.

(c) *Initial review by city at conceptual stage.*

(1) Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by the city for further review at the conceptual stage.

(2) The city, acting through council, will determine by written findings, at this initial stage of review whether it will proceed using:

a. Standard procurement procedures consistent with the VPPA; or

b. Guidelines developed by the city that are consistent with procurement of other professional services through competitive negotiation section 2-422. The city may proceed using such guidelines only if it makes a written determination that doing so is likely to be advantageous to the city and public based upon:

1. The probable scope, complexity, or priority of need;

2. The risk sharing including guaranteed cost of completion guarantees, added value or debt, or equity investments proposed by the private entity; or

3. The increase in funding, dedicated revenue or other economic benefit that would otherwise not be available.

(3) After review of the original and competing proposals submitted during the notice period, the city may determine:

a. Not to proceed further with any proposal;

b. To proceed to the detailed phase of review with the original proposal;

c. To proceed to the detailed phase with a competing proposal;

d. To proceed to the detailed phase with multiple proposals; or

e. To request modifications or amendments to any proposals.

(4) In the event that more than one proposal will be considered in the detail phase of review, the city will consider whether the unsuccessful proposer should be reimburse for costs incurred in the detailed phase of review, and such reasonable costs may be assessed to the successful proposer in the comprehensive agreement.

(d) *Ownership and use concepts.*

(1) The city shall have the right to develop the project or aspects of it any manner it determines in its sole discretion and may incorporate into the project any concept that is included in any proposal submitted.

(2) By submitting a proposal, a proposer acknowledges that it is submitting merely a concept which as no monetary or intellectual property value, and disclaims any proprietary or other legal interests in any such concepts.

(e) *Right to reject.* The city retains the right to reject any proposal at any time prior to the execution of an interim or comprehensive agreement.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-496. - Proposal submission; format of proposals.

Conceptual phase proposals. At a minimum, conceptual phase proposals shall contain information in the following areas:

(a) *Qualification and experience.* Proposals shall:

(1) Identify the legal structure of the firm or consortium of firms making the proposal and identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.

(2) Describe the experience of the firm or consortium of firms making the proposal and the key principals involved in the proposed project including experience with projects of comparable size and complexity and describe the length of time in business, business experience, public sector experience and other engagements of the firm or consortium of firms.

(3) Provide the names, addresses, and telephone numbers of persons within the firm or consortium of firms who may be contacted for further information.

(4) Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of 20 percent or greater.

(b) *Project characteristics.* Proposals shall:

(1) Provide a description of the project, including the conceptual design and, for transportation facilities, all proposed interconnections with other transportation facilities; describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified; and describe all assumptions used in developing the project.

(2) Identify and fully describe any work to be performed by the city.

(3) Include a list of all federal, state and local permits and approvals required for the project and a schedule for obtaining such permits and approvals, and identify any permits, approvals or other rights that the city is to obtain, including, but not limited to, rights from railroads.

(4) Identify any anticipated adverse social, economic and environmental impacts of the project and specify the strategies or actions to mitigate known impacts of the project.

(5) Identify the projected positive social, economic and environmental impacts of the project.

(6) Identify the proposed schedule for the work on the project, including the estimated time for completion.

(7) Propose allocation of risk and liability for work completed beyond the agreement's completion date, and assurances for timely completion of the project.

(8) State assumptions related to ownership, legal liability, law enforcement and operation of the project.

(9) Provide information relative to phased or partial openings of the proposed project prior to completion of the entire work.

(c) *Project financing.* Proposals shall:

(1) Provide preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.

(2) Submit a plan for the development, financing and operation of the project showing the anticipated schedule on which funds will be required and describe proposed sources and uses for such funds.

(3) Include a list and discussion of assumptions underlying all major elements of the plan.

(4) Identify the proposed risk factors and methods for dealing with these factors.

(5) Identify any local, state or federal resources that the proposer contemplates requesting for the project and describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment.

(d) *Project benefit and compatibility.* Proposals shall:

(1) Identify who will benefit from the project, how they will benefit and how the project will benefit the city, the overall community, region, or state.

(2) Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project.

(3) Explain the strategy and plans that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.

(4) Describe in detail the proposer's proposed commitments to facilitate participation by minority business enterprises in the project and identify joint ventures and subcontractors.

(5) Describe the anticipated significant benefits to the city, the community, region or state including anticipated benefits to the economic condition of the city and whether the project is critical to attracting or maintaining competitive industries and businesses to the city or the surrounding region.

(6) Describe the project's compatibility with the city's local comprehensive plan, local infrastructure development plans, local and statewide transportation plans, and the city's capital improvement program budget or other applicable government spending plans.

Detailed phase proposals . If the city decides to proceed to the detailed phase of review with one or more proposals, the following information shall be provided by the private entity which submitted such proposal unless waived by city in writing:

(a) A topographical map (1:2,000 or other appropriate scale) depicting the location of the proposed project.

(b) A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the proposer to accommodate such crossings.

(c) A statement setting out the plans for securing all necessary property. The statement must include the names and addresses, if known, of the current owners of the subject property as well as a list of any property the proposer intends to request the city to condemn.

(d) A detailed listing of all firms that will provide specific design, construction and completion guarantees and warranties and a brief description of such guarantees and warranties.

(e) A total life-cycle cost specifying methodology and assumptions of the project or projects and the proposed project start date. The life-cycle cost analysis shall include anticipated commitment of all parties; equity, debt, and other financing mechanisms; and a schedule of project revenues and project costs. The life-cycle cost analysis shall include a detailed analysis of the projected return, rate of return, or both.

(f) A detailed discussion of assumptions about user fees or rates, and usage of the projects and, for transportation facilities, a detailed discussion of toll rates and traffic forecasts and assumptions.

(g) Identification of any known government support or opposition, or general public support or opposition for the project. Government or public support may be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications.

(h) Demonstration of consistency with the appropriate city's local comprehensive, transportation or infrastructure development plans or indication of the steps required for acceptance into such plans.

(i) Explanation of how the proposed project would impact local development plans of the city and each affected local jurisdiction.

(j) Identification of any known conflicts of interest or other disabilities that may affect the city's consideration of the proposal.

(k) Such additional material and information as the city may reasonably request.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-497. - Posting of conceptual proposals; public comment; public access to procurement records.

(a) Conceptual proposals, whether solicited or unsolicited, shall be posted by the city within ten working days after acceptance of such proposals as follows:

(1) Posting shall be on the city's website or by publication, in a newspaper of general circulation in the area in which the contract is to be performed, of a summary of the proposals and the location where copies of the proposals are available for public inspection. Posting may also be on the department of general service's web-based electronic procurement program.

(2) Nothing in this section shall be construed to prohibit the posting of conceptual proposals by additional means deemed appropriate by the city so as to provide maximum notice to the public of the opportunity to inspect the proposals.

(b) In addition to the posting requirements, at least one copy of the proposals shall be made available for public inspection. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq., shall not be required to be posted, except as otherwise agreed to by the responsible public entity and the private entity. Any inspection of procurement transaction records shall be subject to reasonable restrictions to ensure the security and integrity of the records.

(c) The responsible public entity shall hold a public hearing on the proposals during the proposal review process, but not later than 30 days prior to entering into an interim or comprehensive agreement.

(d) Once the negotiation phase for the development of an interim or a comprehensive agreement is complete, but before an interim agreement or a comprehensive agreement is entered into, the city shall make available the proposed agreement in a manner provided in subsection (a).

(e) Once an interim agreement or a comprehensive agreement has been entered into, the city shall make procurement records available for public inspection, upon request. For the purposes of this subsection, procurement records shall not be interpreted to include (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or (ii) financial records, including balance sheets or financial statements of the private entity that are not generally available to the public through regulatory disclosure or otherwise.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Virginia Code, § 56-575.17.

Sec. 2-498. - Proposal review; evaluation and selection.

EXHIBIT A

The following items shall be considered in the evaluation and selection of the PPEA proposals to determine whether the proposer possesses the requisite qualifications and experience. The city, however, reserves the right to reject any request or proposal at any time for any reason whatsoever.

(a) *Qualifications and experience.*

(1) Experience with similar infrastructure projects;

(2) Demonstration of ability to perform work;

(3) Leadership structure;

(4) Project manager's experience;

(5) Management approach;

(6) Financial condition; and

(7) Project ownership.

(b) *Project characteristics.*

(1) Project definition;

(2) Proposed project schedule;

(3) Operation of the project;

(4) Technology; technical feasibility;

(5) Conformity to laws, regulations, and standards;

(6) Environmental impacts;

(7) Federal, state and local permits; and

(8) Maintenance of the project.

(c) *Project financing.*

(1) Cost and cost benefit to the city;

(2) Financing and the impact on the debt or debt burden of the city;

(3) Financial plan;

(4) Estimated cost; and

(5) Life-cycle cost analysis.

(d) *Project benefit and compatibility.*

(1) City and community benefits;

(2) City and community support or opposition, or both;

(3) Public involvement strategy;

(4) Commitment to facilitate participation by minority business enterprises in the project;

(5) Use of transparent competitive procurement policies adequate to maximize competitive bidding opportunities for potential subcontractors and suppliers;

(6) Compatibility with applicable comprehensive, transportation and other governmental plans;

(7) Compatibility with existing city facilities; and

(8) Compatibility with city, local, regional, and state economic development efforts.

(e) *Other factors.*

(1) The proposed cost of the qualifying project;

(2) The general reputation, industry experience, and financially capacity of the private entity;

(3) The proposed design of the qualifying project;

(4) The eligibility of the project for accelerated documentation, review, and selection;

(5) Local citizen and government comments;

(6) Benefits to the public, including financial and nonfinancial;

(7) The private entity's compliance with a minority business enterprise participation plan or good faith effort to comply with the goals of such plan;

(8) The private entity's plans to employ local contractors and residents;

(9) The recommendation of a committee of representative members of the city and the appropriating body which may be established to provide advisory oversight for the project; and

(10) Other criteria that the city deems appropriate.

(Ord. No. 14-01, 1-7-2014)

Sec. 2-499. - Interim and comprehensive agreement.

Prior to acquiring, designing, constructing, improving, renovating, expanding, equipping, maintaining, or operating the qualifying project, the selected proposer shall enter into a comprehensive agreement with the city. Prior to entering a comprehensive agreement, an interim agreement may be entered into that permits a private entity to perform compensable activities related to the project. The city's review committee will be responsible for negotiating the comprehensive agreement. Each comprehensive agreement shall define the rights and obligations of the city and the selected proposer with regard to the project.

(a) *Interim agreement.*

(1) The scope of an interim agreement may include, as deemed appropriate by the city, but is not limited to:

a. Project planning and development;

b. Design and engineering;

c. Environmental analysis and mitigation;

d. Survey;

e. Ascertain the ability of financing for the proposed facility through financial revenue analysis;

f. Allow the private entity to commence activities relating to the proposed qualifying project;

g. Establish the process and timing of the negotiation of the comprehensive agreement; and

h. Contain any other provisions related to any aspect of the development or operation of a qualifying project.

(b) *Comprehensive agreement terms.* The terms and conditions of the comprehensive agreement shall include but not be limited to:

(1) Delivery of maintenance, performance and payment bonds, letters of credit in connection with the development or operation of the qualifying project, in the forms and amounts satisfactory to the responsible public entity and in compliance with Code of Virginia, § 2.2-4337 for those components of the qualifying project that involve construction;

(2) Review of plans and specifications for the qualifying project by the responsible public entity and approval by the responsible public entity if the plans and specifications conform to standards acceptable to the responsible public entity. This shall not be construed as requiring the private entity to complete design of a qualifying project prior to the execution of a comprehensive agreement;

(3) Inspection of the qualifying project by the responsible public entity to ensure that the private entity's activities are acceptable to the responsible public entity in accordance with the provisions of the comprehensive agreement;

(4) Maintenance of a policy or policies of public liability insurance (copies of which shall be filed with the responsible public entity accompanied by proofs of coverage) or self-insurance, each in form and amount satisfactory to the responsible public entity and reasonably sufficient to ensure coverage of tort liability to the public and employees and to enable the continued operation of the qualifying project;

(5) Monitoring of the practices of the private entity by the responsible public entity to ensure that the qualifying project is properly maintained;

(6) The terms under which the operator will reimburse the city for services provided by the city;

(7) The terms under which the operator will file appropriate financial statements on a periodic basis; and

(8) Policies and procedures governing the rights and responsibilities of the responsible public entity and the private entity in the event the comprehensive agreement is terminated or there is a material default by the private entity, including the conditions governing assumption of the duties and responsibilities of the operator by the city and the transfer or purchase of property or other interests of the operator by the city.

(9) The policy and procedures that will govern the rights and responsibilities of the city and the operator in the event that the comprehensive agreement is terminated or there is a material default by the operator, including the conditions governing assumption of the duties and responsibilities of the operator by the city and the transfer or purchase of property or other interests of the operator by the city.

(10) The mechanism by which user fees, lease payments, or service payments, if any, may be established from time to time upon agreement of the parties. Any payments or fees shall be set at a level that are the same for persons using the facility under like conditions and that will not materially discourage use for the qualifying project. Provisions for the following shall also be included:

a. A copy of any service contract shall be filed with the city.

b. A schedule of the current user fees or lease payments shall be made available by the operator to any member of the public upon request.

c. Classifications according to reasonable categories for assessment of user fees may be made.

(11) The terms and conditions under which the city may contribute financial or in-kind resources, if any, for the qualifying project.

(12) The terms and conditions under which existing site conditions will be assessed and addressed, including identification of the responsible party for conducting the assessment and taking necessary remedial action.

(13) The terms and conditions under which the city will be required to pay money to the private entity and the amount of any such payments for the project.

(14) Other provisions that the Public-Private Transportation Act of 1995, codified in Chapter 22 of Title 56 of the Code of Virginia (1950), as amended, or the Public-Private Education

Facilities and Infrastructure Act of 2002, codified in Chapter 22.1 of Title 56 of the Code of Virginia (1950), as amended, may require or that the city may deem necessary.

(c) Any changes in the terms of the interim or comprehensive agreement as may be agreed upon by the parties from time to time shall be added to the interim or comprehensive agreement by written amendment.

(d) The comprehensive agreement may provide for the development or operation of phases or segments of a qualifying project.

(e) Allow the private entity to commence activities relating to the proposed qualifying project.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 56-575.9, § 56-575.9:1.

Sec. 2-500. - Affected local jurisdictions.

(a) Any private entity requesting approval from, or submitting a proposal to the city under section 2-493 shall notify each affected local jurisdiction by furnishing a copy of its request or proposal to each affected local jurisdiction.

(b) Each affected local jurisdiction that is not a responsible public entity for the respective qualifying project shall, within 60 days after receiving such notice, submit any comments it may have in writing on the proposed qualifying project to the city and indicate whether the facility is compatible with the local jurisdictions:

(1) Local comprehensive plan;

(2) Local infrastructure development plans; or

(3) Capital improvements budget, or other government spending plan.

Comments will be given consideration by the city prior to entering a comprehensive agreement pursuant to section 2-499(b) with a private entity.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, §§ 56-575.3:1, 56-575.6.

Sec. 2-501. - Dedication of public property.

The city may dedicate any property interest, including land, improvements, and tangible personal property that it has for public use in a qualifying project if it finds that so doing will serve the public purpose by minimizing the cost of a qualifying project to the city or reducing the delivery time of a qualifying project. In connection with such dedication, a public entity may convey any property interest that it has, to the private entity for such consideration as such public entity may determine.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 56-575.5.

Sec. 2-502. - Sovereign immunity.

Nothing in this chapter shall be construed as or deemed a waiver of the sovereign immunity of the commonwealth, any responsible public entity or any affected local jurisdiction or any officer or employee

thereof with respect to the participation in, or approval of all or any part of the qualifying project or its operation, including but not limited to interconnection of the qualifying project with any other infrastructure or project. The city shall possess sovereign immunity with respect to its design, construction, and operation.

(Ord. No. 14-01, 1-7-2014)

State Law reference— Similar provisions, Code of Virginia, § 56-575.15.

Secs. 2-503—2-540. - Reserved.

ARTICLE VIII. - CITY MARKET[16]

Footnotes:

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State Law reference— Authority of city to operate markets, Code of Virginia, § 15.2-971.

Sec. 2-541. - Application of article; definition.

The provisions of this article shall apply to the public market place referred to in section 2-543 and, for the purposes of this article, the word "market" shall mean such market place.

(Code 1981, § 17-1)

Cross reference— Definitions generally, § 1-2.

Sec. 2-542. - Violations of article.

Unless otherwise specifically provided, a violation of any provision of this article shall constitute a class 4 misdemeanor. In addition to any penalty imposed for such violation, a person convicted of violating any provision of this article may be barred from using the market.

(Code 1981, § 17-2)

Sec. 2-543. - Location.

The building situated at the eastern end of Old Street that is used as a public market place shall continue to be kept by the city for that purpose.

(Code 1981, § 17-3)

Sec. 2-544. - City manager to have charge.

The city manager or his authorized representative shall have charge of the market.

(Code 1981, § 17-4)

EXHIBIT A

Sec. 2-545. - Display of posters and advertisements.

No posters or advertisements of any kind shall be displayed in the windows or in front of the market, except on billboards.

(Code 1981, § 17-5)

Cross reference— Advertising, ch. 6.

Sec. 2-546. - Standing of vehicles in front of market.

Vehicles shall not be allowed to congregate or stand in front of the market. The city manager shall require that vehicles be moved when, in his judgment, the street is being interfered with or traffic is being obstructed.

(Code 1981, § 17-6)

Cross reference— Traffic and vehicles, ch. 110.

Sec. 2-547. - Furniture for use of tenants; alterations in stalls or furniture.

The style and kinds of the market house furniture for the use of butchers, retailers and all other lessees shall be subject to the control of the city manager, and no alterations in any stall or furniture shall be made by any butcher, retailer or other lessee, except by special permission of the city manager.

(Code 1981, § 17-7)

Sec. 2-548. - Maintenance of stalls, stands, etc.; entrails and offal from animals and fish to be secured from air and view.

(a) Each lessee of a stand, arbor, booth or bench at the market shall keep such leased area, including his stall and refrigerator, in a thoroughly clean and sanitary condition at all times, and shall thoroughly clean his stall and the floor thereof immediately after the closing of the market, and shall leave nothing, except the necessary furnishings of the stall, on the floor.

(b) Any person using a stall, stand, arbor, booth or bench at the market for the sale of meats or fish shall wash and scrape off the same every day, immediately after market hours. The entrails and offal of animals and fish shall be secured from the air and from view.

(Code 1981, § 17-8)

Sec. 2-549. - Doors of refrigerators, boxes and counters to be kept closed.

The doors of all refrigerators, boxes and counters at the market shall be kept closed, except when articles are being placed therein or removed therefrom.

(Code 1981, § 17-9)

Sec. 2-550. - Littering.

EXHIBIT A

No person shall deposit any rubbish, filth, dirt or offensive matter in or about the market house or any adjacent property or streets.

(Code 1981, § 17-10)

Cross reference— Solid waste, ch. 94.

Sec. 2-551. - Damaging or defacing property.

(a) No person shall damage or deface any part of the market house or any of the counters, stalls, refrigerators or any fixtures used in connection therewith.

(b) A violation of this section shall constitute a class 1 misdemeanor.

(Code 1981, § 17-11)

Secs. 2-552—2-570. - Reserved.

ARTICLE IX. - SCHOOLS

Sec. 2-571. - School districts; compulsory school attendance.

(a) The three school districts of the city in existence on the effective date of this Code shall continue to exist until the end of the existing terms of office of the members of the school board of the city.

(b) The provisions of Code of Virginia, § 22.1-254 et seq., relating to compulsory school attendance are hereby adopted by reference.

(Code 1981, § 10-1)

State Law reference— Education, Code of Virginia, tit. 22.1; school boards, Code of Virginia, § 22.1-28 et seq.; city school districts, Code of Virginia, § 22.1-49.

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: Anthony Williams

RE: **Schedule a public hearing on an ordinance to request that the General Assembly approve amendment of Section 2-7 of the City Charter pertaining to Council Salaries.**

PURPOSE:

In performing the Comprehensive Code Review, it was discovered that while City Council has properly adopted an Ordinance setting the salary of Members of Council and the Mayor and Vice Mayor (Section 2-31 of the City Code), Section 2-7 of the City Charter was found to include requirements far in excess of that required under Section 15.2-1414.6 of the Code of Virginia, which applies "notwithstanding any contrary provision of law, general or special . . ."

REASON:

To make the City Charter consistent with the requirements of the Code of Virginia.

RECOMMENDATION: Adopt Ordinance.

BACKGROUND:

In performing the Comprehensive Code Review, it was discovered that while City Council has properly adopted an Ordinance setting the salary of Members of Council and the Mayor and Vice Mayor (Section 2-31 of the City Code), Section 2-7 of the City Charter was found to include requirements far in excess of that required under Section 15.2-1414.6 of the Code of Virginia, which applies "notwithstanding any contrary provision of law, general or special . . ."

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 4/20/2021

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Council

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Requests Amendment to Section 2-7 of City Charter; also see Section 2-31 of Petersburg City Code.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. CITY CHARTER
2. Va. Code Ann. _ 15.2-1414.6

Sec. 2-7. - Councilmen's salaries.

The salary of Members of Council including the Mayor and Vice Mayor shall be set by Ordinance in accordance with the requirements of the Code of Virginia. ~~Notwithstanding the provisions of §§ 15-448 to 15-454, both inclusive, of the Code of Virginia, the salaries of all councilmen in the city, including the salary of the mayor, shall be fixed, as provided herein, by a commission of five resident taxpayers, who shall also be qualified citizens of the city, and who shall be appointed by the hustings court of the city, or the judge thereof in vacation, having jurisdiction in the city, and who shall serve without compensation. Such commissioners shall be so appointed upon application of the mayor to the court or the judge thereof, as soon as practical after any general election for members of the council, and the salaries so fixed shall become effective as of the date on which members elected at such general election shall take office, but the salaries so fixed shall be applicable with respect to all members of the council, including the mayor, irrespective of the date of their taking office, it being intended that the salaries of all members of the council (with the exception of that of the mayor in the event his salary shall be fixed at a greater amount than that of other members of the council) shall at all times be equal and uniform. The compensation so fixed shall be effective until the expiration of the terms of members of the council next expiring. If such salaries shall not have been fixed on or prior to the date as of which the same shall become effective, as herein provided, all past-due salaries shall be paid to members of the council at the rate fixed as herein provided.~~

~~The commissioners appointed pursuant to this section, shall be notified by the clerk of such court of their appointment, and, upon being so notified, shall, as soon as practicable, meet, and fix such salaries, and make due written report of their action to the clerk of the court. The report so made shall be in the office of the clerk for thirty days, during which time any citizen or taxpayer of the city may file written exceptions to the same. If no exceptions to the report are made, then at the expiration of such thirty days the clerk shall transmit the report to the city council, which report shall be entered in full on the records of the council and shall have the force and effect of an ordinance duly adopted in the mode prescribed by law.~~

~~If any citizen or taxpayer files exceptions to the report within the thirty-day period above provided for, the matter shall be immediately docketed by the clerk for hearing as a privileged case as soon as the court may be able to hear the same, after the lapse of such thirty days from the making of the report. The judge of such court shall have entire control of the matter, and may either reject, modify or confirm the report. Any citizen or taxpayer of the city may make himself a party to the hearing before the court, and may present such evidence as may be pertinent. If the report be rejected by the court, new commissioners shall be appointed immediately, and the same procedure followed as set forth in the first instance.~~

~~Upon the final determination of the matter such order as the court may enter shall be certified to the city council, spread upon its records, and have the force and effect of an ordinance duly adopted as prescribed by law.~~

(Acts 1962, Ch. 259)

Editor's note— See also Code of Virginia, §§ 15.2-1414.5 and 15.2-1414.6.

User Name: anthony williams
Date and Time: Monday, March 29, 2021 10:48:00 AM EDT
Job Number: 140097768

Document (1)

1. *Va. Code Ann. § 15.2-1414.6*
   Client/Matter: -None-
   Search Terms: CITY COUNCIL SALARIES
   Search Type: Natural Language
   Narrowed by:

Content Type	Narrowed by
Statutes and Legislation	Jurisdiction: Virginia

Va. Code Ann. § 15.2-1414.6

Current through the 2021 Regular Session of the General Assembly and Acts 2021 Sp. Sess. I, cc. 5 and 34.

VA - Code of Virginia (Annotated) > TITLE 15.2. COUNTIES, CITIES AND TOWNS > SUBTITLE II. POWERS OF LOCAL GOVERNMENT > CHAPTER 14. GOVERNING BODIES OF LOCALITIES > ARTICLE 1.1. SALARIES

§ 15.2-1414.6. Permitted *salaries*; *salary* increases; reimbursement for expenses

Subject to the exception provided for in *§ 15.2-1414.5*, the annual *salary* of each member of the *council* of any *city* shall be set by its members by ordinance notwithstanding any contrary provision of law, general or special. The setting of such *salaries* by members of *council* shall include the *salary* of the mayor or president of the *council* whether such official is a member of *council* or not.

Cities within the following population brackets shall be allowed to set *salaries* for mayors, which include presidents of *council*, and *council* members not to exceed the following:

Population	Annual *Salary*
260,000 and over	
Mayor	$ 30,000
Council	28,000
175,000 to 259,999	
Mayor	27,000
Council	25,000
75,000 to 174,999	
Mayor	25,000
Council	23,000
35,000 to 74,999	
Mayor	20,000
Council	18,000
20,000 to 34,999	
Mayor	13,000
Council	12,000
15,000 to 19,999	
Mayor	12,000
Council	11,500
14,999 and under	

Mayor	11,500
Council	11,000

No increase in the *salary* of a member of *council* shall take effect until July 1 after the next regularly scheduled general election of *council* members.

Every proposed increase in the *salary* of a member of *council* shall be adopted at least four months prior to the date of the next municipal election except in the case of a newly created consolidated *city* when the proposed increase shall be adopted at least two months prior to the date of its first municipal election.

Any member of *council* shall be eligible to be reimbursed for any personal expenses incurred by him for official business. However, all claims for reimbursement shall be for reasonable expenses to the extent permitted by law incurred in the conduct of official *city* business and shall be itemized and documented by stamped paid receipts to the extent feasible.

In addition to *salary*, each member of the *council* of any *city* may be compensated with such benefits as are provided *city* employees by the *city*.

History

1981, c. 358, § 14.1-47.2; 1982, c. 125; 1985, c. 111; 1986, cc. 111, 312; 1988, c. 213; *1996, c. 263* ; *1997, c. 592* ; *1998, c. 872* .

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City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Christopher Walker

RE: **ABC Application for The Tipsy Sommelier LLC**

PURPOSE: To receive comments from City Council in regard to the application for an ABC license for property located at 2001 Anchor Ave Ste 3 Petersburg VA 23803-2876.

REASON: Except for applicants for wine shipper's, beer shipper's, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

RECOMMENDATION:

Staff recommends City Council to review information on the ABC license application request and provide comments or questions to the chief law enforcement officer.

BACKGROUND: Letter attached.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 4/6/2021

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. The Tipsy Sommelier LLC Notification Letter
2. #1
3. #2
4. #3

Virginia Alcoholic Beverage Control Authority

Chief Executive Officer
Travis G. Hill

Chair
Maria J. K. Everett

Vice Chair
Beth G. Hungate-Noland

Board of Directors
William D. Euille
Gregory F. Holland
Mark E. Rubin

March 29, 2021

To Whom It May Concern:

This is to inform you that a retail application has been received from an establishment that is located in your city/county. The following is the basic information pertaining to the application:

License Number: 754966
Company Name: The Tipsy Sommelier LLC
Trade Name: The Tipsy Sommelier LLC
Address, City, State & Zip Code: 2001 Anchor Ave Ste 3 Petersburg VA 23803-2876
Type of Establishment: Internet Wine Retail - In State
Type of License Applied For: Internet Wine Retailer/Delivery Permit - In State
Date of Receipt: March 22, 2021

You are receiving this email notification per Code §4.1-230-B, which states:

"Except for applicants for wine shipper's, beer shipper's, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application."

Please feel free to contact our office at (804) 204-2302 if you have any questions, need any further information or wish to file any objections against the above listed application. Please be sure to reference the license number listed above.

Thank you,

Emma A Mercer

Emma A Mercer
Licensing Technician
804-204-2302
Emma.Mercer@abc.virginia.gov




GLASS


2001

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Christopher Walker

RE: **ABC Application for Essential Market, LLC**

PURPOSE: To receive comments from City Council in regard to the application for an ABC license for property located at 325 Brown St, Petersburg, VA 23803.

REASON: Except for applicants for wine shipper's, beer shipper's, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

RECOMMENDATION: Staff recommends City Council to review information on the ABC license application request and provide comments or questions to the chief law enforcement officer.

BACKGROUND: Attachment provided

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Essential Market Notification Letter

Virginia Alcoholic Beverage Control Authority

Chief Executive Officer
Travis G. Hill

Chair
Maria J. K. Everett

Vice Chair
Beth G. Hungate-Noland

Board of Directors
William D. Euille
Gregory F. Holland
Mark E. Rubin

March 9, 2021

To Whom It May Concern:

This is to inform you that a retail application has been received from an establishment that is located in your city/county. The following is the basic information pertaining to the application:

License Number: 754847
Company Name: Essential Market, LLC
Trade Name: Essential Market
Address, City, State & Zip Code: 325 Brown St, Petersburg, VA 23803-4234
Type of Establishment: Convenience Store
Type of License Applied For: Wine and Beer Off Premises/Keg Permit
Date of Receipt: **March 8, 2021**

You are receiving this email notification per Code §4.1-230-B, which states:

"Except for applicants for wine shipper's, beer shipper's, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application."

Please feel free to contact our office at (804) 213-4700 if you have any questions, need any further information or wish to file any objections against the above listed application. Please be sure to reference the license number listed above.

Thank you,

Jouburt J Ramos
Jouburt J. Ramos
Licensing Technician
(804) 213-4700
Jouburt.Ramos@virginiaabc.com

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Christopher Walker

RE: **ABC Application for Local Vibe Cafe LLC**

PURPOSE: To receive comments from City Council in regard to the application for an ABC license for property located at 414 N Market St Petersburg VA 23803

REASON: Except for applicants for wine shipper's, beer shipper's, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

RECOMMENDATION:

Staff recommends City Council to review information on the ABC license application request and provide comments or questions to the chief law enforcement officer.

BACKGROUND: Letter Attached.

COST TO CITY: N/A
BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 4/6/2021

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. Local Vibe Cafe Notification Letter

Virginia Alcoholic Beverage Control Authority

Chief Executive Officer
Travis G. Hill

Chair
Maria J. K. Everett

Vice Chair
Beth G. Hungate-Noland

Board of Directors
William D. Euille
Gregory F. Holland
Mark E. Rubin

March 22, 2021

To Whom It May Concern:

This is to inform you that a retail application has been received from an establishment that is located in your city/county. The following is the basic information pertaining to the application:

License Number: 91746
Company Name: Local Vibe Cafe LLC
Trade Name: Local Vibe Cafe
Address, City, State & Zip Code: 414 N Market St Petersburg VA 23803
Type of Establishment: Restaurant
Type of License Applied For: Wine and Beer On and Off Premises Mixed Beverage Restaurant
Date of Receipt: March 16, 2021

You are receiving this email notification per Code §4.1-230-B, which states:

"Except for applicants for wine shipper's, beer shipper's, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application."

Please feel free to contact our office at (804) 204-2302 if you have any questions, need any further information or wish to file any objections against the above listed application. Please be sure to reference the license number listed above.

Thank you,

Emma A Mercer

Emma A Mercer
Licensing Technician
804-204-2302
Emma.Mercer@abc.virginia.gov

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Nykesha Jackson

RE: **City Council Minutes - February 16, 2021 Special Regular City Council Minutes; March 2, 2021 Closed Session Minutes; March 2, 2021 Work Session Minutes; March 16, 2021 Closed Session; March 16, 2021 Special Regular City Council Minutes and March 23, 2021 Special Regular City Council Minutes.**

PURPOSE: Approval of City Council minutes.

REASON: For public information and transparency.

RECOMMENDATION: Recommend City Council to approve minutes under Consent Agenda.

BACKGROUND: All City Council Meeting Minutes are in DRAFT form until approved by City Council.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 4/6/2021

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. February 16, 2021, 2021 Special Regular City Council Meeting Minutes
2. March 2, 2021 Closed Session Meeting Minutes
3. March 2, 2021 Work Session City Council Meeting Minutes

4. March 16, 2021 Closed Session Meeting Minutes
5. March 16, 2021, 2021 Special Regular City Council Meeting Minutes
6. March 23, 2021 Special Council Meeting Minutes

The special regular meeting of the Petersburg City Council was held on Tuesday, February 16, 2021, live streamed. Mayor Parham called the meeting to order at 12:25p.m.

1. ROLL CALL:

Present:

Council Member Charles H. Cuthbert, Jr.
Council Member Treska Wilson-Smith
Council Member W. Howard Myers
Council Member John A. Hart, Sr.
Council Member Darrin Hill
Vice Mayor Annette Smith-Lee
Mayor Samuel Parham

Absent: None

Present from City Administration:
City Manager Aretha R. Ferrell-Benavides
City Attorney Anthony C. Williams
Clerk of Council Nykesha D. Jackson

2. PRAYER:

Mayor Parham stated, “Councilman Hill will lead us in our opening prayer.”

Council Member Hill led the council meeting in prayer.

3. PLEDGE OF ALLEGIANCE:

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

4. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum was determined with the presence of all City Council Members.

Mayor Parham stated, “Today, I just want to highlight our City Manager and staff, finance team, budget team and everyone who helped to make this 2020 CAFR a success. We thank everyone for their support and dedication on giving us that phenomenal news of there being a $12.9 million dollar fund balance. That is out of this world for the City of Petersburg. And we thank each and everyone of you all for what you have done to get us there. Also, dealing with this ice storm, I cannot thank the City Manager and the EOC Team, from everyone to the Fire Chief, Police Chief, Kenneth Miller, Tangela Innis, Ronnell to Richard. Everyone out there in public works and street facilities. I know that they cut down over 50 plus trees in just a couple days. We thank them for keeping our City safe and clear and I ask everyone to be patient. Dominion is still working to get the last of our people without power their electricity back on.”

5. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:

a. Proclamation in recognition of the Delta Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated.

Mayor Parham read the proclamation out loud.

*Audio available upon request.

Dr. Renee Escoffery-Torres, Chapter President gave thanks and gave a brief description on Alpha Kappa Alpha Sorority Incorporated.

b. Recognition for outstanding public service by City Manager, Aretha R. Ferrell-Benavides

Mrs. Benavides gave thanks for her recognition as an outstanding public service member for the City of Petersburg.

6. RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

Folakemi Osoba, Public Information Officer, stated, “Good afternoon Mayor I do not have a report for today.

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

a. Minutes of Closed Session of January 11, 2021, Special City Council Meeting; January 19, 2021, Closed Session; January 19, 2021 Special City Council Meeting.
b. Request for the City Council to hold a public hearing March 16, 2021 regarding a proposal to purchase and develop thirty-six (36) parcels of City-owned property and, consideration of an ordinance authorizing the City Manager to execute a Purchase Agreement toward the Sale of the City-owned property.
c. A request to schedule a public hearing and consideration of an amendment to the text of the City of Petersburg Zoning Ordinance regarding Small Box Discount Stores and Alternative Financial Institutions.

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

8. OFFICIAL PUBLIC HEARINGS:

a. A public hearing for an amendment to the Permit Fee Schedule.

BACKGROUND: The City of Petersburg previously amended the building permit fee schedule in 2007.

RECOMMENDATION: It is recommended that the City Council approves the public hearing to amend.

Jeremy Tennant, Assistant to the City Manager, gave an overview on the amendment to the Permit Fee Schedule.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Vice Mayor Smith-Lee made a motion to approve the amendment to the Permit Fee Schedule. The motion was seconded by Council Member Hill. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hart, Hill, Smith-Lee, and Parham

*Audio available upon request.

21-R-14 A RESOLUTION FOR THE ADOPTION OF NEW AND UPDATED POLICIES AND PROCEDURES FOR BUILDING PERMITS IN THE CITY OF PETERSBURG.

b. A public hearing and consideration for adoption of the Continuity of Government Ordinance previously adopted by Council. This ordinance replaces the prior ordinance expiring on March 14, 2021 and will extend the emergency operation provisions through August 16, 2021.

BACKGROUND: The current Continuity of Government Ordinance expires on March 14, 2021. This Ordinance will enable extension of these provision through August 16, 2021. Council may, at any time after adoption of this Ordinance, discontinue the Continuity provisions if it determines that public health and safety are no longer at risk and the modified meeting provisions are therefore no longer necessary.

RECOMMENDATION: Adopt ordinance.

Mr. Williams gave an overview on the adoption of the Continuity of Government Ordinance previously adopted by Council. This ordinance replaces the prior ordinance expiring on March 14, 2021 and will extend the emergency operation provisions through August 16, 2021.

Mayor Parham opened the floor for public comment.

Barbara Rudolph, 1675 Mt. Vernon Street, stated, “Thank you Mayor Parham and good afternoon council and City administration. I do not believe that it is actually written in this ordinance but in terms of your practice I hope that as you continue to have these virtual meetings in the near future if you would consider holding them in the afternoon so more citizens can participate. I do not think that based on so many different things going on that everywhere that are in cyberspace, I do not think one time seems to be better than another in terms of the traffic. But for the interest of citizens who wish to participate I am pretty sure that some evening meetings would be well received. Thank you.”

Patrick Ingram, 836 South Gillfield Drive, stated, “You know my biggest concern such as Barb Rudolph’s said, Barb Rudolph is about the continuity of civic engagement. So, I am curious if council members can go back into their wards and get feedback to ascertain at the time if currently the noon times work. And can we leverage times that are friendlier to working families. I am thankful that we have individuals on social media who record these meetings. As myself and others are blessed to be able to work from home. In a hybrid capacity a lot of times it is difficult to being engaged with full civic engagement due to the times of the meetings. They are at 12noon and most people take their lunches around that time. And again, as long as City Council meetings are it does not allow time to be fully engaged and knowledgeable about things that are happening within our City. Thank you.”

Marcus Omar Squires, 1701 Monticello Street, stated, “Thank you for allowing me to take some time for me to address you all today. Is there any way that we could look at moving these meetings back to their traditional times? These meetings during the daytime really prevents a lot of citizens from attending these meetings. I know that the excuse was that a lot of data is going through the network at later times. But that is not the case. Our infrastructure here can handle another meeting being held at a later time. Thank you so much for your consideration and I hope that you will look at holding your meetings at a later time during the day. Thank you.”

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

There was discussion among City Council and staff.

Council Member Hill made a motion to approve the Continuity of Government Ordinance previously

*Audio available upon request.

adopted by Council. This ordinance replaces the prior ordinance expiring on March 14, 2021 and will extend the emergency operation provisions through August 16, 2021. The motion was seconded by Vice Mayor Smith-Lee. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Myers, Hart, Hill, Smith-Lee, and Parham; Voting No: Wilson-Smith

21-ORD-12 AN EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARINGS PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER.

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.

Patrick Ingram, 836 South Gillfield Drive, stated, “A $12.9 million dollar fund balance. You are right that sacrifices were made. Sacrifices and tough decisions where citizens and businesses paid the City its dream team and top-heavy organizational structure equal to or greater than 41 million dollars in unnecessary salaries, fringe benefits, new technology in the City Manager’s Office, travel, and other perc’s at what cost. No community centers, parks & recreation, unreliable IT Systems are running our billing and collections, no community engagement or visible leadership outside of photo ops and news articles. The balance of $12.9 million dollars is off the backs of residents.”

Marcus Omar Squires, 1701 Monticello Street, stated, “I want to thank you for allowing me to speak today. First, I would like to thank the City for going out and boarding up the blighted structures in our community. I was very pleased to see that the City is finally boarded up the front part of the Titmus Optical Complex. There is still a lot of work that needs to be done on the complex, but it is a start. I would also like to thank the City for what they are doing at Legends Park. More should be done regarding the historic bath house and the cottage. They are both unsecure at this time and my next question is what is going on with the historical blight survey. I know that there has been a transition in the City. So, is the City still taking the historical blight survey seriously? I know that we had a lot of citizens volunteer their time, energy, and effort towards this initiative. And I thank the City so much for going out and cleaning up the devastation which occurred here on Mt. Vernon Street. A very large historical tree fell during the ice storm. The City cleaned it up within a day. You guys are doing a great job but there is a lot more that we can be doing in the City of Petersburg. And again, I thank you for your time and consideration.”

Barbara Rudolph, 1675 Mt. Vernon Street, stated, “I also wanted to add that I felt like the City’s response to the recent bad weather has been great and we cannot thank you enough. And even with the few snows that we had people plowed the street and everything got opened up. This has been for a trying time and it could have been a lot less trying than it could have been based on past experiences. Also, I want to congratulate the City for the large balance and the continued growth in the unassigned balance. It is wonderful and it is a great and good send off for you City Manager Ferrell-Benavides. I wish you the best and safe travels to Texas. I do want to say one thing related to your departure. Several weeks ago, someone mentioned that we were not going to spend $25,000 to do an executive search for a new city manager because we were so great that we were going to rely on Virginia Municipal League who as far as I can tell does not even have a

*Audio available upon request.

particular service to assist localities with this. So, since we have such a healthy balance, and our financial situation has improved so much I really think the City can afford to hire an executive search firm and make sure that we get quality individuals to come here to continue building upon the success of the team that we have now. One comment in addition to the public hearing that we just finished. I realize that there are a number of people on these online meetings. Mayor Parham mentioned 77 and I think that is pretty common to have that many. I know that more than half of the people on that list are members of City Council and other people in City government and people in the administration. I do not believe that the number of citizens participating is as great or greater than it was when we had meetings at night. And thank you for asking about it Councilor Treska Wilson-Smith. Thank you."

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

Council Member Cuthbert stated, "Thank you Mr. Mayor. A couple of things on my mind. One is that this is our City Manager's last meeting with us I believe, and I certainly want to add my thanks to everyone else. For the great contributions that she has made to improving our municipal government. I wish her well and I am distressed that she is leaving but I understand, and we will adjust to the new reality and carry on. But Aretha I certainly thank you for all that you have done. You have been a huge help in so many ways to this City. And two things that I found important especially our situation and our fight against blight. You made the resources available for us to reanimate our property maintenance code enforcement effort. And that investment in our staff is beginning to pay off and we are very grateful to you. I want to turn to the financial improvement of the City. I think that an unsung hero in all of this is council's very bold decision to reanimate our position to City Collector. As you remember there was some controversy to that and even some close votes that were involved along the way. But clearly that was the decision to make. I hope that no future City Council ever circles back and hand those City Collector functions to the City Treasurer. We had to fight like a dog to get those functions reassigned to the City Collector. And I think that the significant part of the financial success of the City under the leadership of Aretha has been council's decision to reanimate that position of City Collector. Last things, there is ongoing a project in the planning stages of Pocahontas that is going to benefit Pocahontas big time. There will be a meeting tonight at the Historic Pocahontas Chapel on Witten Street at 6pm. We are limited to the Governor's order by 10 people in attendance. But I believe that meeting is being made available by zoom. The idea is to extend Pocahontas Street through the gates that now close it off and take Pocahontas Street through the Roper Brother's Property and then link up with Magazine Road thereby bypassing Rolfe Street and Sapony. Which are the streets that the big trucks go down to the Wastewater Treatment Plant. I went to Pocahontas within the last ten days and headed out flyers at every house informing the public of the meeting tonight and of a meeting that we held last week. Which is a repeat of the meeting that we are having tonight. And then there is another meeting tomorrow afternoon at 3pm. And those meetings were to make sure that the community was informed and in the loop. But it is a win-win situation and there is no way that this is not going to benefit the Pocahontas residential community hugely. It would take the 18 wheelers off Sapony and Rolfe and take them behind the residential community. While I was walking the streets in Pocahontas, just to give an example, two times the 18 wheelers came down Rolfe Street. One going towards the wastewater treatment plant and one coming back. And this is on Rolfe Street which is relatively a narrow residential street. I can see exactly why those trucks has been a nemesis to the residents. I am delighted that the wastewater treatment plant is going to finance the rerouting of those trucks. The timetable is to start in the summer of 2022 and be finished about two months later. In any event I thank the wastewater treatment plan for making this opportunity available to better the lives of the residents of Pocahontas. If anyone is interested in following this more closely, I invite them to attend our meeting either tonight at 6pm or tomorrow afternoon at 3pm either live or through zoom. Thank you."

Council Member Wilson-Smith stated, "I have a couple of things. Gerrit did you get my PowerPoint?"

Mr. VanVoorhees stated, "Yes ma'am. Ready when you are."

*Audio available upon request.

Council Member Wilson-Smith stated, “Okay. I am going to do two things first. One is that I want to talk a little bit about the property on Flank Road. According to Mr. Lyons, we are looking at an MOU or the attorney should be looking at a MOU for that property. And I am wondering should we go into looking at an MOU if council has not discussed it yet. Mr. Williams? This is 1555 Flank Road that the Governor wants to use that property according to the school board minutes that the City was going to give them the property to use. I brought it up several times before and I asked Mr. Lyons last week or week before last where we were because it is not listed on the list of properties. His response said that Mr. Williams had to look at the MOU first. But my question is do we do an MOU prior to council agreeing that we are going to do anything at all.”

Mr. Williams stated, “So, the answer Councilwoman Wilson-Smith is yes. Typically, I would review it before they present it to you so that way when they make the presentation, they can say that the City Attorney has reviewed this and then council can consider it. If there are additional revisions, then council would ask that they be incorporated. But no one is signing it. They are just getting it in a form that they can present it to you so that they can say if council votes this up then it is ready to go. But they did present me with a draft to review and I have responded to that already I believe. It should be coming up at the next council work session I would guess.”

Council Member Wilson-Smith stated, “During the last fiscal year up until now, were any raises given to administration at all.”

Mrs. Ferrell-Benavides stated, “Yes.”

Council Member Wilson-Smith stated, “Would we have to go into closed session to say how many or who?”

Mrs. Ferrell-Benavides stated, “I would have to come back with that information. I do not have it in front of me now.”

Council Member Wilson-Smith stated, “The last thing I had on my agenda is that last time we had a council meeting we talked a little bit about African American History in Petersburg and that we are not celebrating it. I have a PowerPoint that I wanted to share. You can slowly go through it Gerrit. But I wanted to share with everybody about some people within our community. And what I tried to do in this PowerPoint is to spell out Petersburg. So, you can see the contributions of the African American population within our City. We have public servants, educators, trailblazers, entertainers, religious leaders, sports standouts, business ventures, unsung heroes, reformers, and groundbreakers. And you can keep going Gerrit. With such a PowerPoint and information, I think that it would be advantageous of us as a council to establish some type of board to study the African American experience in this City with plans to promote it. Promotion of the African American experience in this City would have a great barring on our revenue in this City. Our history is rich, and we cannot continue to call ourselves a rich historical City, but we do not do much for the African American experience. If you look through this PowerPoint, you will see that we have a great deal of history. And we have history worth sharing with others. So, based on the information and the people that you see on the slides I would appreciate it very much if we would consider doing some type of African American study and forming a group or commission so that we can establish and promote the African American experience in the City of Petersburg. At the end of this PowerPoint that will be all that I have.”

Mayor Parham stated, “Council Member Wilson-Smith this is the first time that I seen this presentation that you have. I wish I would have known because I would have put you earlier in the meeting under presentations so that you could elaborate a little more. Because I am pretty sure that everyone has questions and maybe we can go back and review this at another meeting.”

*Audio available upon request.

Council Member Wilson-Smith stated, “It is really a draft. Because it is African American history month, I did think that we should do something as a council. I will send this to you, and I will continue to work on it further and I will come back and ask by way of a motion for us to establish some type of African American Commission or however we can word it.”

Mayor Parham stated, “Can we bring it back Council Member Wilson-Smith so that you can elaborate on it more.”

Council Member Wilson-Smith stated, “Yes.”

Mayor Parham stated, “Thank you. So, we will get together and have that discussion.”

Council Member Myers stated, “I just wanted to take the time to say thank you to the City Manager. Sorry to see her go. I want to say thank you to City Council and you particularly Mayor Parham. When you were my vice mayor, and I was mayor and all that you did and stood by me and stood by us and the City of Petersburg to launch this project with the Robert Bobb Group. And then bringing on the City Manager Aretha Ferrell-Benavides with City Council’s support. And I would like to say thank you to all of you all for getting us to the level in which we are today. There is much more to do but to be at the level that we are today is a magnanimous opportunity for all of us. I say again thank you City Manager Benavides and sorry to see you go. And to all of your staff who has worked and supported on this particular project as well to help us to get to where we are to see a brighter Petersburg ahead of us. I do want to say to Councilwoman Treska Wilson-Smith wonderful job on your presentation and I say pick up the phone and give our librarian a call, Wayne Crocker. They are building a foundation to support the African American Museum hopefully at the McKenney Library. And that can certainly be nice tool as far as working with them to help bring along more interested historic facts to that project. Other than that, I hope that everyone is safe and thank you very much.”

Council Member Hill stated, “Good evening everyone. Again, I would like to echo the sentiments of our council to thank the City Manager for her work here in the City of Petersburg and all that she has done. And the staff as well in which I echoed at our previous meeting on the $12.9 million dollar surplus that we received. Hopefully, we would get a bond rating increase on that. We are going to miss you. You still have a home here and this will always be home for you. I wish you well and Godspeed. Also, with public works and working in the storm I want to give a shoutout. A lot of times we talk about our first responders. But they were our first responders in the storm. You can see that they were the first to arrive around getting trees. I think that the last count was that we got up about 75 trees and things of that nature. I have talked to the deputy city manager about the branches that have fallen into people yards and things of that nature. So maybe we can come up with some type of system whereas we can clean that debris up. I think Ward 2 and Ward 3 got hit really hard. We have a lot of vegetation and trees and all you see is trees snapping. I just got a text from a family member saying that my lights just came back on. We have been in the dark for a while, but I am glad about that. God is good. I pray that no harm or danger comes to anyone during this storm. We have to be creative in the way that we do things. There are more people on this call than it normally be in the meeting. People seem to be more in tune and alert than the 6pm to 9:30pm time or 11pm at night. We just living in a different time. And I am not saying to compare to what we used to do to know but that is the only thing that we have to go by for now. So, I am not saying that I am voting to keep the meetings like this all the time, but I want everyone to have an open mind before we start digging in sand. I just think that we need to be flexible in what we are doing. I have talked to a lot of my constituents. I just came off a rough election and not once did I have anyone to say to me that we need to go back to having our meetings at 6pm. A lot of people say that they are glad that they can see it online. That was the main thing that they can zoom in to that meeting. But what I think that may happen is that if we go back to 5pm then you are not going to have a room full of people. You are going to have the same people on zoom. People are still fearful as far as what is going on with this pandemic and things of that nature. Our planning has to be for the citizens and also for our workers and staff that leave out late at night in the parking lot traveling home. Most do live here, and some do not live in the City. So, we have to think about the

*Audio available upon request.

totality of that. They get paid to work here but a good employee always looks out for the employer. So, that is part of what we deal with when it comes to planning these meetings. We have had a lot of people online. I think that Barb Rudolph said that some of them may have been City staff that may be true. But we have had a lot of residents online too. They will come back and tell me that they heard what I said. But at night I have never got that response. I do agree with Councilman Cuthbert when he made statement of when we got the collector. That is the reason for our increase. There are two things that we have done. We have increased our collection and the next thing is that we have not spent a whole lot in which we used to. That is the science that I have seen. We have been very conservative on our spending. It takes a team effort. I would like to be one that go back to the old model that we had with a city manager and no deputy directors or a director being a city manager as well. But maybe that is not the model that we need to go with right now. We see the results in which we are getting. I do not think, and I know we couldn't have got the results without the employees that we have right now. We have to be sensitive, and we have to be helpful, and we have to be creative. So, thank you Mr. Mayor and City Council. Kudos to our City Manager and staff, City Council, and residents. Thank you."

Council Member Hart stated, "Yes, good evening. I just want to say the same sentiments that some others have said here today to our city manager as she is about to take a trip back to her hometown. I will be available as soon as you call me and say that there is something for me to do. So, we all wish you well. Before you came here people would say that we would never come out of this hole."

Vice Mayor Smith-Lee stated, "First I want to say thank you City Manager for your team. They got us through this storm. You all put it down and I appreciate that. I commend the team on this. There is no I in team. If we can get this through the team will hear it in the City of Petersburg. We are not perfect but there is no I in team. And when we put our heads together it is for the good of everybody. Not one person but everybody. Things will work out. If you are negative, you are going to get negative but if you are positive you can see your work. Thank you. Thank you for your leadership. For the leadership of giving us a RAN and for the leadership of getting us out $19 million in the shortfall and bringing in the biggest economic growth since 1986. I am talking about people who lived here in 1986 when everything moved out of here. When you walk it you can talk it? I thank you. I thank you for your leadership and for what you have done and did not turn your back on us. Not one time. We are here standing tall, and we are going to prevail. When we call you, we are going to let you know all the other good things that you started that we are going to finish. Treska that was an awesome presentation. Now let me tell you about the history of Petersburg. It is taught by Dr. Savin at Virginia State University. If you ever want to know about anything in Petersburg, he was the guru of letting everyone know about the underground railroad and all those people that Treska had on her presentation. Those are icons. Those were my mentors. Treska a job well done. Happy Black History Month to the City of Petersburg."

Mayor Parham stated, "Yes. I just want to commend again that we have our team here in place, Ms. Tyus, Mr. Lyons and at the top of the pyramid Aretha Ferrell-Benavides. It has definitely been a phenomenal experience working with all of you. I thank you for everything that you have brought to the table. I have learned so much from each of you. And we are sad that we are losing Aretha. We have to come together as a team and figure out how to duplicate what Aretha has always done. Whenever things get trying, she come in with that smile and turn it on. And even at a meeting with all our critics at the table everyone leaves happy and say that was a great meeting. So, Aretha you have that 'It' effect. And Duncanville is going to realize that you have that 'It' effect too even though they ae going through an even more trying time with their ice storm in Texas than what we have in Petersburg. So, the definitely made the right decision to have Aretha Ferrell-Benavides coming to get them out of the mess that they are in and you would do a phenomenal job and we are going to definitely miss. We are going to come together as a team and continue moving this City forward. That is what we are going to keep doing. Something else that you all do not know is that Aretha did not have electricity like most of us but yet her along with Ms. Tyus and Mr. Lyons came down here at transit and before the storm hit, we were coming up with all the worst-case scenarios to make sure that we were overly prepared. Not just prepared but overly prepared for anything that happened. You worked right until the very end. And I know that his is your last meeting with us and we are going to miss having you. Also thank everybody for our virtual going

*Audio available upon request.

away celebration that we had. It was phenomenal. I thank Ms. Tyus and Mrs. Kemi and India Adams-Jacobs for helping to pull that off. It was a great celebration. Because I know Councilwoman Wilson-Smith talked about Black History Month, but we have Black History Making right here in this room in Petersburg. And Aretha Ferrell -Benavides is the first African American female City Manager of Duncanville Texas. You will keep moving and meeting your expectations and the bars will keep moving. Just want you to remember Petersburg because we will always be here for you and we definitely be with you. Because you are a big part of all of our families. I did not get a chance during the virtual zoom. I had my daughter with me and she kind of wanted to say something to you. But she says that she is going to miss you Aretha. We are going to see you all to the very end and my family will be with you and cheer you on and give you that love. So, we are always just a phone call away. Keep on doing your thing Aretha and it has been a phenomenal ride."

Mayor Parham stated, "Next we are going to take a quick five-minute break and then we will get right back to the agenda."

Meeting went into recess at 1:33pm

City Council came back from break at 1:45pm.

11. ITEMS REMOVED FROM CONSENT AGENDA:

*No items for this portion of the agenda.

12. UNFINISHED BUSINESS:

*No items for this portion of the agenda.

13. NEW BUSINESS:

a. Consideration of the FY2020-2021 General Fund Budget Amendment.

BACKGROUND: Staff was tasked with analyzing the General Fund revenues and expenditures throughout the fiscal year. Upon staff completing their analysis, it was determined that the revenues for the General Fund were trending higher than what was budget. The City Manager requested a Budget Amendment for the General Fund based on the analysis.

RECOMMENDATION: Recommend City Council approve the FY2020-21 General Fund Budget Amendment.

Robert Floyd, Director of Budget and Procurement, gave an overview of the FY2020-21 General Fund Budget Amendment.

There was discussion among City Council and staff.

Council Member Cuthbert asked could this be put on the March 2nd agenda for discussion in closed session.

Mayor Parham stated that was fine.

Council Member Hill made a motion to approve the amended budget. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Hart, Hill, Smith-Lee, and Parham; Voting No: Wilson-Smith

*Audio available upon request.

21-ORD-13 AN ORDINANCE MAKING AMENDMENTS IN THE GENERAL FUND FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020, AND ENDING JUNE 30, 2021.

b. To consider the adoption of a resolution approving the development agreement between the City of Petersburg and Robert Davis for the adaptive re-use and development of the property at 115 Harrison Street and authorizing the City Manager and City Attorney to take action to facilitate the sale of the City-owned property.

BACKGROUND: The City of Petersburg City Council approved 20-ORD-66 an Ordinance authorizing the City Manager to execute documents related to the sale of city-owned property located at 115 Harrison Street on December 8, 2020. Following a due diligence period, a Development Agreement has been drafted that requires, in consideration of the City's conveyance of the Property to Robert Davis. Robert Davis shall perform the redevelopment or the Property strictly in compliance with the project summary documents and in accordance with terms defined in the Agreement. The Development Agreement shall be referenced as if set forth fully in the deed of conveyance of the Property from the City to Cigar Dispatch. The deed shall include provisions for the reverter described in the Development Agreement.

RECOMMENDATION: It is recommended that the City Council considers adoption of a resolution approving the Development Agreement and authorizing the City Manager and the City Attorney to execute all documents to facilitate the sale of City-owned property in accordance with applicable legal requirements.

Lionel Lyons, Deputy City Manager and Clay Mansell, gave a briefing on the request for adoption of a resolution approving the development agreement.

There was discussion among City Council and the developer.

Mr. Davis stated that the development will be a bakery and ice cream shop.

Council Member Hart made a motion to approve the resolution approving the Development Agreement and authorizing the City Manager and the City Attorney to execute all documents to facilitate the sale of City-owned property in accordance with applicable legal requirements. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Hart, Hill, and Parham; Absent: Myers and Smith-Lee

21-R-15 A RESOLUTION APPROVING THE DEVELOPMENT AGREEMENT FOR ADAPTIVE RE-USE AND DEVELOPMENT OF 115 HARRISON STREET, PETERSBURG, VIRGINIA, BETWEEN THE CITY OF PETERSBURG AND ROBERT DAVIS.

c. An ordinance authorizing the City Manager to execute the Extension of Lease Agreement between P & P Associates, LLC and the City of Petersburg for the property located at 3811 Corporate Road Petersburg, VA.

BACKGROUND: The City approved the initial lease between the City and P & P Associates, LLC for the purposes to lease the property located at 3811 Corporate Road. The initial term of the agreement was June 1, 2019 through May 31, 2021, in the amount of $384,000 per year. This space is currently being utilized as the Department of Social Services and the Human Resources Department.

RECOMMENDATION: City Council review and approve the attached ordinance.

Ms. Tyus stated, “The original agreement was a two-year agreement with two one-year options. This

*Audio available upon request.

represents the first of the two one-year options."

There was discussion among City Council and staff.

Council Member Hill made a motion to approve the ordinance to allow the City Manager to execute the Extension of Lease Agreement between P & P Associates, LLC and the City of Petersburg for the property located at 3811 Corporate Road Petersburg, VA. The motion was seconded by Council Member Myers. There was discussion among City Council and staff. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hart, Hill, Smith-Lee, and Parham; Voting No: Wilson-Smith

21-ORD-14 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE THE EXTENSION OF LEASE AGREEMENT FOR LEASED PROPERTY LOCATED AT 3811 CORPORATE ROAD.

d. Consideration of a motion to authorize the execution of an employment agreement with the Kenneth A. Miller to serve as Interim City Manager.

BACKGROUND: The current City Manager announced her resignation on January 5, 2021 with an anticipated last day of employment of February 19, 2021. Interim City Manager services are desired by Council to fulfill the City Manager job responsibilities during the pendency of their selection of a permanent replacement City Manager and have identified retired Petersburg Director of Public Safety "Chief" Kenneth A. Miller as a desirable candidate for this portion. This employment agreement was prepared based upon discussions with Chief Miller regarding his desired terms.

RECOMMENDATION: Approve the motion to authorize the execution of the agreement.

Council Member Hill made a motion to approve authorizing the execution of an employment agreement with the Kenneth A. Miller to serve as Interim City Manager. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, Smith-Lee, and Parham; Abstain: Hart

e. Consideration of a resolution to amend Rule 1 Section 1 of the Rules of Council to clarify material permitted for presentation and consideration at council work sessions.

BACKGROUND: At its first annual Business Meeting in year 2021 Council adopted amendments to its Rules of Council. Among those amendments was the incorporation of Work Sessions as defined in Rule 1 Section 1. It was the intent of Council to utilize Council Work Sessions for the primary purpose of receiving information matters of City business including but not limited to those anticipated for "formal action" by Council at future Business Meetings. It was the intent of Council that the definition of "formal action" not include ministerial actions such as First Readings and Requests to schedule Public Hearings so that such matters may be received at Council work Sessions for later adoption by Council at its Business Meetings. This amendment to the Rules of Council clarifies this intent by incorporating a definition of "formal action."

RECOMMENDATION: Adopt resolution.

Mr. Williams stated, "Yes, sir Mr. Mayor. And that about sums it up. It simply clarifies what council original intent was. And that was that you be able to have your first readings and scheduling of public hearings, items that are not typically considered formal action of City Council done at your work sessions. So, that you can continue the workflow in the same manner that it currently is. Otherwise, you end of delaying items and they end up getting adopted substantially later than they ordinarily would. And so, that is really all that it does. That was council's intent as I understood it from the beginning, but this just makes it more clear for the future generations who may follow the same practice."

*Audio available upon request.

There was discussion among City Council and staff.

Council Member Myers made a motion to approve the resolution to amend and re-adopt Rule 1 Section 1 of the Rules of City Council to clarify material permitted for presentation and consideration at council work sessions. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hart, Hill, Smith-Lee, and Parham

21-R-16 A RESOLUTION TO AMEND AND RE-ADOPT RULE 1 SECTION 1 OF THE RULES OF COUNCIL TO CLARIFY MATERIAL PERMITTED FOR PRESENTATION AND CONSIDERATION AT COUNCIL WORK SESSIONS.

f. Consideration of process and rules for Boards and Commissions.

BACKGROUND: No information.

RECOMMENDATION: Recommend that City Council approve the process and rules for boards and commission.

Council Member Wilson-Smith stated, “We talked about this at our last council meeting. Ms. Nykesha Jackson and myself have been working on this. We have been trying to fine tune the process so that we can move forward with accepting people on the boards and commissions, and all be on the same page with doing so. If you can recall at the last meeting, we gave you all a list of boards and commissions as we know it. And Mr. Parham was gracious enough to add some that we had left off. we have divided that list into two separate groups. One group is what we call ‘Group A’. That is the group where council determines who will from the citizenry be on each board or commission. And ‘Group B’ is not really left up to citizens. The Mayor serves on certain boards and that is automatic. So, we divided it up accordingly. There are some groups that we had where these groups are currently not meeting. The CCRA is on the books but they are not meeting. Youth Services Citizen Board is not meeting. These are things that council will have to vote on. What Ms. Jackson and I did was and what we are submitting to you is the process that we would like to go by and the rules and then we will still have to vote on the appropriate items for the appropriate number of boards and commissions. We also have decided that we are going to make a booklet for all council members which will include the rules and regulations. It will have every board listed within the booklet. And copies of the application for every board and commission. You will always have it at your fingertips. And each time someone puts in an application then each of you will get a copy. So, for today if we can at least agree on the process and rules and we ask that you please let us know how you feel about the groups that are in yellow and whether or not we will reinstate them or not. And you can let us know at the next meeting.”

There was discussion among City Council and staff.

Council Member Hill made a motion to table until the March 2nd meeting. The motion was seconded by Council Member Cuthbert. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hart, Hill, Smith-Lee, and Parham

Council Hill made a motion to table item “13G” until the March regular meeting. The motion was seconded by Council Member Cuthbert. There was discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hart, Hill, Smith-Lee, and Parham

g. Consideration of re/appointment to the Economic Development Authority.

*Audio available upon request.

BACKGROUND: The Economic Development Authority consists of 7 members appointed by City Council. The duties of the board include but are not limited to the following: the Authority shall have the powers to acquire, own, lease, and dispose of properties. Such authority may not be able to promote industry and develop trade by inducting manufacturing, industrial, governmental, and commercial enterprises to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources; to issue its bonds for the purpose of carrying out any of its power.

RECOMMENDATION: Recommend City Council make an appointment to the Economic Development Authority.

*Tabled until the regular March City Council meeting.

14. CITY MANAGER'S AGENDA:

Mrs. Benavides stated, "Yes, one of the things that Mrs. Wilson-Smith has asked for a couple of times is an update on the CARES and COVID funding. Mr. Floyd did have this presentation and sent it to me. If I have not sent it to you, I will send it to you today. And from a discussion standpoint, you can have Mr. Floyd go through it and give you an update on that at your next work session. The last item is that Delegate Aird has been working on, for a couple of weeks now, a major event for us in the City, a mass vaccination. On Friday, at Petersburg High School, 2,000 seniors in the tri-city will receive their COVID vaccination. This has been a joint effort between the health department and the State. We had hoped to have done this earlier but unfortunately the weather has not been our friend. But I do want to thank Delegate Aird for her assistance in getting these vaccines to the City of Petersburg. Now as for residents, many people will say who is going to get it. They have already made the call. If you are on the waiting list, you will have received the call. Now this is in addition to what is going to the health department. So, this is a special event that will happen on Friday. What will continue to happen is that vaccinations will come into the health department and they will look to do additional events so that we will continue to vaccine our seniors. I believe that from an opportunity standpoint our team is working very closely with the Delegate and we may be looking for a couple of volunteers here and there to help with this process. But they will let us know what they will need. I want to thank Dr. Avula. He actually met with us and was just interested in helping us to catch. And all I can do is say thank you. Ms. Tyus do you have anything else on the vaccinations to add?"

Ms. Tyus stated, "I sure do. I hope you can hear me because I am not seeing myself either. I do. Please, when the manager talks about what they need, they have now communicated to me what they need. I need 40 volunteers to help with registration. The State has moved to its new registration center. It is electronic and they have asked us to provide a registration for each vaccination. We have 40 vaccinators on Friday. Please, email me. I am pending an email to our internal team but for those of you who are on the phone. My email address is dtyus@petersburg-va.org. Please email me if you are available on Friday. There are two shifts. One we are asking you to be at 7:45am so that we can get you trained on the system from 7:45am to noon. Then we are looking for another shift to start at 11:35am. Guys this is the opportunity to be a part of figuring out how to pull off a major vaccination event and the State is looking to make this a protocol for how you do it. The strategy is to do all of the 2,000 vaccinations on Friday. If we can do this then we have a model for mass vaccinations in Petersburg going forward. Please send me a note to my email address. Those of you internally look for an email from me for your assistance within the next ten minutes."

Mrs. Benavides stated, "And I can tell you that this, you have seen the big events happening up in Richmond and 2,000 vaccines is large. And of that at least 600 Petersburg residents will get vaccinated. And that is not including the school teachers and other activities that are going on. I know that we are concerned about the speed in which some of this is happening but for us this is a big deal. It is an effort that I think that we can prove to be very successful. And as we start to move forward, you are going to see more of those activities. I want to thank Ms. Tyus, Mr. Lyons, and the entire team. Sheriff Crawford as been along with us in

*Audio available upon request.

this process and Chief Travis and Chief Liebold. They have all been helping with this effort. I just cannot say to you all how much we appreciate the state saying we deserve and that we are focusing on the tri-city region. So, that is that portion and you will be getting the update on CARES funding. The last thing is that we talked about this weekend and how remarkable it was with staff coming together. I can tell you that there is no better opportunity to see what happens when in a crisis and see our folks come together. I will give an example. We knew we needed backup generators. There were none in Petersburg. Chief Liebold, Interim Fire Chief, said there are some in Hampton. And guess what he jumped in the truck and picked them up from Hampton Roads and drove up here with 19 large generators. Mr. Koonce and his team, a lot of folks think about the folks who shovel the snow but remember there is a command center. Not only folks who are cleaning up but who are making sure that anybody is getting from point 'a' to point 'b', Mr. Koonce and his team were here. They were making things happen. Ms. Tyus and Mr. Richard, she led the calls and kept us going and I appreciate it. Mr. Lyons, Mrs. Innis, and Mr. Ronnell, you do not hear about them. That is a good thing. Look what happened in Hopewell. They made sure that the backup generators and water systems kept pumping and we did not have any water boil notices. But these are the folks that kept things going. Kemi, with communications, I cannot say enough about how she has managed and kept managing. Most folks did not sleep during this time. Because this was an ongoing event. And so, I say all of this under my agenda because I also have to do a special thanks to our Interim City Manager, Mr. Miller. Mr. Miller came in Thursday and I said we need your help. We need you to get on this and he was on the call and he was helping. The next thing that he is going to lead is that after action report. Because there are some lessons to be learned and some more things that we have to do. And there are some exercises and recommendations that I have before going away. We talked about it but now is the time to do an emergency management exercise. To talk about how that communication center works from a community affair to the EOC with the emergency operations to police to fire. They were quite funny and exciting to be around together with Chief Travis and Chief Reid. And I found that everybody was a chief there but me. I can honestly tell you thank you for calling me big chief, but this is what made this weekend work. One thing that I can tell you from this weekend is that we are ready. Despite the cold we are ready. I just cannot say thank you enough to you guys. We re a dream team. The dream team had part 'a' and part 'b'. Do not doubt the City of Petersburg. Resilience is one thing, but we are a powerful place. Thank you."

15. BUSINESS OR REPORTS FROM THE CLERK:

*No items for this portion of the agenda.

16. BUSINESS OR REPORTS FROM CITY ATTORNEY:

Mayor Parham stated, "I think you did have one item of a closed session."

Mr. Williams stated, "Actually, I was going to mention the addition of the council' ratification of the declaration of the local emergency. As council may recall on the 12th, the City Manager did a local declaration of emergency with regard to the winter storm. And the code section under which that is adopted is 44-146.21, that requires the time of declaration, the emergency manager have consent of the governing body. But if she is unable to get it at that time, then it authorizes a subsequent consent by ratification by the governing body. But that consent has to occur at the next business meeting or at a special meeting within 45 days of the declaration, whichever occurs first according to the statue. We are in an unusual situation here because, are regular meetings are special meetings because of the COVID pandemic. With that being said, my recommendation since we are convening, and I think the legislation is to have this ratified as soon as the governing body meets following declaration. I would recommend that you add this to your agenda today, suspend your local Rules of Council add this to the agenda and adopt it. And I know Councilman Cuthbert would have the question of adding an item to a special meeting, but I think that if you got unanimous consent of all of the members of council you will satisfy the statue anyway. But even if you did not have all members present in this particular case, I think the requirements of 44-146.21 would trump the procedural concern as well. That is my recommendation. I emailed the Mayor the language if council chooses that. Mayor if you have

*Audio available upon request.

that available, if not I can read it."

Mayor Parham stated, "Alright, this is the declaration for local emergency."

Mrs. Benavides stated, "While you guys are looking that up, the most important part about this declaration because the Governor declared a state of emergency this allows for us for any nontraditional expenditures associated with it to be eligible constant with funding to support the efforts for this emergency."

Mayor Parham stated, "Okay. So, first of all we need a motion to add."

Council Member Hill made a motion to suspend the Rules of Council. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hart, Hill, Smith-Lee, and Parham

Council Member Hill made a motion to add the Declaration of Local Emergency to the agenda. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hart, Hill, Smith-Lee, and Parham

Council Member Hill made a motion to approve the Declaration of Local Emergency resolution. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hart, Hill, Smith-Lee, and Parham

21-R-17 A RESOLUTION CONFIRMING AND RATIFYING LOCAL EMERGENCY.

Mr. Williams stated, "The only other item I have is that the Mayor wanted to see if council would be willing to add a closed session to the agenda today for the purpose of discussing a contract for service provider for media and other services to council. And so, I prepared that motion if council is inclined to suspend the rules to add that item as well."

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

Mayor Parham stated, "I will entertain The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(29) of the Code of Virginia for the purpose of discussions pertaining to the award of public contract involving the expenditure of public funds including interviews of bidders or offers and discussion of terms or scope of such contract when discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body specifically the discussion of a contract for the service provider to provide media and other services to City Council.

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

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

City Council entered closed session at 3:11p.m.

CERTIFICATION:

*Audio available upon request.

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

Council Member Hart made a motion to return City Council into open session and certify the purposes of the closed session. The motion was seconded by Vice Mayor Smith-Lee. There was no discussion on the motion.

The motion was approved on roll call vote.

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

21-R-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 opened session at 3:24 p.m.

17. ADJOURNMENT:

City Council adjourned at 3:25 p.m.

_____
Clerk of City Council

APPROVED:

_____
Mayor

*Audio available upon request.

The Special Called Closed Session Meeting of the Petersburg City Council was held on Tuesday, March 2, 2021, on live stream. Council Member Parham called the Special Called Closed Session Meeting to order at 11:03 a.m.

1. ROLL CALL:

Present:

Council Member Charles H. Cuthbert, Jr
Council Member Treska Wilson-Smith
Council Member W. Howard Myers
Council Member John A. Hart, Sr.
Council Member Darrin Hill
Vice Mayor Annette Smith-Lee
Mayor Samuel Parham

Absent: None

Present from City Administration:

Interim City Manager Kenneth Miller
City Attorney Anthony Williams
Executive Assistant to Clerk of Council Tanesha Flowers

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 discussions pertaining to performance, assignment, and appointment of specific public employees of the City of Petersburg specifically including but not limited to discussion of the assignment, appointment, and performance of specific public employees; and under Section §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 matters requiring legal advice from the City Attorney concerning the old Ramada property; and employment law matters pertaining to specific public employees of the City.

Mayor Parham requested a motion to modify the closed session to add CC Case CL19-909.

Council Member Myers made a motion to add case CL19-909 to the closed session. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hart, Hill, Smith-Lee and Parham

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

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

City Council entered closed session at 11:07a.m.

CERTIFICATION:

*Audio available upon request.

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

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

The motion was approved on roll call vote.

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

21-R-19 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 opened session at 12:16 p.m.

3. ADJOURNMENT:

City Council adjourned at 12:17 p.m.

_____
Clerk of City Council

APPROVED:

_____
Mayor

*Audio available upon request.

The Work Session meeting of the Petersburg City Council was held on Tuesday, March 2, 2021, live streamed. Mayor Parham called the meeting to order at 12:18p.m.

1. ROLL CALL:

Present:

Council Member Charles H. Cuthbert, Jr.
Council Member Treska Wilson-Smith
Council Member W. Howard Myers
Council Member John A. Hart, Sr.
Council Member Darrin Hill
Vice Mayor Annette Smith-Lee
Mayor Samuel Parham

Absent: None

Present from City Council Administration:
Interim City Kenneth Miller
City Attorney Anthony C. Williams
Executive Assistant to Clerk of Council Tanesha Flowers

2. PRAYER:

Mayor Parham stated, “Councilman Hill will lead us in our opening prayer.”

Council Member Hill led the council meeting in prayer.

3. PLEDGE OF ALLEGIANCE:

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

4. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum is present.

5. APPROVAL OF CONSENT AGENDA (TI INCLUDE MINUTES OF PREVIOUS MEETING/S):

a. A request to schedule a public hearing and consideration of a petition and ordinance to rezone the property at 3706 S. Crater Road from PUD – M-1c to PUD.
b. A request to schedule a public hearing and consideration of an ordinance amending the text of the City’s Zoning ordinance regarding restaurants and other uses.
c. A request to schedule a public hearing and consideration of an ordinance amending the City of Petersburg’s Municipal Code regarding the Chesapeake Bay Preservation Act.
d. Consideration of ABC Application for Andrades International LLC.
e. Consideration of ABC Application for So Fresh Enterprise Inc.
f. To schedule a public hearing for the appropriation for a $2,000,000 grant from the Virginia Economic Development Partnership Authority for the Project Tube project. (1st Reading)
g. A request to schedule a public hearing and consideration of an ordinance authorizing the City Manager to approve the reduction of Site Plan Review and Land Disturbance Permit Fees when offset by in-kind Staffing Augmentation, in an amount not to exceed 30 percent of the total fees.
h. A resolution of the City of Petersburg City Council in support of HB1800, Item 114 #11h

*Audio available upon request.

Infrastructure upgrades for the Petersburg Pharmaceutical Park.

i. Request for the City Council to schedule a public hearing and consideration of an ordinance authorizing the city Manager to execute a Memorandum of Understanding regarding a proposal to lease City-owned property located at 1555 Flank Road.

j. City Council Minutes of January 28, 2021, February 2, 2021, February 9, 2021; February 10, 2021 (closed session), February 10, 2021 (Special Council Meeting)

Council Member Cuthbert stated, "I would like to briefly discuss item '5A' the PUD on the large acreage adjacent to Crater Road Walmart. If we all are in favor of development that advances our City. But I am concerned about the cost of developing that land. There is really a fine memo written by Andrew Barnes on pages 9 and 10 of the agenda packets. And I would refer council to that and specifically ask you to look at the last paragraph on page 10. It reads that the development will have impacts on local infrastructure immediately serving the site as well as within the greater context of the City's water and wastewater system. The developer should access the utility impacts of their proposed development and how the impacts will be addressed. I think not only should the developer assess that, but City staff needs to closely assess that. And so, when we have our public hearing on the 16th to discuss this, I would ask that staff advise council as to what these impacts are going to be and what is the cost of the City going to be if we do rezone this property. And, when staff reports to us, I would like for staff to do more than they have done on page three of our agenda packet. And that is recommend that we consider adoption of this rezoning. I think we need a recommendation as to the substance of the decision we should be making. We are not certainly bound by that, but we got professional staff and I would like to know what the recommendation is of the professional staff as to whether we ought to adopt the ordinance or not. Not merely whether we ought to consider adopting the ordinance. So, those are my thoughts and I hope that staff will take them to heart so that come March 16th we will have this assessment of the utility impacts presented to us and also how those impacts are going to be addressed and if that is not sufficient time perhaps staff can tell us how much time staff does need and we can table this rezoning until we get that information that I believe that we all likely consider to be essential to make an intelligent on whether to adopt this proposed rezoning or not. Thank you, Mr. Mayor."

Mayor Parham stated, "Council Member Cuthbert are you stating to approve the consent agenda with those amendments that you just added."

Council Member Cuthbert stated, "Yes, please."

Council Member Cuthbert made a motion to approve the consent agenda with the amendments as stated. The motion was seconded by Council Member Hill. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hart, Hill, Smith-Lee, and Parham

Mayor Parham stated, "I would like to amend the agenda to move up the COVID-19 Update. Because I know that we had Dr. Hart in waiting along with Mr. Jay Baxter who is heading the effort of Petersburg vaccines. I will accept a motion to modify the agenda to move COVID-19 Update to special reports."

Council Member Hill made a motion to move COVID-19 Update to special reports. The motion was seconded by Council Member Hart. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hart, Hill, Smith-Lee, and Parham

6. SPECIAL REPORTS:

Ms. Tyus stated, "Good afternoon Council and good afternoon community. We have had lots and lots of activities and positive changes associated with COVID-19. I am going to have Mr. Jay Baxter and Mr. Hart is he is on the line and kind of address you all first and then come back and fill in on where we are now with some of the most recent activities that have happened."

*Audio available upon request.

Dr. Alton Hart stated, “First, I must ask how much time do I have.”

Mayor Parham stated, “I moved you up to make sure that we are good stewards of your time Dr, Hart. So, the floor is yours.”

Dr. Hart stated, “Good afternoon members of City Council, Mayor Parham and Interim City Manager Miller. Thank you for the opportunity to share updates regarding our District’s COVID-19 Roll Out. Before I share the latest updates, I would like to start with some background information if that is okay. That is why I was asking how much time I do have just to maybe answer some questions that you might have about our roll-out up to this point. So, the Crater Health District began its vaccine roll out the week of January 4th specifically we started our Phase 1A Vaccine Roll Out which we call our pilot week. We need to test the systems. Unfortunately, we were unable to test the system over the Christmas holiday because our equipment was late arriving, and we had extremely limited staff. So, we also needed to train our staff on that equipment. So, during our pilot week we actually conducted five COVID-19 Vaccine Points of Dispensing also known as PODS. We conducted these vaccine clinics in Greensville, Emporia, Dinwiddie, Prince George, and Petersburg. WE actually conducted two vaccination clinics in Petersburg that week. The following week, the week of the 11th we began our regular schedule of our PODS. With Greensville and Emporia on Tuesdays from 5pm to 8pm, Dinwiddie on Thursdays from 5pm to 8pm and Petersburg and Prince George on Saturdays from 9am to 4pm. And so, these four geographical locations were selected by the districts COVID-19 Planning Committee which included several of our local emergency managers. And these locations were strategically selected with the intent of officially accommodating individuals in Phase 1A which those persons are healthcare personnel and first responders. And these initial geographical locations were selected because the planning committee thought healthcare workers and first responders would be able to travel outside of their localities. However, on January 13th Governor’s across the United States received an open letter from the Director of the Center of Disease Control to move on from Phase 1A to Phase 1B. up to this potin health directors were given clear mandates to now move on to Phase 1B until Phase 1A vaccinations were complete. And this point was communicated several times however after the State received an open letter our Commonwealth began moving in that direction. So, that led to an increase in demands. So, during that same week the State defined who would be included in Phase 1B and 1C. So, 1B was eventually redefined to include individuals 65 and over and individuals 16 to 64 with high-risk medical conditions or disabilities that were placed them at greater risk or outcomes due to COVID-19 along with frontline essential workers. Originally Phase 1B included those 75 and older along with frontline essential workers. Once the State announced that the Commonwealth would be moving Phase 1B the vaccine rollout became extremely challenging. So, at that time only 11 health districts out of the 34 health districts were prepared to move to Phase 1B at that time. And that is because many of them have health systems at that time were assisting with community vaccination efforts in their health districts. Most districts like Crater were caught off guard by the sudden expansion to Phase 1B. We were not prepared to move our eight localities at that time. However, we moved on to 1B. we initially communicated that we would move to 1B on February 1st because I felt that this would give us a little bit more time to shift our plans. However, when residents heard that the Commonwealth or other districts had to move to 1B our call center was flooded. In one district the phone system actually crashed. And so, the sudden expansion to 1B did not allow us ample time and we were not as flexible to update our website and provide clear guidance. So, I know that you heard a lot from your residents regarding that. And so that is part of the reason why that happened. So, we needed to make some technical changes. For example, I know that you have heard a lot of concerns regarding our Vaccine Administration Management System (VAMS). And we recognize that the system had a number of issues. And VAMS is primarily an employer-based system that allows point of contact to put their employees in the system to get vaccinated. And so, this sudden move to 1B did not allow ample time to make adjustments to really accommodate those individuals who are 65 and older as well as individuals without computers or have access to the internet. And this was a challenge for us. This sudden move from 1B did not allow us to expand our vaccination clinic to accommodate all eight of our localities. In addition, I know some have asked the question of why other districts have been vaccinating more people than Crater. It is because the Crater Health District does not have health systems assisting with the vaccine rollout in the

*Audio available upon request.

community. It is also important to know that the bulk of the vaccines that arrived at the State went to healthcare systems and not the health department. Health systems like VCU have administered thousands of vaccines and we have not been so fortunate. The availability of vaccines has been another issue. The State was receiving a very limited number of vaccines per week. At one point, Virginia was receiving only 105,000 doses of vaccine per week. And each health district received a certain percentage of the vaccine based on a population formula. So, the amount of vaccine that a district receives is based on the population for the entire district. So, for example the population for the Crater Health District is about 155,000 people. And this is 2% of the total population in the Commonwealth of Virginia. Our other challenge has been staffing capacity. As a multijurisdictional district our staff is stretched across eight localities with seven health partners. So, in addition to rolling out our vaccination clinics I want you to also know that we have continued to conduct community testing events across the district as well as continued our regular health department services such as family planning, prenatal care, diagnosis and treatment of sexual transmitted diseases, environmental health as well as WIC services. And so, because all of these services have continued, we have had to rely heavily on volunteers to conduct our vaccination clinics. So, with the assistance of volunteers here is a snapshot that we were able to do across the district from February 20th to 27th. Our staff and volunteers were able to conduct 19 vaccination clinics across the district during that timeframe. And on Saturday, February 20th, here in Petersburg we vaccinated teachers and staff at the high school. We were also at the Union Train Station that day and we vaccinated almost 600 people in group 1A and 1B. And during the week of February 22nd, we conducted four vaccination clinics here in Petersburg. We conducted a vaccination clinic at the health department on Tuesday and this past Friday we were at the high school and we vaccinated over 2,000 people. And Saturday the following day we were back at the high school to continue vaccinating teachers and staff. And at the same time, we were conducting a vaccination clinic at the Petersburg Health Department from 9am to 4pm. And that was for residents in 1A and 1B. And that day we vaccinated about 460 people at the Health Department and about 426 people at the high school. Now this week we will be conducting another vaccination clinic for persons here in Petersburg from 9am to 4pm. And we will continue to vaccinate persons who are on our waiting list. I also want to share with you that our efforts to move this process forward is to work with our community partners. So, to help expand our vaccination capacity in the community we are working with community partners such as pharmacies and our qualified health centers such as Central Virginia Health Services. So, as the health district we definitely cannot do this alone. We truly need our community partners to get our community members vaccinated. So, another thing that I want to share with you, and we can come back to the vaccination efforts is to help address the call center challenges that I mentioned earlier, the State launched a statewide preregistration system. The Virginia State Preregistration System is live and anyone who lives and works in Virginia can go there to get information about COVID-19 and preregistration for the vaccine. If a person is already preregistered with the Health Department you do not need to do anything because you are already on the list. If you want to confirm that you are preregistered, you can do that at vaccinate.virginia.gov or you can call 1-877-VAXINVA (1-877-829-4682). I just want to let you know that TTY service is available to assist people who are deaf or hard of hearing or speech impaired. They can call Virginia Relay at 711. Also, it is important to know that people aged 75 and older will be placed in an express lane to speak to a live agent when they call that 1-877-829-4682. And so, we have a number of things that are rolling out to get our citizens vaccinated. And just want to also with regards to the call center to express my gratitude to Ms. Darnetta Tyus for working with us to get the call center set up here in Petersburg so that we can accommodate our residents and get them on the waiting list to get vaccinated. I know that you probably have a lot on your agenda for today so I will stop there and try to answer some of your questions."

There was discussion among City Council Members and staff.

Ms. Tyus stated, "As Jay opens up his microphone, I want to thank him for his energy and the leadership that he has shown in the short phase that he has been added to this team."

Jason Baxter stated, "Good afternoon Mayor, Interim City Manager and all of council. I am excited to be here. I would first like to also thank Ms. Tyus for her involvement in the successful event we had this past

*Audio available upon request.

weekend on Friday at the high school. It was an exemplary example of the community, staff and volunteers coming together to serve our citizens to give them some relief and a good experience. So, we are grateful for that. We want to really hop on the momentum from that event. I am the Acting Chief Operating Officer of the Virginia Health Department and I am here to assist and partner with Dr. Hart to oversee the vaccine operations going forward. And leaning on him and his staff as well as community partners to do a few things. We want to further engage the community and the partners to gain new partners. There was a consistent topic in regard to Southside Regional. And I wanted to shed and give some insight on their involvement. There has been a struggle in the historic knowledge that I received as far as getting them involved. I had a conversation with Kevin Massengill from Dinwiddie, the county administrator there. His relationship with the head individual at Southside Regional Bon Secours and there is plans for them to be involved in our future efforts. And more specific and details will come, and I will be happy along with Dr. Hart to provide those details of their involvement and the capacity in which they can offer the Crater District, specifically Petersburg. A few things that we are going to look at that we have already began to look at is the efficiency and how effective the smaller pods are. We want to look at how many of our citizens we are serving as well as the time and effort, the financial impact, the staff, the volunteers, and things that are needed. On average looking at this from a Crater District standpoint we are looking at the smaller pods and analyzing them to see how efficient they are. Right now, we are doing 100 to 200 doses in a pod. And we feel that with what took place on Friday with the mass event that we can re-shift our efforts, meaning our bodies, as well as our strategic thinking of how we can maximize more mass events. And then also one or two of the council members mentioned how do we target these communities inside of Petersburg. And that is also a need in the other seven localities as well. And what is coming, and I have gotten approval from the State that Crater be at the top of the list for a few initiatives that are coming. Number 1 is to fix sites. So, I have briefed City Manager Miller on this revised plan or approach of how to be a little more efficient and expand our bandwidth capacity to serve to get more needles in arms. And so, with these fixed sites we are looking at locations such as Tabernacle Life Center that is now running right now and Pastor Diggs has offered that space that can be used as a fixed site. The State has contracted several vendors and that list is continuing to grow. And those vendors will come and basically all that the localities need to do is open the doors so that they can have access. It does not require volunteers or staff outside of the initial startup to ensure that the experience is consistent across the board in every locality. And so, that is just an example of a location. I also had a discussion with Mount Olivet Church and they also have a gym that has been shut down due to COVID-19. That is another locked in space where that is a strong possibility that we can use that space for a fixed site where vendors are there Tuesday, Wednesday, and Thursday. The capacity that we are able to vaccinate is anywhere between 600 to 1000 or more a day. Which would supersede what is currently happening in our structure of smaller pods in Petersburg and Prince George and Dinwiddie and all the other localities. And so, we are looking at trying to be a little more efficient so that we can start to increase the numbers and get up to the standard that Council Member Cuthbert mentioned earlier and that is ultimately our goal. Along with providing a relieving experience for our citizens especially with the focus now being 65 plus. And we would like for it to be a wonderful experience. I know that Ms. Tyus shares along with police chief that last Friday was an awesome experience for them and it was a lot of positive feedback to the customer service that a provided to them. And how easy it was and how quick and fluent that the process was. And we want to continue that and shift our actual staff and volunteers time and effort toward mass events. As you know, the J & J one dose shot is being rolled out and Crater has accepted the ability to be able to have and receive that shot. And we are looking at what can we do in the next two weeks to have a mass event for that one dose shot. And use that as a springboard to continue to rapidly catch up ultimately. Right now, I know that Council Member Hill asked about specific numbers in regard to Petersburg. And we are going to have this week those numbers. Along with an overview and breakdown of the Crater District numbers as we span. So, that we all know what we need to do so that we can explain the why and how for all of our effects going forward. So, the J & J vaccine is something that we want to take part in for the entire Crater District. Petersburg seems to be a very centralized place for where we can shift support to get as many people as possible a part of that and many of the other localities a part of that event. And so that is something that we are working on as well as Dinwiddie Motorsport Park. We have already been given the permission to use that entire space at our leisure. And so, we are working on places as of yesterday and we are doing a plan site visit

*Audio available upon request.

just to see how the flow will work. The Petersburg Sports Complex will be used as we. As you know we are moving into the Spring and there will not be a lot of concerns or long lines in the cold. And so, though we know that lines are expected in some cases we wanted to also be mindful and sensitive as we were last Friday that we had to get everyone in the building due to the cold and rain. And I think that they appreciated that, and it was a good pivot that we did. But the motorsport park is another option as well. I have along with Ms. Karen Mass, Dr. Hart, and his staff as well as other central offices are assisting with taking some of these initiatives and bringing them to Crater to assist and increase our numbers. I spoke about fixed sites as well as mobile units. We have a meeting tomorrow with VSU. They have two mobile units. We wanted to utilize the mobile units for communities that lack space, or the capacity and we want to send those new units out whether it is the Petersburg locality or a locality such as Sussex and Surry. Who do not have the population like Petersburg and Prince George, but they still need the same services? So, we will utilize those mobile units for communities such as that. So, these are some of the things that we talked about. I spoke about mass vaccination events and shifting our time and efforts to more mass events and we are identifying locations where these events can take place. VDEM is working on a top level to identify these places and do site visits. I have been in constant communication over the last week and they are in huge support and realize that there is a sense of urgency for the Crater District as a whole to increase their numbers. We realize the importance of the civic organizations and churches. I have sent one text out last week and 13 churches within the Crater District want to be involved. So, we have to strategical figure it out. Not all of them can provide a space but there are many other ways in which they can be involved. More importantly we want them to be educated and informed as to what is going on."

There was discussion among City Council and Mr. Baxter and staff.

a. Proclamation recognizing March as National Purchasing Month

Mayor Parham read the proclamation out loud.

Mayor Parham stated, "Thank you for all of our purchasing agents."

b. Black History Month Celebration Strategy

Ms. Tyus stated, "There have been lots of questions about the efforts and what I shared with Council Member Wilson-Smith yesterday is that there were efforts going on and we did not communicate them well. But the shift here is not to just celebrate black history for the month of February, it is to do a series of initiatives and activities throughout the year. Not necessarily on a monthly basis but a series of events that do not tie us just to February. So, the presentation that you see here is an effort to show you the things that we have been working on and pull them all in one place. Mr. Crocker is going to talk about the Petersburg Voices of the Civil Rights as well as the McKenney Library. I am going to lead you through the youth virtual summit which we have been working on for a couple of months in partnership with both the school system and other organizations that impact our school system. We have scheduled a virtual youth summit and we are having them to assist us in how to make that an exciting event. This virtual youth summit is focusing on our children in grades 8 through 12. It will take place on May 8th. We have developed and worked with the school system and our other youth partners in determining a schedule that will focus on how our youth are dealing with COVID-19 during the pandemic. There is going to be a virtual college tour that we customarily do, and we are going to do a focus on black history and Petersburg to make sure that we are connecting our young people to the discussion of black history and how they have become more active and involved in our community. The second initiative which Council Member Wilson-Smith has spoken of is to celebrate and be very deliberate about planning a Juneteenth celebration. Right now, everything that we are planning is being planned virtual. If something significant happens between now and then we will provide an opportunity for some in person activities. But right now, everything that is planned has to be virtual. For the Juneteenth celebration we are looking for input from anybody who would want to have some valuable props about how that formulates and

*Audio available upon request.

what that looks like. You can email Tami Yerby at tcyerby@petersburg-va.org, if you have thoughts about that. I am going to ask Wayne Crocker to speak towards the Voices of Civic Rights which we are extremely excited to bring to Petersburg and to share with you."

Wayne Crocker, Director of Petersburg Public Library, stated, "Good afternoon Mayor Parham, Vice Mayor Smith-Lee and Members of Council and City Manager. Thank you for this opportunity to talk about some ideas that we developed to celebrate as Ms. Tyus said for not just in February but all year around. Several years ago, there were interviews done with people who played a significant role in the Civil Rights movement in Petersburg. And those interviews were actually recoded on DVD. Most of them were very powerful. They talk about people, events, businesses, and neighborhoods in Petersburg and what they were like during the Civil Rights Movement. And so, starting in July we want to feature those DVD interviews at 12noon. We are calling it a brown bag lunch series on Wednesday's. And it will be done on the City's Zoom Channel. I think that if people toon in they will find out some very interesting information about the City of Petersburg and what it was like during that time. Also, as many of you may know we have been working to repurpose the former McKenny Library as an African American History Museum and archives. And we want to talk about that project and what it can mean to the City of Petersburg as far as becoming a compository, African American artifacts, and papers of Petersburg. So, we have not actually selected a date for that yet, but we think that it will be a very interesting discussion and we want to invite the community to be a part of that."

Mayor Parham stated, "Thank you for the presentation and we look forward to it."

Ms. Tyus stated, "We have started just because how heavy the last storm was in Petersburg, we started a debris collection associated with the trees and the extra branches and limbs that have fallen in the yards of our citizens. We started last week but for the next two weeks we will be coming in each neighborhood. And before we get off this call, I will make sure that Gerrit can post the flyer. Thank you, Council Member Hill and others who encouraged us, to provide an opportunity for private citizens to bring the branches to the curb and not block the sidewalks. And our trucks will come and pick that up and we will dispose of those branches free of charge for the residents of the City of Petersburg."

c. Presentation from The Metropolitan Business League

Floyd Miller, Representative from The Metropolitan Business League, gave a PowerPoint Presentation.

Key points:

- Has been in existence for over 50 years and providing services and resources to small, women and minority owned businesses throughout Virginia.
- Physically located in Richmond and they share a space with Dominion Energy.
- Mission is to promote economic prosperity in Virginia through leadership, education, training, and advocacy for small, women and minority owned businesses.
- They currently have over 500 businesses throughout the State of Virginia.
- 80% of businesses are small, women, or minority owned businesses.
- The City of Richmond is one of their biggest members and dominant source of funding.
- They are looking to expand their services.

Tanya Battle, Kathy Dolan, Grace Washington, Brittany Rawlinson, Representatives on the Board of Directors for The Metropolitan Business League, gave brief points on the PowerPoint presentation.

Key points:

- Part of their mission is to bring in the students from the middle and high school as well as the college students.
- By spurring economic growth through small business development, City Point Innovation Center

*Audio available upon request.

also partners with local schools and universities to grow the next generation of entrepreneurs.
- They provide pop up space/kiosk for businesses and access to a conference venue.
- Their goal is to provide a safe and innovative environment for individuals to share business ideas and concepts while supporting and helping businesses become sustainable for local economic growth.
- Some of the services that they provide are business certification, mentoring, strategic planning, legal counseling, financial coaching, wealth building, workforce development training and monthly recharge meetings and networking.
- First-floor occupancy for business owners and partners, lounge and cyberspace area for guest, students and residents, and access to WIFI during business hours.
- They will have a Business Incubator Space to help the businesses grow.
- It is low-cost office space for small businesses to start out.
- Access to conference room for trainings.

There was discussion among City Council.

Mayor Parham stated, “Again, I would like to thank Floyd and the team, The Metropolitan Business League, for their presentation and again to welcome you to Petersburg and look forward to the partnership.”

Mr. Miller stated, “Thank you so much.”

7. MONTHLY REPORTS:

a. COVID-19 Update

*Moved to the beginning of the agenda.

b. City Council Question and Answers

Alesha Mann presented the question and answers from the January 19, 2021 City Council Meeting.

1) Question: Has the light study been started? If so, how far along is it? If not, would it be beneficial to do such a study? – Councilman Cuthbert
   Answer: The City has not started a study on the parking lots.

2) Question: What is the likely range of costs for performing such a study and a timetable for completing it? – Councilman Cuthbert
   Answer: Estimate 20,000 proposal attached, estimate time for completions is approximately 2 months.

3) Question: If we had the study in hand, how would we pay to carry out its recommendations? For example, are there grant programs from which we likely could obtain the necessary funds? – Councilman Cuthbert
   Answer: Study has not been completed additional research needs to be conducted on grant opportunities.

India Adams-Jacobs, Assistant to the City Manager, stated, “I wanted to follow-up with one more question that Mr. Cuthbert had posed at our last workshop which was following up on the general fund fund balance that we had received as a result of our FY2020 CAFR results. I just wanted to give you an update on that. We received revenue in terms of $400,000 in payments in lieu of taxes. In terms of reduction and expenditures where we saw some of those cost savings that contributed to that $4.8 million dollars. We were

*Audio available upon request.

able to refinance our bonds through our work with Davenport. And that reduced our amounts in our funds related to the QZAB bonds. As well as we were able to reduce the need for a RAN. I think that Ms. Patrice Elliott mentioned that back in 2019 where we were able to work with Davenport to reduce that. The general salary savings and benefits just through attrition in various departments throughout the City we saved $800,000 just in staffing cost. Because of the COVID pandemic and some reduction of payments to the jail we saved $400,000. And then a reduction in prepaid expenditures $400,000. And due to COVID as well we had a significant reduction in expenditures related travel, meals, training, dues as well as good stewardship in general with some of those reduction early on that the City Manager referenced a month or so ago. And we also had a reduction of $200,000 for transfer to the schools that contributed to the $4.8 million dollars. So, I just wanted to follow-up on that question from Mr. Cuthbert at our last meeting as we just received information yesterday morning from our pre-audit staff. So, its not actually in this report but I just wanted to give you all that and I will add that in our report next month."

Council Member Wilson-Smith stated, "Mrs. Adams did you say how much in a reduction in salaries? Did you say that?"

Mr. Lyons stated, "In that process, remember the information that Mrs. Adams is talking about. This is the CAFR for 19-20. And so, all the information that Mr. Adams just shared with you will be detailed as a part of the audit report that I will send to each of you to answer all of your questions. The facts from this come from the independent auditor."

Council Member Wilson-Smith stated, "Okay thank you."

Council Member Cuthbert stated, "Thank you. My questions have been answered Mr. Mayor."

Mr. Lyons stated, "Mr. Mayor before we go to that there were a few additional questions that were asked that I wanted to talk about as a part of those questions. As a part of your agenda, you all had asked about a couple of questions about moving forward with the concept of when we start utility cut-offs again like other municipalities. I want you to know that staff will come back to you with a more comprehensive report explaining to you what other municipalities are doing as well as letting you know what is trending right now. For your information, staff this week has been doing personal property tax and utility bills this week. And we are working our way through that process. But at some point, in time we need to do a more effective presentation to you, and you all are going to have to give us some direction as to where we go on from this. The other it item was that there was a question asked about two-way piece for Washington and Wythe Street in terms of the two-way traffic. I think that it is important for everyone to know that staff has been reaching out to VDOT as well as to the MPO trying to solicit some feedback in terms of grants and resources to help us with that process. I want you to know that we will be coming back with you on that. In addition to that there was a question asked about the status of the City's effort. That was at your February 9th meeting about the RFP for developing a City long-term plan. There has been some staff work in terms of the things that the previous City Manager started as it relates to the strategic plan and comprehensive plan. But along those lines in order for us to go back for an RFP the full City Council is going to have to make a determination of dedicated dollars and cents for us to go into that direction. The last question and I think Ms. Mann alluded to it as well was that you all are starting to ask about the parking lot light study. Staff has done some initial assessment in that process. Just the analysis alone is about $20,000. Again, there are no dedicated dollars and cents for that piece, and we need to keep that in mind. And the last thing that if I can digress for a second is that on Washington and Wythe Street, we know right now that event the two-way traffic piece despite our outreach to both VDOT and MPO staff is telling me that the assessment and study would run us between $12,000 and $300,000 to do a full assessment. There is no dedicated funding for it. Those were some questions that you were asking for and we will be coming back at a later day for details. But I wanted to make sure that the information was out."

Council Member Cuthbert stated, "Thank you. And this takes us forward, but it does not tell us when we

*Audio available upon request.

are going to be presented with information Mr. Lyons. You have done a great job of highlighting what we do not know and giving us hopes that there will come a time when we will have the information in front of us to make a decision but you have not indicated when that point in time is going to be reached. And we have so many discussions and great ideas that kind of die without reaching a conclusion. I do not want that to happen again on any of these issues. On the utility cut-offs you indicated that staff will be coming back to us with a recommendation. When on the timeline do you expect that staff will come back to us with a recommendation?"

Mr. Lyons stated, "The plan is as it relates to all of this is to do what we can over the next two weeks and to come back with a report at either the March 16th meeting or first meeting in April. That is what the push is for on all of these items that I am talking about. And I am helping staff to track those and make sure that they do not fall through the cracks."

Council Member Cuthbert stated, "Great. Thank you. That is important. We often have important topics, but they never seem to reach a real decision point. Please help us avoid repeating that process and I know you will, and I am grateful for it. Thank you, Mr. Mayor."

8. FINANCE AND BUDGET REPORT:

a. Atlantic Union Bank Presentation

Andi Weissbart, Vice President of Solutions Banking Program, gave a briefing with a PowerPoint presentation on Solutions Banking Program.

Key points:

- Atlantic Union Bank started in 1902 in Caroline County in Virginia.
- It will give the City access to a suite of online learning tools, onsite seminars, and other financial wellness programs to help manage current money matters and to set them up for long-term financial health.
- No cost addition to the employee benefits program.
- Reduction of payroll cost by encouraging direct deposit use.
- Increased employee engagement and productivity.
- Ease of having Atlantic Union Bank come to employees, convenience of program being delivered 100% digitally.
- Can meet with zoom and have privacy protection on the calls and docu-sign. Employees will also have free access to Financial Literacy Workshops.
- There is potential $150 cash bonus with qualifying direct deposit.

b. Fiscal Year 2020-2021 Budget Development Briefing

Robert Floyd, Director of Budget, and Procurement gave a PowerPoint presentation on the Budget Development.

Key points:

- Budget goals are accounting for structural changes within all governmental operations, balancing the continuity of operations with finite resources, and continue to build the fund balance.
- Council strategic goals are to promote economic development to attract new business and strengthen the City's tax base.
- Also, a goal is to support community development activities to enhance neighborhood's and improve housing. And to celebrate Petersburg's history and culture.

*Audio available upon request.

- The City received the Government Finance Officers Association Distinguished Budget Presentation Award for fiscal year beginning July 1, 2020.
- Newly Implemented Criteria of goals and objectives, performance measures, department narratives and extreme detail in department expenses.
- The City cannot spend money that has not been received.
- March 31st they will distribute the proposed budget calendar to council.
- April 5th there will be a formal presentation of FY2020-21 Budget to Council.
- April 30th, council submits recommended changes to City Manager.
- May 4th, City Manager distributes operating budget with any changes to council.
- May 10th-14th, budget work session
- May 18th, schedule public hearing (1st reading of ordinance)
- June 2nd, public hearing (2nd reading of ordinance)
- June 16th, City Council votes to approve the budget.
- June 30th, end of fiscal year.

There was discussion among City Council and staff.

9. CAPITAL PROJECTS UPDATE:

Mr. Lyons stated, “Mr. Mayor we do not have anything major. But for each of you on the capital projects you have the photos of St. Andrews Bridge. Progress is being made there. One of the things that you all have asked a question about is the old Social Services building on Farmer Street. I sent you all an email that shows you all of the details associated with what we have. Photos of the existing building. The goal is to work with staff to come back with a comprehensive piece for you in April. Mayor you just mentioned the fact that staff is working on the roof replacement on the General District Court. They started the work but because of the rain they stopped. They are back on and they hope to have it finished by the end of the week. You mentioned to Mr. Cuthbert and Mr. Floyd mentioned the fact that there is a $750,000 a year that we set aside for future facilities for design and construction of the court. And we have agreed to do that through a legally binding agreement for the next five years. Madam Vice Mayor you asked staff a question about Custer Street. You had asked about some traffic calming devices in that process. Staff is working on those items. So, I am going to bring you back full circle as it relates to Mr. Cuthbert. The issue that we talked about as it relates to Wythe Street project and we talked about Mrs. Annette piece. All of those items we will bring those back to you in terms of our next step. But all of those will have a design cost associated with those items. And as Mr. Floyd alluded to before in order for us to move forward on those items, we have got to have a design approval from you all. Mrs. Innis, if there is one thing that I would say to many of you on this process is that traditionally what falls into your capital budget and how monies have been moved from one budget to the other. Facilities for example and in utilities in Mrs. Innis budget when we have major roof collapse and things of that nature what you end up doing is that you go into this pool of resources and extract it from there. So, though there is no money set aside for it, what Mr. Floyd has to do on the back end is the budget adjustment. And so, somewhere down the road we come back to you and talk with Mr. Floyd. We have to also not only get your approval to move forward in terms of the dollar and cents, but we have to make sure that we have resources that allow when you are asking us to do different work that allows for the resources for us to move forward in that project. So, that is what I have as it relates to those pieces there. And I just wanted to bring that to your attention.”

Mayor Parham stated, “Thank you.”

10. UTILITIES:

Mayor Parham stated, “Next item is utilities. No, update for utilities?”

*Audio available upon request.

Mr. Lyons stated, “No major update as it relates to utilities. Ms. Tyus talked about the streets in terms of stuff that we were talking about the cleaning. And as it relates to the facilities, I just talked to you about what we are doing, and I think that address all of those.”

Mayor Parham stated, “Yes it does. Thank you.”

11. STREETS:

*No items for this portion of the agenda.

12. FACILITIES:

*No items for this portion of the agenda.

13. ECONOMIC DEVELOPMENT:

a. Presentation on the Project Tube Performance Agreement between the City of Petersburg, Civica Inc & Virginia Economic Development Partnership Authority.

BACKGROUND: The City of Petersburg has been awarded a Commonwealth Opportunity Fund grant to receive $5,700,000 through the VEDP to induce Civica to construct, equip, improve, and operate a pharmaceutical manufacturing and processing facility. The City of Petersburg will provide roughly $2,900,000 in Machinery and Tools Tax grant credit.

Category of Incentive:	Total Amount
COF Grant	$5,700,000
VEDP Talent Accelerator Program (“VTAP”) (Approximate Value)	$759,000
Port of Virginia Economic and Infrastructure Development Grant (“POV Grant”)	$46,000

Category of Incentive:	Total Amount
Machinery and Tools Tax Grant (Estimated)	$2,900,000

RECOMMENDATION: For information only.

Lionel Lyons (Deputy City Manager), Reginald Tabor (Interim Director of Planning and Community Development) and Jeremy Tennant (Assistant to the City Manager) gave a briefing on the PowerPoint presentation.

Key points:

- The project will produce more than 400 new jobs within the City of Petersburg.
- The City will receive a grant through the Commonwealth Opportunity Fund (COF) via the Virginia Economic Development Partnership (VEDP) Financial Offer.
- The grant totals roughly $2,000,000 and will be utilized to support project water and sewer infrastructure requirements.
- A claw back provision has been included should the company not meet their investment and jobs targets within the five (5) year performance period.
- The City will agree to the allocation of up to roughly $2,000,000 in funds from the CDF Grant

*Audio available upon request.

toward the design, construction and connection of the 12" water main along Normandy Drive and the connection of the Poor Creek interceptor to the undeveloped site.
- The City will improve and repair its infrastructure to standard performance.
- The City will assist and support Phlow in identifying any and all funding opportunities.
- Phlow will design and construct a facility that will cost roughly $200,000,000 that is anticipated to produce 400 new jobs.
- Phlow is working with Civica to develop a new facility on land they purchased from AMPAC.
- The two campuses will include AMPAC, Phlow and Civica's Virginia operations. Together, these three companies make up Project Tube.
- Phase 1 will be roughly $3,600,000 and Phase 2 will be $26,810,00.

Mayor Parham stated, "Any questions or comments? Thanks a lot for that presentation Economic Development Team. I know it took a lot of hard work to get there. As you see it is a major project. One of the biggest projects in Petersburg history. I thank each and every one of you all for your expertise and commitment."

Council Member Hill stated, "I just want to thank the team for working to get this MOU done. I think that it is going to be a win win not just in the immediate future but down the line for years to come. I just want to thank them for all their hard work. And prayerfully we can get this down. I just want to thank them."

b. Memorandum of Understanding to enter into an Infrastructure Development Agreement between the City of Petersburg, Phlow Corp., Civica, Inc., and AMPAC Fine Chemicals of Virginia, LLC.

BACKGROUND: Phlow, Civica, and AMPAC are partnering to design and construct a manufacturing facility for pharmaceutical products upon property that is currently owned by AMPAC at 2620 North Normandy Drive, Petersburg, VA. The project will produce more than 400 new jobs in Petersburg and will have a positive economic impact on the City.

The parties anticipate project funding through the Commonwealth Opportunity Fund (COF) which is detailed in the attached offer from the Virginia Economic Development Partnership entitled "Virginia's Financial Offer for Project Tube." Through this program, the City will receive $2,000,000.00 grant in support of the project with proportionate claw back provisions should the company not achieve their investment and jobs target within the five-year performance period.

The City of Petersburg has agreed to facilitate certain improvements to the utility infrastructure in the area of this property which will accommodate the proposed project contingent upon the representations and mutual promises described in this agreement.

RECOMMENDATION: Staff recommends approval for the City of Petersburg to enter into an Infrastructure Development Agreement between the City of Petersburg, Phlow Corp., Civica, Inc., and AMPAC Fine Chemicals of Virginia, LLC.

Jeremy Tennant, Assistant to the City Manager, gave briefing of the PowerPoint on the MOU.

Key points:
- Between the City of Petersburg (City) and the Virginia Economic Development Partnership Authority (VEDP).
- Upon execution, the Performance Agreement between a $124.5 million investment by Civica to establish an in-house pharmaceutical manufacturing facility adjacent to AMPAC Fine Chemicals and Phlow Corp. with the existing i-95 Technology Zone.

*Audio available upon request.

- The facility will have a floor area of 120,000 square feet; create 186 new full-time jobs; and provide an annual salary of $83,978.
- The City is projected to receive $5,682,898 in Real Estate taxes, Personal Property taxes and utility fees over five-years along with infrastructure upgrades within the I-95 Technology Zone.
- In order to address the shortage of domestic production of raw and intermediate materials uses to make medicines identified by the current COVID-19 pandemic, Phlow Corporation was granted a four-year, $354 million grant by the United States Department of Health and Human Services.
- The grant has an option to expand to $812 million over 10 years.
- The COF is a financial resource distributed at the Governor's discretion.
- $2,700,000 in Machinery and Tools Tax will be required as a match by the City for the COF.

Mayor Parham stated, "Thank you for that presentation. We will be setting this up to be adopted at our meeting on the 16th correct?"

Mr. Tennant stated, "Yes."

c. Consideration on the creation of a Technology Zone at the former Southside Regional Medical Center site.

BACKGROUND: During the December 8, 2020 City Council Public Hearing, Councilmember Cuthbert raised a question after the City Council and Public were briefed on the proposed amendments to the definitions, incentives, procedures, compliance, and confidentiality sections of the I-95 Technology Zone. Councilmember Cuthbert made the following inquiry, "*If we were to extend the Technology Zone to the former Southside Regional Medical Center (SRMC) site what are the benefits and is it feasible?"* As a follow up to that inquiry, on January 19, 2021 Councilmember Cuthbert requested through the City Manager that staff address the potential addition of another Technology Zone at the former SRMC site or potentially anywhere else in the City of Petersburg and if applicable, the next steps to be taken to do so and a timeline to complete those steps. The Code of Virginia provides that:
Any city, county or town may establish, by ordinance, one or more technology zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a technology zone.

A. The tax incentives may be provided for up to ten years and may include, but not be limited to: (i) reduction of permit fees; (ii) reduction of user fees; and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.
B. The governing body may also provide for regulatory flexibility in such zone which may include, but not be limited to: (i) special zoning for the district; (ii) permit process reform; (iii) exemption from ordinances; and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to ten years.
C. Each locality establishing a technology zone pursuant to this section may also adopt a local enterprise zone development taxation program for the technology zone as provided in § 58.1-3245.12.
D. The establishment of a technology zone shall not preclude the area from also being designated as an enterprise zone.

The City of Petersburg City Council adopted Ord. No. 03-52, July 15, 2003, finding that certain classes of high technology business activities have special economic significance to the city due to the nature of the technology and their potential for high growth in employment and capital investment. The City Council further found that the most appropriate method of encouraging the location of new businesses and the expansion of certain existing classes of technology businesses is to create a technology zone with boundaries and located on the east side of Interstate 95, and as authorized by the 1950 Code of Virginia, § 58.1-3850, as amended. The City Council determined that the establishment of this technology zone will improve economic conditions, hasten redevelopment, and benefit the welfare of its citizens.

*Audio available upon request.

To incentivize high technology business development, capital investment grants were established to be provided to qualified technology businesses. The grant is based on the new or qualifying existing equipment within the technology zone. Each annual installment of the capital investment grant is calculated based on the machinery and tools taxes paid by a qualified technology business on such new equipment in that calendar year. The grant is equal to 100 percent of the machinery and tools taxes paid in years one through five attributable to such new or qualifying existing equipment.
The former Southside Regional Hospital site is located at 801 South Adams Street (Parcel 031300002). The 2014 Comprehensive Plan indicates that the area is designated for Public Use. The current zoning of the parcel is RB Office-Apartment District Regulations. Uses by businesses locating in the zone would have to conform to the zoning requirements.

Permitted uses within the RB Zoning District include:

1. Any use permitted in the "R-5" Multiple Dwelling District;
    1. Any use permitted in the "R-1" Two-Family Residence District and the "R-3" Two-Family Residence District;
    2. Multiple-family dwellings;
    3. Private clubs, fraternities, sororities, and lodges excepting those the chief activity of which is a service customarily carried on as a business;
    4. Parking areas (Ground level);
    5. Accessory buildings and uses not otherwise prohibited in this section;
    6. Nonprofit religious, educational and philanthropic institutions.
2. Business and professional offices, and office buildings and research laboratories; provided however, that there shall be no advertising sign or device on the lot, on the building, or in or on any of the exterior doors or windows of the building, except for each business or professional office occupying the building, there may by one advertising sign not exceeding two (2) square feet in area attached to the exterior of the building; that no building may be constructed with, or altered to produce a store front, show window or display window; there shall be no display from windows or doors and no storage of merchandise in the building or on the premises; there shall be no machinery or equipment, other than machinery or equipment customarily found in professional or business offices, used or stored in the building or on the lot; that required off-street parking shall be provided in the rear of such buildings or in the portion of the side yards, except adjacent to a street, if a comer lot, lying to the rear of extensions of the front line of such building.

The site is surrounded by residential land uses to the North, East and West. The property within the current Technology Zone is zoned M-2 Heavy Industrial District which allows manufacturing.
To achieve the Technology Zone purpose of promoting high growth in employment and capital investment by encouraging the location of new businesses and the expansion of certain existing classes of technology businesses, businesses would have to comply with the RB zoning or the property at the former Southside Regional Hospital site would have to be rezoned. The new zoning could be PUD Planned Unit Development District to allow for any potential use to be compatible with the adjacent residential uses. If the property is rezoned to M-1, Light Industrial District or M-2, Heavy Industrial District, it would not be compatible with adjacent residential uses.

RECOMMENDATION: Staff recommends not expanding the existing Technology Zone at this time as the potential uses allowed within the Technology Zone would not be compatible under the current RB Office-Apartment District Regulations. If the City Council were so inclined to move forward on expanding the Technology Zone to the former Southside Regional Medical Center site, then staff would recommend a study be conducted on the site, through the City Planning Commission, to ensure that a PUD that allows manufacturing can be placed on the site to allow a compliant use that will fit within the character of the neighborhood.

*Audio available upon request.

Jeremy Tennant, Assistant to City Manager, gave overview with a PowerPoint presentation.

Key points:

- The property is located at 801 Adams Street and it is approximately 22.5 Acres.
- The zoning is RB Office-Apartment District.
- The north and the east adjacent land uses is for residential land uses. The west land uses is for commercial land. And the south is for open space use.
- Residential land uses adjacent to the property will be impacted by operations; therefore, any proposed development and site use will need to consider and potentially mitigate impacts.
- The current zoning, residential business district permits laboratories but does not permit industrial/ manufacturing uses.
- Road and signal improvements may be required to accommodate a potential increase in traffic.
- Uses and site specification requirements associated with Technology Businesses are unknown.
- Staff recommends a study regarding the site specifications and land uses of technology research businesses by the Economic Development Authority (EDA).
- A study regarding the potential impacts of a technology business development on the adjacent neighborhoods is recommended by EDA.
- It is also recommended that City Council considers an ordinance establishing a Technology Zone at 801 South Adams Street with the information and recommendation received.

Mayor Parham stated, “Thank you for that presentation Jeremy. Any questions from members of council? Seeing no questions, thank you for that presentation and we are going to keep on moving onto the next item that we have.”

d. The Department of Economic Development Marketing Material: Rack Card, Business Resource Directory, and Information Packet.

BACKGROUND: The Department of Economic Development created marketing material to highlight how Petersburg is on the cutting edge of bioscience technology in an effort to attract new businesses and ultimately create industry clusters for each of Petersburg’s target industries: biosciences, retail, hospitality, and manufacturing.

RECOMMENDATION: To provide an update to the City Council on The Department of Economic Development marketing materials.

Mr. Lyons stated, “I have invited Mr. Clay Hamner to talk to us on doing some design work. And he will talk about Rack Card. But secondly once he finishes that presentation, I have asked Mr. Hamner to also spend about three or four minutes talking to you about the liberty of good work that he has been doing in helping us to get in the national publications and others. And you will better be able to see it from his presentation. And when we talk about the Rack Card, I want to be able to say to you that the work that is getting done is the kind of stuff that in old school people would put up a billboard and x,y and z and not net the results. But some of the work that is taking place and the way that communication is taking place leaves Petersburg in a much better position moving forward. So, I asked Mr. Hamner to talk about the Rack Card and then we can go through and show some of the other elements that we are doing. And then I will help him facilitate any questions that you may have.”

Clay Hamner, Economic Development, gave overview with a PowerPoint presentation of the Rack Card booklet.

Mayor Parham stated, “Wonderful. Thank you, Clay.”

*Audio available upon request.

Mr. Lyons stated, “Thank you Mr. Hamner for your work. I thought that he has done some beautiful pieces, but I would ask each of you that if you have not had a chance the one that was more recently done in the ICMA Professional Management Magazine, it is outstanding and it is a national publication. And when you look at it not only does it capture where Petersburg has been, but it talks about where we are and where we are going. And I thought that it was important because all of these items here we want to make sure that they are a link for our community to see. But secondly and lastly as a part of this process and assuming the responsibility of economic development, one you all keep in mind that we are still recruiting for the Economic Development Director. Along with Mr. Tabor we are moving things forward. I have my direct interaction with Mr. Hamner and what the work product is, and we are very proud. Along with that conversation, I want to make sure that everyone knows that we had a great conversation with Mr. Hamner this week about his involvement today and his involvement moving forward and our expectations. And I just wanted you all to see the product and to see him. But in addition to that he has come on board to our organization on previous occasions through a different venue to help deal with the rebranding of Petersburg and I would say that what we have been doing with him is a part of the continuation of that process. And I will continue to keep you up to speed on the work that he is doing and make sure that we get that out to you.”

Mr. Hamner stated, “I would also like to add in Mr. Lyons that this has been a team event. It has not just been me. We are all working together very nicely, and Cynthia just sent me a text saying I left out the business brochure. And Gerrit if you can go to the next slide of the Rack Card. So, whatever photographer we have for these types of prices we will have for display and on the web and for the general public.”

Mayor Parham stated, “That is wonderful.”

Mr. Hamner stated, “Thank you Cynthia.”

Mayor Parham stated, “Thank you Cynthia and the team. Thank you all so much. We have done a whole lot and come a tremendous, long way and you are setting it right for development for the future. And the future is looking bright, and I want to thank each and every one of you all for your support and all that you have done to push Petersburg into the spotlight. Because we see a lot of the things that are going on, but I think one of the challenges have been is telling the story. I think this is a great opportunity to tell the Petersburg story on where we are headed and all the great things that is going on in the beautiful City of Petersburg.”

e. The Department of Economic Development reports on Deficient Properties, City Property Update (Sold, Pending Closing, Available), and Project Status Project.

BACKGROUND: The Department of Economic Development monitors the Vacant City Property List, Sold and Pending Closing City Property List, and the status of major projects in the City. On a monthly/quarterly basis the department will provide updates to the City Council on the status of properties and projects.

RECOMMENDATION: To provide the City Council with an update from the Department of Economic Development on Deficient Properties, City Property Update (Sold, Pending Closing, Available), and Project Status Report.

Mr. Lyons stated, “One of the things that you all have given us a challenge to was to figure out what do we do with all the properties that are owned by the City. It turns out that we had a good fortune of getting Ms. Cynthia Boone to join our organization. She had worked for Mr. Carthan from Brunswick County. And one of the deals when we were able to get him, he said that we got to go get Ms. Boone. And I say to you that Ms. Boone has just been a joy and a blessing. She is working hard and moving Reggie and I forward along with her partner in crime Mr. Clay Mansell. We meet at let twice a week in monitoring and tracking projects. With that being said, Ms. Boone and Mr. Mansell, I will leave you all to carry your presentation.”

*Audio available upon request.

Clay Mansell and Cynthia Boone gave a briefing on a PowerPoint presentation.

Key points:

- Many properties approved for disposition have contingencies that make them a liability for the community.
- Upon review of the 180 available properties for sale by the Development Review Committee (Planning, Economic Development, Engineering, Neighborhood Services, Utilities, Fire, Police) several properties have been identified for removal from the disposition list.
- Issues include floodplains, preservation areas, natural drainage ways, unidentified site conditions that could prevent developments.
- There is immediate removal of the 147 identified deficient properties until further engineering analysis to determine feasibility for disposition.
- 38 properties have been identified for possible conservation easements.
- 107 properties have been identified for further general engineering analysis.

There was discussion among City Council and staff.

Ms. Boone gave a briefing and key points.

Key points:

- Today, staff is constantly evaluating the process for ways to improve and is working with prospective purchasers to dispose of property following the December 8 guidelines.
- Since December 2017, Petersburg has sold 23 properties totaling $1,209,075.
- Most sold property have not received a building permit yet. Commercial and industrial properties must go before the development review committee.
- Currently, Petersburg has 57 properties worth $6,273,129 pending closing totaling $105,010.
- 94.74% of properties are awaiting survey work or title and deed work.

There was discussion among City Council and staff.

Sergei Troubetzkoy gave an update on the filming that takes place in the City.

Key points:

- Working with multiple film production campaigns that are filming in Petersburg.
- Conducted two customer service workshops for museum volunteers.
- Working with Main Street Petersburg on various projects being planned for downtown area.
- The Walking Dead has been filmed in the last two years and they are projected to come back and do some more filming.

There was discussion among City Council and staff.

14. <u>CITY MANAGER'S AGENDA:</u>

Mr. Miller stated, "Mayor, thank you so much for allowing me the opportunity to speak. I will be very brief. We missed one thing earlier. Ms. Tyus alluded to the removal of trees with the respect to the storm. Ms. Tyus can you give council a very short update on that please."

Ms. Tyus stated, "As a result of the last ice storm that we had, if Gerrit can put the debris flyer up. It is in your list under street reports. So, as a result of the last ice storm it hit Petersburg extremely hard. We had

*Audio available upon request.

about almost 70 trees down during the storm. After the last major rainstorm, I did not know that we had 70 something trees left that could fall. We moved over 70 trees from public ways during that time. What we realized and earlier I thank Council Member Hill for asking us to develop this. And my staff was doing this as we spoke. To come up with a schedule where we now have trucks dedicated for the next three weeks that are going to come through each of your wards and pick up debris that is in private lots that it would cost residents a lot of money if they had to take the stuff to the dump themselves. We started yesterday and over the last two days in Ward 1 and Ward 5 my team has gave me note that they have removed 32 tons of tree debris. So, we will stay in Ward 1 and Ward 5 for the rest of this week. For the upcoming days to help us not have to go back and forth. So, on the 8th we are going to start in Ward 6 and Ward 7. And what we are asking residents to do, and we have posted this on our websites and sent it to all of our community partners, we are asking you on the first day if they can have their debris between the curve and the sidewalk by 8am. Then we can make sure that we can get everything as we are going through. So, we are excited to provide this opportunity to our residents. On the 15th we will start in Ward 2,3 and 4. Please spread the word to your residents. It will not cost them anything because we understand the impact that the major storm had on our residents. And one councilperson has suggested that they will make an initiative in going out and making sure that the seniors are aware and can get their tree debris to an area where they can be removed. We had had one point where the City of Petersburg was over 50% out in terms of power. So, thank you very much."

Mr. Miller stated, "Thank you Ms. Tyus. Mr. Mayor, council has a copy of the City Manager's Report. I can go over it but I think in effort to save time I will highlight a few more things right quick. We have a new Interim Finance Director, Stacey Jordan. She was on earlier but however she could not get on. But she is available and in place. I want to thank Mr. Floyd and his team for receiving the GFOA in Budget. I want to thank all staff members for working so hard during the storm for as normal as it can be. Mr. Mayor I will be working for the council, for the people and for our staff to make sure that we get the next City Manager in place to do great things for this great City. So, during that process I will be accessing the staff, watching the money and making recommendations to council with respect to who will be the next person to lead our great City. One thing Ms. Tyus didn't mention that she mentioned to me some days ago is that she will be taking some of those trees and turning it into mulch. So, this is something that she is working on and I am sorry for spoiling the moment. And thank you to the staff members for doing a great job. This is a great City, and we will be doing some great things. I stand ready to work for you. If you have any questions Mr. Mayor and Members of Council I am here. And that concludes my report."

15. BUSINESS OR REPORTS FROM THE CLERK:

Ms. Flowers stated, "I would like to send my prayers and condolences out to our Clerk of Council, Ms. Nykesha Jackson and her family. She is out today due to the passing of a loved one."

Mayor Parham stated, "Thank you. And thank you for filling in today for her today too. Great job."

16. BUSINESS OR REPORTS FROM THE CITY ATTORNEY:

*No items for this portion of the agenda.

17. PUBLIC COMMENTS:

Norma Williams, 148 North Sycamore Street, stated, "I must first start of with the concern that I have with the MBL. And when I was listening to that I was trying to determine how does that differentiate from the Chamber of Commerce. How is that different from what the Chamber of Commerce supposed to do as well as how is it different from what Ms. Templeton with the Crater District of Small Business with Longwood. And if I am not mistaken her salary for the small businesses is included in the City budget. However, even though the City covers it it is given back. And I believe that is over $100,000. And again, I am just concerned on how the

*Audio available upon request.

MBL differentiate from what Ms. Templeton is doing as well as when the organization presented themselves, they only documented one success story and that was Ms. Washington I believe. And Ms. Washington sat in last week with the stakeholders for the Diploma Plus because I am one of those as well with the schools. Excellent job and the superintendent with the schools in getting that off. So, I don't see what the cost benefit is for the City to invest $50,000. The other thing that concerns me is the discussion about the budget. And I believe Mr. Floyd mentioned $10,000 with employees getting raised now. With a human resource background outside of your normal job description I can understand a pay increase. Now what did that individual or individuals do above and beyond than the normal job description. Did they have a cost saving to the City? Did they increase or develop a program? And I can also see perhaps how the low-level employees could have benefited from that. One particular branch I would like to bring attention to is your billing and collections. They see the public every day. They are exposed to the virus every day. What did we do for them? I do not believe in rewarding high management. But I would rather reward my lower employees. Because if I haven't created or developed anything or a cost saving to the City then I am just doing my normal job. And last but not least I do want to thank everyone for the presentation from Economic Development. You are doing a great job. I like how they presented statistics. One question I do have in relation to the new companies that are coming in is that they are increasing 185 jobs. Can we get a little more detail on what skill set are going to be needed for these jobs? Are they going to need IT or clerical? So, that we can work with and partnership with the schools so that we can make sure we can fill those positions. I would like to see a budget on the CARES funding. And this is on the money that we got and how it has been spent. Thank you all for you time. Enjoy the rest of your day."

18. ADJOURNMENT:

Council Member Hill stated, "I have one announcement if I may. I just want to let the citizens know that on March 30th, I will be having a Ward 2 meeting at 6pm at the school board office. It will be a drive-up meeting. So, all must stay in their car. Just like you do at your church services. I will announce this again. Thank you.

City Council adjourned at 4:45 p.m.

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Clerk of City Council

APPROVED:

_____
Mayor

*Audio available upon request.

The Special Called Closed Session Meeting of the Petersburg City Council was held on Tuesday, March 16, 2021, on live stream. Council Member Parham called the Special Called Closed Session Meeting to order at 11:00 a.m.

1. ROLL CALL:

Present:

Council Member Charles H. Cuthbert, Jr
Council Member Treska Wilson-Smith
Council Member W. Howard Myers
Council Member John A. Hart, Sr.
Council Member Darrin Hill
Vice Mayor Annette Smith-Lee
Mayor Samuel Parham

Absent: Council Member John A. Hart, Sr.

Present from City Administration:

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

2. CLOSED SESSION:

Mayor Parham stated, "At this time, we have another item to add to the closed session on the Petersburg Circuit Court Case involving Peabody. So, at this time I would entertain a motion to add discussion of Circuit Court Case No. CL20-00008-00-00 to the closed session."

Vice Mayor Smith-Lee made a motion to add Circuit Court Case No. CL20-00008-00-00 to the closed session agenda. The motion was seconded by Council Member Hill. There was no discussion on the motion, which was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, Smith-Lee and Parham: Absent: Hart

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 specific legal matters requiring the provision of legal advice by the City Attorney specifically including but not limited to matter requiring legal advice from the City Attorney concerning the old Ramada Inn property; employment law matters pertaining to specific public employees of the City; the Legal Opinion of the City Attorney pertaining to COVID Expenditures and related legal issues; legal advice pertaining to tap fees for water services; Petersburg Circuit Court Case No. CL20-00008-00-00 and legal matters requiring the advice of the City Attorney.

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

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

*Audio available upon request.

City Council entered closed session at 11:03a.m.

CERTIFICATION:

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

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

The motion was approved on roll call vote.

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

21-R-20 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 opened session at 12:30 p.m.

3. ADJOURNMENT:

City Council adjourned at 12:31 p.m.

_____
Clerk of City Council

APPROVED:

_____
Mayor

*Audio available upon request.

The special regular meeting of the Petersburg City Council was held on Tuesday, March 16, 2021, live streamed. Mayor Parham called the meeting to order at 12:32p.m.

1. ROLL CALL:

Present:

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

Absent: Council Member John A. Hart, Sr.

Present from City Administration:
Interim City Manager Kenneth Miller
City Attorney Anthony C. Williams
Clerk of Council Nykesha D. Jackson

2. PRAYER:

Mayor Parham stated, “Councilman Hill will lead us in our opening prayer.”

Council Member Hill led the council meeting in prayer.

3. PLEDGE OF ALLEGIANCE:

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

4. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum was determined with the presence of all City Council Members except Council Member Hart.

5. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:

*No items for this portion of the agenda.

6. RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

*No items for this portion of the agenda.

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

a. Request for the City Council to schedule a public hearing regarding a proposal to purchase and develop nine (9) parcels of City-owned property and, consideration of an ordinance authorizing the City Manager to execute a purchase agreement toward the sale of City-owned property.
b. Minutes of February 16, 2021 Special City Council Meeting on the CAFR.
c. A request to authorize the Economic Development Authority to allow South Central Wastewater Authority to conduct due diligence (surveying, boring and archeological investigation) on the Roper Property (119, 130 Pocahontas Street) for a proposed ROW alignment extension.

*Audio available upon request.

DRAFT

Council Member Hill made a motion to approve the consent agenda as read by the Mayor. The motion was seconded by Council Member Myers. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, Smith-Lee, and Parham; Absent: Hart

Mayor Parham stated, "We have Mrs. Kemi here for responses to public information period. Good afternoon."

Mrs. Kemi stated, "Sorry I am able to unmute now. Good afternoon. Yes, I just have one answer from the last meeting. There was a question about salaries. So, I wanted to just give the pathway to find those on our City website. Anyone who is interested in our City employees' salaries it is at Petersburgva.gov. It is on the human resource page on the website, and it is marked as public body employee information. That is all Mayor."

Mayor Parham stated, "Okay. Thank you."

8. <u>OFFICIAL PUBLIC HEARINGS</u>:

a. A public hearing and consideration of an amendment to the text of the City of Petersburg Zoning Ordinance regarding Small Box Discount Stores and Alternative Financial Institution.

BACKGROUND: The City Council initiated an amendment to the Zoning Ordinance in accordance with Article 28 of the Petersburg Zoning Ordinance and requested a review and recommendation from the Planning Commission of a text amendment regarding Small Box Discount Stores and Alternative Financial Institutions.

City's Zoning Ordinance currently does not contain a definition for or otherwise regulate "small box discount stores" or "alternative financial institutions." City Council expressed belief that defining these uses and possibly requiring a Special Use Permit for the location of any new small box discount stores or alternative financial institution would be of benefit to the City of Petersburg.

A 2019 report from the Urban and Regional Studies Planning Division of Virginia Commonwealth University indicates that "the City of Petersburg, Virginia has long suffered with issues of limited access to food and food insecurity" which resulted in the City being ranked last of Virginia's 133 cities in counties in the Robert Wood Johnson Foundation annual health rankings. The report indicates that "small box discount stores" (convenience and dollar stores) make up 67 percent of the food retailers in Petersburg, and that small box discount stores are most commonly recognized for providing food of low nutritional value in low wealth communities. Therefore, there is concern that the concentration of these stores has and continues to negatively impact the health, safety, and welfare of our citizens and subsequent low health rankings.

Also, payday and title loan companies ("alternative financial institutions") provide short-term high interest loans to individuals and tend to be concentrated in areas with disproportionately low income and disproportionately minority populations. Studies such as the May 14, 2019 study by S. Ilan Guedj, PhD of Bates White Economic Consulting conclude that the use of alternative financial institutions has a tendency to perpetuate debt and poverty by creating a dependency by borrowers upon such loans. The report indicates that in addition to prolonged indebtedness, the use of alternative financial institutions can increase financial delinquency and borrower delinquency and exacerbate instances of default by borrowers. There is concern that the City of Petersburg has a disproportionately high number of alternative financial institutions located within the City limits, which adversely impacts the lives of City residents.

During a February 17, 2021 meeting, the Planning Commission is scheduled to consider the item and provide a recommendation to the City Council.

*Audio available upon request.

This is a Zoning Ordinance Text Amendment, to be considered by the City Council to amend the Petersburg Zoning Ordinance accordingly, after required public hearings and compliance with all other applicable law.

RECOMMENDATION: It is recommended that the City Council schedules a public hearing, considers, and approves an ordinance amending the City of Petersburg Zoning Ordinance regarding Small Box Discount Stores and Alternative Financial Institutions.

Reginald Tabor, Interim Director of Planning and Community Development, gave an overview on an amendment to the text of the City of Petersburg Zoning Ordinance regarding Small Box Discount Stores and Alternative Financial Institution.

Mayor Parham opened the floor for public comments.

Jeffrey Fleming, 1819 Chuckatuck Avenue, stated, “This is a good ordinance to stop the growth of dollar stores which we have too many in the City. Something else that City Council should look at also is these gambling skill game establishments that are all over the place in the City. You see calls at all times of the night. They call them skill games, but they are nothing more than gambling to me. They are something that you should look at. Thank you.”

Barbara Rudolph, 1675 Mt. Vernon Street, stated, “This is an excellent report and I want to commend the staff for doing all that research and providing that information. I think that it is going to be a great reference material for a lot of things. And I do support defining all of these different types of establishment. That helps the City with regulating and enforcing compliance. I believe that there was something mentioned in there about a moratorium on alternative financial institutions or pay lenders. And do hope that you will adopt that. Thank you.”

Patrick Ingram, 836 S. Gillfield Drive, stated, “I just wanted to commend the staff for a great comprehensive report. One of my only words of constructive feedback is that it would have been nice to have the Ward 6 council person provide opportunities outside of council meetings to get additional feedback and thoughts and concerns about how our citizens feel about this subject matter. But outside of that thank you.”

Linwood Christian, 410 Mistletoe Street, stated, “Good evening again. I too think that this is a good idea. Especially with the fact that this locality is one of many that are targeted by these payday loan lenders. But the only thing of my concern is that I hope this also will not increase loan sharking. Because most will think loan sharking. But we do have persons in this community who members of the community will borrow money from. And those person’s pay back almost double what they borrowed. So, I hope that this will not increase that. But again, I am glad that this is coming up. I believe that it was my fellow citizen Mr. Fleming or Mrs. Rudolph that brought up the fact. I hope that you will start looking at these casino’s that are beginning to spring up. And a lot of them are in stores not only in the 5th Ward but almost in every ward where there are convenience stores here in Petersburg. And some are cropping up outside of the stores. I understand and I want to thank our police department. A few of them have had their license revoked. So, I would hope that it would be the next thing that City Council would look at. I think that this is a start in the right direction. Thank you.”

Genevieve Lohr, 19 Guarantee Street, stated, “And I would like to just echo what the other constituents have said about how valuable this is. I think that there is a lot of excellent information in there as well as statistics for us moving forward. I would say that my only concern is that it almost feels that I worry that we are too little to late. Because I feel like we are already at a point where there is a lot of saturation of these stores. It is something that I would like to be considered in the future. It is something that we can do to try to get the stores in Petersburg to adopt some of these practices with some fresh produce or some things like that would

*Audio available upon request.

make them align with this ordinance even though they are already here. That would be a concern of mine."

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

Council Member Cuthbert made a motion to adopt the ordinance as proposed in item 8A but with the following floor amendments in place of the last paragraph of Exhibit A. The new language proposed is: In each district where the use meeting the definition of "small box discount stores" or "alternative financial institutions" as described above is permitted by right upon adoption of this ordinance the zoning for such district shall be deemed to have been amended to require a special use permit for any "small box store" or "alternative financial institution". The motion was seconded by Council Member Hill. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, Smith-Lee, and Parham; Absent: Hart

21-ORD-15 AN ORDINANCE AMENDING THE PETERSBURG ZONING ORDINANCE TO ADDRESS SMALL BOX DISCOUNT STORES AND ALTERNATIVE FINANCIAL INSTITUTIONS.

b. A public hearing and consideration of an ordinance authorizing the City Manager to execute a Purchase Agreement toward the Sale Thirty-Six (36) parcels of City-owned property to JC Bynum Construction.

BACKGROUND: The Department of Economic Development received a Letter of Intent (LOI) to purchase City owned property from Ms. Sheila Coleman on behalf of JC Bynum Construction on November 16, 2020. The request was for thirty (30) parcels with a total offer price of $500 (See attached LOI). The total assessed value for the properties is $261,000.

On November 17, 2020, Staff responded to Ms. Coleman with a counteroffer of $1,000 per parcel which totals $30,000. This offer was based on ensuring the associated attorney fees and closing costs to the City would be covered. On November 17, 2020, Ms. Coleman did not accept the counteroffer stating that she would only offer $1,000 total for all thirty properties with a total assessed value of $261,000. Staff advised Ms. Coleman that we were in the process of updating the City of Petersburg Property Disposition Guidelines and that Staff would follow up after the December 8, 2020 City Council Meeting.

On December 8, 2020, the City Council adopted resolution 20-R-68, a resolution for the adoption of new and updated guidelines for the disposition of City-owned real estate property by the City of Petersburg.

On December 21, 2020, Ms. Coleman sent a follow up email requesting her proposal go before City Council.

On December 29, 2021 and on January 4, 2021, Ms. Coleman asked to add six (6) additional residential properties to the list without an increased proposed purchase price. This would increase the final total assessed value to $341,100 and a total proposed purchase price of $36,000 for the 36 properties.

Ms. Coleman as JC Bynum recently closed on the purchase of twelve (12) formerly City-owned properties in October 2020. As of March 1, 2021, building permit applications for these properties have not been received according to the Code and Compliance Division of Neighborhood Services and construction has not started. The property claw-back date in the Purchase Agreement is November 30, 2022.

List of properties closed on October 2020:
1. 804-806 Bolling St
2. 411 Shore St
3. 520 Shore St
4. 524 Shore St
5. 525 Shore St

*Audio available upon request.

6. 530 Shore St
7. 516-18 Shore St
8. 725 Wilson St
9. 729 Wilson St
10. 735 Wilson St
11. 745 Wilson St
12. 747 Wilson St

List of additional properties proposed for purchased on November 2020
1. 105 Burch St N
2. 1111 Halifax St
3. 1115 Halifax St
4. 1230 High St W
5. 201 Virginia Ave
6. 806 Washington St E
7. 1157 Washington St W
8. 716 Wythe St E
9. 715 Wythe St E
10. 851 Bank St E
11. 741 Blick St
12. 109 Burch St N
13. 113 Burch St N
14. 115 Burch St N
15. 751 Jones St S
16. 215 Jones St S
17. 206 Jones St S
18. 505 High St
19. 650 Lawrence St
20. 9 Ross Ct
21. 12 Ross Ct
22. 4 Ross Ct
23. 6 Ross Ct
24. 734 Washington St E
25. 1119 High St W
26. 505 High St
27. 723-25 Harding St
28. 615 Harding St
29. 742 Blick St
30. 857 E Bank St

List of additional residential properties proposed for purchase on December 29, 2020 and January 4, 2020
1. 2761 Boydton Plank Rd
2. 735 Wilson St
3. 1114 Wythe St W
4. 323 West St S
5. 1805 Walton St
6. 1600 Shirley Ave

RECOMMENDATION: The Department of Economic Development does not recommend approval of the proposal to purchase and develop City-owned property submitted by JC Bynum Construction.

*Audio available upon request.

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The recommendation is based on noncompliance with the Guidelines for the Disposition of City Real Estate Property that were adopted by the City Council, 20-R-68 on December 8, 2020, especially that the offer price is not at or near the assessed value of the properties. The offer price of $36,000 is 11% of the combined assessed property value of $341,100.

Cynthia Boone, Administrative Assistant to the Department of Economic Development, gave an overview on the request and consideration of an ordinance authorizing the City Manager to execute a Purchase Agreement toward the Sale Thirty-Six (36) parcels of City-owned property to JC Bynum Construction.

Mayor Parham opened the floor for public comment.

Linwood Christian, 410 Mistletoe Street, stated, “I would like to say that I agree with that recommendation that this be denied. Because those 12 parcels that she has done nothing with are right up the street from me. I remember when she was walking through this area a long with Councilman Hart. And I had a discussion with her. And I let her know then that as long as she does something, I would support her. But then and now as we see nothing has been done. The only think that is on those properties are people who use it as a car lot. So, I have to agree this time that whatever she proposed or is asking for tell her no. A flat out no. Thank you.”

Barbara Rudolph, 1675 Mt. Vernon Street, stated, “I am urging the council to follow the recommendation made by the Economic Development Department to deny this. I also appreciate the information provided by Mr. Christian since that is in his neighborhood and he has a prospective that some of us do not have. I am solely going by the package and the history. I remember when there was a public hearing on the 12 properties that were purchased. A number of citizens had reservations at that time and at least one council members did also. But the City went ahead to agree to allow her to purchase those properties. So, its unfortunate that nothing is happening. But that is probably a single that nothing is going to happen with the others. According to the agenda package when Ms. Coleman proposed buying six more properties from 30 to 36, she did not even want to pay extra money for the six. That is the way it sounded. That sounded even more bold and audacious. The whole disagreement with trying to pay close to market value and going along with the City policy. So, I am not sure why this individual wants the City to give all of these properties to her when nothing has happened so far with the ones that she already purchased. And again, I will repeat unequivocal denial. Thank you.”

Patrick Ingram, 836 South Gillfield Drive, stated, “So, yes I have to agree with the recommendation. And I also I appreciate Mr. Christian’s prospective. This is the thing. If we were in a position where we knew that they would be offering affordable housing for Petersburg resident’s at or below the median income for people that lived in Petersburg that would be a conversation point. But the reality is that our housing and real estate market in this region is hot right now. I am hearing this from residential real estate agents. And so, we as a City should look at two things. At getting the best deals possible without discounts and holding on to our assets. Because as we move forward the reality is that if we continue with the behavior of just giving property out for not their actual value then we depreciate our inventor. And we cannot leverage that when it comes to growth. Thank you.”

Jeffrey Fleming, 1819 Chuckatuck Avenue, stated, “I may not be delicate in explaining as the previous people have. But I do agree that we do need to listen to the Economic Development and their suggestion in not taking this. Just as Mr. Christian said, this company has not done anything with the 12 properties, and we need to get out of the act of giving things away for nothing. We are selling ourselves short as a City. As long as we continue to do that people will not look at us as a surviving City if we continue to give stuff away. This is the same situation with the Ramada Inn right now. This lady has not done anything with 12 properties why should we give her more. But we need to start looking at rebuilding our City. Thank you.”

*Audio available upon request.

Brandi Jarmon, City employee, stated, “I am in total agreement with what everyone has said. From looking at these figures of as much as I can see from the agenda packet and listening to the commentary it seems like this representative was told what to do and the amounts that we were looking for. And yet, still wanted a seat at the table to have this discussion. That is a complete look over what we are as citizens and council saying hey, we need to at least have half invested in our City. And to still be having this meeting shows that we are giving consideration to people when we already stated what we are willing to take for our stuff. The other concern that I have is why that was even an option. That is a lot of parcels for a little bit amount of money. There are of community organizations and a lot of groups in this City that could benefit from a deal like that. And that is what we need to start looking at before we start making deals with the developers to sale land for pennies. We need to look at some of these groups and entities in the City that are willing to put up the same amounts and do a little bit more. They are not just walking through our neighborhoods for a dollar to get a vote to get a sign-off and we never see them again. I am tired of seeing that happen to our City and I think we should do better in our proposals and recommendations. So, I approve that chain and I advise that we stick with it. That’s it.”

Genevieve Lohr, 19 Guarantee Street, stated, “I just wanted to say that I agree and hope that the council listens to the Economic Development. And as the previous commenters have said we cannot continue to entertain things like this. We have specifications that we present, and we need to stick to it. Especially if we have a lack of progress on previous properties that this person has. I hope that is what you guys choose to do.”

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

Sheila Coleman, developer, gave an overview of the request.

There was discussion among City Council and staff.

Council Member Hill made a motion to approve the recommendation of the Department of Economic Development to deny approval. The motion was seconded by Vice Mayor Smith-Lee. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, Smith-Lee, and Parham; Absent: Hart

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.

Hope Clark, 1629 Mt. Vernon Street, stated, “I am concerned about how my account is being handled by the utility billing and collections department. I received a letter on January 22, 2021, advising me that my December payment was returned because the account number was invalid. And that I had ten days from the date of the letter to make a payment. It took two attempts, but I paid the bill in full on January 29th bringing my account current. And that was within the ten days. I have been locked out from paying my bill by check or online for 90 days which would place that to April 14th. I pay my bill electronically because my work hours and their office hours overlap. And I cannot get to their office before they close without me having to leave work early. I am aware of the dropbox options of making payments, but I will not have any record of not having done

*Audio available upon request.

that. My question is about being locked out for 90 days after being complied with a letter I was referred to Mr. Monte Evans. He was not in the office either day that I came in after having taken off early. Nor did he call me back or respond to my email. Finally, on February 22nd, I was given a lot of I do not knows and the run around and referrals to people all over the City. A customer services representative from their office said that being locked out for 90 days was per the City Code and that I needed to take it up with the council. I cannot this in the City Code but nevertheless here I am. Why am I being punished for three months for an error that I did make when I entered my account number, but I corrected it when I was notified of the problem. I do not understand. I was current and now I am not any longer. Are you aware that they are referring people to the council for this being a part of the code that you are locked out for 90 days?"

Mayor Parham stated, "Thank you for sharing that with us. We listen to you and get you answers at the next council meeting."

Ms. Clark stated, "Thank you."

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "I would like to ask about COVID spending. Petersburg received about $5.5 million dollars from the CARES Act for various things. This began last spring and went into the summer. In the fall there was one report made by the then city manager on the spending plan. The substance of it was never posted on the City's website. And there has not been any follow-up made public. So, here we are, and we are in March 2021 and the City residents do not know how that money has been spent. And I believe that it should be put out as public information. And I would like for it to be discussed. I am requesting that it be shared publicly with details so that all of us can see how that money was spent. I know that you all are in the process of looking at additional money that would come from the federal government which is a positive. And based on how much money is being given to the Commonwealth it appears that Petersburg could get significantly more than the $5.5 million that we got from CARES Act. This is from the American Recovery Program; I believe it called. But I hope that now that we are going into another year and even greater opportunities to help citizens. That there would be a lot more consideration in helping individuals and there will be more thought put into this and it will not just be thrown together so that we can satisfy some record keepers of the state. More will be shared with the citizens and there will be more participation and it is an opportunity to go about this entirely different and more transparent way. So, I hope that you all will consider that. I am offering that as a helpful suggestion. But it has been very untransparent the way that it has been handled over the past year. And I think that we all want the same thing. We all want that money to go to where the need is the greatest. Thank you."

Jeffrey Fleming, 1819 Chuckatuck Avenue, stated, "I spoke on it briefly earlier concerning the new skill game. They are in every store. You have three of them in Walnut Hill alone within 100 yards of each other. I am quite sure that this is covered in the City Code on gambling. It is basically gambling. People go there and put their own money in a machine, and they call it skill. They have all different types of names for them, but it is gambling. I am quite sure that it is set out straight forward in the City Code that pertains to gabling. I would like to know what is going to be done about it. These things are popping up and they are popping in our neighborhoods and in the stores and everywhere. Who is it benefitting? In the state lottery a bunch of that goes to education. To me it is a type of illegal gambling no different than putting a slot machine in. I want someone to really look at that to see if they are in compliance to City Code and if they are not then enforcement measures must be taken. Thank you."

Patrick Ingram, 836 South Gillfield Drive, stated, "I first wanted to piggyback off Mrs. Rudolph in regard to knowing the official and current strategy when it comes to COVID-19 and CDBG funding as it relates to addressing poverty and bringing back our City amenities. Again, I am officially requesting some documentation in regard to that strategy and past spending within this past fiscal year. I am looking and we talked about affordable houses as it relates to Shore Street but what are options that are affordable in Ward 6. And more specifically, for folks who are at or below that median income. As of right now, Ward 5 and 6 have some of the

*Audio available upon request.

poorest health outcomes in the City. So, what option and what strategies are we leveraging to address these outcomes to create holistic and sustainable solutions. As it relates to poverty, what is the City strategy for that? There was an Anti-Poverty Commission meeting last week. We had a representative from the City come on and there was no specific strategy or even ideas listed in terms of how we address poverty in our City. How do we get to space where we can look back and reflect on how we accomplished creating more equitable solutions that everyone can have a hand in. When it comes to past notation in past meetings, I had requested actual intangible evidence of distribution of COVID-19 PPE throughout Ward 6 and other wards and I am still waiting on that actual list of where that PPE was distributed. And also, some type of proof that goes through the health department on how we are leveraging when we know Ward 5 and 6, based off the Cameron Foundation work, how are we ensuring that we can get into communities in Ward 6 and Ward 5, specifically in areas like the northern part of Ward 6 or the Delectable Heights. And how are we ensuring that we are having vaccination events that are going into those areas and getting people out of their homes and ensuring that they are vaccinated? Seeing that we have a Johnson & Johnson vaccine that is a one shot, why are we not leveraging that? And finally, as we look at our national news trying to address the $15 minimum wage, what is Petersburg doing to ensure that we can move to offer all our employees a minimum wage of $15. As we know we have cross guards and others that make $7.25 and that is not tangible to survive in our City in the current economic fight. Thank you."

Michelle Murrills, 131 S. Market Street, stated, "I sent you all an email yesterday, and if you didn't get it please let me know. I will not read the email here as I only have three minutes and do not have enough time for that. But it is on my Facebook page as well as several others. But I will give you a quick synopsis. Last week there was a vaccination clinic that was held here in Petersburg. There were 1,000 single shot vaccines given but they were not all given to the citizens of Petersburg because we were not told about them. Instead, there was an article about it in the Progress-Index and in it says that it took approximately three days to fill a thousand slots mostly through word of mouth. And this is coming from VDH COVID-19 Point of Dispensing Event Manager and Chief of Administration and Resources for the Crater Health District Roxanne Marr-Shears. None of the thousand people who were vaccinated came from the official state list. So, what was the point of the letter that Mr. Cuthbert sent out telling people that the way to get a vaccination is to get on this list. Mr. Cuthbert's letter even says that I am told that after you get on the state's list that it can be days to months before the state notifies you when you are scheduled to receive the vaccine. Well of course it is going to take months because people who are not from this area who are not part of Phase 1A or 1B are getting the vaccine rather then giving it to people who are supposed to get it. So, if we are going to throw out the state list and allow anyone who shows up to get a vaccination could you at least contact your own constituent. We have the technology to text and email people about things like this meeting. But we cannot text, email, or send out on social media that there is a clinic in town. Well of course not, because the right people might go to it. Then either tell us how to get on the list or not have a list at all. And make sure that people coming are actually from the Crater Health District. We live in one of the worst hot spots in the nation. As of Sunday, 82% of the ICU beds in this area are occupied and yet people from Spotsylvania who are not in group one period were allowed to get the vaccination. Just because you live with your grandmother does not mean that you get to have a vaccination. I guarantee you every spouse of a doctor would have loved to be able to get a shot because they live with a doctor. To me that would make much more sense that the doctor's family get one before simply living with someone over the age of 65. So, please with future clinic's could you inform the citizens of Petersburg that there is to be one rather than to allow anyone who wants the vaccination to come to Petersburg to get one. Somehow I do not believe that we need to get vaccination tourist taking our vaccine."

10. <u>BUSINESS OR REPORTS FROM THE MAYOR OR OTHER MEMBERS OF CITY COUNCIL:</u>

Council Member Wilson-Smith stated, "Thank you. I just have a question. I guess this would go to Mr. Tabor. Have we received the CDBG monies yet?"

*Audio available upon request.

Mr. Tabor stated, “With regard to FY2021, which is the current fiscal year that we are in, the City of Petersburg received and approved a Consolidated Plan. And therefore, we are eligible to draw the funding that was allocated for FY2021. We are also in the process of starting the FY2022 process whereby we receive applications.”

Council Member Cuthbert stated, “Mr. Mayor, I am not hearing anything. Is anyone speaking?”

Mayor Parham stated, “Yes. At this time, Mr. Tabor is speaking. Can you hear us? Can everyone else hear Mr. Tabor?”

Council Members responded that they could hear Mr. Tabor.

Mr. VanVoorhees stated, “We can all hear. I believe that Mr. Cuthbert is having problems with his speakers.”

Mr. Tabor stated, “So, we are starting the process for 2022. And we will bring those items to council for consideration and approval.”

Council Member Wilson-Smith stated, “So, we did receive the full amount of money that we were waiting for already. And has it been dispersed?”

Mr. Tabor stated, “It has not been dispersed. We are in the process. The process requires an initial approved consolidated plan. But finally, we were able to get that done.”

Council Member Cuthbert stated, “I am not hearing a thing in the world.”

Mr. Tabor stated, “Then we have to execute the subrecipient agreements and then the funding is available to the subrecipients who were approved.”

Council Member Wilson-Smith stated, “And how long do you think that will take.”

Mr. Tabor stated, “We anticipate finalizing the agreement within two weeks.”

Council Member Wilson-Smith stated, “Thank you. That is all I have.”

Council Member Hill stated, “Thank you everyone and thank you Mr. Mayor. Thank you everyone for tuning in on today. I just want to give a couple of announcements. Ward 2 will have a Town Hall Meeting for March 30th at 6pm at Petersburg School Board Office in the parking lot. All citizens must stay in your cars. This is a social distance meeting. We will have microphones and speakers for you to ask your questions. For the citizens of Ward 2 you may come out and for the City of Petersburg as well. But Ward 2 will be having a Town Hall Meeting. It will be a drive up at the school board office. It will be at 6pm on March 30th. Also, Ward 2 will have a spring-cleaning event on April 10th starting at 9am. We will assemble at the school board office and then give some directions to which streets we will try to hit in Ward 2. I am asking all volunteers to come out. We are trying to do a spring-cleaning drive. Also, please be safe during this COVID. Keep our distance and wear your mask and get your shots when they are allotted to you. And I just want to tell the citizens that the City of Petersburg does not control the people getting shots and things of that nature. The only thing that we do is get the space for them. But as far as registering people and things of that nature that is not in our purview. I know that we had some people say something about. I have seen a lot of people in line that are not from our City as well. But I have seen a lot of our citizens who have gotten there shot as well. I do not think that they have a rhyme or reason on how they do it. So, I hope that I am not speaking out of turn. But we do see the things that you see. And another thing, Mr. Fleming touched on it. I had brought this up a while back about a

*Audio available upon request.

year ago on these slot machines or games and what have you. And I think that they fall under the purview of the Commissioner of Revenue. I am not sure. But, I think, our City Attorney if you can look in there and see who does that fall up under. Because I have seen them pop up. You go to certain service stations and you see two or three of them in the corner and people are playing them religiously. So, if we can get a report on that. And if we have to bring our Commissioner of Revenue in and see how and who authorized them. I do know we have a couple of them in my ward. So, I do not know exactly what they are, but I know that they disguise them. If the City Attorney can see if we have a code or anything that support that I would appreciate it. And I want to thank all of the volunteers who volunteered during this COVID relieve program that the State is giving. Even our first responders. I know that they were at Petersburg High School and Tabernacle Baptist Church and the Train Station. That is all Mayor and members of council."

Mr. Williams stated, "And Mr. Mayor, while we are waiting on Council Member Cuthbert, I want to address Councilman Hill issue regarding the gambling or games of skill. He is correct. I had previously issued a legal opinion. We do not have the authority currently under the State Code to regulate them in the traditional fashion. Because there have been cases when they determined not to constitute gambling but there are some other avenues that the Commissioner of Revenue could explore, and we talked about those. And I think staff is looking at that currently. I hope that they will have a decision on how they want to proceed in the near future."

Council Member Hill stated, "Thank you Mr. Williams. I appreciate. Mr. Williams is there anyway that you can get with staff and give us a timeline on when you can get that information to us. I am not trying to put you on the spot. But as soon as you get that information can you give us a report on that please."

Mr. Williams stated, "I provided the opinion to Mr. Tennant who I think is heading up the effort. And he has a group that is looking at that currently. So, I will get with him later this week and see if he can give us an idea of when they will be prepared to present to you what they plan to do."

Council Member Hill stated, "Thank you sir."

Mrs. Adams-Jacobs stated, "I just wanted to chime in as a legislative liaison. This did come up during our last legislative session. In 2020, the General Assembly passed legislation that would ban the regulated and skilled games that we are talking about. As a COVID-19 related measure the 2020 reconvened session, the Governor requested that the General Assembly keep the skilled games until July of 2021. And that those revenues incur the COVID Relief Fund into the local government. Some of this funding was actually related to education. VFC has worked to relay that the Commonwealth should look to other means other than grey machines to fully fund K-12 education. Specifically, they are looking to end the skilled machines July 2021. If anything changes, I will be sure to share that with you all as well as with the team and staff."

Mayor Parham stated, "Councilman Myers can you unmute yourself at this current time."

Council Member Myers stated, "I think I might me. I have nothing at this time to add to today sir."

Council Member Cuthbert stated, "I do not know what happened, but I could not hear what was going on. But thank you. A couple of things that I wanted to mention. I have a question for Ms. Jackson. Whether she could make it her standard operating procedure to include minutes of the prior meeting in the agenda packet for the next meeting. There is a lag time, and the lag time makes it difficult to follow-up on questions that were asked at the prior meeting. Ms. Jackson is that something that you achieve?"

Ms. Jackson stated, "Yes Council Member Cuthbert. And I would like to say that the last council meeting was behind because of death in my family. And I was out for that week and it was terrible time during that we. So, it did put me behind. So, before then they were on time and in the packet. So, it will be back on schedule at the next meeting."

*Audio available upon request.

Council Member Cuthbert stated, “Well fine. My condolences to your loss and your family’s loss. I am so sorry about that. And I understand the explanation and that is great that in general that you are able to do what I requested. Ms. Jackson another thing. Would you obtain the attendance record of each member of the Planning Commission for 2021 and send that information to all members of council? I am concerned and I am sure that all members of council would be concerned if they realized that there have been two meetings of the Planning Commission at which there was no quorum. And so, business could not be conducted. And so, this slows things down and it is an embarrassment to the City. We look unbusinesslike. And if our appointees are not interested in attending the meeting then perhaps council needs to revisit those appointments. Is that some you can do please Ms. Jackson?”

Ms. Jackson stated, “Yes. I will send that request out right now.”

Council Member Cuthbert stated, “Alright. That is great. On COVID expenditures personally I would like no more expenditures of COVID money to take place until the administration presents a budget and council approves that budget. Now that is a request, and it is not a binding motion. And if Interim Chief Miller would adopt that suggestion, I will be grateful. Chief Miller is that something that you can put the brakes on until the budget gets presented to council that includes an itemization of all proposed COVID money expenditures.”

Mr. Miller stated, “Yes sir. Thank can be done.”

Council Member Cuthbert stated, “Great. I appreciate that. Mr. Mayor would you please put this further discussion of this suggestion on our first meeting in April so that council can weigh in on this and we can give the administration some guidance on what we would like to see in the way of the budget and timetable for getting us a budget. Alright that is great. Mr. Mayor thank you I do not have anything else. I appreciate it.”

Mayor Parham stated, “Thank you.”

Vice Mayor Smith-Lee stated, “Good afternoon. First, I want to start with that this month is Women’s History Month. And some of the people that have done a lot for the kids and the citizens in Petersburg. So, I am just going to mention a few of them. Ann Taylor, Germaine Fauntleroy, Gayle Sales, Debbie Godwin, Brenda Wynn, Annie Mickens, Dela Brand, Francis Lundy, Rosalyn Dance, Lashrecse Aird, Florence Farley, Treska Wilson-Smith, Christy Higgins, Social Butterfly Tami Yerby, Ms. Sheffield, Ms. Bradley, Ms. Williams, Doris Atkins, Martha Burton and many more. These were a lot of women who were instrumental in a lot of people’s lives in the City of Petersburg. So, next I want to go to that we will be having a Ward 6 cleanup on April 17th starting at 9am. We will do all of Halifax Street, Westview, Patterson Street, down Montgomery Street and all the way down to Youngs Road. So, we need anyone that lives in Ward 6 and anyone that wants to volunteer to come out. Also, I am going to do a joint ward meeting with Ward 7. I have to help my counterpart John Hart out, so we are doing a joint meeting. It will be held on April 22nd at Cool Springs Elementary School in the parking lot. It will be a drive in. Details will be put online, and flyers will be going out.”

Mayor Parham stated, “I just want to talk to everyone about the calendar that we have. We have back-to-back meetings for the next few weeks. So, I know that everyone has other meetings going on as well, but I want to make council aware that next Tuesday the 23rd we have a special called council meeting with the Planning Commission starting at 12noon. It is a virtual meeting. And, for everyone to be aware that the following week we have the joint school board council meeting which is going to be on Wednesday at 6pm on Zoom. And then we will be followed by our next meeting the following week of the council work session on April 6th. So, to just give everyone a calendar of what is going on. We are busy as ever and we have a lot of things going on in the City of Petersburg. Thank you all for you time and commitment in moving the City forward.”

11. <u>ITEMS REMOVED FROM CONSENT AGENDA:</u>

*Audio available upon request.

DRAFT

*No items for this portion of the agenda.

12. UNFINISHED BUSINESS:

a. Consideration of process and rules for Boards and Commission.

RECOMMENDATION: Recommend City Council approve the process and rules for boards and commissions.

Council Member Wilson-Smith went over the new proposal of the process and rules of boards and commission.

There was discussion among City Council.

Council Member Wilson-Smith made a motion to accept the updated process and rules of boards and commissions.

Motion dies due to lack of second.

b. A resolution of the City of Petersburg City Council in support of HB1800, Item 114 #11h Infrastructure upgrades for the Petersburg Pharmaceutical Park.

RECOMMENDATION: Recommend City Council to approve the resolution of the City of Petersburg City Council in support of HB1800, Item 114 #11h Infrastructure upgrades for the Petersburg Pharmaceutical Park.

India Adams-Jacobs, Assistant to City Manager, gave an overview of the resolution of the City of Petersburg City Council in support of HB1800, Item 114 #11h Infrastructure upgrades for the Petersburg Pharmaceutical Park.

Council Member Hill made a motion the resolution of the City of Petersburg City Council in support of HB1800, Item 114 #11h Infrastructure upgrades for the Petersburg Pharmaceutical Park. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, and Parham; Absent: Hart and Smith-Lee

21-R-21 A RESOLUTION OF THE CITY OF PETERSBURG CITY COUNCIL IN SUPPORT OF HB1800, ITEM 114 #11H INFRASTRUCTURE UPGRADES FOR THE PETERSBURG PHARMACEUTICAL PARK.

13. NEW BUSINESS:

a. Request to adopt a resolution authorizing the City Manager to execute an Infrastructure Development Agreement between the City of Petersburg and Phlow Corporation.

BACKGROUND: In December 2019, the Coronavirus disease 2019 (COVID-19) was identified in Wuhan, China and developed into a global pandemic in early 2020. COVID-19 is primarily transmitted from person-to-person through respiratory droplets. These droplets are released when someone with COVID-19 sneezes, coughs, or even talks. Infectious droplets can land in the mouths or noses of people who are nearby and inhaled into the lungs.

*Audio available upon request.

As of mid-February 2021, the virus has infected more than 110 million globally and caused 2.4 million deaths. In the U.S., 27.8 million Americans have been infected, representing 25.35% of global cases, and more than 487,855 have died, representing 20.13% of global cases. The COVID-19 pandemic also plunged the U.S. and the global economy into the worst recession since World War II. A key factor in COVID-19 related complications and deaths is a lack of available medicines to fight COVID-19 symptoms and treat cases that require ventilators and intubation. Even before COVID-19, there was already a shortage of available medicines, but the pandemic has stressed and already strained medical supply. A lack of domestic production of the ingredients to make medicines has hurt the American people, as foreign producers of these ingredients have had COVID-19 related factory closures and hoarding their own supply for their own citizens, leaving Americans at risk.

In the United States, there is a critical lack of domestic production of the raw and intermediate materials used to make medicines. Only 5% of the raw materials, known as Key Starter Materials (KSM's) are made in the U.S. KSM's are diverse and can range from plant matter, microorganisms, metals, and commercially available chemical ingredients to name a few. Only 20% of intermediate materials, known as Active Pharmaceutical Ingredients (API's) are made in the U.S. APIs are more commonly known as the "active ingredient" found in all medicines. For example, Acetaminophen, which is found in Tylenol, is an API. 60% of the completed medicines, known as Finished Products or "Injectables", are made in the U.S. Finished Products are the medicines we consume and inject every day. This can include insulin shots, the previously mentioned Tylenol, couch syrups, cancer medications, and vaccines.

To address these shortages, Phlow corporation (Phlow) was founded in Richmond, Virginia in January 2020 as a public benefit company to manufacture high-quality generic drugs for the national medication stockpile to reduce the dependency on foreign suppliers. With the COVID-19 pandemic bringing the domestic pharmaceutical deficiencies to the forefront, Phlow was granted a four-year, $354 million grant by the United States Department of Health and Human Services. This grant has an option to expand to $812 million over 10 years. To fulfill the needs of this grant, Phlow is partnering with two companies to process raw materials into KSM's and API's, and subsequently, Finished Products. These two companies are AMPAC Fine Chemicals and Civica.

Phlow is a public benefit corporation founded to manufacture affordable, high quality, essential drugs in the United States. To help the United States secure its own strategic drug reserve, Phlow uses novel and innovative methods in the drug manufacturing industry to reduce the U.S.'s dependency on foreign supply chains. Established in January 2020, they are headquartered in Richmond and developing facilities in Petersburg. AMPAC Fine Chemicals (AFC), an SK pharmteco company, is a United States-based, custom manufacturer of active pharmaceutical ingredients (APIs, Drug Substances) and registered intermediates. AFC solves problems through technology and innovation to reliably deliver quality products that save and improve lives. With over 75 years of experience, AFC has mastered challenging chemistries, enabling us to provide the highest quality services to their customers. Their three integrated facilities are located in California, Texas, and Virginia. Civica Rx is a non-profit focused on making essential generic medications accessible and affordable. Civica Rx partners with healthcare systems to ensure that generic drugs are affordable and available as soon as possible. Civica Rx is focused on bringing value — in supply, quality, and price to the market. Established in 2018, they are headquartered in Lehi, Utah.

AMPAC Fine Chemicals established their Virginia operations in 2016 when they purchased the former Boehringer Ingelheim (BI) facility in Petersburg. Dr. Aslam Malik, CEO of AMPAC, cited the local workforce as a major factor in establishing AMPAC's Virginia operations in Petersburg. "I knew the people here. I knew this area had some very qualified people… If you really want to bet on something, you bet on the people." The current AMPAC facility produces API's and encompasses 197 acres and has a total capacity of 45,000 gallons. Phlow, partnering with AMPAC to fulfill their HHS grant, decided on Petersburg to open their facilities as well. Phlow has on their board of directors Martin Van Trieste, who is currently President and CEO of Civica.

*Audio available upon request.

Since the Phlow investment in Petersburg is not a part of a competitive bid with other cities, states, or countries, no incentive negotiations were required to take place. However, in September 2020, discussions began regarding the infrastructure upgrades that would be necessary to support the large manufacturing developments in the I-95 Technology Zone. Located on the east side of Interstate 95, the Petersburg Technology Zone was created by City Council to attract high technology business activities that have special economic significance to the City. To support the developments of AMPAC Fine Chemicals, Phlow, and Civica, Phlow and the City developed the Memorandum of Understanding, which is formally known as the Infrastructure Development Agreement Between the City and Phlow Corp. Regarding 2820 Normandy Drive. This Infrastructure Development Agreement outlines the short-term (also known as the "Phase One") infrastructure needs and the long-term (also known as the "Phase Two") infrastructures needs.

The execution of this Infrastructure Development Agreement is critical to addressing infrastructure concerns raised by Phlow and their partners, and the execution of this agreement formalizes the expectations and responsibilities of the parties involved to ensure the successful development of a world-class pharmaceutical manufacturing park in the Petersburg I-95 Technology Zone.

RECOMMENDATION: It is recommended that the City Council approves this resolution authorizing the City Manager to execute an Infrastructure Development Agreement between the City of Petersburg and Phlow.

Jeremy Tennant, Assistant to the City Manager, gave an overview of the resolution authorizing the City Manager to execute an Infrastructure Development Agreement between the City of Petersburg and Phlow.

Council Member Hill made a motion to approve the resolution authorizing the City Manager to execute an Infrastructure Development Agreement between the City of Petersburg and Phlow. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, and Parham; Absent: Hart and Smith-Lee

21-R-22 A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INFRASTRUCTURE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PETERSBURG, VIRGINIA AND PHLOW CORPORATION.

Mayor Parham stated, "Next, we had an item on for Bon Secours. If you can let Mrs. India Adams-Jacobs in to discuss that item."

Council Member Hill stated, "Where is that item Mr. Mayor?"

Mrs. Adams-Jacobs stated, "The item is being requested to be added. So, we would need a motion to add the resolution."

Mayor Parham stated, "So, we are requesting to add a motion to add an item. Bon Secours has an item that needs to be done swiftly. That is a helicopter pad to the hospital site at Southside Regional."

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

Rhode Ritenour, Vice President from Bon Secours, gave an overview of the resolution.

There was discussion among City staff and council.

*Audio available upon request.

Council Member Hill made a motion to approve the resolution granting approval for Bon Secours Southside Medical Center and Virginia Commonwealth University/Med-Trans, to establish a base of operation in the City of Petersburg. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Hill, and Parham; Absent: Hart and Smith-Lee

21-R-23 A RESOLUTION GRANTING APPROVAL FOR BON SECOURS SOUTHSIDE MEDICAL CENTER AND VIRGINIA COMMONWEALTH UNIVERSITY/MED-TRANS, TO ESTABLISH A BASE OF OPERATIONS IN THE CITY OF PETERSBURG.

b. Consideration of appointing Lionel Lyons as the primary to the Appomattox River Water Authority (ARWA) Board.

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

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

RECOMMENDATION: Recommend City Council appoint Lionel Lyons, Deputy City Manager to the Appomattox River Water Authority Board as the primary member until the City Manager position is filled.

Council Member Myers made a motion to approve the resolution appointing Lionel Lyons, Deputy City Manager to the Appomattox River Water Authority Board as the primary member until the City Manager position is filled. The motion was seconded by Council Member Wilson-Smith. The motion was approved on roll call vote. On roll call vote, voting yes: Wilson-Smith, Myers, Hill, and Parham; Absent: Cuthbert, Hart and Smith-Lee

21-R-24 A RESOLUTION APPOINTING LIONEL LYONS, DEPUTY CITY MANAGER, AS THE PRIMARY FOR THE APPOMATTOX RIVER WATER AUTHORITY BOARD.

c. Consideration of appointing Lionel Lyons as primary to the South-Central Wastewater Treatment Authority Board.

BACKGROUND: South Central Wastewater Treatment Authority operates the Petersburg Wastewater Plant, which serves the Cities of Colonial Heights and Petersburg along with the Counties of Chesterfield, Dinwiddie, and Prince George.

The Authority Board includes one (1) Member and one (1) Alternate Member from each of the political subdivisions. City Council has, as have other member jurisdiction, traditionally appointed the locality's chief administrative officer as its representative on the Board and the Director of Public Works as the alternate.

RECOMMENDATION: Recommend Council appoint Lionel Lyons, Deputy City Manager, as the primary representative of South-Central Wastewater Treatment Authority Board.

Council Member Myers made a motion to approve the resolution to appoint Lionel Lyons, Deputy City Manager, as the primary representative of South-Central Wastewater Treatment Authority Board. The motion was seconded by Council Member Hill. There was discussion among City Council and staff. The motion was

*Audio available upon request.

approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, and Parham; Absent: Hart and Smith-Lee

21-R-25 A RESOLUTION APPOINTING LIONEL LYONS, DEPUTY CITY MANAGER, AS THE PRIMARY FOR THE SOUTH-CENTRAL WASTEWATER TREATMENT AUTHORITY BOARD.

d. A resolution authorizing the City Manager to execute the Performance Agreement between the City of Petersburg, Civica, Inc & Virginia Economic Development Partnership for the Commonwealth's Opportunity Fund grant for a Pharmaceutical Manufacturing Development in Petersburg.

BACKGROUND: The City of Petersburg has been awarded a Commonwealth Opportunity Fund (COF) grant to receive $5,700,000 through the Virginia Economic Development Partnership (VEDP) to support the development of a pharmaceutical manufacturing and processing facility to be owned and operated by Civica. The City of Petersburg will provide an estimated $2,900,000 in Machinery and Tools (M&T) Tax grant credit as a required match toward the COF grant. The M&T Tax grant credit is associated with the Technology Zone previously approved by the City Council, in which the project is located.

Category of Incentive:	Total Amount
COF Grant	$5,700,000
VEDP Talent Accelerator Program ("VTAP") (Approximate Value)	$759,000
Port of Virginia Economic and Infrastructure Development Grant ("POV Grant")	$46,000

Category of Incentive:	Total Amount
Machinery and Tools Tax Grant (Estimated)	$2,900,000

A Performance Agreement is required to be executed to receive the funding. The Performance Agreement established the following:

1. The definition of terms in the Performance Agreement.
2. Performance targets related to capital investment and job creation.
3. target dates and the process for the disbursement of COF grant funds.
4. A "Break-Event Point" for new City and State revenue.
5. Reporting requirements for Civica.
6. Verification of Targets.
7. A repayment obligation if minimum targets are not met.

RECOMMENDATION: It is recommended that the City Council adopts the resolution.

Council Member Hill made a motion to approve the resolution. The motion was seconded by Council Member Myers. There was discussion among City Council and staff. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, and Parham; Absent: Hart and Smith-Lee

21-R-26 A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE PERFORMANCE AGREEMENT BETWEEN THE CITY OF PETERSBURG, CIVICA, INC & VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP FOR THE COMMONWEALTH'S OPPORTUNITY FUND GRANT FOR A PHARMACEUTICAL MANUFACTURING

*Audio available upon request.

DEVELOPMENT IN PETERSBURG.

e. A resolution approving the issuance by the Petersburg Redevelopment and Housing Authority of its multifamily housing revenue bonds for the acquisition, construction, renovation, rehabilitation and equipping of the approximately 98-unit Dorsey Flats Apartments multifamily housing facility located in the City of Petersburg, Virginia.

BACKGROUND: The City Council adopted 20-ORD-17 on April 28, 2020, approving and authorizing the City Manager to sell 1000 Diamond Street to PB Petersburg Owner LLC to construct multifamily residential development that requires: 1) occupancy limited to senior citizens and veterans; 2) no more than half of the apartments will be two-bedrooms and the remainder one-bedroom units; 3) the promises made by PB Petersburg Owners LLC in agenda item 11f are kept and 4) the owner will accept the current assessment for the next three years.

The City Council also adopted 20-ORD-40, on September 1, 2020, authorizing the City Manager to execute a purchase agreement toward the sale of forty-nine (49) parcels of city owned property in Ward 5 to PB Petersburg, LLC, with the exclusion of 522 Hinton Street, 516 Hinton Street, 539 West Washington Street, 52 North Carolina Avenue, 980 South Sycamore Street, and 246 St. Luke Street.

The Petersburg Redevelopment and Housing Authority, on January 25, 2021 considered and approved the application of PB Petersburg Owner II LLC, a Virginia limited liability company (the "Borrower"), requesting that the Authority issue up to $15,000,000 of its revenue bonds (the "Bonds") to assist the Borrower or an affiliated entity in financing or refinancing a portion of the cost of acquiring, constructing, renovating, rehabilitating and equipping a multifamily residential rental housing project containing approximately 98 units, including approximately 50 units for seniors, to be known as Dorsey Flats Apartments, or such other name as agreed to by the Borrower and the Authority, as well as related community space and recreation facilities (collectively, the "Project") and the costs of issuance incurred in connection with the issuance of the Bonds (together with the Project, the "Plan of Finance"). The approximately 50 units for seniors will be located at 1000 Diamond Street, in the City of Petersburg, Virginia, formerly the Virginia Avenue Elementary School.

The other approximately 48 units will be located on 43 lots at the following addresses, all of which are in the City of Petersburg, Virginia:

500 St John Street, 612 Pegram Street, 151 St Mark Street, 709 Ann Street, 735 Halifax Street, 334 Harrison Street, 803 Jones Street S, 604 Shore Street, 425 West Street S, 715 West Street S, 449 Harding Street, 517 St Matthew Street, 716 Harding Street, 708-10 Kirkham Street, 724 Harding Street, 249 North Carolina Avenue, 808 Halifax Street, 811 Halifax Street, 839-41 Jones Street S, 716 Kirkham Street, 742 Mount Airy Street, 829 Jones Street S, 742 Blick Street, 627 Harding Street, 804 Jones Street S, 135 Kentucky Avenue, 230 Kentucky Avenue, 712-14 Kirkham Street, 436 Byrne Street, 809 Jones Street S, 408 Shore Street, 415 St Matthew Street, 1004 Farmer Street, 852 Rome Street, 328 Shore Street, 322 Shore Street, 204 Kentucky Avenue, 521 St Mark Street, 725 Sterling Street, 731 West Street S, 919 Wythe Street W, 202 Kentucky Avenue, 151 Virginia Avenue.

The PRHA held a public hearing in connection with the Plan of Finance on January 25, 2021.

Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the applicable elected representatives of the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds, and the PRHA issues its bonds on behalf of the City of Petersburg, Virginia (the "City") and the Project is located in the City.

*Audio available upon request.

The PRHA, as the issuing governmental unit with respect to the Bonds, has no applicable elected representative, and the City constitutes the next highest governmental unit with such a representative, and the members of the City Council of the City (the "Council") constitute the applicable elected representatives of the City.

The PRHA has recommended that the Council approve the issuance of the Bonds and a copy of the Authority's resolution approving the issuance of the Bonds, a certificate of the Public Hearing, a summary of the statements expressed at the Public Hearing and the fiscal impact statement concerning the Plan of Finance are attached to this item.

This action would resulting in the following:

The City Council approving the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code, Section l5.2-4906, as applicable to housing authorities, of the Code of Virginia of 1950, as amended (the "Virginia Code") and Section 36-19(9) of the Virginia Code to permit the Authority to assist in the financing of the Plan of Finance.

The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Borrower.

The Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto and that neither the faith and credit nor the taxing power of the City or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.

In adopting this resolution, the City, including its elected representatives, officers, employees and agents, shall not be liable for, and hereby disclaim all liability for, any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

RECOMMENDATION: It is recommended that the City Council adopts the attached resolution.

Council Member Myers made a motion to approving the issuance by the Petersburg Redevelopment and Housing Authority of its multifamily housing revenue bonds for the acquisition, construction, renovation, rehabilitation and equipping of the approximately 98-unit Dorsey Flats Apartments multifamily housing facility located in the City of Petersburg, Virginia. The motion was seconded by Council Member Wilson-Smith. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, and Parham; Absent: Hart and Smith-Lee

21-R-27 A RESOLUTION APPROVING THE ISSUANCE BY THE PETERSBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE APPROXIMATELY 98-UNIT DORSEY FLATS APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE CITY OF PETERSBURG, VIRGINIA.

f. Request to schedule a public hearing for April 6, 2021 on an ordinance to declare the property located at 380 E. Washington Street a blighted property and a public nuisance to the community and authorizing the abatement of such nuisance. (1st Reading)

BACKGROUND: On March 5, 2021, the Property Maintenance Official issued a Report in accordance with 106.2 of the Virginia Property Maintenance Code referencing a document prepared by Mosely Architects and based upon on site surveys conducted by professionals from Moseley Architects, the

*Audio available upon request.

Petersburg Property Maintenance Official, and other City personnel.

In the Maintenance Report, the Maintenance Official makes the determination that the property is unsafe, and unfit for human habitation. This Ordinance authorizes and supports the abatement of these conditions upon the property.

RECOMMENDATION: Recommend that City Council schedule a public hearing for April 6, 2021 and for consideration of an ordinance.

Ms. Williams gave an overview of the request for a public hearing.

Council Member Cuthbert stated, “I move that council schedule the public hearing for this item 13F for April 6, 2021. At which time an ordinance will considered. The ordinance to be considered at pages 385 and 386 of our agenda packets with one modification. That one modification deals with the last of the be it further ordained paragraph that appears on page 386. And the floor amendment that I am offering to that last be it further ordained paragraph reads as follows: ‘Be it further ordained that the City Manager and City Attorney are hereby directed to initiate an action to compel the owner to abate, raise or remove the public nuisance and proceed to immediately abate, raise or remove such nuisance presenting an imminent and immediate threat to life or property. And to take all necessary actions to abate the conditions using all legal means and expend such funds as maybe necessary for such abatement. And seek to recover such funds from the property owner and if not immediately recovered record such expenses as a lien on the property until paid as provided for by Code of Virginia Section 36-49.1:1(G15.2-900,15.2-906,15.2-1115 and 22-50) of the Petersburg City Code and any other applicable law. The City Manager is directed to bring forward a supplemental ordinance forth detailing such funding and all expenditures relating to the action and abatement as described in this ordinance. Thank you, Mr. Mayor.”

Council Member Cuthbert made a motion a public hearing for April 6, 2021, and consideration of approval of an ordinance with stated floor amendment. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, and Parham; Absent: Hart and Smith-Lee

There was discussion among City Council Members.

g. Consideration of appointment to the Riverside Regional Jail Authority.

BACKGROUND: The Riverside Regional Jail Authority Board is a seven-member regional jail that oversees the regional jail facility serving the localities of Counties of Charles City, Chesterfield, Prince George and Surry and the Cities of Colonial Heights, Hopewell, and Petersburg. The City has one member and one alternate to serve on the board.

RECOMMENDATION: Recommend City Council appoint Lionel Lyons, Deputy City Manager as the primary member to the Riverside Regional Jail Authority.

Mr. Miller stated, “Mr. Mayor if I may. Can we add a back up to that as with of Chief Christian?”

Council Member Hill made a motion to appoint Lionel Lyons as primary and Chief Travis Christian as the alternate. The motion was seconded by Council Member Myers.

Sheriff Crawford stated, “I just want to make you aware that whoever you appoint will be the voting person. But you cannot appoint another person to vote. If Lionel comes and he is the person then he would be the voting member along with me. But you cannot provide a back up for him in terms of whether or not there is

*Audio available upon request.

a vote."

Council Member Myers made a motion to modify motion to appoint Lionel Lyons to the Riverside Regional Jail Authority Board. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, and Parham; Absent: Hart and Smith-Lee

21-R-28 A RESOLUTION APPOINTING LIONEL LYONS, DEPUTY CITY MANAGER WITH A TERM ENDING JUNE 30, 2022 TO THE RIVERSIDE REGIONAL JAIL AUTHORITY BOARD.

14. CITY MANAGER'S AGENDA:

Mr. Miller stated, "You have my report Mr. Mayor. So, if there are no questions for my report then I have three short items. We are in the budget season. We will be moving forward in that process. We want to make sure that we give the next City Manager a clean budget. In celebration of Women's Month, I want to thank all of our City employees in particular our women who are very strong in our City. As some of you may not know but that Ms. Stacy Jordan has been appointed as our Interim Finance Director. And she is doing a remarkable job. You may not know what she looks like, but you can see her on the call. I want to thank her for being on board. And lastly Mr. Mayor there has been some talk about our COVID. I have asked Ms. Tyus to provide a very short update to our council members and community partnerships with respect to COVID and what we are doing."

Ms. Tyus stated, "Good afternoon City Council and community. I want to give you an update and a couple of components associated with the COVID vaccine. As always, Gerrit if you can put up the PowerPoint."

Key points:

- Petersburg has had 3,388 cases. Many of the cases have been solved but have to acknowledge that the City has the highest cases in the Crater District.
- Petersburg has a death toll of 74.
- There is a slow down on testing in the City of Petersburg currently. Testing is at Pathways on Wednesday and you still have to make an appointment after 3pm. Crater Health Department is still scheduling testing as well.
- Tomorrow the State is opening a community Vaccination Center at VSU (March 17, 2021). It will focus on Petersburg and Chesterfield. The State is focusing on 1A and 1B.
- There have been two mass vaccination events in Petersburg. The first event was at the high school. (First Dose Vaccine February 26th and Second Dose March 28th)
- Tabernacle Baptist Church on March 11, 2021 for the one dose of the Johnson & Johnson Vaccine. (200 residents from Petersburg and 1200 given as a total)
- Next POD in the City of Petersburg will be focused on Petersburg residents.
- The Call Center Number is 804-733-2550 to be on the State waitlist.

Mayor Parham stated, "Ms. Tyus can you be clear to everyone on the whole vaccination clinic. That is still by appointment, only right?"

Ms. Tyus stated, "Everything is still by appointment only. Right now, with vaccinations there are no opportunities. There are no scheduled opportunities to walk up and get vaccinated. You need to give certain amounts of information. Yes, I know that there is one point of reference but that should not have happened. And we are not authorized to do it any differently forward. We have to get everyone on the list and then the State takes it from there."

Mayor Parham stated, "So the State is controlling the list and the vaccination center. The City of

*Audio available upon request.

Petersburg does not have too much influence on that as well. Have they asked us if we could provide transportation to get people to there once they register and things like that?"

Ms. Tyus stated, "I need to provide you with the number. If you will remember associated with COVID all of our bus transportation is free. And we have a paratransit vehicle."

Council Member Hill stated, "Can you all see if we can schedule something. I know that we did our first responders, but the individuals who are employees of the City that come in contact with the public. I do not know how many that have been vaccinated that want to be vaccinated. I do know that you had the fire department and police department. I know that they have been taken care of. But I know that we do have individuals like transit and our financial building like that. If we can try to find a way that our employees for the City can be vaccinated."

Ms. Tyus stated, "Yes. So, there are several groups of our staffing who fit solidly with 1A and 1B and we have been doing that. So, everyone at Social Services and who wanted to have been done. And those who wanted to have been vaccinated. We have extended to several of our transit employees and some of our streets and grounds. So, yes we are weening in there."

Council Member Hill stated, "Thank you. And thank you Mr. Mayor."

15. BUSINESS OR REPORTS FROM THE CLERK:

*No items for this portion of the agenda.

16. BUSINESS OR REPORTS FROM CITY ATTORNEY:

*No items for this portion of the agenda."

Mayor Parham stated, "At this time, we brought our closed session to a close earlier because we ran over. I will entertain a motion to go back into closed session."

Council Member Hill made a motion that the City Council go back into closed session for the reason previously noted at the previous closed session. The motion was seconded by Council Member Myers. There was no discussion on the motion, which was approved on roll call vote.

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

City Council entered closed session at 3:08p.m.

CERTIFICATION:

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

Council Member Cuthbert made a motion to return City Council into open session and certify the

*Audio available upon request.

purposes of the closed session. The motion was seconded by Council Member Hill. There was no discussion on the motion.

The motion was approved on roll call vote.

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

21-R-29 **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 opened session at 3:41 p.m.

17. ADJOURNMENT:

City Council adjourned at 3:43 p.m.

_____
Clerk of City Council

APPROVED:

_____
Mayor

DRAFT

*Audio available upon request.

The Special Joint City Council meeting of the Petersburg City Council and the Planning Commission was held on Tuesday, March 23, 2021, live streamed. Mayor Parham called the meeting to order at 12:04p.m.

1. ROLL CALL:

Present:

Council Member Charles H. Cuthbert, Jr.
Council Member Treska Wilson-Smith
Council Member W. Howard Myers
Council Member John A. Hart, Sr.
Council Member Darrin Hill
Vice Mayor Annette Smith-Lee
Mayor Samuel Parham

Absent: None

Present from City Council Administration:
Interim City Kenneth Miller
City Attorney Anthony C. Williams
Clerk of City Council Nykesha D. Jackson

Present from Planning Commission:
Tammy Alexander
Fenton Bland
Marie Vargo
Thomas Harris
Michael Edwards
James Norman
Irvin Williams
Candace Taylor

2. DISCUSSION AND CONSIDERATION:

a. A public hearing and consideration of a Petition and Ordinance to rezone the property at 3706 S. Crater Road from PUD – M-1c to PUD.

BACKGROUND: The City of Petersburg received a petition from PG Investments, LLC, contractual owners to rezone 1 parcel with a total land area of approximately 82.4 acres from “PUD” Planned Unit Development “M-1c,” Light Industrial District with conditions to “PUD” Planned Unit Development to permit a mixed use development to include Residential Single-Family District (R-2), Residential Townhouse District (RTH) in the Central and Western portion of the parcel, and General Commercial District (B-2) uses along South Crater Road. The property is located across South Crater Road West of Lakewood Drive and Thacker Hardware, North of the South Plains Subdivision, and South of Wal-Mart and the Addison Crater Woods Apartment Development.

The City Council adopted 7-Ord-104A on December 4, 2007, which approved the rezoning of the property from A - Agriculture to PUD for Mixed Use with proffered conditions. The City Council adopted 17-Ord-22 on May 16, 2017, which approved the rezoning of the property to PUD - M-1c. This is a request to rezone the property back to PUD to allow residential and commercial development on the property. Properties in the adjacent neighborhood to the South are zoned R-1. Adjacent properties to the North are zoned PUD.

*Audio available upon request.

DRAFT

The Developers are proposing a phased development over multiple years to include residential development and commercial development. The residential development is to include 300 market-rate mostly single-family and some townhouse units to meet existing an anticipated demand for single family homes, especially the Starter-home market. They are also proposing commercial development along South Crater Road.

All development would have to comply with relevant City State and Federal codes. All development would have to be accommodated by City utilities. The Planning Commission will review the proposal prior to the Public Hearing.

RECOMMENDATION: It is recommended that the City Council schedules a public hearing and considers adoption of an ordinance approving the petition to rezone property at 3706 South Crater Road from PUD – M-1c to PUD.

Lionel Lyons, Deputy City Manager, stated that the developer is withdrawing his request at this time.

Reginald Tabor, Interim Director of Planning and Community Development, gave a briefing on the request.

No action is requested for this item on the agenda.

b. A public hearing and consideration of an ordinance amending the City of Petersburg Municipal Code regarding the Chesapeake Bay Preservation Act. (originally item 3d)

BACKGROUND: The Chesapeake Bay Preservation Act (Bay Act) was enacted by the Virginia General Assembly in 1988 as a critical element of Virginia's nonpoint pollution source management program. The purpose of the Bay Act program is to protect and improve water quality in the Chesapeake Bay by requiring the implementation of effective land use management practices.

The City of Petersburg Municipal Code currently includes provisions for the Chesapeake Bay Preservation Act. There is a need to amend sections of the City's Municipal Code to address additional Chesapeake Bay Preservation Act considerations and requirements to remain compliant with State and Federal laws.

The proposed Amendments to the Municipal Code are defined in the attached document (Exhibit A).

During the March 10, 2021 meeting, the Petersburg Planning Commission held a Public Hearing and considered the matter, then considered a resolution recommending approval by the City Council.

RECOMMENDATION: It is recommended that the City Council adopts the Ordinance amending the Municipal Code regarding the Chesapeake Bay Preservation Act.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Mr. Bland made a motion for approval. The motion was seconded by Mr. Edwards. The motion was approved on roll call vote. On roll call vote, voting yes: Bland, Vargo, Alexander, Hairston, Norma, Edwards; Absent: Taylor

Vice Mayor Smith-Lee made a motion to approve the ordinance approving an amendment to the City of Petersburg Municipal Code Chesapeake Bay Preservation Area Section. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert,

*Audio available upon request.

Wilson-Smith, Myers, Hill, Smith-Lee, and Parham; Absent: Hart

21-ORD-16 AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF PETERSBURG MUNICIPAL CODE CHESAPEAKE BAY PRESERVATION AREA SECTION.

Mayor Parham stated, “I want to thank the Planning Commission for serving and for all the work that you do in helping us. I know just to be respectful of you time I wanted to get your items done for those who have to return to work. Next we will go back to item 2a (now 2c) for consideration.”

c. A request to authorize the Economic Development Authority to allow South Central Wastewater Authority to conduct due diligence (surveying, boring and archeological investigation) on the Roper Property (119, 130 Pocahontas Street) for a proposed ROW alignment extension. (originally item 2a)

BACKGROUND: The SCWWA presented the Pocahontas Street ROW extension to staff for preliminary discussion in December of 2020. Staff worked with SCWWA to provide feedback on the preliminary proposal. Afterward, SCWWA, City Staff and Councilmember Cuthbert held community meetings share SCWWA’s proposal and to gather critical feedback from the residents of Pocahontas Island. Three (3) community discussion meetings were held at the Pocahontas Chapel and via Zoom in February 2021. Thirteen (13) people participated either in person or via Zoom. Upon the conclusion of the Community Discussions, after receiving valuable feedback and recommendations from the Pocahontas Island residents, ISCWWA provided an updated revision to the proposed ROW extension.

Staff observed that one crucial voice of the neighborhood was not present during any of the community discussion, so staff reached out to the Pocahontas Island Elder to also receive feedback and recommendations from him per the updated revision. The Elder informed staff that a similar concept was considered years ago, and that the proposal utilized an existing ROW that exists upon a paper street, Haxall Lane. The submittal was provided for EDA discussion in March a day prior to the EDA presentation.

RECOMMENDATION: It is recommended that the City Council approves this resolution authorizing the EDA to grant SCWWA to conduct preliminary due diligence on the Roper Property for a proposed ROW extension through the property to connect from Pocahontas Street to Magazine Road.

Jeremy Tennant, Assistant to City Manager, and Robert Wilson, Executive Director of ARWA, gave a briefing on the presentation.

There was discussion among City Council, Mr. Wilson, and staff.

Council Member Cuthbert made a motion to approve the resolution authorizing the EDA to grant SCWWA to conduct preliminary due diligence on the Roper Property for a proposed ROW extension through the property to connect from Pocahontas Street to Magazine Road. The motion was seconded by Council Member Hill.

Mayor Parham opened the floor for public comments.

Andretta McCray, 532 South South Street, stated, “Good afternoon. I think that the project is really good. I think that it will bring in some piece and quiet to the residence who have been enduring that noise for such a very long time. I do have a question as to when everything starts to take place and go as planned will that help to possibly bring some type of employment to the City? I know that we will probably need construction workers and things of that nature. If some of the residents from Petersburg could possibly benefit from that. That was my only question.”

*Audio available upon request.

Mr. Wilson stated, “We have not looked at formal numbers of employment. But a project of this size will bring in a lot of local subcontractors and they will hire part of their workforce onsite.”

Ms. McCray stated, “I think it would be a good idea to have something where it is actually written that if we abide by the rules and regulations that we have to that we get something out of it during the process. So, if employment is something that could happen where the contractors come in and that if available to hire someone of the community. I know that it is out there but to have it available and to have it written down is better. Because what if they do not have it written down and just announce it.”

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, Smith-Lee, and Parham; Absent: Hart

21-R-30 A RESOLUTION AUTHORIZING THE ECONOMIC DEVELOPMENT AUTHORITY TO ALLOW SOUTH CENTRAL WASTEWATER AUTHORITY (SCWWA) TO CONDUCT DUE DILIGENCE (SURVEYING, BORING, AND ARCHEOLOGICAL INVESTIGATION) ON THE ROPER PROPERTY FOR A PROPOSED ROW EXTENSION THROUGH THE PROPERTY.

3. <u>OFFICIAL PUBLIC HEARINGS:</u>

a. A public hearing for the appropriation for a $2,000,000 grant from the Virginia Economic Development Partnership Authority for the Project Tube project. (originally item 3a)

BACKGROUND: Phlow, Civica, and AMPAC are partnering to design and construct a manufacturing facility for pharmaceutical products upon property that is currently owned by AMPAC at 2620 North Normandy Drive, Petersburg, VA. The project will produce more than 400 new jobs in Petersburg and will have a positive economic impact on the City.

The parties anticipate project funding through the Commonwealth Opportunity Fund (COF) which is detailed in the attached offer from the Virginia Economic Development Partnership entitled "Virginia's Financial Offer for Project Tube." Through this program, the City will receive $2,000,000.00 grant in support of the project with proportionate clawback provisions should the company not achieve their investment and jobs target within the five-year performance period.

The City of Petersburg has agreed to facilitate certain improvements to the utility infrastructure in the area of this property which will accommodate the proposed project contingent upon the representations and mutual promises described in this agreement.

RECOMMENDATION: A public hearing for March 23, 2021 and for City Council to approve the appropriation of the $2,000,000 grant from the Virginia Economic Development Partnership Authority for the Project Tube project.

Mr. Tennant gave brief overview of the request.

Mayor Parham opened the floor for public comments.

Barbara Rudolph, 1675 Mt. Vernon Street, stated, “It seems like a no brainer to me to approve the $2,000,000. The thing that I would ask you to do not as part of this meeting of course but in the future. But it would be really helpful to have a presentation about how all the pieces and parts fit together. Not only the Commonwealth Opportunity Fund but also some of the things that were talked about just a few minutes ago that Mr. Tabor talked about relative to what is going on with the pharmaceutical developments. Where the

*Audio available upon request.

money is coming from. It would be nice to have map of the whole thing. Thank you."

Mr. Lyons stated, "Along those lines to address Mrs. Rudolph's questions. Mr. Tennant did not go through the detail presentation. All of this information as well as everything about AMPAC are also being placed on our City website. So, it is available for everyone and for us to be as transparent and open as we possibly can."

Mayor Parham closed the public hearing.

Council Member Hill made a motion to approve the appropriation of $2,000,000 grant from the Virginia Economic Development Partnership Authority for the Project Tube project. The motion was seconded by Vice Mayor Smith-Lee. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Hill, Smith-Lee, and Parham; Absent: Myers and Hart

21-ORD-17 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021 FOR THE GRANTS FUND IN THE AMOUNT OF $2,000,000.

b. A public hearing and consideration on an ordinance amending the text of the City's Zoning Ordinance regarding restaurants and other uses.

BACKGROUND: There are currently more than eighty (80) restaurants located in the City of Petersburg. The City's Zoning Ordinance currently does not contain a definition for or otherwise regulate "restaurants."

Within the current Zoning Ordinance, restaurant is included in the definitions of Adult Entertainment Establishment, Drive-in restaurant, and Nightclub. Restaurant is also included in the use regulations of Article 10. "R-5" Multiple Dwelling, and Article 18.1. "MXD-1" Mixed Use District. Fast Food Restaurants and Restaurants except fast-food restaurants but including those accessory to hotels and motels, are referenced in Art. 19, § 4 Petersburg Code Art. 19, § 6 Section 5. Parking space requirements. Zoning matters related to restaurants have been considered under Zoning Ordinance regulations listed above and in Article 14. "B-1" Shopping Center District Regulations, Section 2. Use Regulations (1) Retail sale of merchandise, services, recreational areas, parking areas and other facilities, as set forth and described in this section· and ordinarily accepted as shopping center uses.

There is a need to further define restaurants and related uses to clarify zoning matters related to restaurants.

The Planning Commission adopted a resolution during their meeting on February 17, 2021 recommending approval of the text amendment.

RECOMMENDATION: It is recommended that the City Council approves the amendments to the text of the City's Zoning Ordinance regarding restaurants and other uses.

Mr. Tabor gave a briefing of the request for amendments to the City's Zoning Ordinance.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

Council Member Cuthbert made a motion to adopt the ordinance amending the text of City Zoning Ordinance regarding restaurants and other uses as proposed. The motion was seconded by Council Member

*Audio available upon request.

Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, Smith-Lee, and Parham; Absent: Hart

21-ORD-18 AN ORDINANCE APPROVING AN AMENDMENT TO THE PETERSBURG ZONING ORDINANCE TO ADDRESS RESTUARANTS AND RELATED USES.

c. A public hearing and consideration of an ordinance amending the City of Petersburg Municipal Code regarding the Chesapeake Bay Preservation Act. (originally item 3e)

BACKGROUND: The City Council referred a proposal to the Planning Commission for a recommendation regarding an ordinance authorizing the City Manager to approve the reduction of site plan review and land disturbance permit fees when offset by in-kind staffing augmentation in an amount not to exceed 30 percent of the total fees.

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

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

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

The current fee for a site plan submittal and approval is $800 per submittal and $50 for each additional acre. A 30% reduction of the site plan fee for a 1-acre site is $560.00.

The current fee for a land disturbance permit is $250.00, plus $50.00 for every acre or part thereof in excess of one acre. A 30% reduction of the land disturbance permit fee is $175.00.

The Planning Commission considered the item during the February 17, 2021 meeting and voted to recommend approval.

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

Mr. Tabor gave a briefing of the request on the public hearing.

Mayor Parham opened the floor for public comments.

Barbara Rudolph, 1675 Mt. Vernon Street, stated, “I think the concept of an offset is fine. My question would be, this is like the actual developer providing staff so that the City would not have to hire temporary help or contract someone to do the additional work. My concern is that the folks who are brought in by the developer, I do not know what type of work is being done. Maybe it is so standard and routine that it could be given to anyone to do and it would not change the outcome. It just seems like a little bit of subjectivity. If it is possible to be introduced by the developer who of course has a desired outcome whereas if it is performed by the government, it is supposed to be looked at entirely or objectively from the many standpoints. I think the developer has a single interest which is doing the project. I would just encourage the City to consider that

*Audio available upon request.

because if you do have developers providing staffing to do things and then something ends up coming out not the way that we want then we have let them in the door through this legislation. Thank you."

Norma Williams, owner of Array Business and Technology, stated, "In regard to developers and contractors I have a question. Do we require any work or contracts that are given that these contractors only hire US citizens and there are no undocumented individuals doing the work? They must be US citizens on these contracts or doing the work. And that also chimes into the question that the young lady asked about Pocahontas. We were talking about jobs. We insured that there were no undocumented individuals on those contracts. Is there any oversight to ensure that these contacts have a clause put in them to ensure that US citizens get the job? Thank you."

Seeing no further hands, Mayor Parham closed public comments.

There was discussion among City Council and staff.

Council Member Wilson-Smith made a motion to table until further information is provided. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, and Parham; Absent: Hart and Smith-Lee

d. A public hearing and consideration of an ordinance authorizing the City Manager to execute a Lease Agreement with the Appomattox Regional Governor School for City-owned property located at 1555 Flank Road.

BACKGROUND: The Department of Economic Development received a proposal from the Appomattox Regional Governor's School (ARGS) requesting the use of City-Owned property located at 1555 Flank Road to further expand its athletic and other recreational activities for its student; including for soccer, flag football, cross country, and other athletic and recreational activities and other school-related programs, and to make gradual upgrades to the Property over time.

RECOMMENDATION: The Department of Economic Development recommends approval of the proposed lease of City Owned property located at 1555 Flank Road to the Appomattox Regional Governor's School to expand athletic and recreational activities for its students.

Mr. Lyons stated, "Is Ms. Boone still here? I thought that we had asked to move this to a later date. Mr. Tabor if I am wrong jump in. Because they had come back, and they were not meeting again until April. And they had a change of leadership and they had asked us if we could move to a later date. Mr. Tabor or Ms. Boone if I am incorrect please correct me."

Mr. Tabor stated, "That is correct. We would ask that we be able to bring this back in May."

Mr. Lyons stated, "We sent a memo out on several items that we want to bring back in May. We had been working with them and progress has been made to make sure that we are all dealing with the same facts and that they can give us more clarity moving forward."

e. A public hearing and consideration of an ordinance amending the text of the City's Code of Ordinance to establish a Technology Zone at the former Southside Regional Medical Center site.

BACKGROUND: During the December 8, 2020 City Council Public Hearing, Councilmember Cuthbert raised a question after the City Council and Public were briefed on the proposed amendments to the definitions, incentives, procedures, compliance, and confidentiality sections of the I-95 Technology

*Audio available upon request.

Zone. Councilmember Cuthbert made the following inquiry, "*If we were to extend the Technology Zone to the former Southside Regional Medical Center (SRMC) site what are the benefits and is it feasible?"* As a follow up to that inquiry, on January 19, 2021 Councilmember Cuthbert requested through the City Manager that staff address the potential addition of another Technology Zone at the former SRMC site or potentially anywhere else in the City of Petersburg and if applicable, the next steps to be taken to do so and a timeline to complete those steps.

RECOMMENDATION: Staff recommends not expanding the existing Technology Zone at this time as the potential uses allowed within the Technology Zone would not be compatible under the current RB Office-Apartment District Regulations. If the City Council were so inclined to move forward on expanding the Technology Zone to the former Southside Regional Medical Center site, then staff would recommend a study be conducted on the site, through the City Planning Commission, to ensure that a PUD that allows manufacturing can be placed on the site to allow a compliant use that will fit within the character of the neighborhood.

Mr. Tennant gave an overview of the request.

Mayor Parham opened the public hearing for comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Hill made a motion to approve staff's recommendation of not expanding the existing Technology Zone at this time as the potential uses allowed within the Technology Zone would not be compatible under the current RB Office-Apartment District Regulations. There was discussion on the motion. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Hill, and Parham; Absent: Wilson-Smith, Hart and Smith-Lee

Mayor Parham stated, "That is all of our public hearings for today. I would like to say before we adjourn that we have great news on our bond rating being increased to BBB+. That is a huge accomplishment being in a pandemic and being able to get a rate increase. It is just remarkable. I would like to thank the City staff for their contribution for helping us get there. It was a deep dive because I know that Standard & Poor was not looking at doing any rate increases for any locality, but they did see the progress that was being made in Petersburg. And I thank all of you for your hard work."

4. ADJOURNMENT:

Council Member Hill stated, "I have one announcement if I may. I just want to let the citizens know that on March 30th, I will be having a Ward 2 meeting at 6pm at the school board office. It will be a drive-up meeting. So, all must stay in their car. Just like you do at your church services. I will announce this again. Thank you.

City Council adjourned at 4:45 p.m.

_____
Clerk of City Council

APPROVED:

_____
Mayor

*Audio available upon request.

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM:

RE: **CARES Act Update**

PURPOSE: N/A

REASON: N/A

RECOMMENDATION: N/A

BACKGROUND: N/A

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: None

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: India Adams-Jacobs

RE: **Presentation on Bond Rating & Fund Balance-Davenport & Company**

PURPOSE: To provide City Council and the public an update on the city's bond rating history from 2014 to 2021, as well as an overview of the city's current fund balance.

REASON: Informational briefing.

RECOMMENDATION: N/A

BACKGROUND: N/A

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: None

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Brittany Flowers, India Adams-Jacobs

RE: **Personal Property Tax Motor Vehicle Exemption- Disabled Veterans**

PURPOSE: To provide City Council and the public with an update on a personal property tax exemption for disabled veterans.

REASON: During the legislative session, the General Assembly passed Senate Bill 1130. A bill to amend the Code of Virginia by adding in Article 5 of Chapter 36 of Title 58.1, a section numbered 58.1-3668, relating to personal property tax exemption; motor vehicle of a disabled veteran.

Due to this change in state law, the City needs to add a section to the City code and adopt a local ordinance prior to the law taking effect on July 1, 2021.

RECOMMENDATION: Staff recommends that City Council passes the proposed ordinance after the second reading during the regularly scheduled meeting on April 20, 2021.

BACKGROUND: The Commissioner of Revenue has drafted an application for eligible disabled veterans to apply for the personal property tax exemption. This law is retroactively affected to January 1, 2021.

COST TO CITY: Staff is working to identify the loss in revenue for the approximate 131 vehicles that will now be exempt.

BUDGETED ITEM: Staff will work with the Budget Office to amend revenue projects for this line item for the FY21/22 budget process.

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: The Commissioner of Revenue staff has provided this new application form online and in office for eligible disabled veterans.

ATTACHMENTS:

1. SB1130- Vehicle Personal Property Tax Exemption
2. ORD_Disabled Veterans Tax Exemption
3. Disabled Vet Motor Vehicle Exemption_20210319

21200141D

SENATE BILL NO. 1130

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Finance
on February 15, 2021)

(Patron Prior to Substitute—Senator Reeves)

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 36 of Title 58.1 a section numbered 58.1-3668, relating to personal property tax exemption; motor vehicle of a disabled veteran.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 36 of Title 58.1 a section numbered 58.1-3668 as follows:

§ 58.1-3668. Motor vehicle of a disabled veteran.

A. As used in this section, "motor vehicle" means only a passenger car or a pickup or panel truck, as those terms are defined in § 46.2-100, that is registered for personal use.

B. Pursuant to subdivision (a) (8) of Article X, Section 6 of the Constitution of Virginia, one motor vehicle owned and used primarily by or for a veteran of the Armed Forces of the United States or the Virginia National Guard who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law with a 100 percent service-connected, permanent, and total disability shall be exempt from taxation. Any such motor vehicle owned by a married person may qualify if either spouse is a veteran who is rated as 100 percent disabled. Any locality may establish procedures for a veteran to apply for the exemption and may enact any ordinance necessary for administration of the exemption.

C. This exemption shall be applicable beginning on the date the motor vehicle is acquired or January 1, 2021, whichever is later, and shall not be applicable for any period of time prior to January 1, 2021. The exemption shall expire on the date of the disabled veteran's death and shall not be available for his surviving spouse.

D. The provisions of subsection B of § 58.1-3980 shall apply to the exemption granted pursuant to this section. In no event shall a locality be required to refund any taxes already paid on the exempt property after the period in which such taxes were collectible pursuant to § 58.1-3940.

AN ORDINANCE TO ADOPT SECTION 106-16 OF THE PETERSBURG CITY CODE TO PROVIDE EXEMPTION FROM CERTAIN PERSONAL PROPERTY TAXATION FOR ELIGIBLE DISABLED VETERANS

WHEREAS, City Council for the City of Petersburg is appreciative for the service provided to this country by members of the Armed Forces; and

WHEREAS, the Virginia General Assembly has passed Senate Bill 1130 authorizing exemption of certain personal property owned by and sued by or on behalf of qualifying disabled veterans; and

WHEREAS, this provision is expected to be incorporated into the Code of Virginia and effective July 1, 2021 at Section 58.1-3668; and

WHEREAS, said provisions call for the locality to enact an Ordinance necessary for the administration of the exemption; and

WHEREAS, the adoption of Section 106-16 has been recommended by the Commissioner of the Revenue and City Staff to facilitate the foregoing described needs; and

WHEREAS, City Council believes that the adoption of this Section is in furtherance of the best interests of the City of Petersburg.

NOW therefore be it ORDAINED that Section 106-16 of the Petersburg City Code is hereby adopted as follows:

SEC. 106-16 EXEMPTION FROM CERTAIN PERSONAL PROPERTY TAXATION FOR ELIGIBLE DISABLED VETERANS

a. Pursuant to subdivision (a) (8) of Article X, Section 6 of the Constitution of Virginia, one motor vehicle owned and used primarily by or for a veteran of the Armed Forces of the United States or the Virginia National Guard who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law with a 100 percent service-connected, permanent, and total disability shall be exempt from taxation. Any such motor vehicle owned by a married person may qualify if either spouse is a veteran who is rated as 100 percent disabled.

b. In order to receive the exemption, the owner must submit a written request to the Commissioner of the Revenue (a) describing the vehicle for which the exemption is requested; (b) identifying the date that the vehicle was acquired by the disabled veteran; (c) describing the basis for eligibility for the exemption including any supporting documents which may be deemed necessary by the Commissioner in order to establish eligibility pursuant to Subsection (A).

c. This exemption shall be applicable beginning on the date the motor vehicle is acquired or January 1, 2021, whichever is later, and shall not be applicable for any period of time prior to January 1, 2021. The exemption shall expire on the date of the disabled veteran's death and shall not be available for his surviving spouse.

d. The provisions of subsection B of § 58.1-3980 of the Code of Virginia shall apply to the exemption granted pursuant to this section. In no event shall a locality be required to refund any taxes already paid on the exempt property after the period in which such taxes were collectible pursuant to §58.1-3940 of the Code of Virginia.

e. As used in this section, "motor vehicle" means only a passenger car or a pickup or panel truck, as those terms are defined in § 46.2-100, that is registered for personal use.

State Code Reference: Code of VA §58.1-3668

This Ordinance shall become effective on July 1, 2021.



Disabled Veterans Motor Vehicle Exemption

Background- SB 1130- *58.1-3668. Motor vehicle of a disabled veteran*

- Retroactively effective to January 1, 2021.
- This effects disabled veterans who are now eligible for the exemption of one (1) vehicle.
- Law goes into affect on July 1, 2021.

2021 SPECIAL SESSION I

HOUSE SUBSTITUTE

21200141D

SENATE BILL NO. 1130

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Finance

on February 15, 2021)

(Patron Prior to Substitute—Senator Reeves)

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 36 of Title 58.1 a section numbered 58.1-3668, relating to personal property tax exemption; motor vehicle of a disabled veteran.

Be it enacted by the General Assembly of Virginia:

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§ 58.1-3668. Motor vehicle of a disabled veteran.

A. As used in this section, "motor vehicle" means only a passenger car or a pickup or panel truck, as those terms are defined in § 46.2-100, that is registered for personal use.

B. Pursuant to subdivision (a) (8) of Article X, Section 6 of the Constitution of Virginia, one motor vehicle owned and used primarily by or for a veteran of the Armed Forces of the United States or the Virginia National Guard who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law with a 100 percent service-connected, permanent, and total disability shall be exempt from taxation. Any such motor vehicle owned by a married person may qualify if either spouse is a veteran who is rated as 100 percent disabled. Any locality may establish procedures for a veteran to apply for the exemption and may enact any ordinance necessary for administration of the exemption.

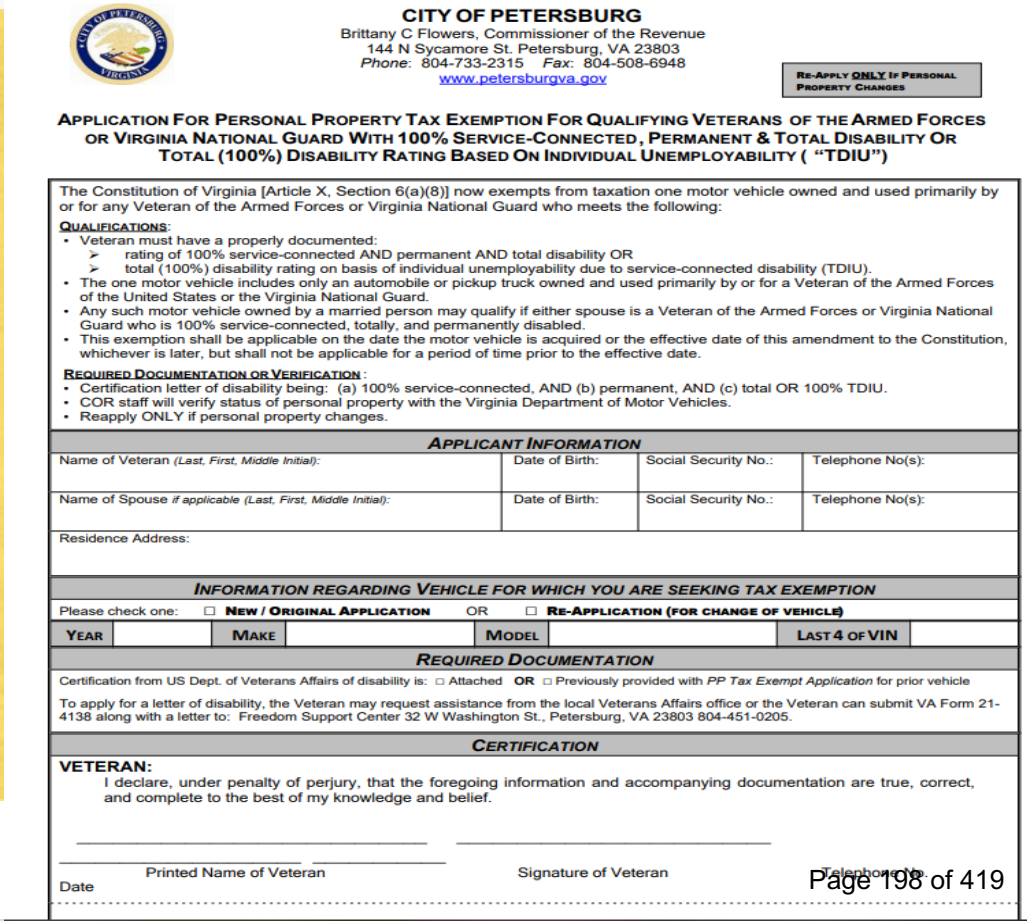
C. This exemption shall be applicable beginning on the date the motor vehicle is acquired or January 1, 2021, whichever is later, and shall not be applicable for any period of time prior to January 1, 2021. The exemption shall expire on the date of the disabled veteran's death and shall not be available for his surviving spouse.

D. The provisions of subsection B of § 58.1-3980 shall apply to the exemption granted pursuant to this section. In no event shall a locality be required to refund any taxes already paid on the exempt property after the period in which such taxes were collectible pursuant to § 58.1-3940.

HOUSE SUB

City Response to State Change

- Commissioner of Revenue created application for exemption;
- This is available on the City website-> Commoner of Revenue-> Forms-> New form for 2021.



CITY OF PETERSBURG
Brittany C Flowers, Commissioner of the Revenue
144 N Sycamore St. Petersburg, VA 23803
Phone: 804-733-2315 *Fax*: 804-508-6948
www.petersburgva.gov

RE-APPLY ONLY IF PERSONAL PROPERTY CHANGES

APPLICATION FOR PERSONAL PROPERTY TAX EXEMPTION FOR QUALIFYING VETERANS OF THE ARMED FORCES OR VIRGINIA NATIONAL GUARD WITH 100% SERVICE-CONNECTED, PERMANENT & TOTAL DISABILITY OR TOTAL (100%) DISABILITY RATING BASED ON INDIVIDUAL UNEMPLOYABILITY ("TDIU")

The Constitution of Virginia [Article X, Section 6(a)(8)] now exempts from taxation one motor vehicle owned and used primarily by or for any Veteran of the Armed Forces or Virginia National Guard who meets the following:

QUALIFICATIONS:
- Veteran must have a properly documented:
  - rating of 100% service-connected AND permanent AND total disability OR
  - total (100%) disability rating on basis of individual unemployability due to service-connected disability (TDIU).
- The one motor vehicle includes only an automobile or pickup truck owned and used primarily by or for a Veteran of the Armed Forces of the United States or the Virginia National Guard.
- Any such motor vehicle owned by a married person may qualify if either spouse is a Veteran of the Armed Forces or Virginia National Guard who is 100% service-connected, totally, and permanently disabled.
- This exemption shall be applicable on the date the motor vehicle is acquired or the effective date of this amendment to the Constitution, whichever is later, but shall not be applicable for a period of time prior to the effective date.

REQUIRED DOCUMENTATION OR VERIFICATION:
- Certification letter of disability being: (a) 100% service-connected, AND (b) permanent, AND (c) total OR 100% TDIU.
- COR staff will verify status of personal property with the Virginia Department of Motor Vehicles.
- Reapply ONLY if personal property changes.

APPLICANT INFORMATION

Name of Veteran *(Last, First, Middle Initial)*:	Date of Birth:	Social Security No.:	Telephone No(s):
Name of Spouse *if applicable (Last, First, Middle Initial)*:	Date of Birth:	Social Security No.:	Telephone No(s):
Residence Address:			

INFORMATION REGARDING VEHICLE FOR WHICH YOU ARE SEEKING TAX EXEMPTION

Please check one: ☐ NEW / ORIGINAL APPLICATION OR ☐ RE-APPLICATION (FOR CHANGE OF VEHICLE)

YEAR		MAKE		MODEL		LAST 4 OF VIN	

REQUIRED DOCUMENTATION

Certification from US Dept. of Veterans Affairs of disability is: ☐ Attached OR ☐ Previously provided with *PP Tax Exempt Application* for prior vehicle

To apply for a letter of disability, the Veteran may request assistance from the local Veterans Affairs office or the Veteran can submit VA Form 21-4138 along with a letter to: Freedom Support Center 32 W Washington St., Petersburg, VA 23803 804-451-0205.

CERTIFICATION

VETERAN:
I declare, under penalty of perjury, that the foregoing information and accompanying documentation are true, correct, and complete to the best of my knowledge and belief.

Printed Name of Veteran Signature of Veteran Telephone No.
Date

City of Petersburg

City Response to State Change

- Commissioner of Revenue, City Manager's Office and City Attorney collaborated to discussed impacts of legislation.

- We collaborated to draft proposed ordinance for City Council adoption to comply with state law.

Fiscal Impact of Legislation

- Due to the state mandate; we have projected there are 131 eligible vehicles.

- This revenue adjustment will be included in the FY21/22 proposed budget.



Disabled Veterans Motor Vehicle Exemption

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Jennifer Tunstall , Executive Director of District 19 Community Services Board.

RE: **Presentation and Update on District 19 Community Services Board**

PURPOSE: Update and Information on District 19 Community Services

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

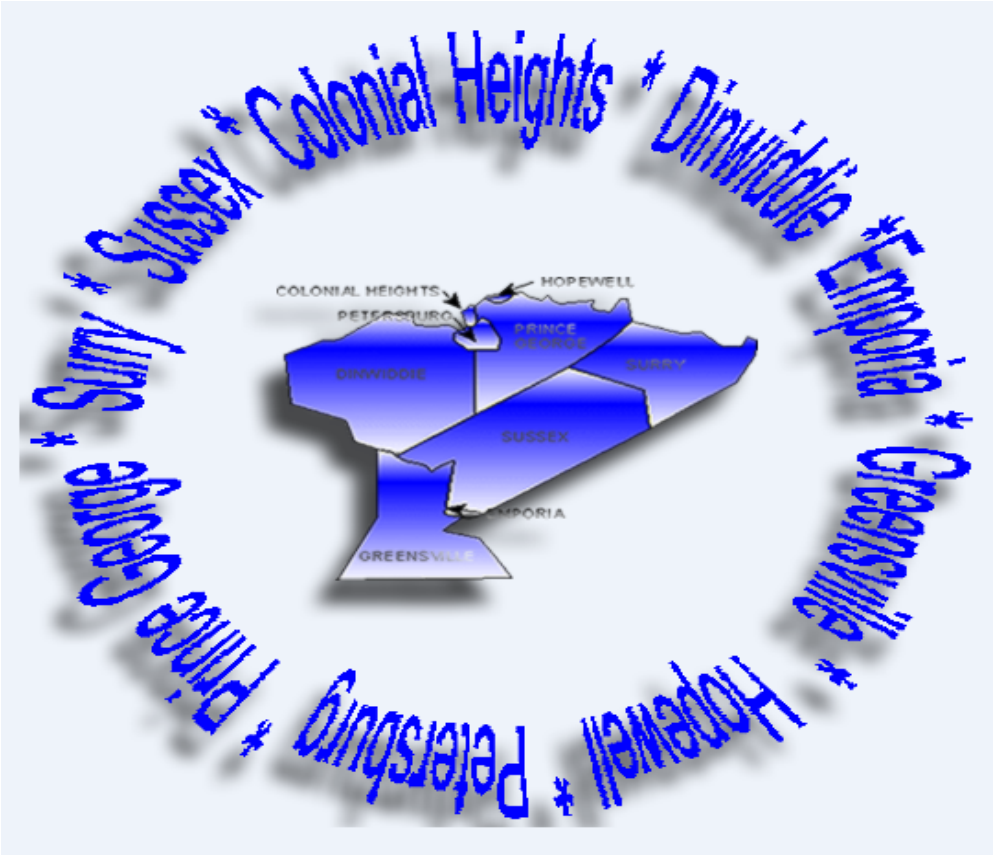
RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. D19 overview - Petersburg 2021 final

District 19 Community Services Board



District 19 Community Services Board (D19 CSB) is a multi-jurisdictional, community-based organization

- Mission is to improve the quality and productivity of the lives of individuals who experience, or are at risk of experiencing, mental disabilities and/or substance abuse.

- We are licensed by the Virginia Department of Behavioral Health and Developmental Services to provide mental health, intellectual/developmental disability, substance abuse and prevention services to the citizens of the cities of Colonial Heights, Emporia, Hopewell, and Petersburg, and the counties of Dinwiddie, Greensville, Prince George, Surry, and Sussex.

Board of Directors

A volunteer Board of Directors provides oversight to District 19. Interested citizens are appointed by each of our participating localities for terms of three years. Our current officers are listed below, and Board members are named according to the localities they represent.

Brenda Ebron-Bonner, Chair — Dinwiddie County

Col. Mark Shiflett, Vice Chair — Greensville County

Daphne Turner, Treasurer — City of Petersburg

W. Joe Green, Jr.	City of Colonial Heights
Vacant	City of Colonial Heights
Natachia Randles	Dinwiddie County
Sherry Saunders	City of Emporia
Mark Shiflett	Greensville County
Shamika Lewis	City of Hopewell
Vacant	City of Petersburg
Gary Talley	City of Petersburg
Shel Boyd-Douglas	Prince George County
Jean Grim	Prince George County
Frances Randolph	Surry County
William Hagy	Sussex County



Services

- District 19 CSB offers Mental Health (MH), Intellectual/Developmental Disability (ID/DD), and Substance Use Disorder (SUD) services. We also offer emergency services for people in crisis, early intervention services for young children, and prevention services to reduce risk and promote wellness.
- In FY20, we provided direct services to 4,722 individuals.

Adult Services

- Mental Health Case Management
- Psychosocial Rehabilitation
- Substance Use Services
- I-Work Program
- Psychiatric and Nursing Services
- Transitional Living/Supportive Housing
- Intellectual/Developmental Disability Services
- PACT (Program for Assertive Community Treatment)

Child and Adolescent Services

- School-Based Therapy
- Juvenile Corrections
- Prevention
- Mental Health Case Management
- Intellectual/Developmental Disability Case Management
- Court Services
- Early Intervention

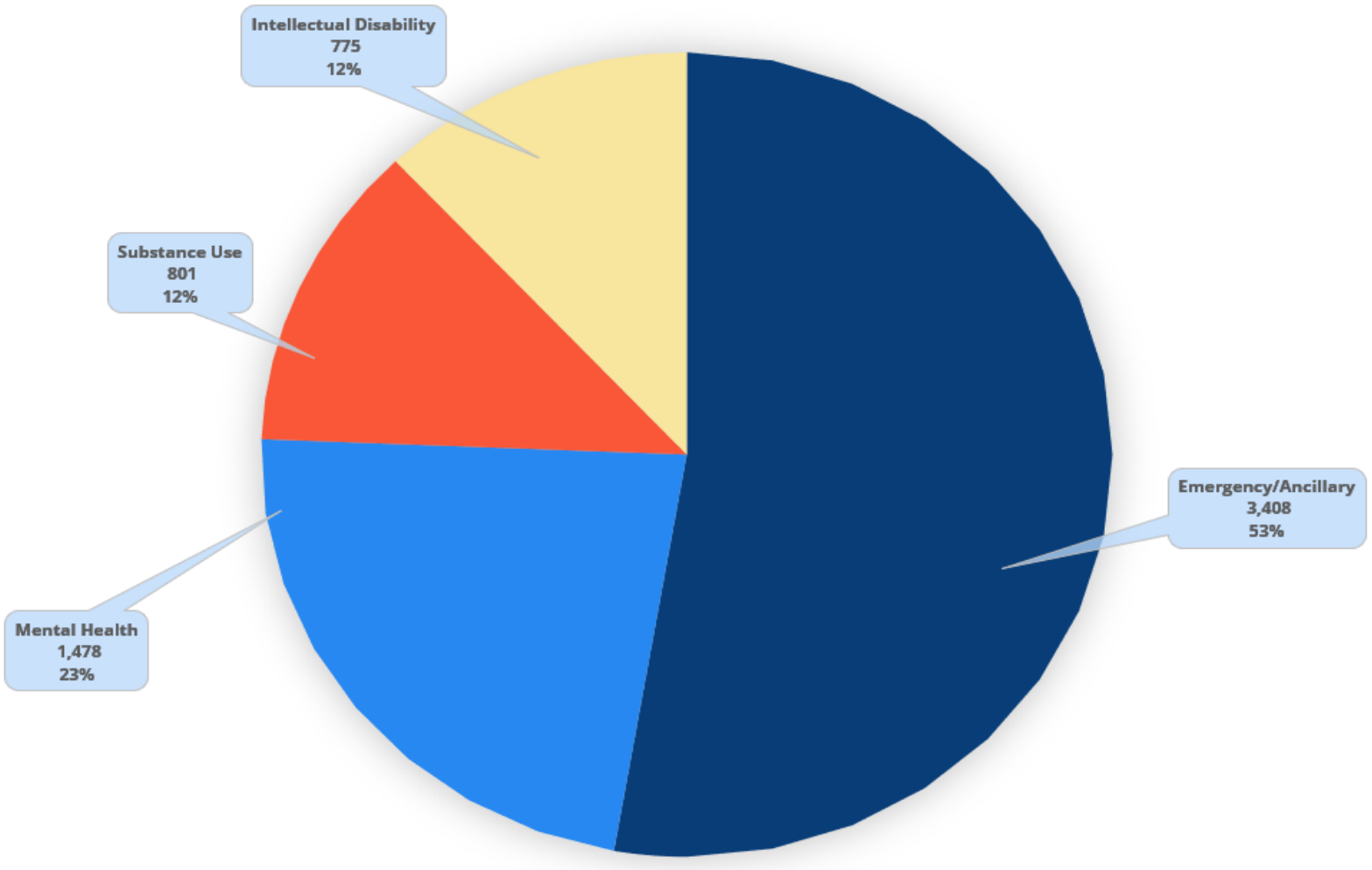
Community Integration and Crisis Services

- Emergency Services 24/7
- Same Day Access
- Crisis Intervention Teams
- Crisis Assessment Centers
- Mental Health Outpatient Therapy

New Division: Developmental Disability Services

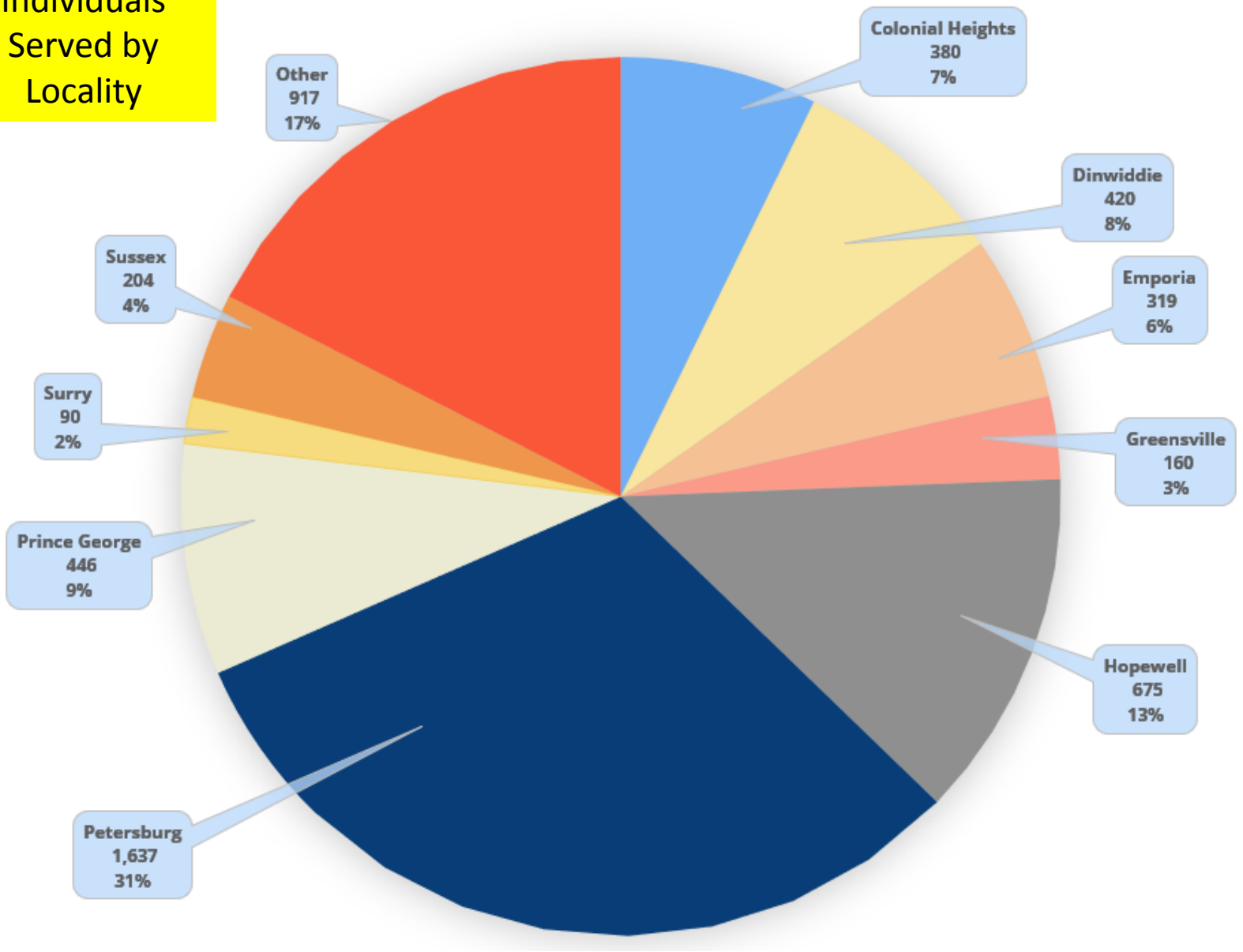
- Adult ID/DD Case Management
- Children's ID/DD Case Management
- Prevention

Individuals Served in FY20



*Count is not unduplicated. Individuals receiving more than one service will be counted in each service

Individuals Served by Locality



D19 | CSB

District 19 Community Services Board

Summary of Services Provided by Month
Individuals Residing in Petersburg

Mental Health Services

	Jul 19	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19	Jan 20	Feb 20	Mar 20	Apr 20	May 20	Jun 20	FY Total
Total Services Provided	2,685	2,357	2,113	2,539	2,433	2,367	2,663	2,572	2,719	3,351	2,807	2,713	31,319
Total Service Hours	3,130.78	2,928.68	2,674.25	3,120.05	2,867.77	2,408.98	2,825.58	2,559.05	2,170.87	1,478.20	1,328.78	1,283.23	28,776.23
Total Bed Days	246.00	195.00	215.00	188.00	256.00	296.00	336.00	327.00	404.00	376.00	367.00	343.00	3,549.00
Unduplicated Consumers Served	354	355	367	379	372	388	395	389	394	404	402	385	548
Adult	335	341	345	353	351	356	366	361	361	370	373	359	489
Child/Adolescent	19	14	22	26	21	32	29	28	33	34	29	26	59

Developmental Services

	Jul 19	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19	Jan 20	Feb 20	Mar 20	Apr 20	May 20	Jun 20	FY Total
Total Services Provided	409	396	352	477	364	394	422	496	520	923	750	717	6,220
Total Service Hours	204.00	184.35	160.43	205.67	206.03	166.45	192.50	292.08	270.33	538.32	426.48	418.77	3,265.42
Total Bed Days	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Unduplicated Consumers Served	133	148	156	163	153	142	151	154	166	189	169	170	253
Adult	94	103	117	118	114	103	106	111	120	117	114	112	138
Child/Adolescent	39	45	39	45	39	39	45	43	46	72	55	58	115

D19 | CSB

District 19 Community Services Board

Summary of Services Provided by Month
Individuals Residing in Petersburg

Substance Use Disorder Services

	Jul 19	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19	Jan 20	Feb 20	Mar 20	Apr 20	May 20	Jun 20	FY Total
Total Services Provided	691	606	567	644	448	464	571	534	565	568	540	599	6,797
Total Service Hours	844.43	804.50	714.93	771.90	492.22	494.35	715.62	656.63	422.92	316.97	297.00	366.10	6,897.57
Total Bed Days	31.00	1.00	0.00	0.00	0.00	28.00	3.00	26.00	0.00	0.00	0.00	0.00	89.00
Unduplicated Consumers Served	116	102	98	97	92	83	80	83	76	66	75	67	274
Adult	112	98	93	94	88	82	79	81	73	63	71	63	264
Child/Adolescent	4	4	5	3	4	1	1	2	3	3	4	4	10

Emergency & Ancillary Services

	Jul 19	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19	Jan 20	Feb 20	Mar 20	Apr 20	May 20	Jun 20	FY Total
Total Services Provided	196	160	229	278	172	202	241	198	231	233	202	243	2,585
Total Service Hours	249.02	242.63	278.93	376.75	189.83	190.07	268.70	208.43	213.33	273.32	243.00	297.35	3,031.37
Total Bed Days	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Unduplicated Consumers Served	123	116	154	163	124	143	162	132	144	129	128	136	1,023
Adult	114	106	123	128	95	108	125	98	119	109	107	125	862
Child/Adolescent	9	10	31	35	29	35	37	34	25	20	21	11	161

D19 | CSB

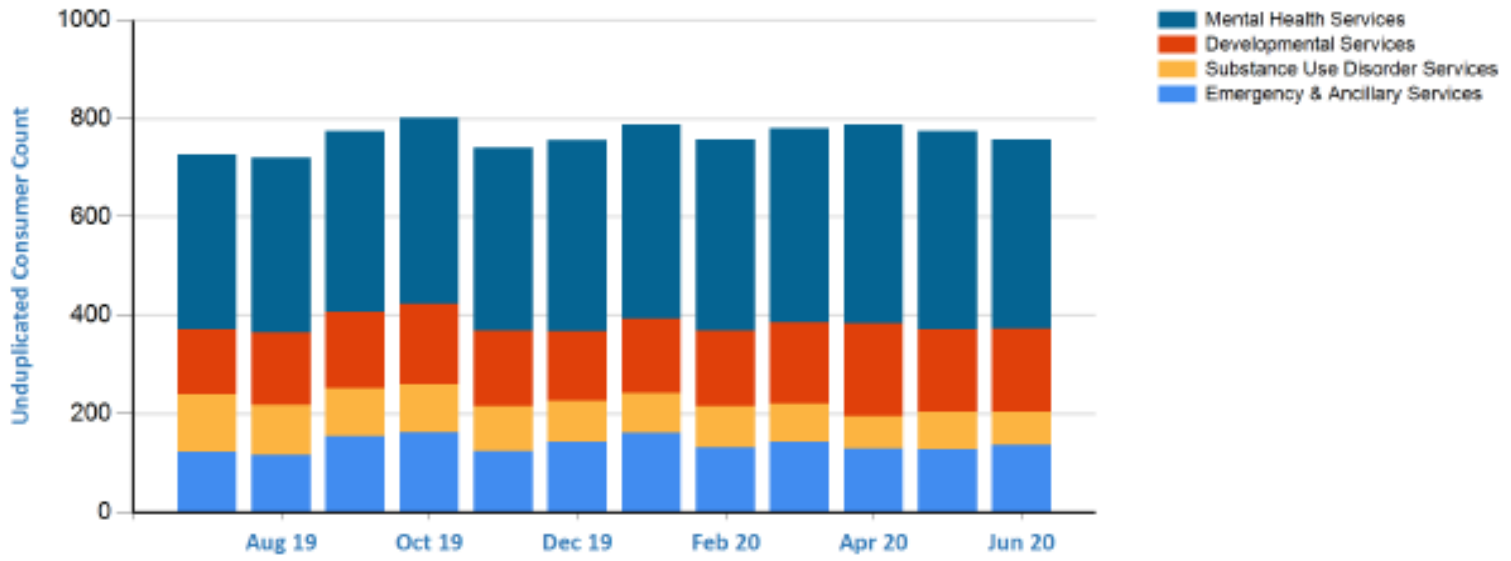
District 19 Community Services Board

Summary of Services Provided by Month
Individuals Residing in Petersburg

Total Services for Petersburg

	Jul 19	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19	Jan 20	Feb 20	Mar 20	Apr 20	May 20	Jun 20	FY Total
Total Services Provided	3,981	3,519	3,261	3,938	3,417	3,427	3,897	3,800	4,035	5,075	4,299	4,272	46,921
Total Service Hours	4,428.23	4,160.17	3,828.55	4,474.37	3,755.85	3,259.85	4,002.40	3,716.20	3,077.45	2,606.80	2,295.27	2,365.45	41,970.58
Total Bed Days	277.00	196.00	215.00	188.00	256.00	324.00	339.00	353.00	404.00	376.00	367.00	343.00	3,638.00
Unduplicated Consumers Served	726	721	775	802	741	756	788	758	780	788	774	758	1,633
Adult	655	648	678	693	648	649	676	651	673	659	665	659	1,345
Child/Adolescent	71	73	97	109	93	107	112	107	107	129	109	99	288

Consumers Served by Month



Community & Crisis Services

FY20 Division Highlights

Crisis Assessment Center

The CIT Crisis Assessment Centers (CAC) were created to provide an assessment site for law enforcement to use as an alternative to incarceration and as a services access point. The CAC provides on-site emergency services/clinical personnel who can determine clinical status and assess treatment needs for the individual, as well as security to support the site in accepting transfer of the Emergency Custody Order (ECO), providing for the safety of all persons involved. The CAC possesses ready access to dispositional options including TDO beds, crisis stabilization, detox, and other community based services.

In March 2020, the CAC revised its operations to account for staff and consumer safety in the face of the COVID-19 crisis:

CAC staff began completing all assessments via telehealth.

CAC officers respond directly to ERs when law enforcement transports an ECO to the emergency room.

Callers who do not meet the criteria for a prescreen are referred to other D19 programs, telehealth providers, community agencies providing requested services or needed resources identified.

Despite the pandemic, the CACs continued to provide service to the District 19 catchment area seven days a week.

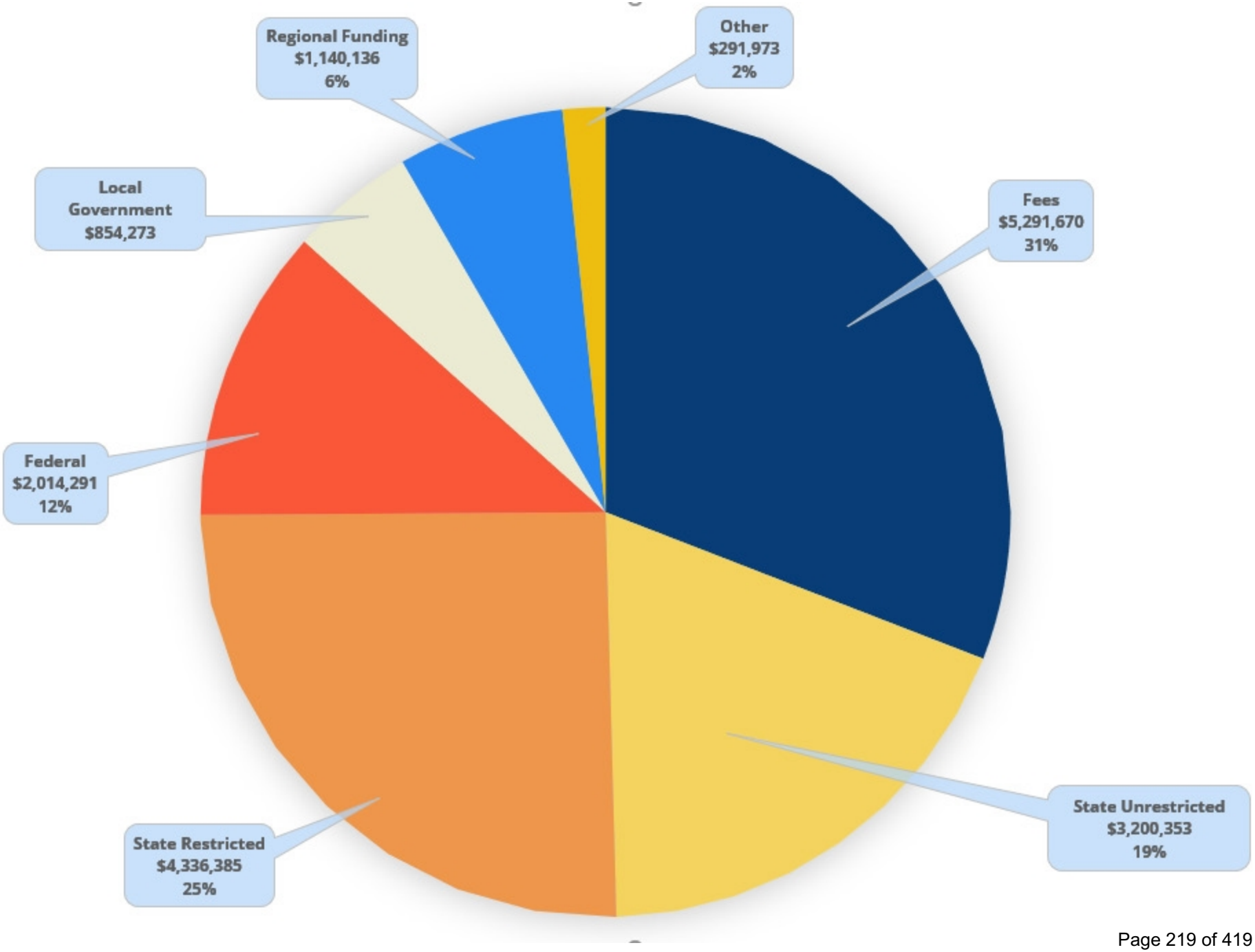
FY20 Law Enforcement Referrals to Crisis Assessment Centers			
	Calls to CAC	Law Enforcement Referrals	Referrals Requiring Prescreen
July 2019	71	30	22
August 2019	36	13	17
September 2019	62	25	24
October 2019	65	23	24
November 2019	49	28	25
December 2019	37	24	18
January 2020	55	30	32
February 2020	64	24	38
March 2020	91	23	13
April 2020	181	43	43
May 2020	142	53	44
June 2020	118	42	51
Total Referrals	**971**	**358**	**351**

District 19 Funding

District 19 CSB finances its work through a combination of public and private sector funding. Funding comes from federal, state, and local entities. District 19 serves a high volume of individuals that are uninsured. Service fee revenue comes primarily from Medicaid, but also from other sources. District 19 began accepting some commercial insurances for services in February 2019.






Regional Funding
$1,140,136
6%
Other
$291,973
2%
Local
Government
$854,273
Fees
$5,291,670
31%
Federal
$2,014,291
12%
State Unrestricted
$3,200,353
19%
State Restricted
$4,336,385
25%

Local Funding Match Requirement

- Sections 37.2-509 and 37.2-611 of the Code of Virginia establish establishes the minimum local matching funds requirement reciprocally at 10 percent.

- *FY21 State fund contribution to District 19: $8,510,923
- FY21 local matching funds requirement: $900,243

* State fund contribution is based on current “known” funding allocations. This amount can change throughout the year when the State allocates additional funds for specific purposes.

Local Match Request for FY22

**Level funding

- Due to CARES Act Funding and other restricted funding streams due to COVID-19 that are still unknown, District 19 has requested that all nine localities provide the same amount of funding in FY22 as was allocated in FY21.
- Local funding requests sent to local officials separately.

New Legislation that impacts your locality:
Marcus Alert
What is MARCUS Alert?

- Mental health awareness response and community understanding services alert system = Marcus Alert system
- Named for Marcus-David Peters who was shot and killed by Richmond police in 2018 in the midst of a behavioral health crisis
- Marcus alert is a series of protocols aimed to divert to the behavioral health system or respond with a specialized law enforcement response, including:

1. Protocols to divert from 911 to crisis call center
2. MOUs for law enforcement backup to a crisis response
3. Minimum standards/best practices for law enforcement response

What is the MARCUS Alert seeking to change and/or implement?

- Reform governmental responses to Virginians in behavioral health crisis
- Implement a set of protocols, procedures, and response teams to ensure that Virginia provides a behavioral health response “no force first” response to a behavioral health crisis

Overall Goals of MARCUS Alert and the build out of Crisis Services in Virginia:

1. To provide Crisis services rooted in a comprehensive crisis system framework with essential elements based on national best practice models;

2. Supports the rights of all Virginians, regardless of area of residence and race/ethnicity to access behavioral health care safely, in a timely fashion, and in the least restrictive environment

3. Decreases Virginia's reliance on law enforcement as the *de facto* response to behavioral health crises, and

4. Ensures that Virginians with disabilities receive appropriate accommodations to include a safe, compassionate, trauma-informed response when law enforcement is involved during a behavioral health crisis

Timeline for Marcus Alert Implementation

- **July 1, 2021:** Plan, with diverse stakeholder input, due to general assembly. Will include requirements for protocol development, clarity on what protocols are state-standard vs. individualized, and process for review and approval
- **December 1, 2021:** 5 initial areas covered by all components of Marcus Alert (protocols and response teams) (Please note: D19 was not selected as an initial area to implement MARCUS Alert).
- **July 1, 2022:** all localities covered by Marcus Alert protocols; 5 more areas covered by all components (including response teams)
- *Response teams built out over following years until statewide coverage of all components*

What is D19 doing to prepare for MARCUS Alert?

- **Taking steps toward readiness**
  - researching similar geographical areas and multijurisdictional models across the state and country w/ similar initiatives in place
- **Seeking representation on state group, stay engaged and attend forums, calls for comments, etc.**
  - D19 was not selected as a representative on the state group but does attend MARCUS Alert listening sessions and will participate in the regional groups
- **Form local group following release of state requirements (July 1, 2021)**
  - Group will built on the foundation of the current CIT stakeholders group that meets at least every quarter
  - Additional city/county governmental officials, community partners, and others will be invited to join once the guidelines are received.
- **Focus of first year will be on protocols for diversion from PSAPs (Public Safety Answering Point), protocols to serve as back up to regional mobile crisis, and changes to police presentation when responding**
  - Will be developed once the group is formed.
- **During first year, may determine plan for team coverage (mobile crisis vs. community care vs. co-responder)**
- **Will submit plans for approval to implement by July 1, 2022**

Long Term Outcomes and Additional Information

- See more about Crisis Now Model at www.crisisnow.com
- Coordinated crisis response between state, regional, and local work at Intercept 0 and Intercept 1 (Sequential Intercept Model)
- Increased diversion to the behavioral health system for individuals in crisis, decreased police involvement in behavioral health/developmental disability crisis
- Improved safety and better outcomes for individuals experiencing a behavioral health crises at risk of law enforcement involvement
- Health centered approach for individuals in behavioral health crisis, whether response is by mobile crisis, community care, or law enforcement/specialized responses

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Lionel Lyons, Deputy City Manager of Development and Operations

FROM: Charles Koonce

RE: **Petersburg Area Transit Operational and Financial Overview**

PURPOSE: Informational Purposes

REASON: Informational Purposes

RECOMMENDATION: No Recommendations - Informational Purposes only.

BACKGROUND: Petersburg Area Transit (PAT) is committed to improving the riding experience and availability of public transportation in the Southside region for local residents, businesses and visitors of Petersburg, Hopewell, Colonial Heights and the surrounding counties. PAT offers connections to downtown Richmond through GRTC and the greater United States via Greyhound from the Petersburg Multimodal Passenger Station.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. PAT - Presentation Council Meeting Update -3-26-2021 - FINAL2




I AM
PETERSBURG
VIRGINIA
TRANSIT



Introduction/Background

Vision

Provide Petersburg & the community with safe, reliable, and accessible transit service to expand access to opportunities and enhance the quality of life.

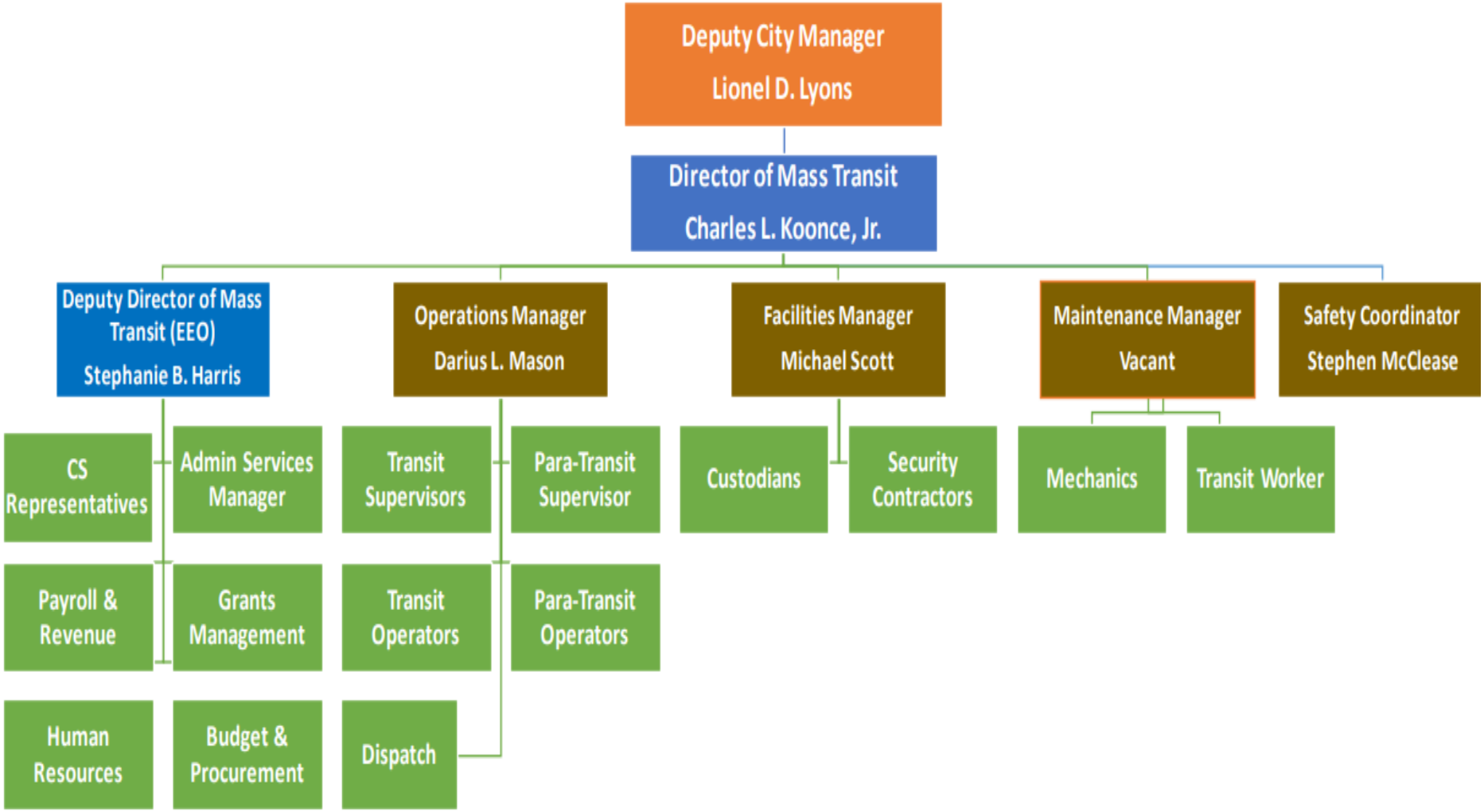


Goals

- ❑ Provide a safe and dependable transportation service for the Petersburg community.
- ❑ Improve awareness of PAT services to increase ridership and access to service.
- ❑ Increase mobility throughout the Petersburg community and surrounding areas through convenient access to employment areas, medical facilities, shopping centers, schools, and community agencies.
- ❑ Improve the efficiency and effectiveness of service to better meet the transportation needs of the community.
- ❑ Strengthen organizational processes to ensure continuity of services.



Organizational Chart



Includes 53 Full-Time & 15 Part-Time Employees

Accomplishments FY 20 & FY 21

- ❑ **Cured ALL FTA Findings from 2016 and 2019 Triennial Reviews.**
- ❑ **Established an internal Human Resources Department to manage Federal EEO Requirements.**
- ❑ **Created comprehensive policies and procedures including Financial Management, Equal Opportunity Employment, Asset Management, and Americans with Disabilities.**
- ❑ **Developed a regular schedule of reimbursement requests to FTA and State to recoup funding owed to the City.**
- ❑ **Established an ongoing Partnership with People's Advantage Credit Union.**

Petersburg Area Transit

- **Provide Fixed-Route transit and ADA Paratransit Services throughout the Cities of Petersburg and Hopewell and portions of Colonial Heights, Prince George, Dinwiddie, and Chesterfield counties.**

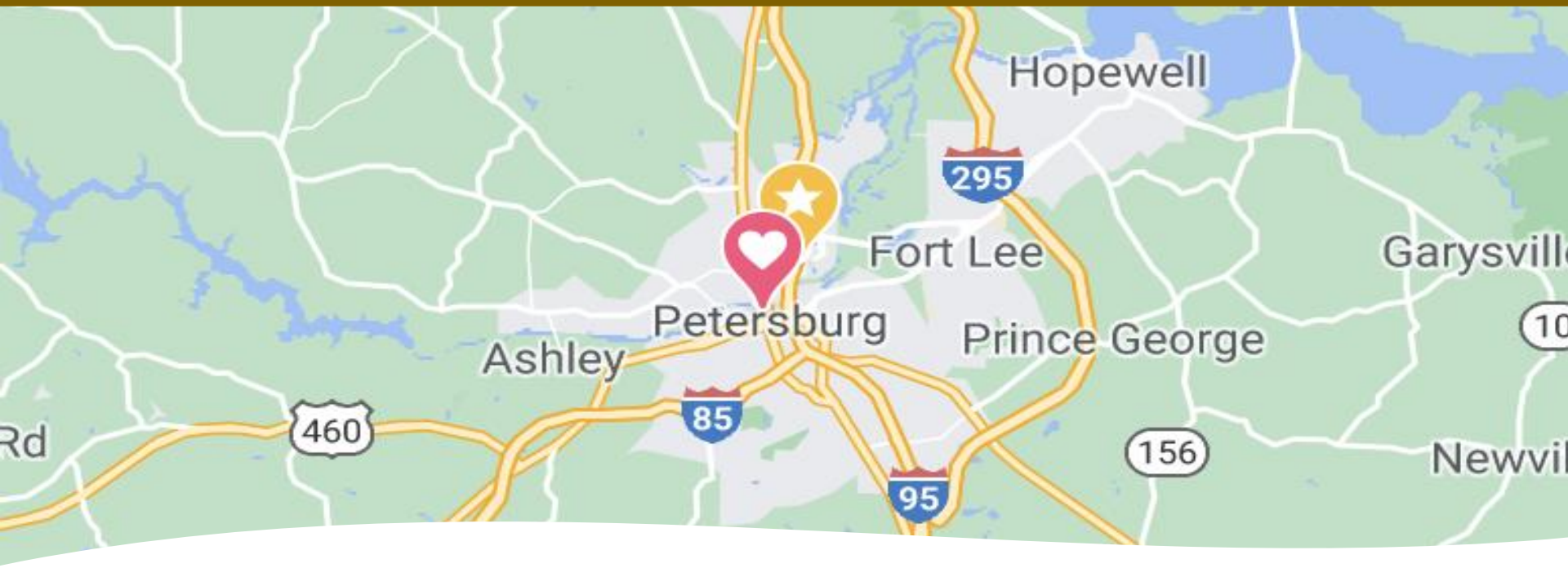
- **PAT operates the Freedom Express route, an express route with four daily round trips between Petersburg and Richmond. Provides Veterans and the general public access to McGuire Veterans Hospital, VCU and MCV.**

- **In 2019, PAT provided 410,000 passenger trips and 640,000 revenue miles per year.**

- **IN 2020, PAT provided 343,653* passenger trips and 561,639* revenue hours.**

**Ridership decreased slightly due to COVID-19 service interruptions*

Petersburg Transportation Hub



The Petersburg Station offers a centralized location for connections among local buses, as well as regional connections via Greater Richmond Transit Company (GRTC), Blackstone Area Bus System (BABS), Amtrak and Greyhound. This is a major economic development opportunity for the City of Petersburg.

Petersburg Area Transit Duties

Location for the City's Emergency Command Center

Conference Center for governmental and community meetings

Location of COVID-19 customer service hotline

Provides emergency transportation during natural disasters, fires, floods,

Provides warming and cooling Shelters

Special transportation for government officials.

Board Member to the Metropolitan Planning Commission

Donated older vehicles to City Departments, including Police Department's Command Center, and Petersburg City Library Bus



PAT Service and Routes

What do we do? *Fix Route vs. Para-Transit*

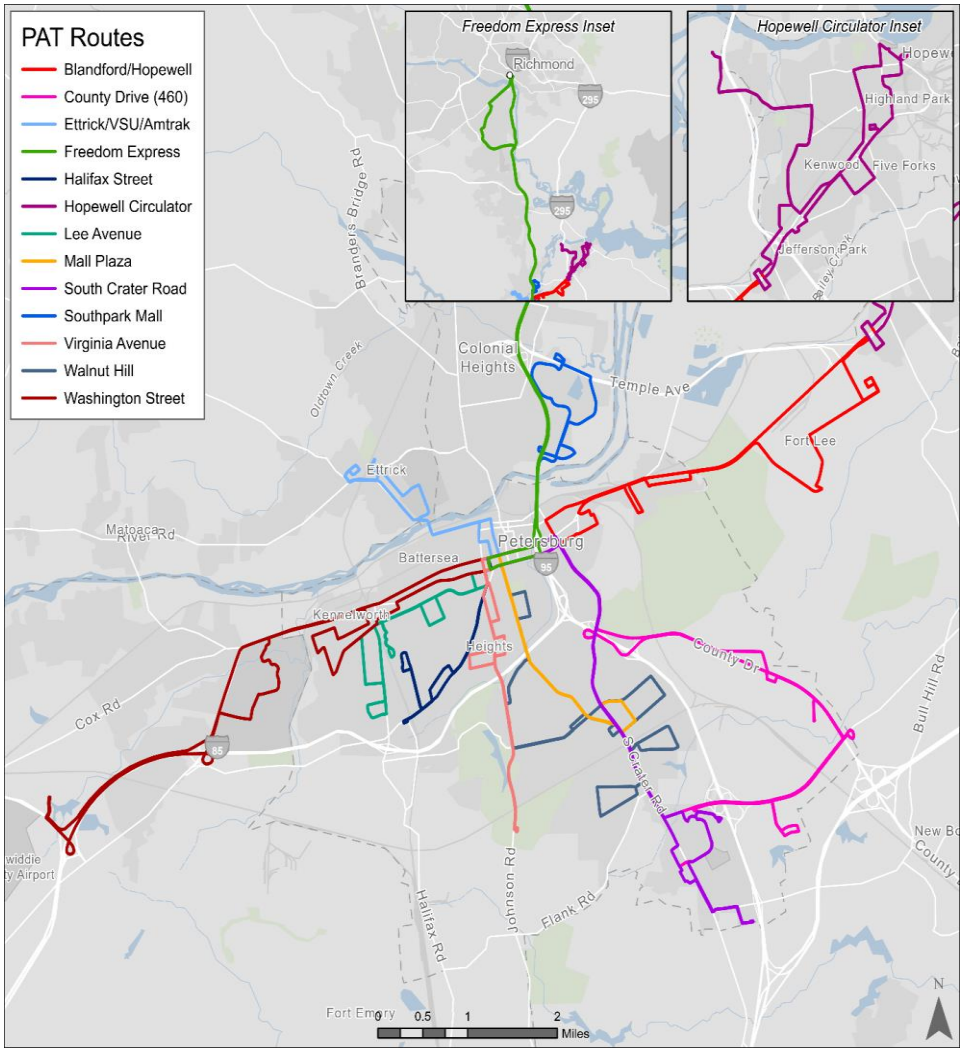
FIXED ROUTE

49 CFR Part 37, Section 37.3

- Defines Fix-Route as a system that transports the general public on a regular basis on vehicles that travel a designated route on a fixed schedule, the agency operates fixed route service.

- PAT operates 12 Fixed Routes & 1 Express Route –306 days per year 6 days per week
  - 5:15a.m. to 6:15p.m. M-F &
  - 6:15a.m. – 7:05p.m. Saturday.

- New Freedom Express Route
  - M-F 7:15a.m. 9:15a.m. 1:15p.m. 3:15p.m.



Fix Route vs. Para-Transit

- **FTA Circular 4710.1** -Any individual with a **disability** who is unable to navigate fixed route **is eligible for ADA paratransit. Para-Transit Patrons most apply to be eligible.**

- Para-Transit service must be provided within 3/4 miles outside the furthest service stop, on the fixed route system.

- Petersburg Area Transit provides a door-to door service for patrons over 65. This program was funded by the Department of Rail and Public Transportation. Grant funding for this program has ended; however, PAT continues to utilize the vehicles purchased with this grant.



Service Design Standards

All new route should meet the following standards

- Service Areas:
  - Residential areas with population densities ≥ 10 persons per acre
  - Employment areas with employment densities ≥ 10 jobs per acre
  - Major health centers
  - Colleges and universities without transit
  - Major shopping centers with > 25 stores or 100,000 square feet of retail area
  - Social services and government centers

- Bus Stops:
  - 5 to 8 stops per mile in core
  - 3 to 5 stops per mile outside of core, as needed based on land use
  - Walking distance to stops (e.g. ¼ mile for high density areas)
  - Bus stop signs on designated pole at all bus stops
  - Bus stop signs maintained in good condition, clearly visible, and retain their reflectivity
  - Shelters at stops with 50 or more “boardings” a day
  - Benches at stops with at least 25 “boardings” a day



PAT Budget Overview

FY 22 Budget Highlights

- ❑ Provides a livable wage to **all** employees – no employee wages budgeted under $15.00 per hour.
- ❑ Reduces turnover by addressing salaries below market rate and rewards tenure from the Top – Down.
- ❑ Eliminated Bus Fare – after providing notice to patrons PAT may collect during the fiscal year – when it is safe to do so.
- ❑ Sustained New Freedom Route without DRPT Grant.
- ❑ Funds four (4) capital projects.

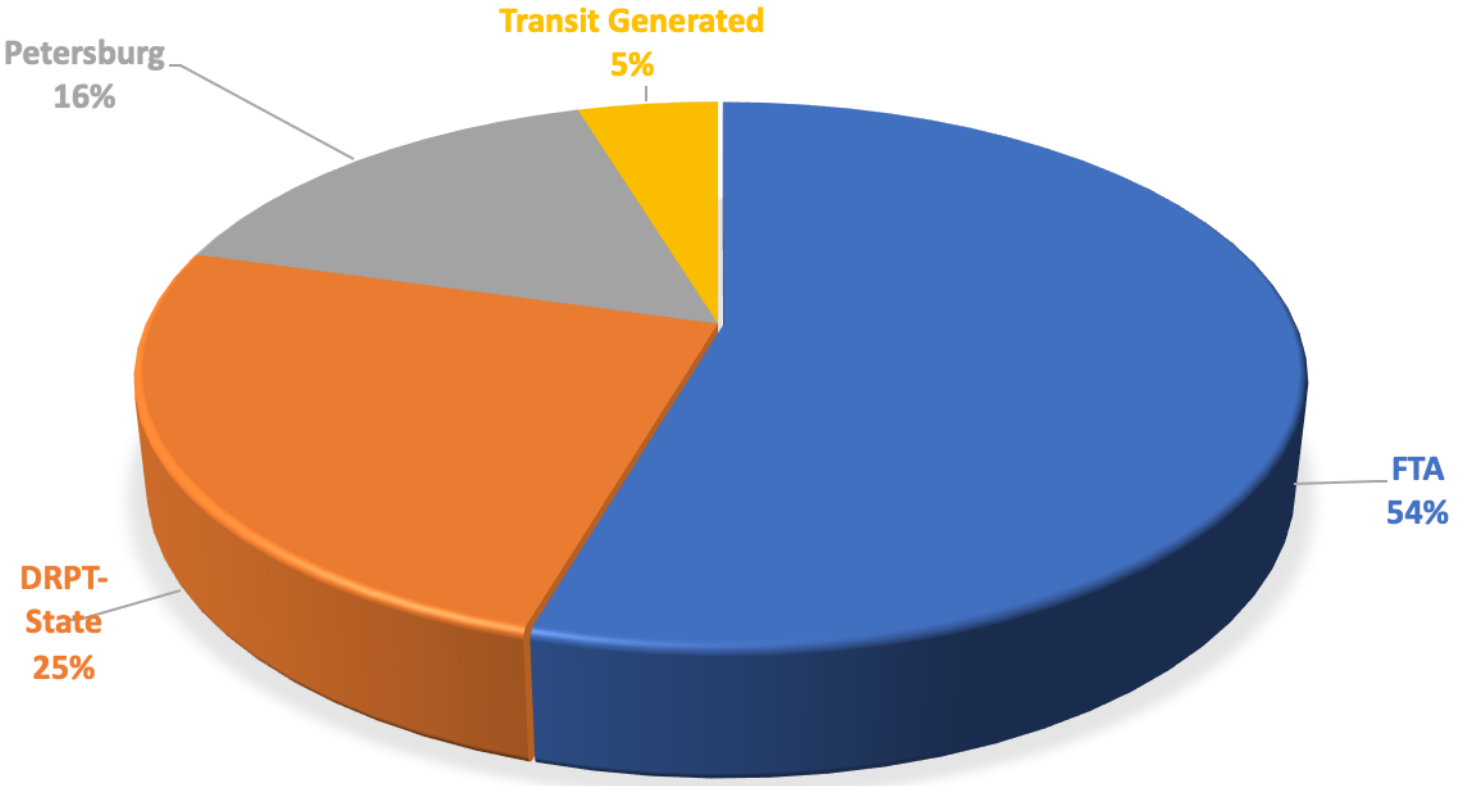


Transit Funding Sources

- ❑ **Transit Produced Revenue (Bus Fare, Service Contracts, Greyhound, Advertising, Vending Machines)**
- ❑ **Federal Transportation Administration (FTA)**
- ❑ **Department of Rail and Public Transportation (State)**
- ❑ **City of Petersburg General Fund**

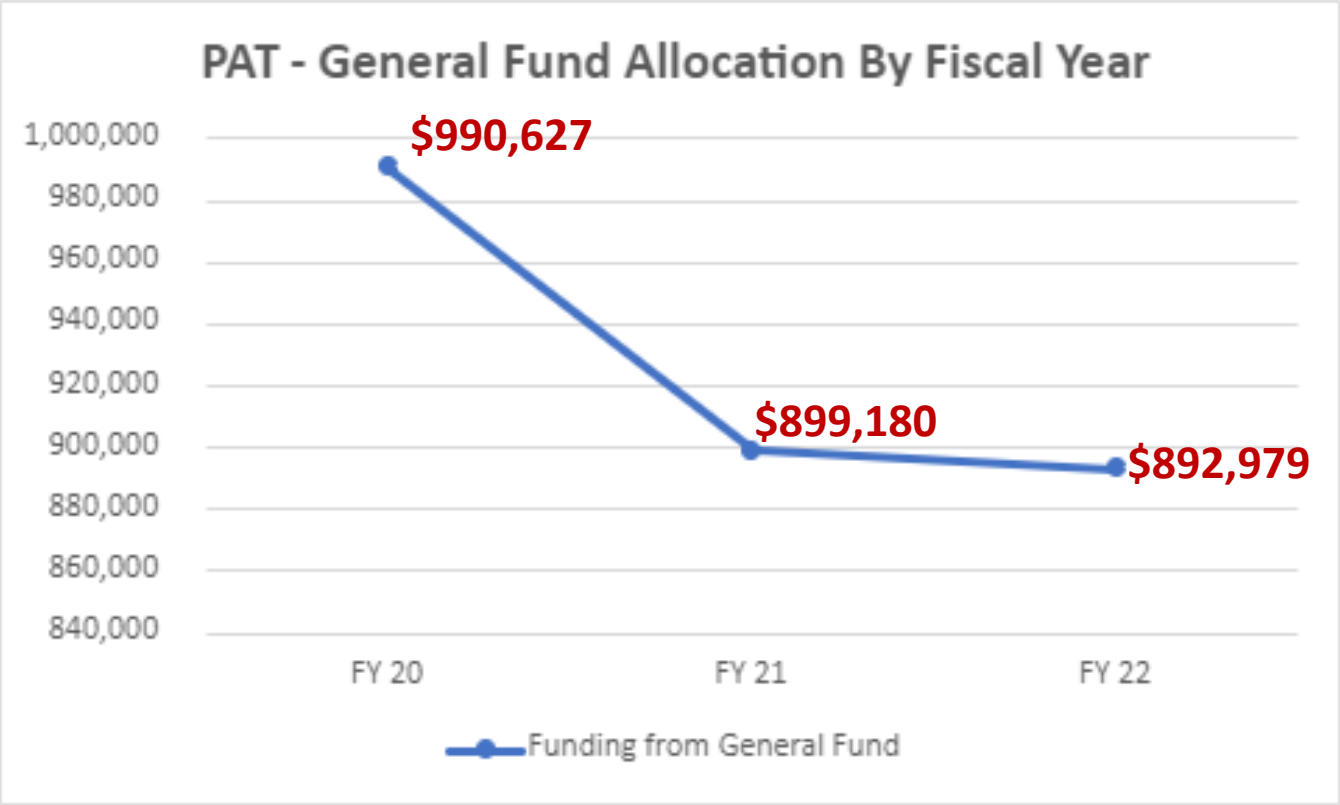


Percentage of Contributions



Total Proposed FY 22 Budget
$5,593,585

City of Petersburg – General Fund



- **Reduction over two years -$97,648 or -9.8%.**
- **PAT's strategic leverage of Federal Funds and other Revenue has allowed Transit to continue its operations, without interruption and provide salary increases to employees to reflect market rates and reduce turnover.**

Federal Grants Appropriations

FTA provides the Richmond Urban Area appropriations each year for Operating (5307) and Capital (5339) funds.

Appropriations are spilt between PAT and GRTC – based upon mutual agreement - 90% GRTC -10% PAT

PAT applies for its share of Federal Funds.

GRTC TRANSIT SYSTEM
301 East Belt Boulevard / Richmond, VA 23224 / (804) 358-3871

GRTC TRANSIT SYSTEM
301 East Belt Boulevard / Richmond, VA 23224 / (804) 358-3871

Funds are available to Transit but must be applied for – and match must be available

March 15, 2021

Michele De'Angelis
Community Planner
Federal Transit Administration, Region III
1760 Market Street, Suite 500
Philadelphia, PA 19103-4124

RE: FFY2021 Section 5307 and Section 5339 Apportionments – Richmond/Petersburg Urbanized Area

Dear Michele,

This letter sets forth the total portion of the FFY2021 Section 5307 Formula Apportionments and Section 5339 Bus and Bus Facilities Apportionments for the Richmond/Petersburg UZA. The section 5307 and section 5339 funding identified in the Federal Register covers FFY21 from October 1, 2020 to September 30, 2021.

As identified in this Letter, the Designated Recipient(s) authorize the reassignment/reallocation of FFY2021 SECTION 5307 to the Direct Recipient(s) named herein. The undersigned agree to the amounts allocated/reassigned to each Direct Recipient. Each Direct Recipient is responsible for its application to the Federal Transit Administration to receive such funds and assumes the responsibilities associated with any award for these funds.

Section 5307:

The percentage split of the Section 5307 formula funds between GRTC and PAT will be 90% GRTC and 10% PAT.

Direct Recipient	FY2021 Section 5307 Allocated
GRTC	11,982,442
PAT	1,331,382
Total UZA	13,313,824

Operating Funds or 5307 PAT Allocation
10% of total Urban Area or $1.3 Million

Section 5339:

The percentage split of the Section 5339 Bus and Bus Facilities Apportionment Funds between GRTC and PAT will be 90% GRTC and 10% PAT.

Direct Recipient	FY2021 Section 5339 Allocated
GRTC	1,368,445
PAT	152,049
Total UZA	1,520,494

5339 funds Capital Projects $153K – (Federal Funding 28%) Total Project $543,032 funding

10% of total Urban area for Capital funds

Respectfully,

Julie E. Timm
Chief Executive Officer, GRTC

City of Petersburg
By: 3-22-2021
Kenneth Miller
City Manager

Petersburg Area Transit
3-22-2021
Charles Koonce, Jr
General Manager

Federal Funding Reimbursements

Operating Salaries, Fringes, & Expenses (Drivers, Administrative Staff) FTA Reimburses 50%.	
Preventative Maintenance Salaries, Fringes and Expenses FTA Reimburses 80%.	
Para-Transit Salaries & Fringes FTA Reimburses 80%.	

Federal Grants – Open Grants

- **Six(6) Open Federal Grants**
  - PAT closed 4 Federal Grants since 2018 & 5 State Grants
  - PAT will close 1 grant this Fiscal Year

- **One (1) Open State Grant – Funds for this grant were delayed due to COVID-19 Pandemic**
  - A new application for State Funds was submitted February 2021 and will be awarded in July 2021.

Federal Funding CARES

- PAT allocated CARES funding from the FTA – These funds are separate from the City of Petersburg
- Supports Capital and Operating expenses at 100%
- Petersburg Area Transit awarded **$3,581,786**
  - PAT expended $300,000 in FY 20.
  - Projected expenditures of $2,293,082 in FY 21
  - Projected expenditures of $1,288,704 in FY 22



Federal Funding CRRSAA

- **Coronavirus Response and Relief Supplemental Appropriation Act of 2021 (CRRSAA).**
- **PAT was appropriated $366,144. These funds are to be used as operating dollars at 100% with no match requirement**





Capital Budget

FY 21 & FY 22 Capital Projects

Capital Projects Funding Levels

- 68% State, 28% Federal, 4% Local

FY 21 Capital Projects

- 3 Medium Heavy-Duty Buses - $395,877
- Surveillance Cameras (309 Maintenance Shop)- $10,000
- Shop Equipment – $50,000
- Bus Stop Signs – $33,200
- Benches – $17,000

FY 22 Capital Projects

- 3 Medium Heavy-Duty Buses $395,877
- Renovation of Administrative Facility -$100,000
- Computer Hardware. $30,000

Capital Expenditure Cost Breakdown

FTA- 28%	DRPT-State- 68%	Local-4%
$35,828	$87,011	$5,118



One Bus Total Cost $127,957

Bus Replacements

- ❑ FY 2019, PAT replaced three (3) buses.
- ❑FY 2020, PAT replaced six (6) buses.
- ❑FY 2021, PAT has procured three (3) buses. - *to be delivered in FY 2022.*
- ❑FY 2022, PAT is applying for three (3) buses.

* *In 2018, PAT had one of the oldest fleets in the Commonwealth of Virginia.*



Current Procurements

- ❑ **RFP For Security Services to address growing needs**
- ❑ **Automatic Passenger Counters**
- ❑ **Three (3) medium heavy-duty buses**
- ❑ **Passenger Amenities**
  - **Signs**
  - **Benches**
  - **Bus Shelters**
- ❑ **Shop Equipment**



Going Forward

- Additional Connections to Virginia Beach, Suffolk, New Port News, Hampton Roads via Williamsburg Area Transit Emporia Greensville
- Data driven routes and stops through advanced technology
- Connections with additional long-distance carriers
- Provide the Richmond Express independent of GRTC – a $200,000 savings
- Continued Fiscal Stability





QUESTIONS

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: India Adams-Jacobs

RE: **ERP Update**

PURPOSE: To provide the City Council with an update on the status of the ERP project.

REASON: Periodically, staff will provide the City Council with a status update on this citywide project.

RECOMMENDATION: N/A

BACKGROUND: City Council provided direction to staff to proceed with acquiring a new ERP system. This is an estimated 3-4 year project, and we are currently in the early stages of moving with an RFI in Q2 2021 and then a formal RFP process to conclude in Q3/Q4 2021.

COST TO CITY: TBD

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: This will require future migration from our current BAI ERP system.

ATTACHMENTS:

1. ERP Project Status Update



ERP

ENTERPRISE RESOURCE PLANNING SYSTEM

City of Petersburg
VIRGINIA

WHAT IS AN ENTERPRISE RESOURCE PLANNING SYSTEM?

- **Enterprise resource planning** (**ERP**) refers to a type of software that organizations use to manage day-to-day business activities such as accounting, procurement, human resources, risk **management** and asset management.



IMPLEMENTATION TIMELINE

2021

PHASE I - PLANNING

Define Procurement Process

Issue RFI & RFP

Determine Funding Mechanism

Select Vendor

Contract Negotiation

Data Cleansing

2022

PHASE II- PRE IMPLEMENTATION

Customization

Training

Data Conversion

PHASE III

IMPLEMENTATION

Financial Management

Budget

2023

PHASE IV

IMPLEMENTATION

Human Resources

Payroll

Taxes

2024

PHASE V

IMPLEMENTATION

Utility Billing

Remaining Modules

UPDATE- APRIL 6TH

- Staff has met to define the procurement process
  - RFI issued on March 29th
- Next steps
  - Deadlines for responses April 26
- Staff has met to discuss funding opportunities



POTENTIAL FUNDING SOURCE(S)

Funding Mechanisms	Pros	Cons
1) Fund Balance	• Funds currently exist	• Negative appearance to credit agencies
2) Debt issuance	• Pay overtime • Does not impact fund balance	• Reduces borrowing capacity • Economic uncertainty (COVID-19) • Interest payments
3) Operating budget	• Pay as you Go • No Debt or Interest	• Revenue Uncertainty • Reduction will be required in other areas



ERP

ENTERPRISE RESOURCE PLANNING SYSTEM

City of Petersburg
VIRGINIA

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Tami Yerby

RE: **Update: Special Events, Recreation and Volunteerism**

PURPOSE:

REASON:

RECOMMENDATION: For information only

BACKGROUND: N/A

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 4/6/2021

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

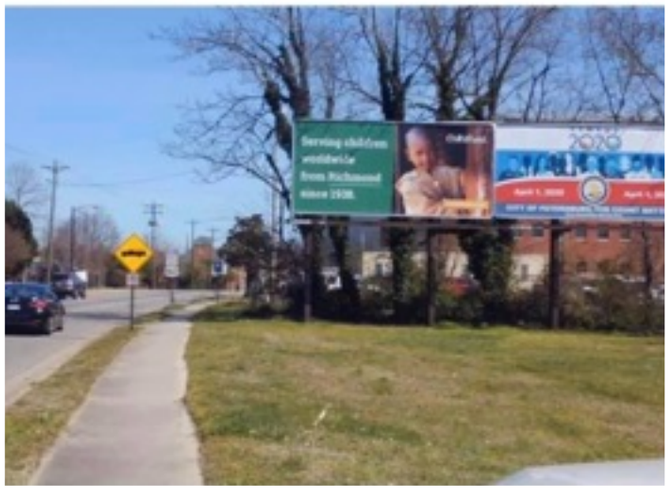
RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. UpdateRecreationSpecialEventsVolunteerism









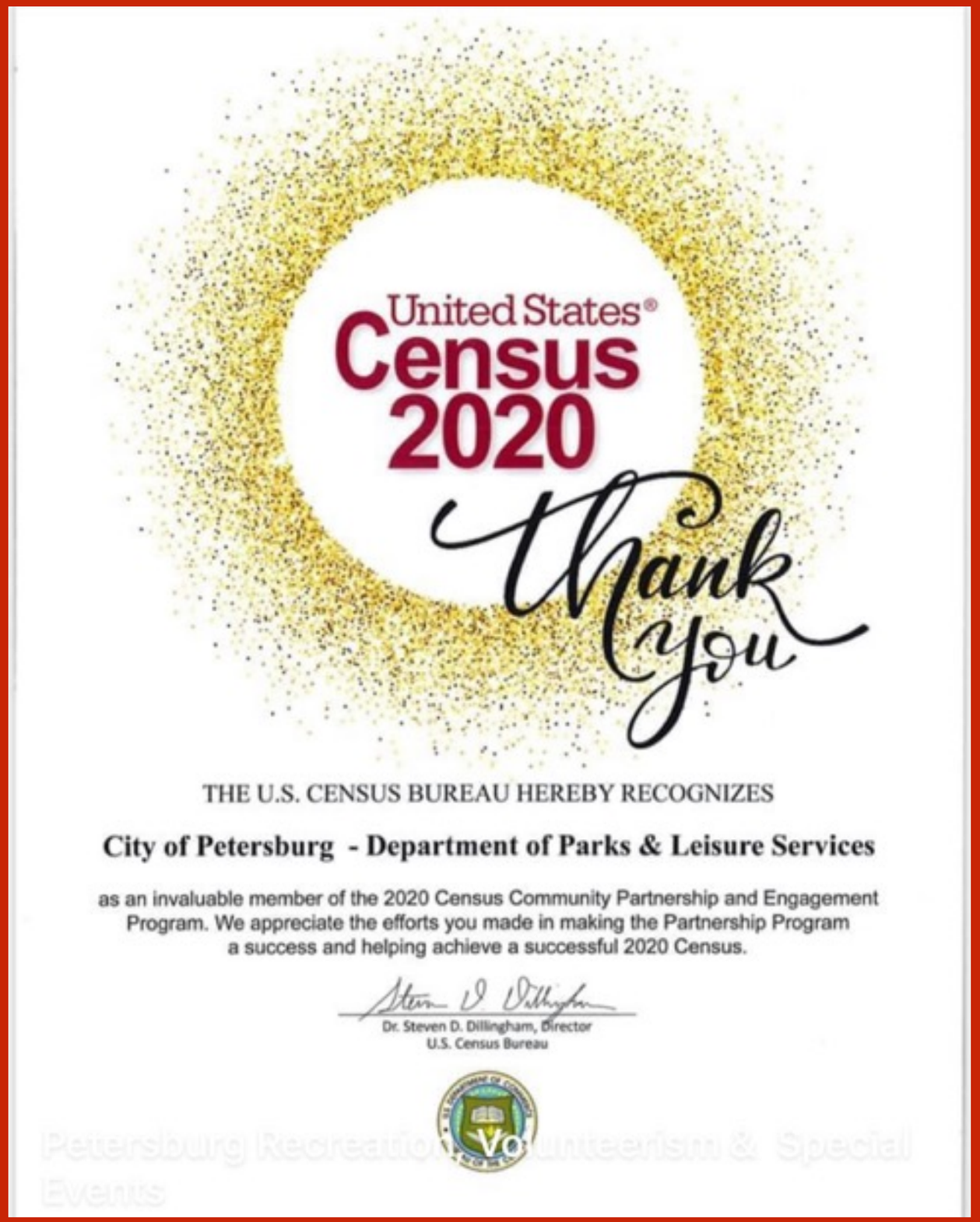


City of Petersburg

Recreation, Special Events & Volunteerism

UPDATE

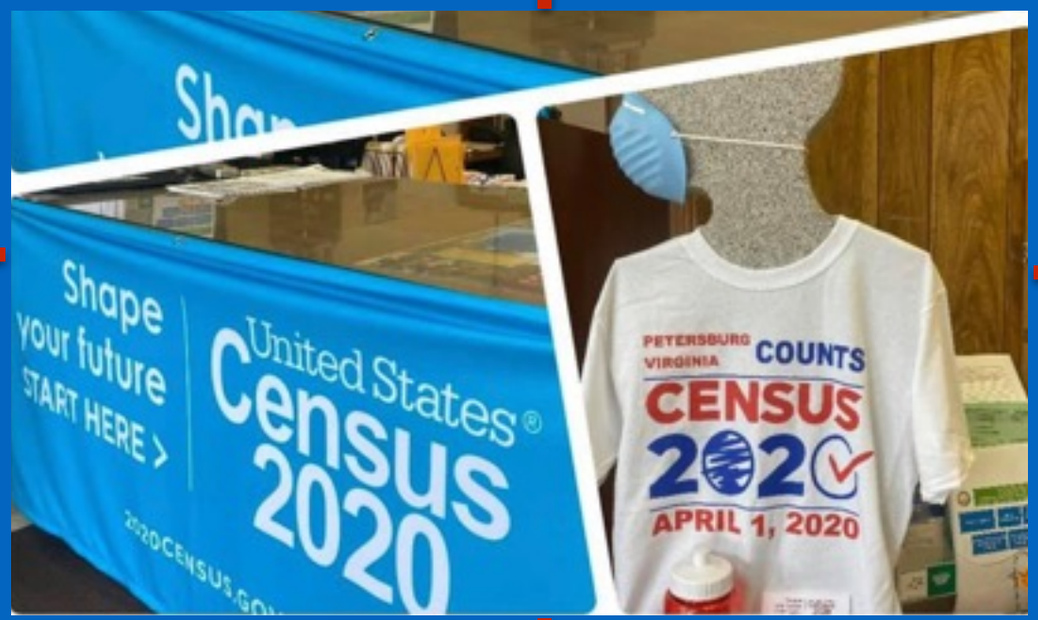
2020 Census Results will released April 1, 2021



City of Petersburg - Census Outreach

-Local Community Count Team
-Honorary Community Count Team
-Youth Community Count Team

Outreach
Faith-based
Organizations
Civic/Social Clubs
Census Training
Session for students
VSU Outreach
Partnered with Census Team
to develop a plan to
reach residents living in local
apts.



T-shirts
Banners
Billboards
Water Bottles
Drawstrings Bags
Flyers
Posters
Float in the City Christmas
Parade

Day Parties were planned
Social Services
Library
Schools
Southside Regional - Bon Secours Hospital











The Commonwealth of Virginia had an overall response rate of 99.9% as of October 6, 2020

Kendall Langford
Retired NFL
Petersburg Native
Petersburg High School Grad
Former
Petersburg Parks & Rec Employee

Video Message
Shelter in Place
and complete your
2020 Census



Feed the Need with a Twist of Produce

1,600 Bags of Produce

City Partnership with River Street Market & PHOPS













PETERSBURG HOPs
RIVER STREET MARKET PETERSBURG
POP! Market

FEED THE NEED PROGRAM – Claiborne Square

PLEASE ENJOY THESE LOCALLY MADE FOODS
& LOCALLY GROWN PRODUCE!!

Brought to you by City of Petersburg, River Street Market,
POP! Market & Petersburg HOPs

Here's what you will find in your bag!

Ochoa Farm Warsaw, VA
All Good Things Farm Dinwiddie, VA
MIXED COOKING GREENS
(collards, mustard, kale)
MIXED LETTUCE/SPINACH
(spring mix, arugula, tatsoi)

4P Foods Charlottesville, VA
SWEET POTATOES

Citrus Unlimited Vero Beach, FL
TANGO MANDARIN ORANGES

Buffa's Italian Bakery Petersburg, VA
COUNTRY WHEAT BREAD

Lingerfelt Farms Dewitt, VA
Westover Farm Dinwiddie, VA
Fox's Garden Dinwiddie, VA
LOCAL EGGS

Legacy Roasting Co. Hopewell, VA
LOCALLY ROASTED COFFEE

Turkey Creek Bakery Moseley, VA
CINNAMON WHOLE WHEAT SCONES

Fluffy Buns Bakery Petersburg, VA
SHAMROCK COOKIE



City of Petersburg in Partnership with River Street Market - Feed the Need with Mobile Fresh Produce for Senior Residents

Date	Time	Site	# of Produce Bags	Distribution
January 13, 2021	12noon	Gillhaven, 500 Farmer Street	**100**	Deliver to Lobby and Facility Staff will deliver door to door
January 20, 2021	12noon	Washington Columns	**100**	Deliver to front office lobby and residents will pick up in lobby
January 27, 2021	12noon	Sycamore Towers, 128 S. Sycamore Street	**100**	Deliver to front office lobby and residents will pick up in lobby
		TOTAL	**300**	
February 3, 2021	12noon	Recreation Seniors, 1937 Johnson Road	**100**	Deliver to Recreation Office and Rec staff will deliver door to door
February 10, 2021	12noon	Sheriff Triad Seniors, 100 BallPark Road,	**100**	Deliver to the Sports Complex at 11AM and volunteers will distribute via drive thru.
February 18, 2021	9:30AM	The Hope Center, 827 Commerce Street	**115**	Deliver to the Hope Center and held off to Hope Center Staff
February 24, 2021	12noon	Cavalier Farm, 50 Cavalier Drive	**85**	Deliver to the lobby and River St. Market will disburse to Residents
		TOTAL	**400**	
March 3, 2021	12noon	Fillmore Place, 36 W. Fillmore Street	**75**	Deliver to the lobby and River St. Market will disburse to Residents
March 10, 2021	12noon	Sheriff Triad Seniors, 100 BallPark Road,	**125**	Deliver to the Sports Complex at 11AM and volunteers will distribute via drive thru.

March 17, 2021	12noon	Claiborne Square, 518 Halifax Street	**100**	Deliver to front office lobby and residents will pick up in lobby
March 24, 2021	12noon	Cavalier Farm, 50 Cavalier Drive	**100**	Deliver to front office lobby and residents will pick up in lobby
March 31, 2021	12noon	Washington Columns	**100**	Deliver to front office lobby and residents will pick up in lobby
		TOTAL	**500**	
April 7, 2020	12noon	Gillhaven, 500 Farmer Street	**100**	Deliver to Lobby and Facility Staff will deliver door to door
April 14, 2021	12noon	Sheriff Triad Seniors, 100 Ball Park Road	**100**	Deliver to the Sports Complex at 11AM and volunteers will distribute via drive thru.
April 20, 2021	12noon	Sycamore Towers	**100**	Deliver to front office lobby and residents will pick up in lobby
April 28, 2021	12noon	Recreation Seniors	**100**	Deliver to Recreation Office and Rec staff will deliver door to door
		TOTAL	**400**	
		GRAND TOTAL	**1600**	

Special Events

Vaccine Event at Petersburg High Schools
Volunteers played vital role





Volunteers reported to the site 7:00AM-7:30M

Crater Health District Staff conducted Orientation

Volunteers served in the following areas

Registration, Greeters, Director Foot Traffic, Holding Station, Scheduled 2nd Vaccine Appt.





Vaccine Event at Petersburg High Schools
Volunteers/Community Partner - Hilaal Temple No. 229





Feed the Need
Volunteers played a vital role - Greek Organizations



RECREATION

Outreach to Recreation Program Seniors during the Pandemic

Wellness Calls

Food from the Food Bank

Status of Vaccines

HBCU Initiative to distribute Hand Sanitizer during the Pandemic to communities surrounding the HBCU

VSU partnered with the City of Petersburg to ensure our most vulnerable Senior Population receive hand sanitizer.

Members of

Omega Psi Phi Fraternity Inc. Nu Psi Chapter









City of Petersburg Youth Summit

100 Students
Grades 8-12

Coping with Covid-19 as a teen

Virtual College Tour

Why I like my trade

Youth Employment Information

My Civic Duty

Black History in my city

City of Petersburg

Ambassadors Program



Collegiate | Eco-Friendly | General | Seasoned | High School

Office of Volunteerism and Community Affairs

Join our TEAM!

Coming soon….

City of Petersburg

2021 Summer Recreation Program
2021 Summer Youth Employment Program
2021 Senior Summer Program

2021 Student Development Academy - Coming Soon



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager
Lionel Lyons, Deputy City Manager of Development and Operations

FROM: Reginald Tabor

RE: **Presentation regarding the development project at 712-714 High Street.**

PURPOSE: To provide information regarding the development at 712-714 High Street.

REASON: To provide information regarding the planned redevelopment and new construction at 712-714 High Street.

RECOMMENDATION:

BACKGROUND: The City Council approved 12-Ord-24 on April 3, 2012 overturning the Architectural Review Board's decision and granting the appeal to approve the Certificate of Appropriateness to construct an in-fill, multi-family housing unit of twelve (12) one-bedroom apartments on a vacant lot addressed as 712 High Street.

The property addressed as 712 High Street includes the existing structure and vacant lot. The property addressed as 714 High Street includes the parking area at the corner of High Street and University Boulevard. Both parcels are zoned B-2, General Commercial District.

The current owner of the property at 712-714 High Street, Southside Community Development and Housing Corporation, is planning to continue development of the property and will give a presentation and provide additional information.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Tax revenue from the improved property.

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

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

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: 12-Ord-24

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0406_2021AerialPhotos712-714HighStreet
2. 0319_2021PropertyRecord712HighStreet
3. 0319_2021PropertyRecord714HighStreet
4. 0125_2012OrdinanceCOAApproval712_714HighStreet
5. 2012Report712_714HighStreetDevelopment
6. 2021PresentationSouthsideCDC712_714HighStreet

712-714 High Street



712-714 High Street



Petersburg, Virginia

Parcel: 023020005

Summary

Owner Name	SCDHC-HIGH STREET LLC
Owner Mailing Address	1624 HULL ST RICHMOND , VA 23224
Property Use	400
State Class:	
Zoning:	B-2
Property Address	712 HIGH ST PETERSBURG , VA
Legal Acreage:	
Legal Description:	LT 2 BK A P W SMITH PROP PLAT (1939)
Subdivision:	Smith Trac
Assessment Neighborhood Name:	Smith Trac
Local Historic District:	Old Towne

National Historic District:	Old Towne
Enterprise Zone:	Yes
Opportunity Zone:	
VA Senate District:	16
Va House District:	63
Congressional Disrict:	4
City Ward:	1
Polling Place:	Tabernacle Baptist Church
Primary Service Area:	
Census Tract:	8103
Elementary School:	Pleasants Lane
Middle School:	Vernon Johns Middle School
High School:	Petersburg High School

Improvements

Finished (Above Grade):	
Basement:	
Attached Garage:	0
Detached Garage:	
Enclosed Porch:	
Open Porch:	
Deck/Patio:	

Shed:	
Total Rooms:	
Bedrooms:	
Full Baths:	0
Half Baths:	0
Foundation:	
Central A/C:	

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	8/14/2020	$760,000	2020-1970

Assessments

Valuation as of	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019	January 1, 2020
Effective for Billing:	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019	July 1, 2020
Reason	Land Book	Land Book	Land Book	Land Book	Land Book
Land Value	$24,000	$24,000	$24,000	$24,000	$24,000
Improvement Value	$	$	$	$	$
Total Value	$24,000	$24,000	$24,000	$24,000	$24,000

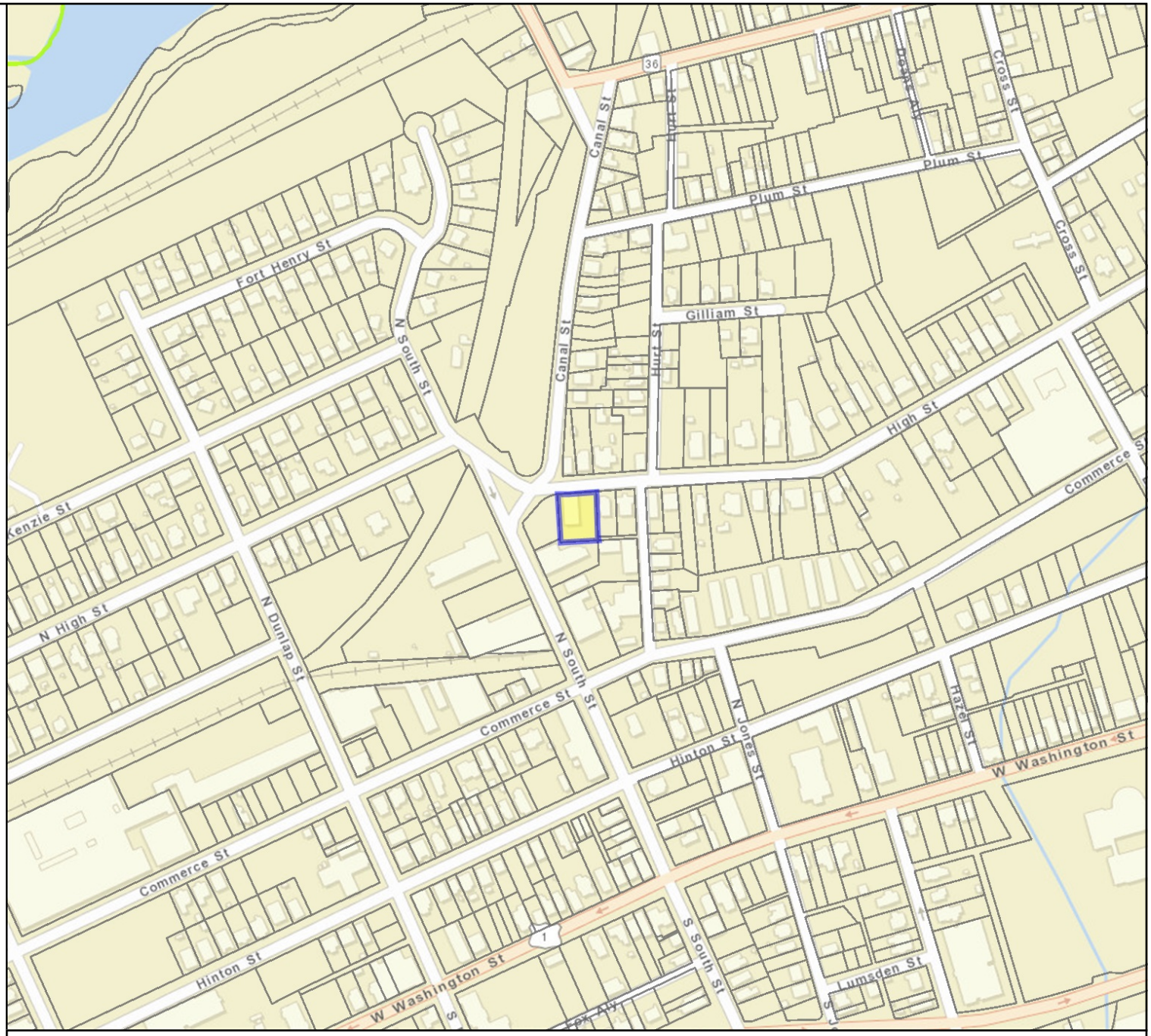
Property Tax (Coming Soon)

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warrangiesof merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes allrisk for the inaccuracy thereof, as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by anythird party.

Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Feet

0 100 200 300 400

1:4,514 / 1"=376 Feet

Parcel #: 023020005 **Date: 3/19/2021**

DISCLAIMER:This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records,information, and data obtained from various sources, and City of Petersburg is not responsible for its accuracy or how current it may be.

Petersburg, Virginia

Parcel: 023020004

Summary

Owner Name	SCDHC-HIGH STREET LLC
Owner Mailing Address	1624 HULL ST RICHMOND , VA 23224
Property Use	305
State Class:	3
Zoning:	B-2
Property Address	714 HIGH ST PETERSBURG , VA
Legal Acreage:	.683
Legal Description:	P W SMITH PROP PLAT(1939) LT 1 BK A
Subdivision:	Smith Trac
Assessment Neighborhood Name:	Smith Trac
Local Historic District:	Old Towne

National Historic District:	Old Towne
Enterprise Zone:	Yes
Opportunity Zone:	
VA Senate District:	16
Va House District:	63
Congressional Disrict:	4
City Ward:	5
Polling Place:	Tabernacle Baptist Church
Primary Service Area:	
Census Tract:	8103
Elementary School:	Pleasants Lane
Middle School:	Vernon Johns Middle School
High School:	Petersburg High School

Improvements

Finished (Above Grade):	6,521
Basement:	
Attached Garage:	0
Detached Garage:	
Enclosed Porch:	
Open Porch:	
Deck/Patio:	

Shed:	
Total Rooms:	8
Bedrooms:	8
Full Baths:	6
Half Baths:	0
Foundation:	
Central A/C:	

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	8/14/2020	$760,000	2020-1970

Assessments

Valuation as of	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019	January 1, 2020
Effective for Billing:	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019	July 1, 2020
Reason	Land Book	Land Book	Land Book	Land Book	Land Book
Land Value	$493,400	$49,200	$49,200	$49,200	$49,200
Improvement Value	$49,200	$493,400	$493,400	$493,400	$625,800
Total Value	$542,600	$542,600	$542,600	$542,600	$675,000

Property Tax (Coming Soon)

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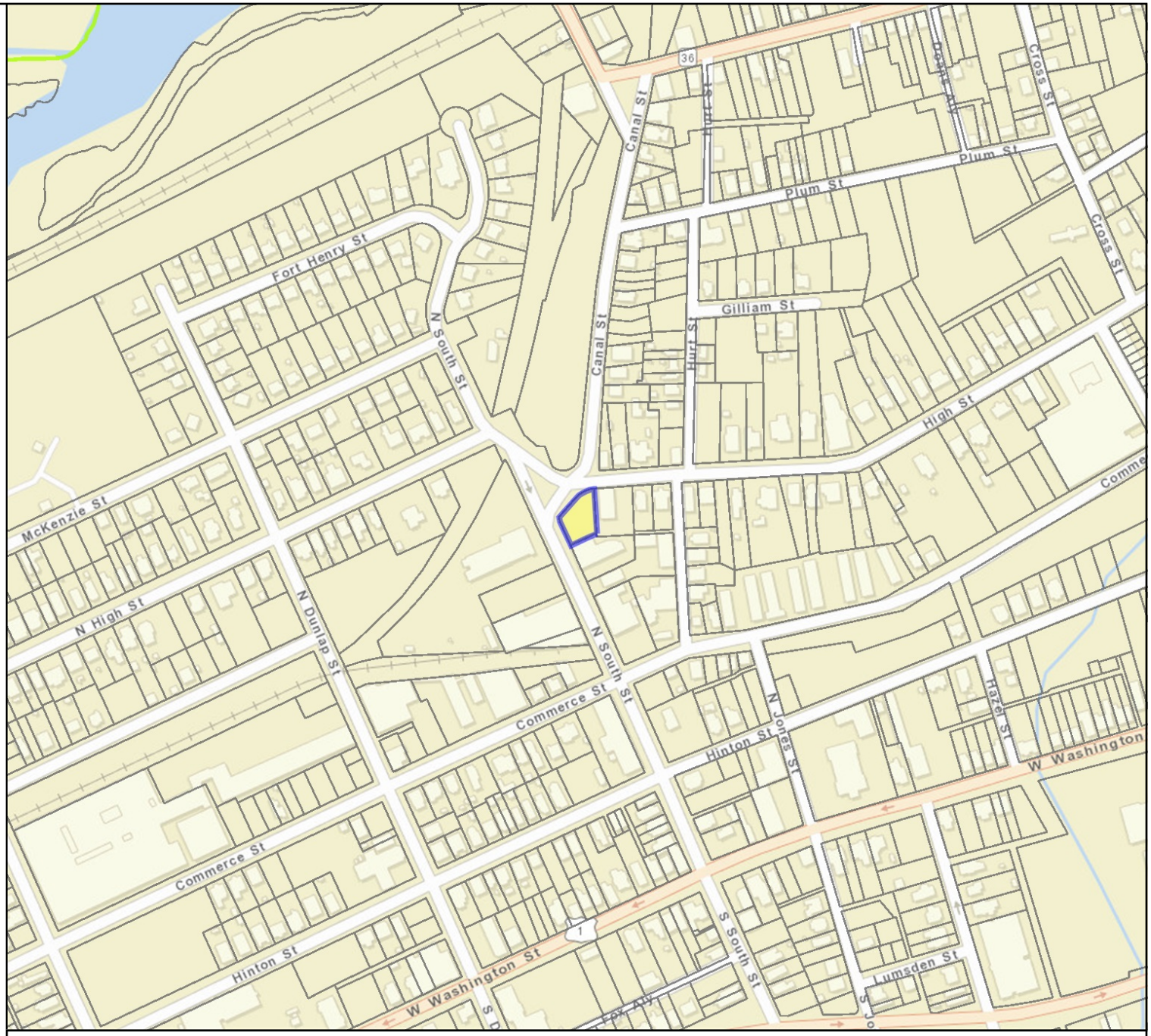
Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Feet

0 100 200 300 400

1:4,514 / 1"=376 Feet

Parcel #: 023020004 **Date: 3/19/2021**

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12-Ord-24
Adopted: 04/03/12

AN ORDINANCE OVERTURNING THE ARCHITECTURAL REVIEW BOARD'S DECISION AND GRANTING THE APPEAL TO APPROVE THE CERTIFICATE OF APPROPRIATENESS FOR PROPERTY LOCATED AT 712 HIGH STREET.

WHEREAS, on January 25, 2012, the Petersburg Architectural Review Board ("ARB") denied a Certificate of Appropriateness ("COA"), for the construction of an in-fill, multi-family housing unit containing twelve (12) one-bedroom units on a vacant lot addressed as 712 High Street, further identified as Tax Parcel 023-02-0004, adjacent to a previously approved mixed-use, multi-family building rehabilitation, in the Old Towne Historic District; and

WHEREAS, Gerald Burr, representing Canterbury High Street, LLC, has submitted a request for consideration of an appeal of the ARB's decision; and

WHEREAS, on April 3, 2012, in a vote of 5-2, City Council voted to reverse the ARB's decision and approve the application for a COA.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Petersburg, that Council hereby reverses the decision of the Petersburg Architectural Review Board to deny a certificate of appropriateness, and hereby approves the Certificate of Appropriateness to construct an in-fill, multi-family housing unit of twelve (12) one-bedroom apartments on a vacant lot addressed as 712 High Street.

Ordinance 12-Ord-34
adopted by the City of Petersburg Council
of the City of Petersburg on:
4/3/2012

Clerk of City Council

Mayor

MEMORANDUM

DATE: 21 March, 2012

TO: William E. Johnson, III, City Manager

FROM: James Edward Sved, Preservation Planner

CC: Sharon Williams, Director of Planning & Community Development

RE: 712 High Street ARB Review Summary

:: :: :: :: :: :: :: :: :: :: :: ::

The proposed project at 712 High Street, a PUD project with two parts: a building renovation to multi-family residential; and a complementary in-fill new construction, immediately adjacent. The proposed project in in the Old Towne Historic District has been submitted to the City Council for appeal of the decision of the Architectural Review Board.

While facing High Street, the proposed project is on the transitional end-cap block. Unlike the rest of the residential street, this parcel is zoned commercial R-2, and has been so at least since 1974. High street is an eclectic mix of grand, single-family homes, 18th and 19th Century residences, 20th Century infill residences, factories converted into multi-family lofts, churches, and historic row houses. The rest of the commercially-zoned section of High Street is empty lot, commercial urban blight.

The proposed use(s) fall within the guidelines of the City of Petersburg Zoning Ordinance.

The proposed project(s) comply with the *Secretary of the Interior's Standards for Rehabilitation of Historic Structures* and the *Petersburg Historic District Design Guidelines*.

Herein is a summary of the activity pertaining to this project(s). It is lengthy transcription, but it offers a fair and unbiased look at the ARB deliberations concerning this request for a COA:

TIMELINE

8/10/2011 - The Developer appeared before the ARB for the renovation of the existing structure at 714 High Street, for re-use as a commercial/residential facility. The ARB approved this proposal and granted COA #2011-08/10-5B (attached).

The project was approved, unanimously, and with no conditions.

9/14/2011 - The Developer again appeared the ARB. This was a request for a certificate of appropriateness to construct a new, multi-family structure complementary to the renovation above. The new structure was proposed to sit in the vacant lot between the renovation and the aforementioned single-family residence at 710 High Street. Parking for both buildings would be on the curved site cornering N South Street and High Street. At that meeting, the ARB voted to deny the requested COA.

The minutes of that meeting were recorded and accepted as follows (verbatim, as recorded by acting Secretary, Joseph Hatch):

Chairman White says he reviewed the submitted plans and has a problem with the new structure being residential in use, but designed to look like the building next door which has a commercial look.
Architect, Walter Parks, states that the intent has not been to have a commercial design.
Mr. Ballenger asks about the fourth floor, and its context with the house next door?
Ray Varney, owner of adjacent property, states that this will be my neighbor. It seems out of context with its height and materials.
Mr. Parks says that what appears to be a fourth floor is not another floor. It is space included in for [sic.] apartments on the third floor. It gives them added loft area. The exterior material is typical of many buildings with equipment on the roof enclosed in metal skin.
Willie Graham states that in-fill should be same quality as the existing. The proposed building lacks craftsmanship and the materials are inappropriate.
Chairman White says that most buildings in the district are entered from the front as opposed to the side. Also the wall façade is large, and without windows it appears not to be appropriate.
Mr. Gattuso says that the east wall is shown on the plans as brick, but the larger drawings show it as hardi plank.
Chairman White adds that most people in this room would not want an exterior with 3 or more different materials.
Mr. Ballinger questions the absence of windows on the east side because there would be a good view from the third floor.
Mr. Parks adds that it appears that the east and west labels are incorrect.

Chairman White says that it appears that many Board concerns have been stated, and asks the Board to conclude discussion. Mr. Ballenger makes a motion to deny approval. This motion is seconded by Mr. Gattuso, and by a unanimous vote ARB members move to deny approval of plans to construct a new building at 712 High Street as submitted by Gerald Burr, per plans by Walter Parks.

10/26/2011 - The developer returned to the ARB, addressing some of the comments made by the ARB members at the previous meeting, and again requesting approval for the in-fill new construction project. At that meeting, the ARB again voted to deny the requested COA.

The minutes of that meeting were recorded and accepted as follows (verbatim, as recorded by acting Secretary, Leonard Muse):

Gerald Burr Kelvin Hanson present to discuss.

White asked for additional comments.
Burr no.
White noted not seeing significant changesand architectural (illegible)

Hanson: New construction has to be different from existing and not give an indication of being a historic bldg.. Proposed is consistent

Walter Parks: Several changes

- *Two materials instead of three*
- *Panel siding adjacent to house has been altered*
- *Front and rear of building given a different treatment and definition*
- *Storefront has heavier elements and DHR officials were enthusiastic about store front design/commercial character versus residential and reflects building across the street*
- *"Store" would be an active entrance*
- *Top level is proposed to remain (checked with zoning and is in compliance)*
- *Penthouse given premium spot and is pulled back from the street*
- *Lighter material between the residential to the east – feel this is within Interior Standards*
- *Added windows to the eastern façade*
- *Is consistent with the scale and massing of the adjacent structure*
- *Entrance is on west not east*

White: Visited site regarding massing – most of the neighbors are two and three story buildings and this is a massive building in comparison to neighboring structures. Building does not read as a whale.

White: Why is the building not proposed to be on west side of existing structure, as opposed to wedging building into site

Hanson: Parking is a consideration and the siting of the parking and building is to compare to downtown

White: Parking on east could buffer to residential to east.

Hanson: Along High Street, there are other tall buildings

Ward: The peak of the house to the east is right at the height of the windows of the existing building (714) – Regarding the guidelines an argument can be made to go with the commercial building and the new building to the east would provide a better dialog

[sic.] and make sense of what's there. Scale can be helped by altering the parapet wall and give better match to the existing building. The new building is proposed to be masonry along its length.

White: No problem with horizontal windows? (Question to Ward)

Ward: I like the play with the "language" that speaks in a more contemporary voice

Ballinger: Seem to be wedded to a four story building, and would have been more acceptable if moved to the west of the existing building

Pradia: If building is moved to the corner?

Hanson: Shape of the building would change and some parking spaces would be lost. The proposed siting aids parking concerns.

Discussion ended.

Comments from audience:

Willie Graham: I don't see much change in design from last time. Was historically the site of a (illegible) and eastward is mostly residential to Davis Street. Would do a lot to transition the corner if the building were located to the west and make strong arches at the corner. Besides, looking commercial+ not being commercial gives a shopping mall look in what is one of the most important historic districts in the country. Park it around the corner. (illegible) The materials are not consistent with the rest of the neighborhood. Needs to be contextual. The VDHR bar should be higher. Graham implored the Board to employ higher standards. Graham expressed concerns about the setting of the windows along the front of the building. The proposed brick is inappropriate for the district. The mezzanine is not appropriate. The front is aluminum + metal windows, dark mortar, what is contextual. The craftsmanship is not like that in the district, etc.

Ward: Appears to be a lot of contexturalization. Mirrors lines across the façade and heights of both buildings are generally identical placement on the street & storeftont looks contrxtural.

Graham: This proposal does not relate to what is on the street (High Street), but placed around the corner to the west is a better context.

Ray Varney: (Lives east of the building) Not fully opposed but would hope a new building is at least compatible with what is present. The horizontal windows are not compatible with what is present. Looks like something that should not be. There are 22 units and 32 parking spaces, much better than the previous proposal. Parking may be an issue. If there are many units with two cars, parking can be an issue. The horizontal windows on the east elevation look like the 1960s, not the 1860s. The east side just does not look right. Where will the storm sewer be tied?

Ward: Additional parking – good for you Mr. Varney. Horizontal windows not good. If fourth level were pulled back would that be better?

Varney: If the entire 4th floor were back with the vertical windows – might be better. Parking appears to be a problem.

Lawrence McLaughlin: Why can't the building be placed along fourth street?

White: Applicant stated that relocating the building will reduce parking and alter shape/design.

McLaughlin: If thiswere proposed next to you (to Board members that live on High Street), would you support?

Dale Pittman: Mr. + Mrs. Varney have done a marvelous job at their house. I am concerned about the density that may result.

(Pittman expressed that Board member Ward may have a relationship with Walter Parksand should excuse himself.

Ward made comments noting that Parks was an architect for a project of his.

Hansen: New building is all one bedroom apts, and may allay some concerns about parking.

Walter Parks: The horizontal windows can be altered; the height of the building was chosen (because); DHR is on the verge of not allowing the panels on the historic building, and the running board will be employed.

Kim Randall: Parking has been brought up several times.

W. Graham expressed concerns about parking lot character.

White: Can not vote for this as presented.

Motion to deny carried.

Ward: Could there be a working session?

White: Clear guidance was given during the previous meeting.

Ward: (illegible)

Hansen: There is Hardi Plank in the area. Why the concern for this proposal?

White: Board would be willing to hold a work session. Need to hear from the applicant how that can happen.

11/09/2011 – ARB holds a public work session with the developer and his team. No minutes were taken.

12/14/2011 – Following the work session, The Developer again applied for a COA and was placed on the December agenda. The project was tabled.

1/11/2012 – The developer again returned to the ARB, having addressing the comments made by the ARB members at the previous meeting(s) and in the work session, again requesting approval of the in-fill new construction project. This was my first meeting as Secretary of the ARB. Staff was not asked to render a professional recommendation. At that meeting, with only four ARB members in attendance, the Board voted to a deadlock, and requested that the applicant return at the following meeting, hoping for all five members to be in attendance to resolve the deadlock.

The minutes of that meeting were recorded and accepted as follows (verbatim, as recorded by Secretary, James Sved):

Mr. Parks presented finish selections noting a change in the mortar from dark to light; noted that mezzanine was brought in 1'; that all windows had been revised to a vertical orientation.

Mr. White noted brick & revisions

Mr. McLaughlin, a local resident, noted that the massing of the proposed structure was the same; that the proposed faux storefront was false and thus disappointing. Further noted that the proposed structure would receive less "flack" from the neighborhood if the building and the parking were reversed on the oversized lot.

Mr. Hansen, project property owner, noted that he tried to meet with the ARB; that there was a contradiction to the recommendations; that he believed that the proposed building was compatible with the neighborhood.

Mr. Ward made a motion to approve. Mr. Pradia seconded. Messrs Ward and Pradia Aye; Messrs White and Ballinger Nay
Motion failed

Mr. Ballinger made a motion to deny. Mr. White seconded. Messrs Ballinger and White Aye; Messrs Ward and Pradia Nay
Motion failed

Mr. White noted that he had never been in the situation of a deadlock, and asked the applicants to return in 2 weeks.

Prior to the next meeting, I had the opportunity to discuss the concerns cited by the ARB with the applicant's architect.

1/25/2012 – The developer returned again for the ARB meeting, having addressed the most recent concerns of the board. Staff was asked for a professional recommendation, and recommended the approval of this request, citing compliance with the *Secretary of the Interior's Standards for Rehabilitation of Historic Structures* and the *Petersburg Historic District Design Guidelines*. Nevertheless, the application for Certificate appropriateness was denied by a vote of 3-2.

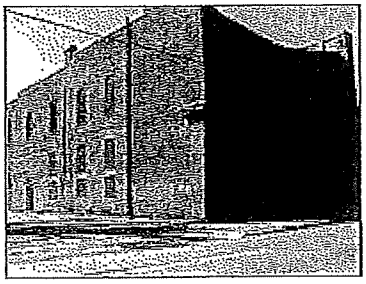
No minutes from this meeting were readily available for this report.

RECOMMENDATION

Staff maintains that this proposed project complies with *Secretary of the Interior's Standards for Rehabilitation of Historic Structures* the *Petersburg Historic District Design Guidelines*, and Article 35 of the City of Petersburg Zoning Ordinance, governing properties within the City's historic districts. As such, staff recommendation remains in favor of approval of this project, and of this request for Certificate of Appropriateness.

ARB CONCERN	CHANGE MADE
Structure has a fourth floor	Mezzanine set back from façade
Absence of Windows on east Side of building	Windows added
Did not like exterior materials And thought there were too many Materials	Modified exterior materials and reduced to 2
Siding facing house	Altered panel siding
Façade too commercial	Front/back elevations given Different treatment
"Storefront" is false entrance	"Storefront" modified to be Active entrance.
Location of building on east Side of existing; prefer west side	N/A Not ARB – Zoning issue
Mortar color too dark	Mortar color altered to light
East windows too horizontal	East windows modified to Vertical
Storefront materials too weak	Storefront materials made Heavier
Storefront looks too commercial	Storefront modified and Screening added – treating like renovation

Parcel Number:023020004



OWNER INFORMATION

Owner: CANTERBURY ENTERPRISES, LLC
Premise: 712 HIGH ST

Land Value: $ 73200
Building Value: 71100
Total: 144300

Legal: THREE PARCELS 229 X 130
Mail to Street: 204 RIVERS BEND BLVD
Mail to City: CHESTER, VA 23836

SALE INFORMATION

Last Sale Price: $ 160000
Sale Date: 5/21/2008
Sale Type: VALID
Deed Book: 2008 Page # 2236

LOT INFORMATION

Lot Front: 229
Lot Depth: 130
Lot Area: 21600
Acreage: 0.49

OTHER INFORMATION

Zoning: B-2
Ward: 4-MOORE
Historic Zone: OLDTOWN
Census Tract: 8103
Use Code: 449
Tax Status: TAXABLE

BUILDING INFORMATION

Year Built: 0
Total Rooms: 0
Bedrooms: 0
Full Baths: 0
Half Baths: 0
Gross Living Area: 6520

OTHER SPACES

Unfinished Basement: 0
Finished Basement: 0
Garage: 0 sf
Carport: 0 sf

PORCHES & DECKS

Open Porch: 0 sf
Covered Porch: 0 sf
Enclosed Porch: 0 sf
Deck: 0 sf

HVAC

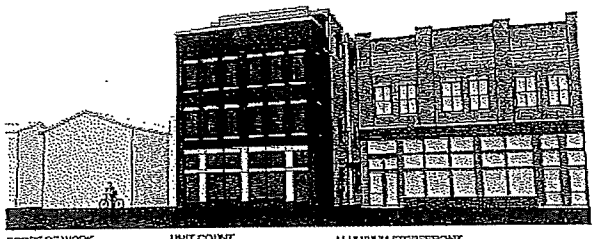
Heating: NONE
Air Conditioning: 0
Fireplaces: 0

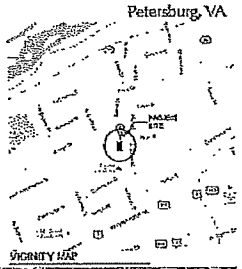
Map Location | Tax Map

Back | New Search | Print

High Street

712 High Street
Petersburg, VA





VICINITY MAP

SCOPE OF WORK

UNIT COUNT

GROSS BLDG AREA

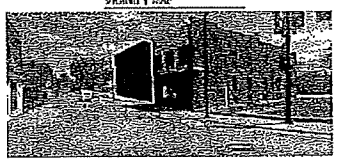
PROJECT TEAM

ALUMINUM STOREFRONT

HARDIE BOARD SIDING

BRICK

EXTERIOR LIGHT

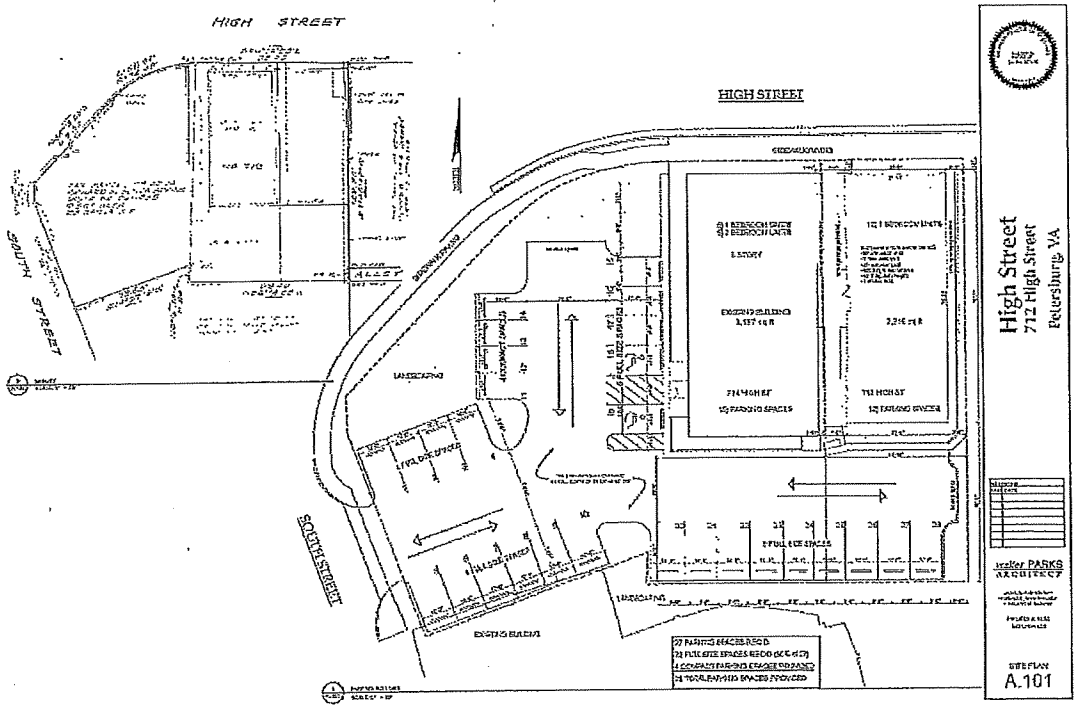




High Street
712 High Street
Petersburg, VA

walker PARKS ARCHITECT

COVER
A.0

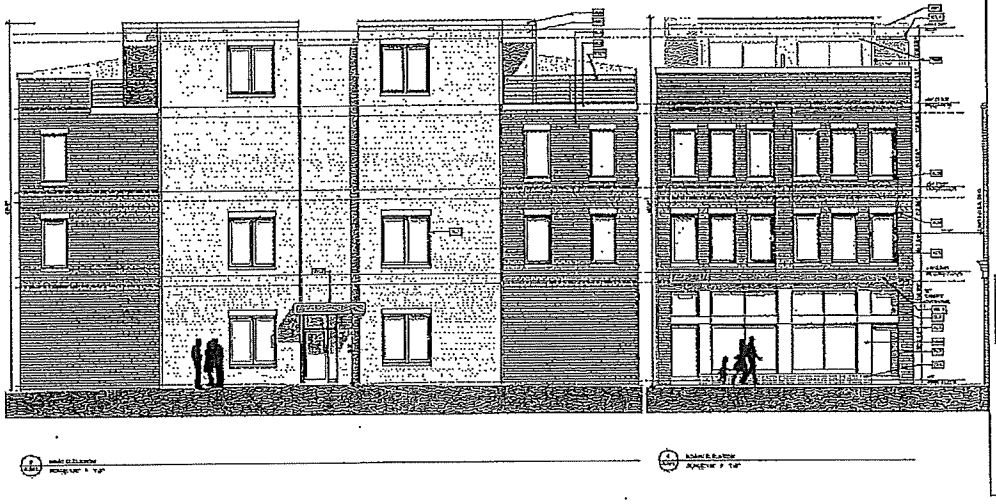


High Street
712 High Street
Petersburg, VA

walker PARKS ARCHITECT

SITE PLAN
A.101

EXTERIOR FINISHES



High Street
712 High Street
Petersburg, VA

PARKS ARCHITECT

ELEVATIONS
A.301

City of Petersburg, Virginia
Architectural Review Board
Action Sheet

Case Number: 712 High Street

Applicant: Canterbury Highstreet LLC - Gerald Burr

Date of Board Meeting: August 10, 2011

Comments:

Motion Made By: Gar Haro - motion to approve

Second By: Ward

ARB Roll Call:

Member	Aye	Nay	Abst	Member	Aye	Nay	Abst
Ballenger, Lee	✓			White, Robert (Chairman)	✓		
Gattuso, Anthony	✓						
Pradia, Mitchell	✓						
Ward, Isaac	✓						

Motion Carried:

Motion Denied:

Case Number: _____ Status: Approved _____ Denied _____

Conditions:

copy

City of Petersburg
Architectural Review Board

COA # 2011-08/10-5b

Certificate of Appropriateness

Location Address 712 High Street Tax Parcel # 023-02-0004

Owner & Address Canterbury Highstreet LLC, (Gerald Burr, Principal) 204 Rivers Bend Boulevard, Chester, VA 23836

Applicant (other than owner) & Address _____

Proposal for:
new construction _____ repair xx alteration _____ demolition _____ color xx
reconstruction _____ sign _____ site work xx relocation _____ other _____

Details:
Renovation/rehabilitation of existing structure (for reuse as commercial/residential facility). Exterior renovations/finishes as per plans/specifications submitted with application and on file with Preservation Office (i.e. 712 High Street, Walter Parks Architect, Project# 10.45, dated July 25, 2011)
Parking lot surface: Pea gravel pressed/rolled into asphalt.

The COA is not a substitute for a building permit or sign permit. Applicant is responsible for obtaining all necessary permits and complying with the building code and zoning ordinance.

Approved with Conditions _____ Approved Based on Economic Hardship _____

1. _____
2. _____
3. _____

Temporary COA _____ Expiration Date _____

This is to certify that the Architectural Review Board issues a Certificate of Appropriateness for the above proposal in accordance with Article 35 of the City's Zoning Ordinance. Plans for this proposal are on file with the Secretary of the Architectural Review Board.

August 10, 2011
Date of Issuance

Leonard G. Mace
(acting) Secretary to the ARB

Work must commence within one year of issuance at which time this COA expires.

COA 2008

(1)

City of Petersburg
Architectural Review Board

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (COA)

Address of Structure: 710 High Street

Historic District: Old Town

Owner: Canterbury Enterprises
Address: 204 Rivers Bend Blvd. Chester, VA. 23836 Phone: 804-530-2109

Firm/Person Preparing Plans: Walter Parks Architects
Address: 313 N. Adams St. Richmond, VA. 23220 Phone: 804-644-4761

Firm/Person to Perform Work: Canterbury Enterprises
Address: 204 Rivers Bend Blvd. Phone: 804-530-2109

Type of Project:

- ☒ ~~Residential~~
- ☐ Commercial

Category:

- ☐ A- Repair (In-kind)
- ☐ B- Renovation, Restoration
- ☐ C- Change in materials
- ☐ D- Approval of paint colors
- ☐ E- Fencing
- ☐ F- Signs
- ☐ G- Addition to existing building
- ☐ H- Driveway, Sidewalk, Parking Lots
- ☑ I- New Construction
- ☐ J- Demolition
- ☐ K- Other: _____

Project Description (attach additional sheets as needed):

New Construction of (12) 1 bedroom Apartments

(Please see Application Guidance for additional information.)

Please be advised that the ARB may deny or table requests that lack sufficient information for review, and if you or your representative are not present to provide additional information.

Gerald Bm Jr
Applicant's Signature

8-24-11
Date

For office use
Date received: 09/24/11
Agenda date: 09/14/11
Tax parcel: ~~023-02-0004~~ R
023-02-0004 B-2

Department of Planning & Community Development, City Hall, Room 304, 135 N. Union Street, Petersburg, VA 23803
phone: (804) 733-2308 ; fax: (804) 863-2772
email: vahauser@petersburg-va.org
http://www.petersburg-va.org/planning/preservation.htm

CITY OF PETERSBURG

FIRE DEPARTMENT - INSPECTIONS DIVISION

106 W. TABB STREET, PETERSBURG, VIRGINIA 23803
PHONE (804) 733-2409 FAX (804) 863-2780 TDD (804) 733-3008

To: Joe Hatch, Zoning Administrator
Leonard A. Muse, Director of Planning & Community Development

Date: September 7, 2011

RE: Request Flash Comments
710-712 High Street
Rehab 712 and new construction 710

While undimensioned, the separation between 710 and 712 appears to be approximately 10 feet. 712 appears to be approximately 45 feet tall, and four stories. The term mezzanine does not apply in this case. Existing 712 is two stories with no apparent partial or interstitial floors. At 22 apartments 2 ADA units, Type A will be required in the project. Both building will require sprinkler systems, with alarm and detection. No elevators are indicated or required.

The key issue appears to be the distance between the two structures; 10 foot is permissible under the code if not desirable. It will be the responsibility of the owner, RDP of record and builder/developer to ensure that both structures are constructed properly, construction type, detailing, materials, finishing, caulking, opening locations and opening protectives must be properly designed and executed, and then maintained for the life of the structures. The vertical and horizontal spacing and location of operable openings in exterior walls of the new structure to meet code will need to be carefully planned and illustrated to ensure code compliance. It may even be preferable in the long term to connect the two proposed structures (one existing and one new) with a covered breezeway, simplifying exterior construction and fire rating. Artificial lighting between the two structures will be required as will overall site lighting. Review at this time is severely limited due to the documents provided.

No data on distance from shared property lines to next structure are indicated on site plan, the same fire separation criteria apply. Location of the new structure as shown does not allow for optimal access for fire or EMS apparatus to the site or to any of the three structures in question.

As you continue, please feel free to contact me if you have any other concerns or questions.

Thank You,

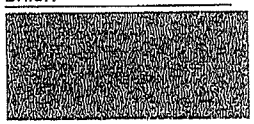
Gail McCann
Plans Review, Code Compliance Office
Petersburg Fire, Rescue and Emergency Services

Cc: J. Howard Hines, Building Official & Property Maintenance Official
file

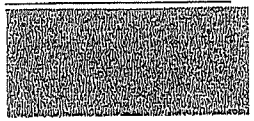
ALUMINUM STOREFRONT



BRICK



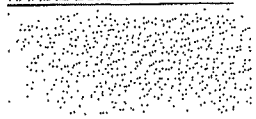
METAL SIDING



EXTERIOR LIGHT



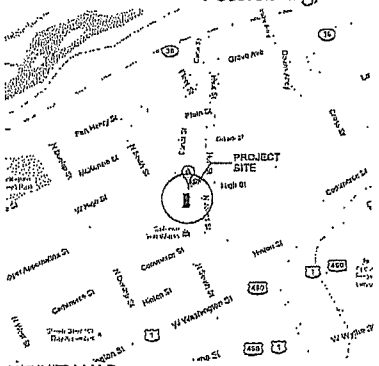
HARDIE BOARD SIDING



High Street

710 High Street

Petersburg, VA



VICINITY MAP

SCOPE OF WORK

Project Description: New wood frame construction of a residential • 3 story building with a mezzanine. The building consists of 12 apartment units.

I. Scope of Work to Include:

A. Repair
- N/A

B. Renovation, Restoration
- N/A

C. Change in Materials:
- N/A

D. Paint colors - See Exterior Finishes on Elevations
- Aluminum Storefront and Handrail: Dark Bronze Anodized
- Metal Siding: Paint - Pewter
- Hardie Board: James Hardie - Light Mist #770-10

E. Fencing — N/A

F. Signs
- Front Elevation: "710" — glass etched numbers. County Old Style, 1'-0" tall

G. Additions to existing buildings
- N/A

H. Driveway, Sidewalk, Parking Lots
- N/A

I. New Construction
- Concrete
  Pour slabs on grade and footings
- Masonry
  Veneer Walls and foundation walls
- Metals
  Install and paint handrails and guardrails
- Carpentry
  Construct 3 story and mezzanine wood structures with wood joist floor systems and roof structures.
  Install sheathing, parapets and knee walls.
- Thermal and moisture protection
  Install roofing with insulation on all roof areas, with required flashings and coping.

J. Demolition:
- N/A

K. Other Projects
- N/A

UNIT COUNT

UNIT SUMMARY

Unit No.	Unit Type	SQ FT
101	1 Bed/1 Bath	602
102	1 Bed/1 Bath	542
103-HC	1 Bed/1 Bath	543
104	1 Bed/1 Bath	504
201	1 Bed/1 Bath	501
202	1 Bed/1 Bath	548
203	1 Bed/1 Bath	548
204	1 Bed/1 Bath	501
301	1 Bed/1 Bath	867
302	1 Bed/1 Bath	917
303	1 Bed/1 Bath	868
304	1 Bed/1 Bath	867
		7,000 sq ft

GROSS BLDG AREA

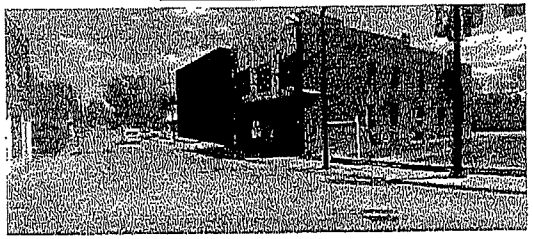
GBA

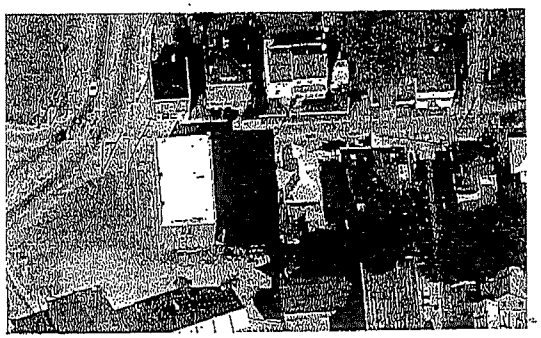
FLOOR	SQ FT
FIRST FLOOR	2,326
SECOND FLOOR	2,314
THIRD FLOOR	2,314
MEZZANINE	696
	7,640 sq ft

PROJECT TEAM

Owner:
Canterbury Enterprises
204 Rivers Bend Blvd
Chester, VA 23836
804-530-2100

Architect:
Walter Parks Architect
313 North Adams Street
Richmond, VA 23220
804-644-4767
804-644-4769 fax





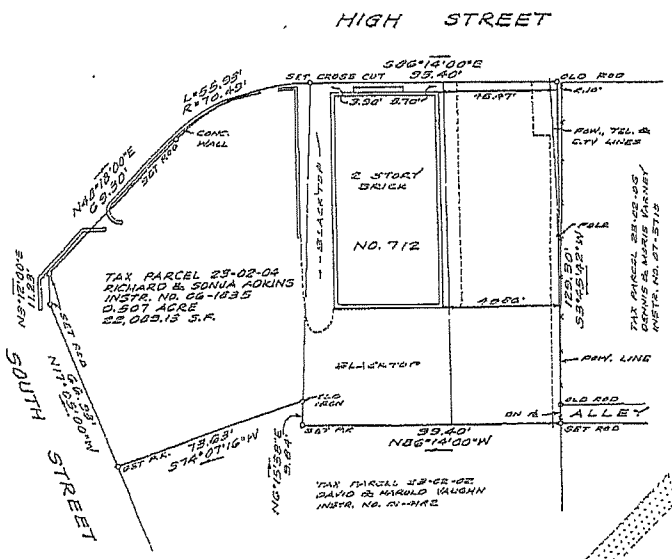
High Street
710 High Street
Petersburg, VA

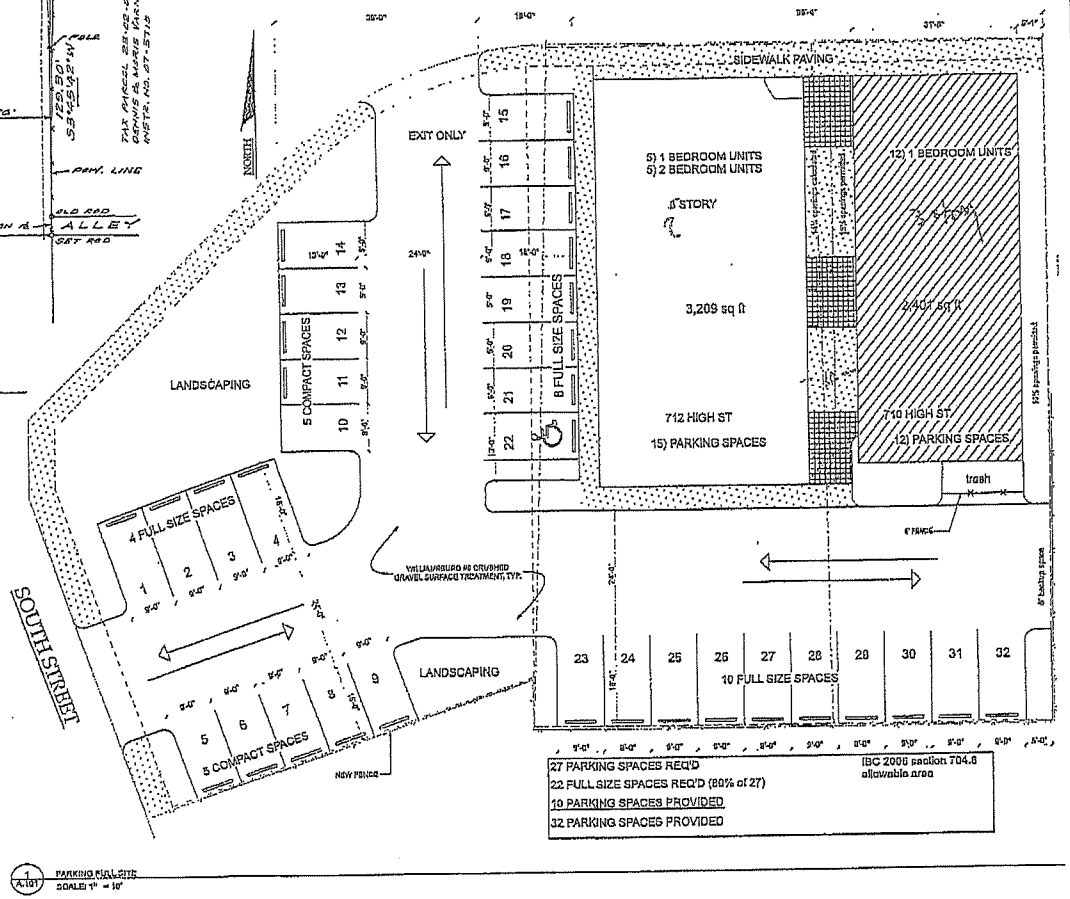
REVISIONS	
TAG	DATE

walter PARKS ARCHITECT
313 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
T 804-644-4767 / F 644-4769

PROJECT #: 1065
DATE: 6/24/11

COVER
A.0





High Street
710 High Street
Petersburg, VA

REVISIONS
TAG DATE

walter PARKS
ARCHITECT

PROJECT #: 10.56
DATE: 8/24/11

PARKING SITE
A.101

High Street

710 High Street

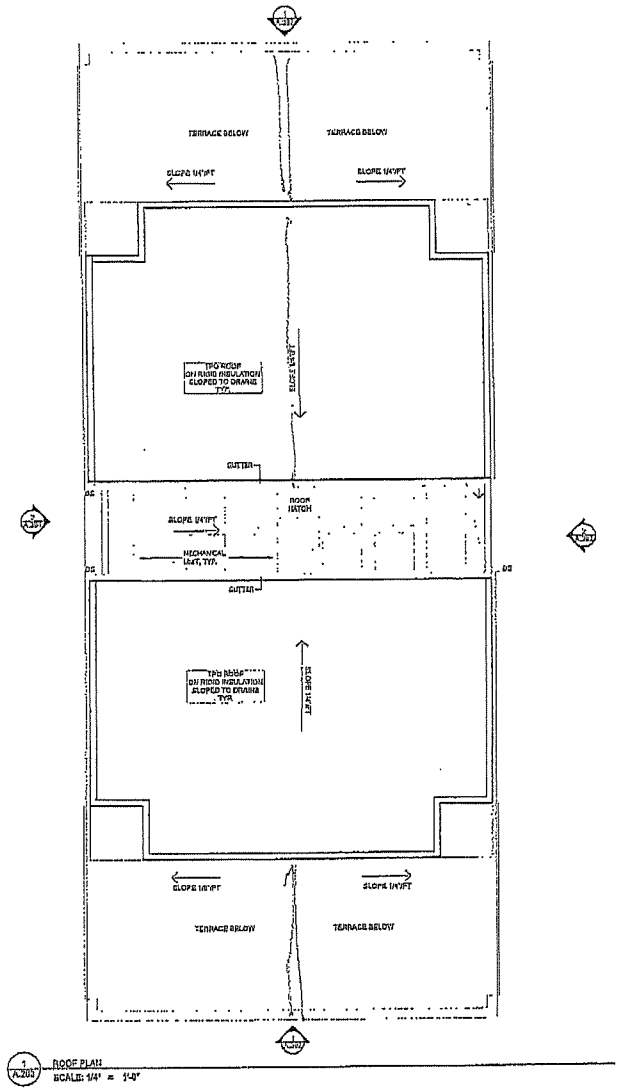
Petersburg, VA

Walter PARKS ARCHITECT

PLANS

A.201

High Street
710 High Street
Petersburg, VA
walter PARKS ARCHITECT
PROJECT #: 10-06
DATE: 4/04/11
PLANS
A.202
THIRD FLOOR
SCALE: 1/4" = 1'-0"
MEZZANINE FLOOR
SCALE: 1/4" = 1'-0"



High Street
710 High Street
Petersburg, VA

REVISIONS	
TAG	DATE

walter PARKS ARCHITECT

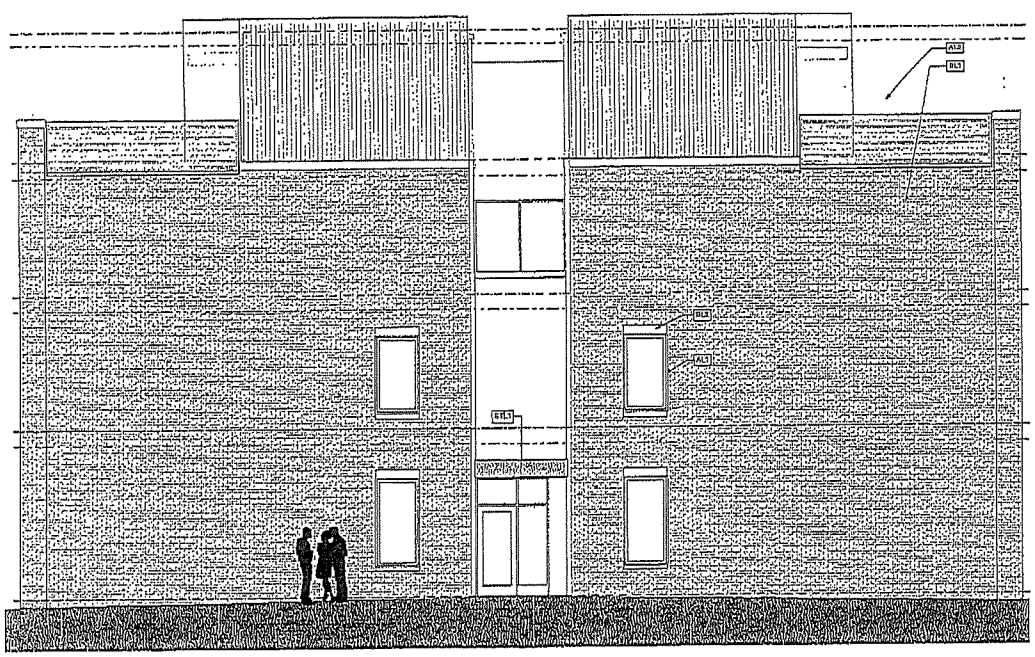
313 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
t: 844-4781 / f: 804-4783

PROJECT #: 10.55
DATE: 8/24/11

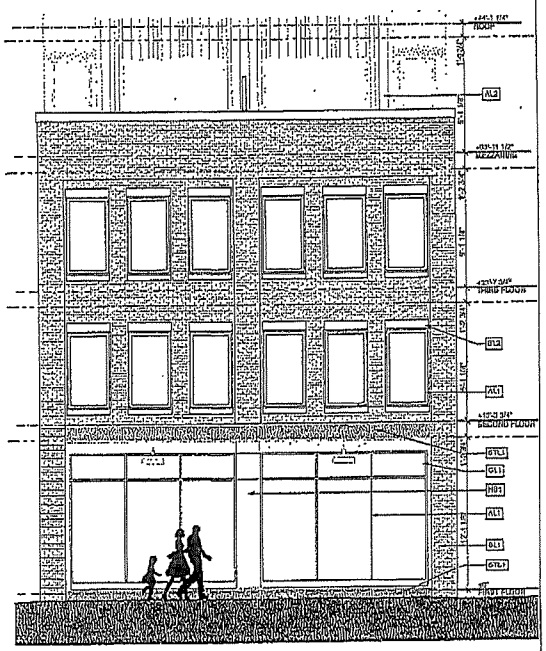
PLANS
A.203

EXTERIOR FINISHES

Tag #	Description	Manufacturer	Product Name/No.	Color/Finish	Notes
AL1	ALUMINUM STOREFRONT	KAWNEER	PERMANENT ANODIZED	DARK BRONZE NO. 40	
AL2	ALUMINUM SIDING	TAMAL	METAL WALL - COORDINATED	PEWTER	
BL1	OVERALL BRICK	NAVAJO	MODULAR SMOOTH	ROYAL RAMBLER	
BL2	PRECAST HEADER & SILL				
BL3	BRICK MORTAR	LAFARGE	LUXURY CEMENT	VAGANTA ULTRA DARK	
GL1	STEEL GLASS RAILING				
HB1	HARDWOOD	JAMES HARDIE		GRAY MIST AREA 10	
GTL1	STEEL C CHANNEL		POWDER COATED	PEWTER	PATCH METAL FINISH SIDING



2 A.301 EAST ELEVATION
SCALE: 1/4" = 1'-0"



1 A.301 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

COMMONWEALTH OF VIRGINIA
WALTER G. PARKS, JR.
Lic. No. 002484
ARCHITECT

High Street
710 High Street
Petersburg, VA

REVISIONS	
TAG	DATE

walter PARKS ARCHITECT

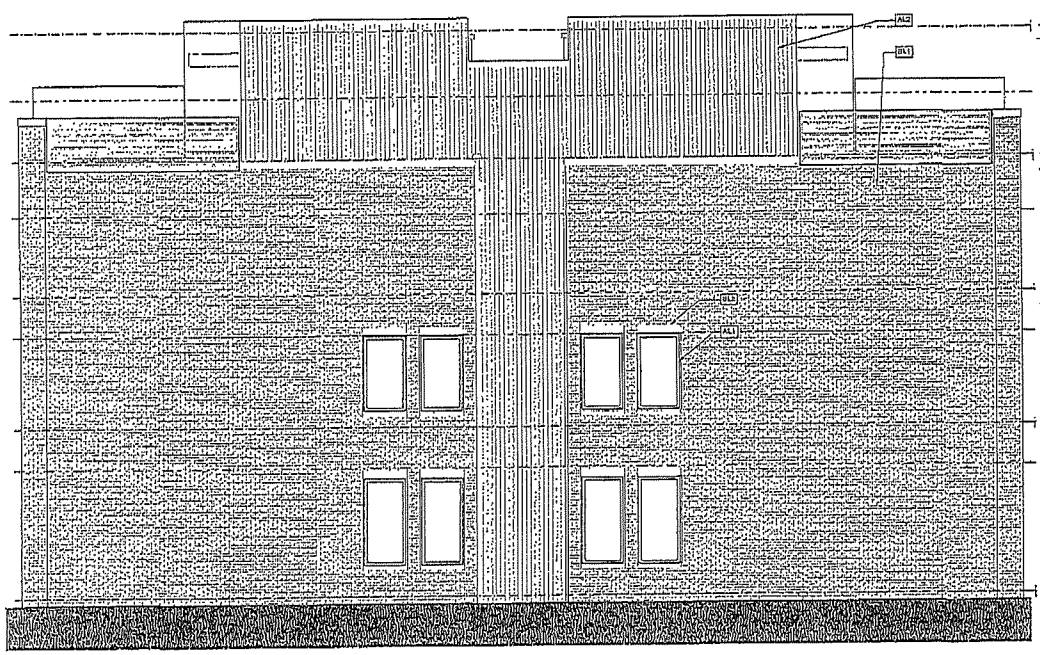
313 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
T: 644-4761 / F: 644-4763

PROJECT #: 10.55
DATE: 8/24/11

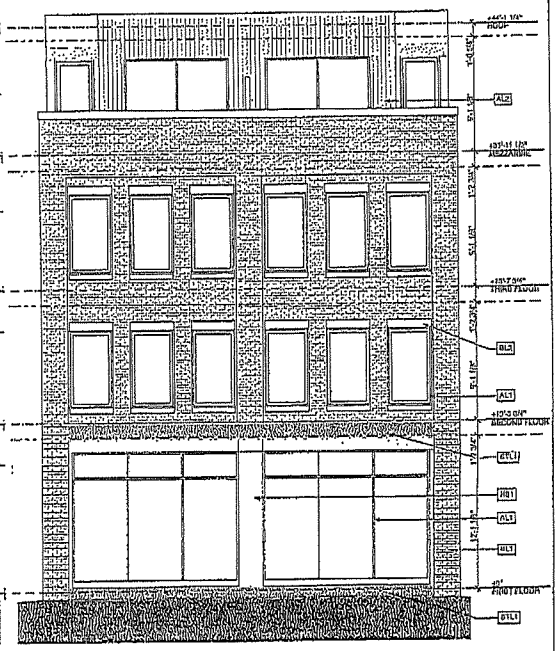
ELEVATIONS
A.301

EXTERIOR FINISHES

Mark	Description	Manufacturer	Product Name/No.	Color/Finish	Notes
AL1	ALUMINUM STORE FRONT	[illegible]	[illegible]	[illegible]	
AL2	ALUMINUM SIDING	[illegible]	[illegible]	[illegible]	
BL1	[illegible]	[illegible]	[illegible]	[illegible]	
BL2	[illegible]	[illegible]	[illegible]	[illegible]	
BL3	BRICK MORTAR	[illegible]	[illegible]	[illegible]	
GL1	[illegible]				
HB1	HARDIE BOARD	[illegible]		[illegible]	
STL1	STEEL [illegible]		[illegible]	[illegible]	[illegible]



2 A.302 WEST ELEVATION
SCALE: 1/4" = 1'-0"



1 A.302 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

High Street
710 High Street
Petersburg, VA

REVISIONS	
TAG	DATE

walter PARKS
ARCHITECT

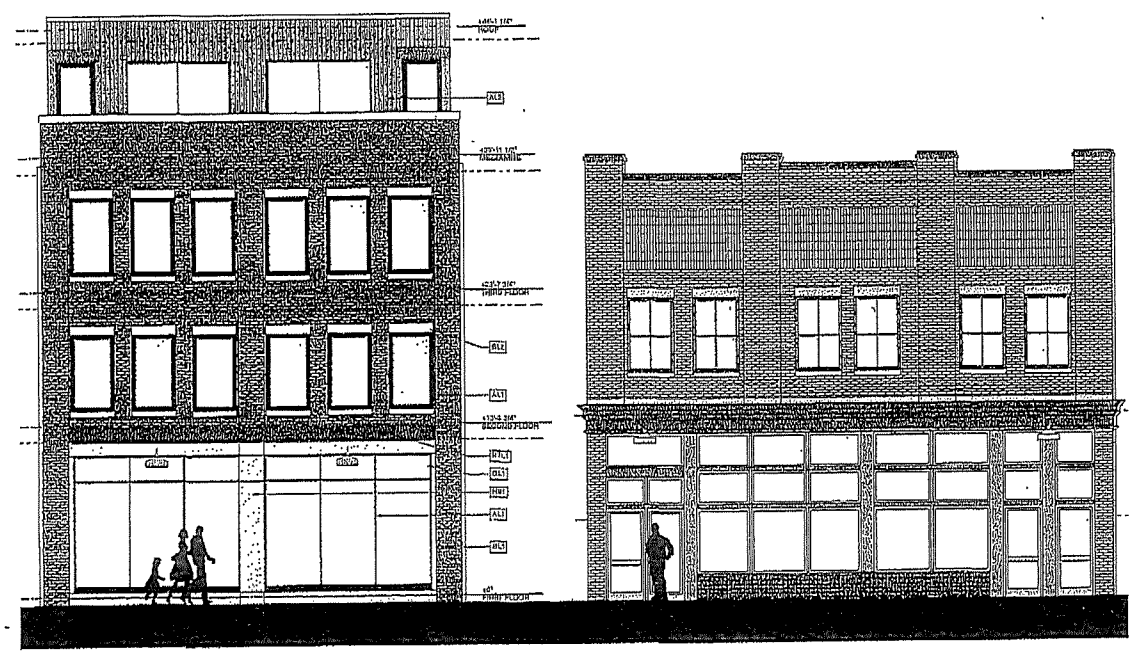
315 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
t: 644-4761 / f: 644-4763

PROJECT #: 10.55
DATE: 8/24/11

ELEVATIONS
A.302

EXTERIOR FINISHES

Mark	Description	Manufacturer	Product Name/No.	Color/Finish	Notes
AL1	ALUMINUM STOREFRONT	KAWNEER	PERMANODIC ANODIZED	DARK BRONZE NO. 14	
AL2	ALUMINUM SIDING	CAPITAL	METAL WALL - CORRUGATED	FEATER	
BL1	OVERALL BRICK	TAYLOR	MODULAR BURGUN	ROYAL RELIEVITY	
BL2	FORGAST HEADER & SILL				
BL3	BRICK LIGHTER	LAFARGE	MASSIVE DEPOSIT	MAGNOLIA ULTRA DARK	
BL4	STEMTO BLADE RUNOFF				
BL5	HARDIE BOARD	HARDIE HARDIE		MONTEREY JHN-78	
BTL1	STEEL CHANNEL		POWDER COATED	PEWTER	MATCH METAL FLOOD COLOR



STREETSCAPE ELEVATION

High Street
710 High Street
Petersburg, VA

REVISIONS	
TAG	DATE

walter PARKS
ARCHITECT

313 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
t: 644-4761 / f: 644-4763

PROJECT #: 10.65
DATE: 6/24/11

STREETSCAPE
ELEVATION
A.303

High Street
710 High Street
Petersburg, VA
weller PARKS ARCHITECT
BUILDING SECTION
A.401
UNIT 304
UNIT 304
UNIT 304
TERRACE @ UNIT 304
MEZZANINE @ UNIT 304
COMMON STAIR
MEZZANINE @ UNIT 301
UNIT 301
UNIT 301
UNIT 101
TERRACE @ UNIT 301
BUILDING SECTION
SCALE: 1/4" = 1'-0"

Leonard Muse

From: "Rob White" <rdwhite42@earthlink.net>
To: "Leonard Muse" <lmuse@petersburg-va.org>
Sent: Friday, October 07, 2011 8:00 AM
Subject: Re: ARB meeting: Oct 12, 2011

Not at all. The High street folks are rallying so they need some notice. Regards Rob

-----Original Message-----
From: Leonard Muse
Sent: Oct 7, 2011 9:47 AM
To: Robert White
Subject: ARB meeting: Oct 12, 2011

Rob; FYI. A fax from Carol Meese, received this morning, informed me that she will not be able to attend the Oct 12 meeting (RE: 27-29 Bollingbrook Street). She note that the intended re-pointing/mortar work and brickwork is in-kind and is the same as previously approved repairs in 2005 and 2008. She is seeking the Board's approval of the request in her absence.

A (revised) set of plans for the for the 712 High Street proposed new construction project was received Oct 4, 2011. The architect for the project called this morning and informed me of an e-mailed application on Sept 28, 2011. I informed her that I have not received the application as my e-mail address has changed and there have been problems with my receipt of e-mail. I told her the agenda for the 12th was set and this matter would be set on the agenda for Oct 26. Let me know if you have concerns with this decision on my part.

L Muse

Leonard A. Muse
Director of Planning/CD
City of Petersburg
City Hall (room 304)
135 North Union Street
Petersburg, VA 23803

Phone: (804) 733-2308
e-mail: lmuse@petersburg-va.org

City of Petersburg, Virginia
Architectural Review Board
Action Sheet

Case Number: 712 High Street

Applicant: Canterbury Enterprises/Gerald Burr

Date of Board Meeting: Oct 26, 2011

Comments: _____

Motion Made By: Ballenger: deny application, take comments into account comments from Board & Public and research

Second By: Ward

ARB Roll Call:

Member	Aye	Nay	Abst	Member	Aye	Nay	Abst
Ballenger, Lee	✓			White, Robert (Chairman)	✓		
Gattuso, Anthony	—	—	—				
Pradia, Mitchell	✓						
Ward, Isaac	✓						

Motion Carried: _____

Motion Denied: _____

Case Number: _____ Status: Approved _____ Denied _____

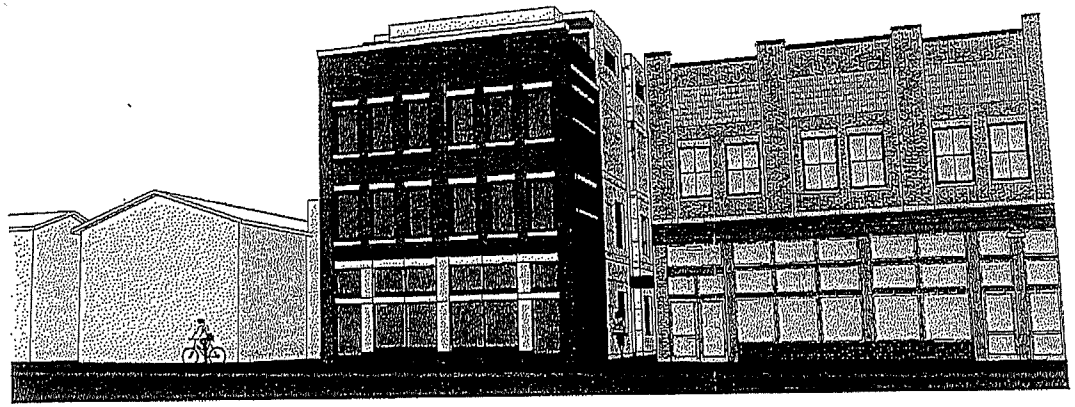
Conditions: _____

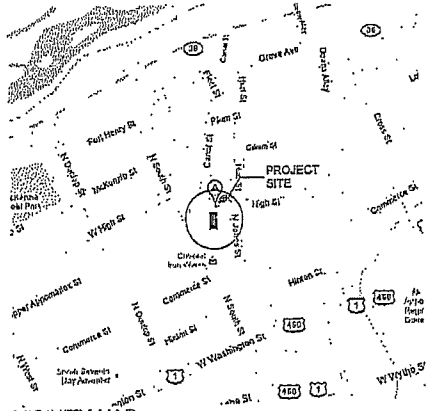
2011-89

High Street

712 High Street

Petersburg, VA





VICINITY MAP

SCOPE OF WORK

Project Description: New wood frame construction of a residential - 3 story building with a mezzanine. The building consists of 12 apartment units.

I. Scope of Work to include:

A. Repair
- N/A

B. Renovation, Restoration
- N/A

C. Change in Materials
- N/A

D. Paint colors -See Exterior Finishes on Elevations
- Aluminum Storefront/doors and windows: Dark Bronze Anodized
- Metal Siding: Febral -Powder
- Hardie Board: James Hardie - Light Mist JH70-10

E. Fencing — N/A

F. Signs
- North Elevation: '710' — glass etched numbers, Goudy Old Style, 1'-0" tall

G. Additions to existing buildings
- N/A

H. Driveway, Sidewalk, Parking Lots
- N/A

I. New Construction

- Concrete
Pour slabs on grade and footings

- Masonry
Veneer Walls and foundation walls

- Metals
Install and paint handrails and guardrails

- Carpentry
Construct 3 story and mezzanine wood structures with wood joist floor systems and roof structures.
Install sheathing, parapets and knee walls.

- Thermal and moisture protection
Install mating with insulation on all roof areas, with required flashings and coping.

J. Demolition:
- N/A

K. Other Projects
- N/A

UNIT COUNT

UNIT SUMMARY

Unit No.	Unit Type	SQ FT
101	1 Bed/1 Bath	502
102	1 Bed/1 Bath	540
103-HC	1 Bed/1 Bath	541
104	1 Bed/1 Bath	502
201	1 Bed/1 Bath	502
202	1 Bed/1 Bath	540
203	1 Bed/1 Bath	549
204	1 Bed/1 Bath	502
301	1 Bed/1 Bath	670
302	1 Bed/1 Bath	738
303	1 Bed/1 Bath	738
304	1 Bed/1 Bath	657
		7,001 sq ft

GROSS BLDG AREA

GBA

FLOOR	SQ FT
FIRST FLOOR	2,316
SECOND FLOOR	2,316
THIRD FLOOR	2,316
MEZZANINE	890
	7,642 sq ft

PROJECT TEAM

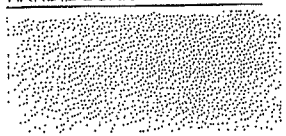
Owner:
Canterbury Enterprises
204 Rivers Bend Blvd
Chester, VA 23836
804-530-2109

Architect:
Walter Parks Architect
313 North Adams Street
Richmond, VA 23220
804-644-4761
804-644-4763 fax

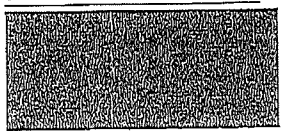
ALUMINUM STOREFRONT



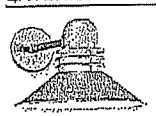
HARDIE BOARD SIDING

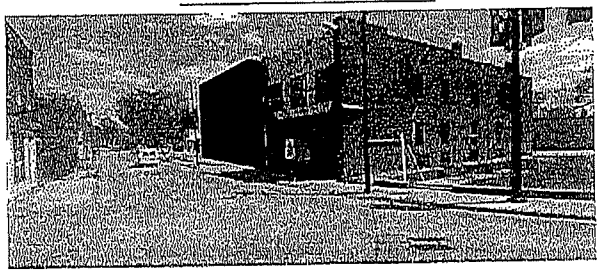


BRICK



EXTERIOR LIGHT







COMMONWEALTH OF VIRGINIA
WALTER G. PARKS, JR.
Lic. No. 007493
ARCHITECT

High Street
712 High Street
Petersburg, VA

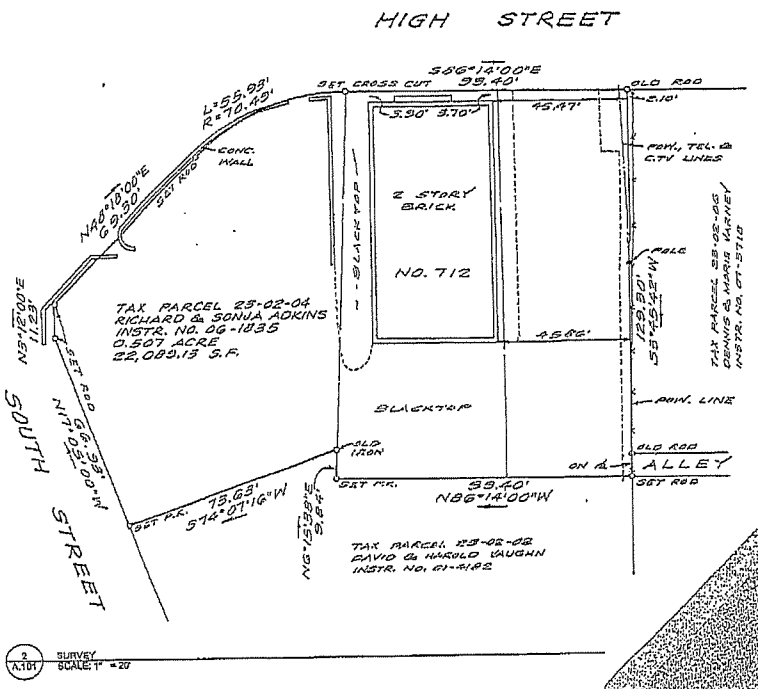
REVISIONS	
TAG	DATE

walter PARKS
ARCHITECT

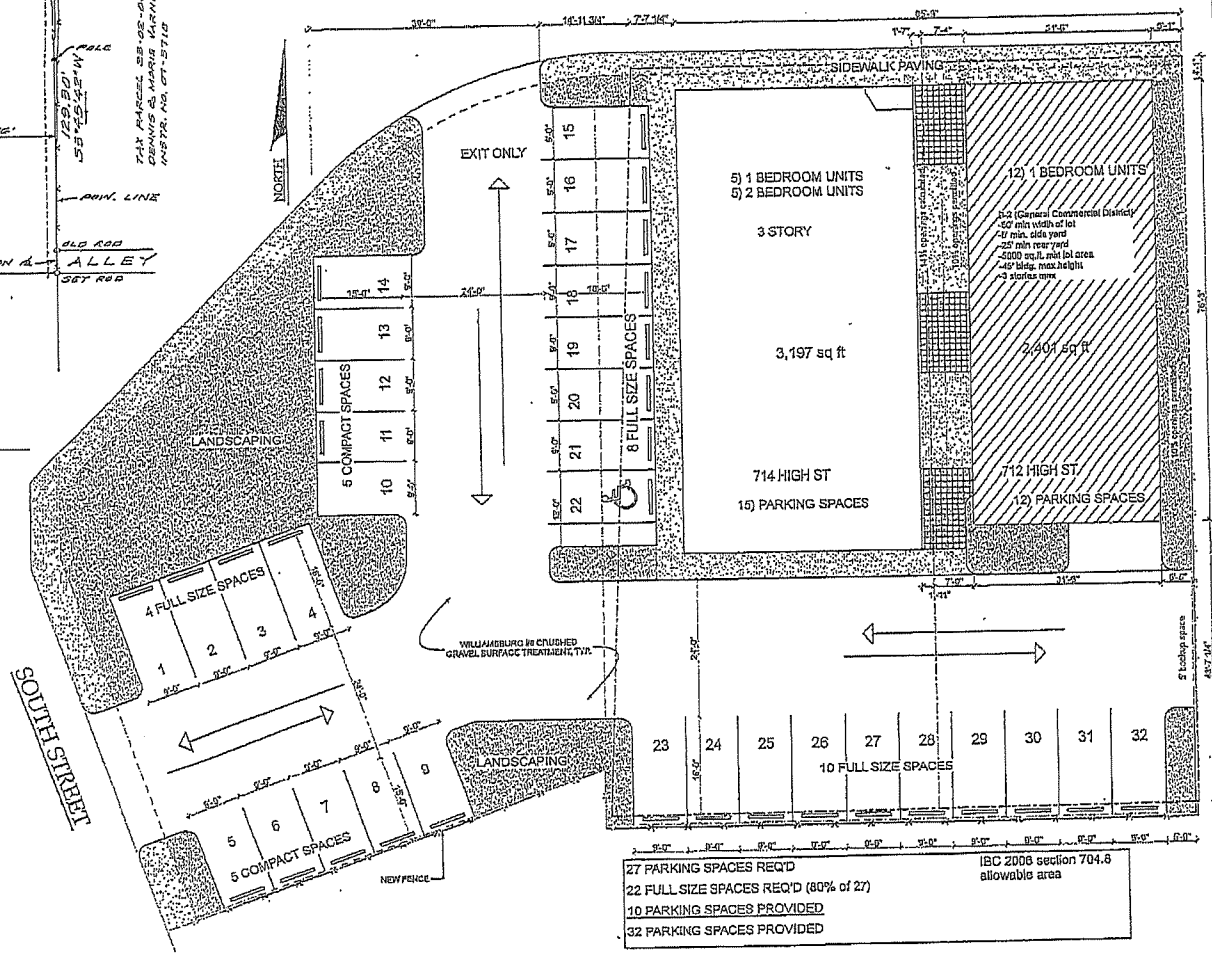
313 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
t:644-4761 / f:644-4763

PROJECT #: 10.55
DATE: 10/7/11

COVER
A.0



2 A.101 SURVEY
SCALE: 1" = 20'



1 A.101 PARKING FULL SITE
SCALE: 1" = 10'

High Street
712 High Street
Petersburg, VA

REVISIONS
TAG | DATE

walter PARKS ARCHITECT
313 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
t: 644-4751 / f: 644-4763

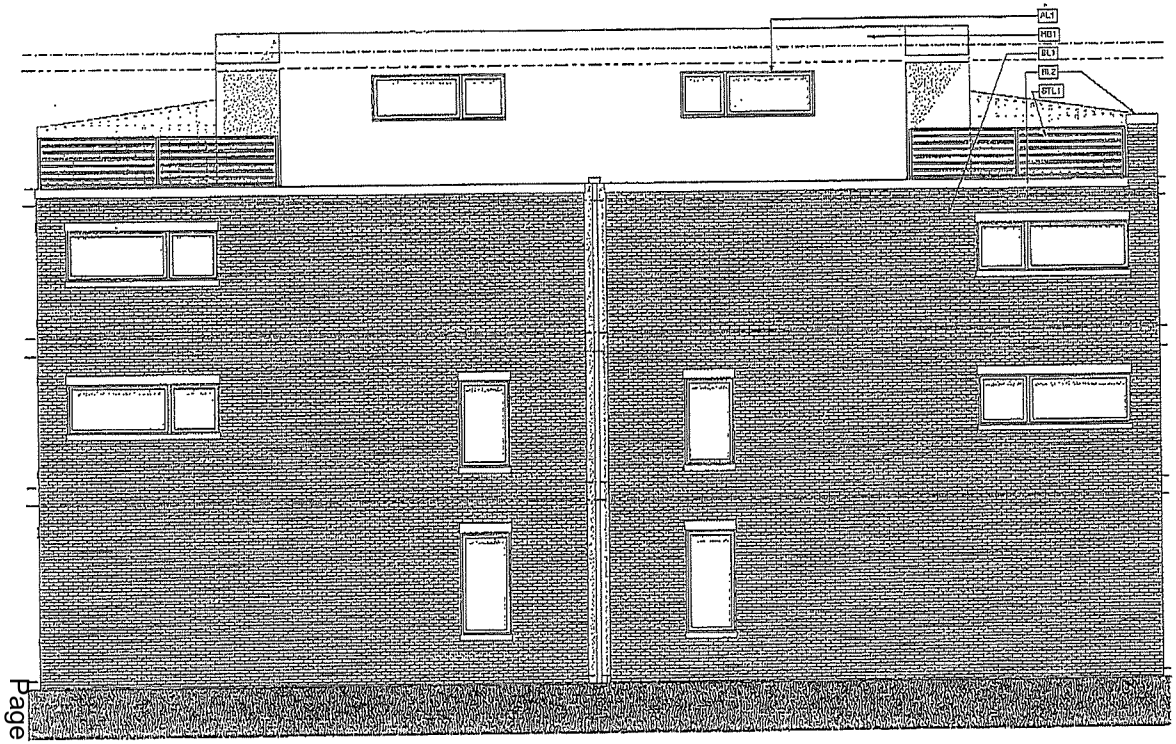
PROJECT #: 10.55
DATE: 10/7/11

SITE PLAN
A.101

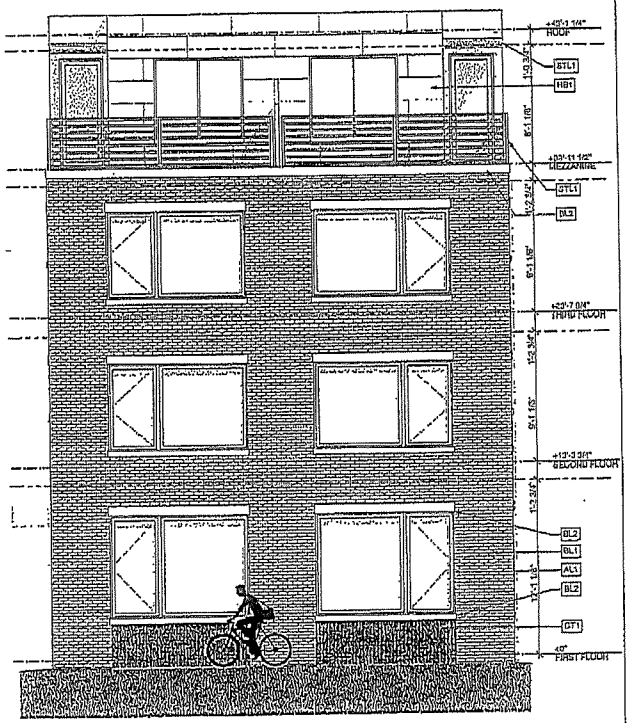
High Street
712 High Street
Petersburg, VA
REVISIONS
TAG DATE
Walter PARKS
ARCHITECT
PROJECT #: 10.05
DATE: 10/7/11
PLANS
A.201
FIRST FLOOR
SCALE: 1/4" = 1'-0"
SECOND FLOOR
SCALE: 1/4" = 1'-0"

EXTERIOR FINISHES

Mark	Description	Manufacturer	Product Name/No.	Color/Finish	Notes
AL1	ALUMINUM STOREFRONT	KAWNEER	PERMANODIC ANODIZED	BACK BRONZE NO. 40	
BL1	OVERALL BRICK	TAYLOR	MODULAR SMOOTH	ROYAL SALISBURY	
BL2	PRECAST HEADER & SILL				
BL3	BRICK MORTAR	LAFARGE	MASONRY CEMENT	MAGNOLIA ULTRA DARK	
CT1	2" X 2" FOR SOLAR TILE	AMERICAN OLEAN	SHADOW BAT	SEA GRASS 2H52	
STL1	1/4" BRONZE	MAPEI		47 CHARCOAL	
BL1	STEMED GLASS HEADER				
HB1	HARDIE BOARD	NICHIHA	ILLUMINATION SERIES 1/4" X 6"-8"	LIGHT MIST	
STL1	STEEL C CHANNEL		POWDER COATED	[illegible]	MATCH METAL STRUT COLOR



2 A.302 EAST ELEVATION
SCALE: 1/4" = 1'-0"



1 A.302 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

High Street
712 High Street
Petersburg, VA

REVISIONS	
TAG	DATE

walter PARKS
ARCHITECT

313 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
t: 644-4701 / f: 644-4707

PROJECT #: 10.55
DATE: 10/7/11

ELEVATIONS
A.302

EXTERIOR FINISHES

Mark	Description	Manufacturer	Product Name/No.	Color/Finish	Notes
AL1	ALUMINUM STOREFRONT	KAWNEER	PERMANODIC ANODIZED	DARK BRONZE NO. 40	
BL1	OVERALL BRICK	TAYLOR	MODULAR SMOOTH	ROYAL SALISBURY	
BL2	PRECAST HEADER & SILL				
BL3	WHICK MORTAR	LAFARGE	MASONRY CEMENT	MACHOLA ULTRA DARK	
CT1	2' X 2' FORCELAIN TILE	AMERICAN CLEAN	SHADOW BAY	SEA GRASS BENZ	
CT1	1/8" GROUT	MAPEI		47 CHARCOAL	
GL1	ETCHED GLASS BUMPER				
HB1	HARDIE BOARD	HIGHBIA	ILLUMINATION OFFICE (16" X 8'-0")	LIGHT MIST	
STL1	STEEL & CHANNEL		POWDER COATED	POWDER	MATCH METAL SIDING COLOR



STREETSCAPE ELEVATION

COMMONWEALTH OF VIRGINIA
WALTER G. PARKS, JR.
Lic. No. 007405
ARCHITECT

High Street
712 High Street
Petersburg, VA

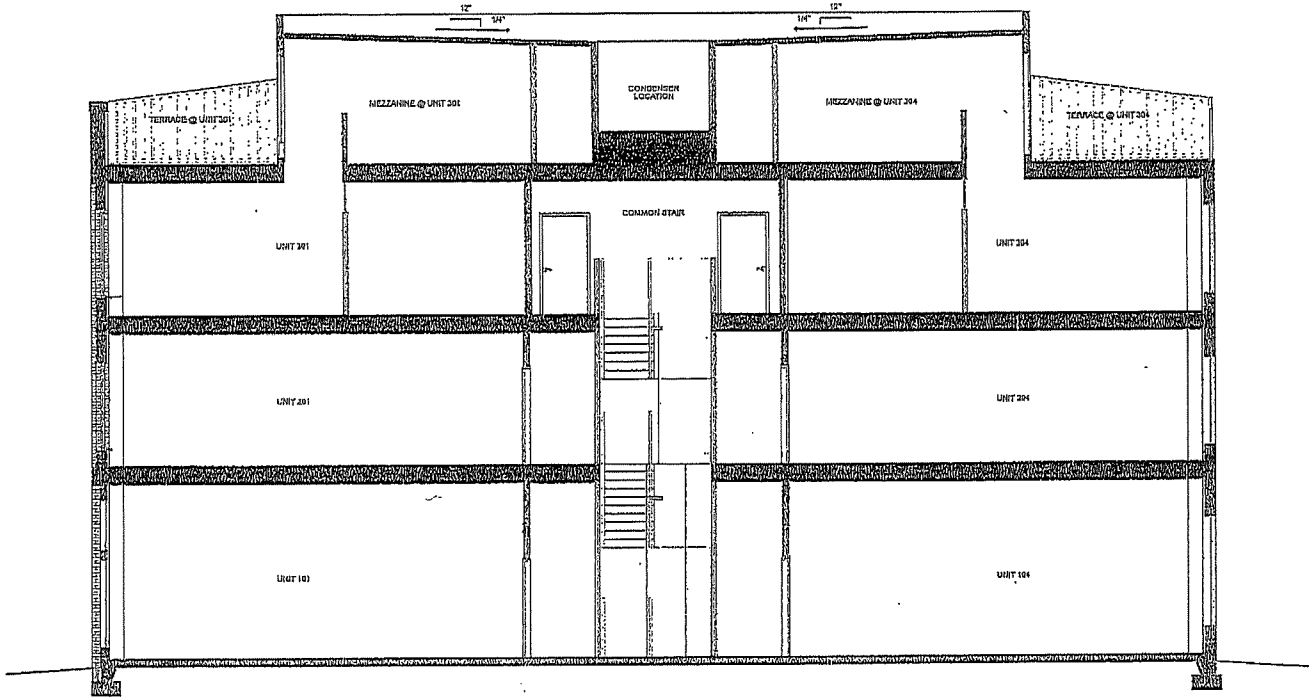
REVISIONS	
TAG	DATE

walter PARKS
ARCHITECT

312 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
t: 644-4701 / f: 644-4763

PROJECT #: 10.65
DATE: 10/7/11

STREETSCAPE
ELEVATION
A.303



1 A.401 BUILDING SECTION
SCALE: 1/4" = 1'-0"

WALTER O. PARKS, JR.
Lic. No. 007483
COMMONWEALTH OF VIRGINIA
ARCHITECT

High Street
712 High Street
Petersburg, VA

REVISIONS	
TAG	DATE

walter PARKS ARCHITECT
312 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
t 644-4781 f 644-4783

PROJECT #: 10.56
DATE: 10/7/11

BUILDING SECTION
A.401

City of Petersburg
Architectural Review Board

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (COA)

Address of Structure: 530 S. Sycamore St.

Historic District: Popular Lawn

Owner: Joseph Johnson Jr
Address: P. O. Box 59 McKenney VA 23872 Phone: 804-301-3672

Firm/Person Preparing Plans: William Davis Renovations Consultant
Address: Richmond VA Phone:

Firm/Person to Perform Work: Self
Address: P. O. Box 59 McKenney VA 23872 Phone: 804-301-3672

Type of Project:

- ☐ Residential
- ☒ Commercial

Category:

- ☐ A- Repair (In-kind)
- ☐ B- Renovation, Restoration
- ☐ C- Change in materials
- ☐ D- Approval of paint colors
- ☐ E- Fencing
- ☐ F- Signs
- ☐ G- Addition to existing building
- ☒ H- Driveway, Sidewalk, Parking Lots
- ☐ I- New Construction
- ☐ J- Demolition
- ☐ K- Other:

Project Description (attach additional sheets as needed):

Erect a carport (covering) on the [redacted] Rear of Building 32'x25'

(Please see Application Guidance for additional information.)

Please be advised that the ARB may deny or table requests that lack sufficient information for review, and if you or your representative are not present to provide additional information.

Submitting this application provides consent for a "Request for COA" sign to be placed at the property while there is a request for COA pending.

Applicant's Signature

10-12-11
Date

For office use
Date received: 10/11/11
Agenda date: 10/26/11
Tax parcel: 031-07-0003
R-B

Department of Planning & Community Development, City Hall, Room 304, 135 N. Union Street, Petersburg, VA 23803
phone: (804) 733-2308 ; fax: (804) 863-2772
email: vahauser@petersburg-va.org

City of Petersburg
Architectural Review Board
Application Guidance

The Architectural Review Board bases their decisions on their Design Review Guidelines and the Secretary of the Interior's Standards. Copies of this information are available from the Department of Planning.

Information required for review will vary depending on the nature of the project. The following information is required for each category submitted in order to complete an application. It is recommended that the applicant consult with the Preservation Planner as they prepare their application.

A – Repair (in-kind)
- ☐ Plans/elevations detailed enough to depict scope of work
- ☐ Product and color sample of replaced material, including roofing, brick, mortar, siding, windows
- ☐ Photographs of structure

B – Renovation, Restoration
- ☐ Plans and building elevations to scale
- ☐ Details including size, shape, and material
- ☐ Product and color sample of replaced material, including roofing, brick, mortar, siding, windows
- ☐ Photographs of structure

C – Change in Materials
- ☐ Plans and building elevations to scale
- ☐ Details including size, shape, and material
- ☐ Scaled site plan (with square footage of the building)
- ☐ Product and color sample of replaced material, including roofing, brick, mortar, siding, windows
- ☐ Photographs of structure

D – Approval of Paint Colors
- ☐ Swatches of all colors to be used
- ☐ Colored rendering of elevation (for complex color schemes)
- ☐ Photographs of structure

E – Fencing
- ☐ Style/design of fence
- ☐ Scale site plan with fence location
- ☐ Photographs of structure

F – Signs
- ☐ Scale drawings and specifications of the sign (with materials & colors labeled)
- ☐ Scale drawing of sign in relation to structure
- ☐ Scale site plan for free standing signs
- ☐ Proposed lighting (when used)
- ☐ Photographs of structure

G – Additions to existing buildings
- ☐ Plans and building elevations to scale
- ☐ Sectional drawings
- ☐ Scale site plan
- ☐ Materials – product and color samples including roofing, brick, mortar, siding, windows
- ☐ Photographs of existing structure

H – Driveway, Sidewalk, Parking Lots
- ☐ Surface type/ material of driveway/sidewalk including color samples
- ☐ Scale site plan
- ☐ Landscaping plans
- ☐ Photographs of structure

I – New Construction
- ☐ Plans and building elevations to scale
- ☐ Sectional drawings
- ☐ Scale site plan (with square footage of building) with adjacent properties and structures.
- ☐ Streetscape elevation showing relationship to other structures and surrounding properties
- ☐ Materials – product and color samples including roofing, brick, mortar, siding, windows
- ☐ Photographs of structure

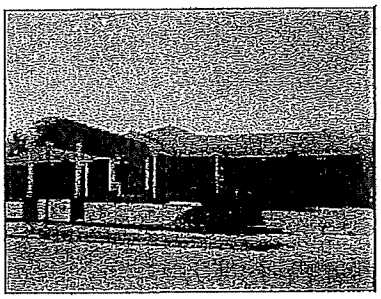
J - Demolition
- ☐ Scale site plan
- ☐ Explanation why restoration is not feasible
- ☐ Proposed use after demolition (conceptual plan)
- ☐ Photographs of structure

K - Other projects
- ☐ Plans and building elevations to scale
- ☐ Materials – product and color samples including roofing, brick, mortar, siding, windows
- ☐ Scale site plan
- ☐ Photographs of structure

Applicants are required to submit the application form and all appropriate drawings and information to the Department of Planning two weeks prior to the regularly scheduled Wednesday meeting of the ARB. Please see meeting schedule for specific dates.

City of Petersburg Online Tax Data

PARCEL NUMBER: 031070003



OWNER INFORMATION

Owner: NEW BEGINNINGS PROPERTIES, LLC
Premise: 530 SYCAMORE ST S
Land Value: $ 104700
Building Value: $ 207200
Total: $ 311900
Legal: LOT 1 115.84 X 301.47
Mail to Street: 530 S SYCAMORE ST
Mail to City: PETERSBURG, VA 23803

SALE INFORMATION

Last Sale Price: $ 250000
Sale Date: 7/30/2008
Sale Type: VALID
Deed Book: 2008 Page # 3183

LOT INFORMATION

Lot Front: 115.84
Lot Depth: 301
Lot Area: 34922
Acreage: 0.8

OTHER INFORMATION

Zoning: RB
Ward: 4-MOORE
Historic Zone: POPLARL
Census Tract: 8107
Use Code: 427
Tax Status: TAXABLE

BUILDING INFORMATION

Year Built: 1965
Total Rooms: 8
Bedrooms: 0
Full Baths: 4
Half Baths: 0
Gross Living Area: 5275

OTHER SPACES

Unfinished Basement: 0
Finished Basement: 0
Garage: 0 sf
Carport: 0 sf

PORCHES & DECKS

Open Porch: 0 sf
Covered Porch: 156 sf
Enclosed Porch: 0 sf
Deck: 0 sf

HVAC

Heating: HAD/WFA
Air Conditioning: 100
Fireplaces: 0

Department of Historic Resources
Reconnaissance Level Survey

Petersburg *DHR Id#:* **123-0094-0333**

Resource Identification

Property Name(s): ..... Commercial, 530 Sycamore Street S {Function/Location}
Property Date: ..... ca 1965
Address(s): ..... 530 Sycamore Street S {Current}
County/Independent City: Petersburg
City: .....
State, Zip: .....Virginia
Tax Parcel: 031070002
USGS Quad Name: ..... PETERSBURG
Surrounding area: ..... City

National Register Eligibility Status
Property is not Historic (50 years or older)

This Property is associated with the Poplar Lawn Historic District [district]

Resource Description

Ownership Status: ..... Private

Primary Resource Exterior Component Description:

Component	Comp Type/Form	Material	Material Treatment
Chimneys	Chimneys - None		
Foundation	Foundation - Solid	Concrete	Foundation - Solid
Porch	Porch - 1-story	Brick	Porch - Altered
Roof	Roof - Complex	Asphalt	Roof - Asphalt Shingle
Structural System	Structural System - Masonry	Brick	Structural System - Stretcher Bond
Windows	Windows - Sash, double-hung	Vinyl	Windows - 1/1

Site Description: ..... Structure is located on the NW corner of Walnut Lane and S. Sycamore Street. Structure has few landscaping features, having only a paved parking lot for a yard.

Secondary Resource Desc: None.

WUZIT Count:

No.	Wuzit Types	Historic?
1	Commercial Building	Non-Contributin

NR Resource Count:

#	NR Resource Type	Contributing Status
1	Building	Non-contributing

Non-Contributing: 1.00 Total: 1.00

Report generated 4/25/2006

Department of Historic Resources
Reconnaissance Level Survey

Petersburg *DHR Id#:* **123-0094-0333**

Individual Resource Information

WUZIT:	Commercial Building		
Est. Date of Construction:	1965 ca {Local Records}	*Accessed?*	No Not accessible
Primary Resource?	Yes	*Number of Stories:*	1.0
Architectural Style:	Other	*Condition:*	Good
Interior Plan Type:		*Threats to Resource:*	None Known Vacant

Description: Jun. 1975 Survey: (from 606 Sycamore St.)
518-524 and 530 S. Sycamore St. are one-story office buildings of brick in a "neo-Colonial" style; they have altered the scale of that part of the west side of Sycamore St. These two buildings are separated from the older larger houses by vacant lots.

Feb. 1987 Survey:
1-story, 7-bay, assymetrical office building has a complex roof, consisting of hips, gables, and flat parts. The porch is of the Vernacular style; it has 1-story, 3-bays, and a square column support for its massive roof. It is veranda-like on ground level. Several addtions to this building are evident because of roof form. Several "colonial" elements have been employed on this structure, e.g. false shutters.

Apr. 2005 Survey:
1-story, multiple-bay structure has a mostly hipped roof with gabled ends on east and west sides. Porch has been altered from original 3-bay with square columns form. Porch now consists of an irregular roof overhang, covering a projecting brick entrance, which contains doors on all three sides, and a two-step brick patio. Parts of porch roof are still supported by square-post columns. Double-hung sash windows are 1/1 with applied muntins. Exterior brick facade is laid in stretcher bond. Structure is supported by a solid concrete foundation.

Cemetery Information

Bridge Information

National Register Eligibility Information (Intensive Level Survey)

Historic Context(s): Commerce/Trade

Historic Time Period(s): S- The New Dominion (1941- Present)

Significance Statement: Feb. 1987:
This non-contributuing contemporary structure is similar to many of the new commercial buildings that are out of scale and design within area.

Sep. 2005:
The commercial building at 530 South Sycamore Street, built circa 1965, is a non-contributing building in the Poplar Lawn Historic District.

Bibliographic Documentation

Ownership Information

Graphic Media Documentation

Medium	Depository ID #	Photo Depository	Date	File Name
B&W	22064	DHR	2005/04/99	Frame 10
B&W		DHR	1987/02/99	

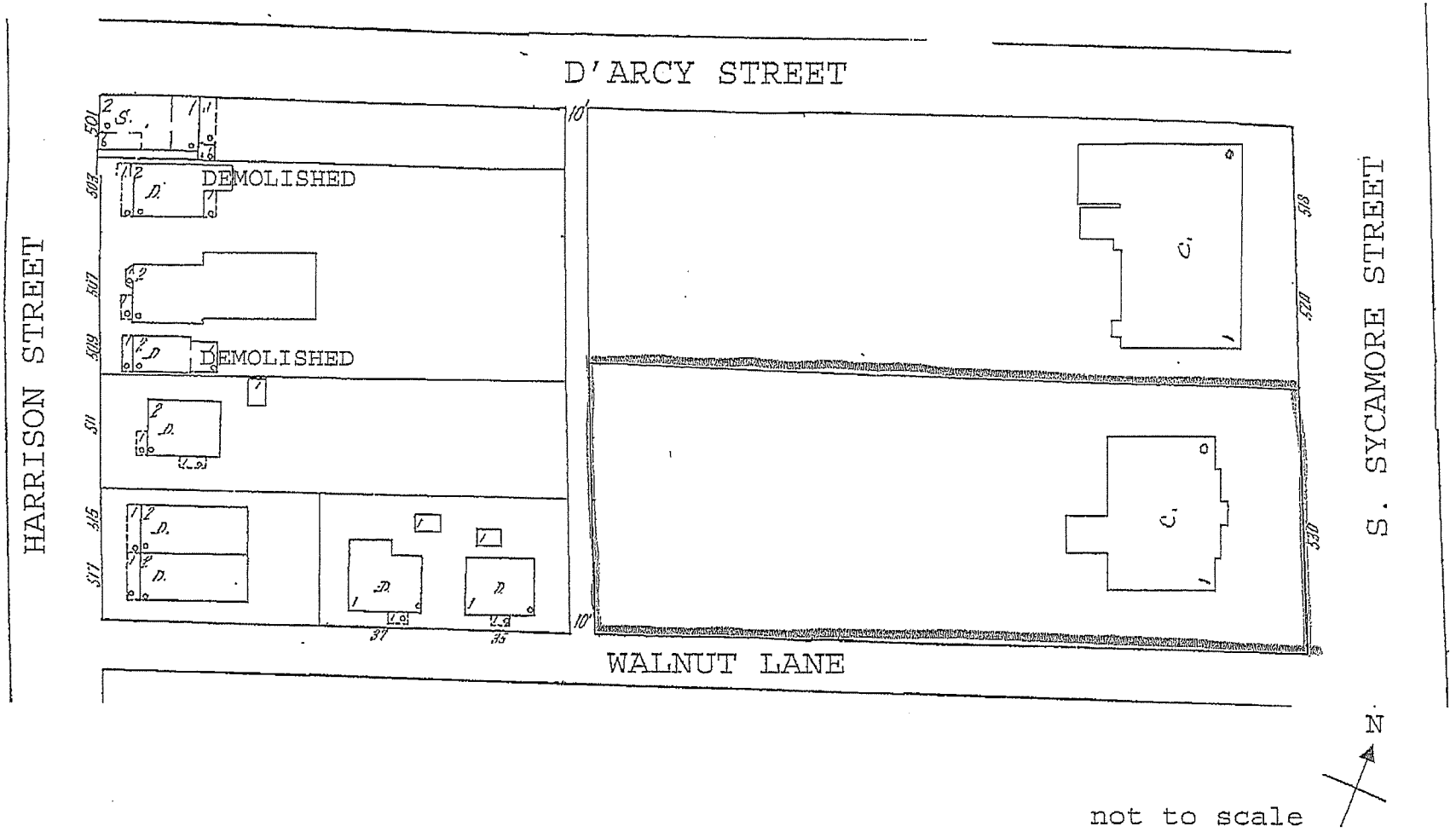
Cultural Resource Management (CRM) Events

CRM Event # 1,
Cultural Resource Management Event: ..... Reconnaissance Survey
Date: 1987/02/99
Organization or Person: ..... L. Naranjo-Lupold
CRM Event Notes or Comments: .....

CRM Event # 2,
Cultural Resource Management Event: ..... Reconnaissance Survey
Date: 2005/04/99
Organization or Person: ..... Hill Studio, P.C.
CRM Event Notes or Comments: .....

CRM Event # 3,
Cultural Resource Management Event: ..... Reconnaissance Survey
Date: 1975/06/99
Organization or Person: ..... O'Dell
CRM Event Notes or Comments: .....

SITE PLAN: 530 S. Sycamore St. 129-0094-0333



VIRGINIA
DIVISION OF HISTORIC LANDMARKS
HISTORIC DISTRICT/BRIEF SURVEY FORM

File no.	123-0094-0373
Negative no(s).	

City/Town/Village/Hamlet Petersburg — County
Street address or route number 530 S. Sycamore St. — U.S.G.S. Quad Petersburg
Historic name — Common name

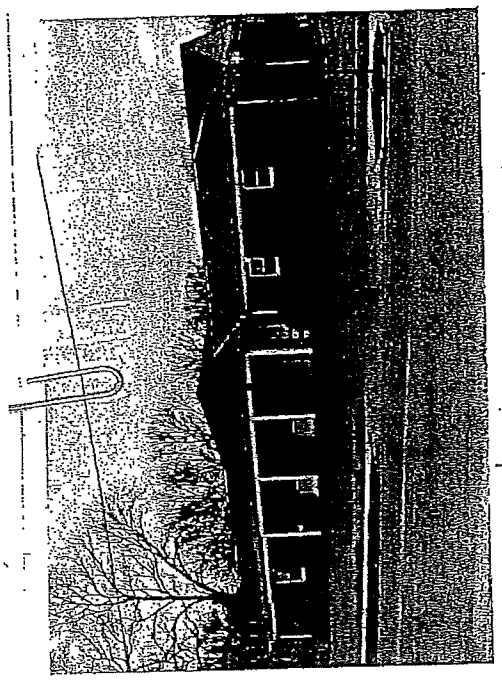
Present use Commerical — Building Style Contemporary Colonial Revival
Original use Commerical — Building Date(s) 1970's

1. Construction Materials

- ☐ wood frame
- ☒ brick
  - bond: ☐ English ☐ Flemish ☐ ____-course American ☒ stretcher ☐ other ____
- ☐ stone
  - ☐ random rubble
  - ☐ coursed rubble
  - ☐ ashlar ☐ dressed ☐ rock-faced
- ☐ log:
  - ☐ squared ☐ unsquared
  - notching:
  - ☐ V-notch ☐ half dovetail
  - ☐ saddle ☐ full dovetail
  - ☐ square ☐ diamond
- ☐ concrete block
- ☐ terra cotta
- ☐ steel frame
- ☐ other ____

2. Cladding Material

- ☐ weatherboard
- ☐ vertical siding
- ☐ board & batten
- ☐ shingle:
  - ☐ wood
  - ☐ asbestos
  - ☐ asphalt
- ☐ bricktex
- ☐ other
- ☐ composition siding
- ☐ stucco
- ☐ aluminum or vinyl siding
- ☐ cast iron
- ☐ sheet metal
- ☐ enameled metal
- ☐ glass



3. Stories (number) 1
- ☐ low basement
- ☐ raised basement

4. Bays (number): front 7 side (church) ____
- ☐ symmetrical
- ☒ asymmetrical

5. Roof Type
- ☐ shed
  - ☐ parapet?
- ☒ gable and
  - ☐ pediment?
  - ☐ parapet?
  - ☐ clipped end?
  - ☐ cross gable?
  - ☐ central front gable?
- ☐ hipped
  - ☐ pyramidal?
- ☐ mansard
- ☐ false mansard
- ☒ gambrel
- ☐ flat
  - ☐ parapet?
- ☐ roof not visible
- ☐ other ____

6. Roofing Material
- ☒ shingle
  - ☒ composition (asphalt, asbestos, etc.)
  - ☐ wood
- ☐ metal
  - ☐ standing seam
  - ☐ corrugated
  - ☐ pressed tin (simulated shingles)
- ☐ tile
  - ☐ pantile ☐ flat ☐ glazed
- ☐ slate
- ☐ not visible

7. Dormers (number): front ____ side ____
- ☐ gable ☐ pediment?
- ☐ shed
- ☐ hipped

8. Primary Porch
- style Vernacular
- stories 1
- levels 1 bays 3
- materials wood
- description and decorative details
  Square columns support massive roof. Veranda-like, on ground level.

9. General supplementary description and decoration:
Several "colonial" elements employed, e.g. false shutters. Entire front-asphalt.

10. Major additions and alterations:
Several additions evident from roof forms

11. Outbuildings:

12. Landscape Features:

13. Significance: Noncontributing contemporary structure similar to many of the new commerical buildings out of scale and design with area.

Surveyed by: T. M. T. Date: 2/87

City of Petersburg
Architectural Review Board

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (COA)

Address of Structure: 114 North Union Street

Historic District: Court House District

Owner: R Parker Johnson Jr.
Address: 212 Swift Creek Lane Col. Hgts VA Phone: 804 526-6254
CELL 804 731-0324

Firm/Person Preparing Plans: _____
Address: _____ Phone: _____

Firm/Person to Perform Work: Virginia Auto. Glass
Address: 415 N. Market Street Petersburg VA Phone: 804 7332032

Type of Project:

- ☐ Residential
- ☑ Commercial

Category:

- ☐ A- Repair (In-kind)
- ☐ B- Renovation, Restoration
- ☑ C- Change in materials
- ☐ D- Approval of paint colors
- ☐ E- Fencing
- ☐ F- Signs
- ☐ G- Addition to existing building
- ☐ H- Driveway, Sidewalk, Parking Lots
- ☐ I- New Construction
- ☐ J- Demolition
- ☐ K- Other: _____

Project Description (attach additional sheets as needed):

To Cover 11 windows on The North side of Building with Lexan. Those windows And on The First & Second Level of A Four Level Building. First Level window openings 10'8" (wide) X 3'2" (tall) Second Level window opening 10'8" (wide) X 4'10" (tall)
Six windows Level one ~~[illegible]~~ Five windows Second Level
& Framing Painted black (Please see Application Guidance for additional information.)

Please be advised that the ARB may deny or table requests that lack sufficient information for review, and if you or your representative are not present to provide additional information.

Submitting this application provides consent for a "Request for COA" sign to be placed at the property while there is a request for COA pending. Note: 2-Samples 4-Pictures

R Parker Johnson Jr
Applicant's Signature

10-12-11
Date

For office use
Date received: 10/12/11
Agenda date: 10/26/11
Tax parcel: 011-24-0013
B-3

City of Petersburg
Architectural Review Board
Application Guidance

The Architectural Review Board bases their decisions on their Design Review Guidelines and the Secretary of the Interior's Standards. Copies of this information are available from the Department of Planning.

Information required for review will vary depending on the nature of the project. The following information is required for each category submitted in order to complete an application. It is recommended that the applicant consult with the Preservation Planner as they prepare their application.

A – Repair (in-kind)
- ☐ Plans/elevations detailed enough to depict scope of work
- ☐ Product and color sample of replaced material, including roofing, brick, mortar, siding, windows
- ☐ Photographs of structure

B – Renovation, Restoration
- ☐ Plans and building elevations to scale
- ☐ Details including size, shape, and material
- ☐ Product and color sample of replaced material, including roofing, brick, mortar, siding, windows
- ☐ Photographs of structure

C – Change in Materials
- ☐ Plans and building elevations to scale
- ☐ Details including size, shape, and material
- ☐ Scaled site plan (with square footage of the building)
- ☑ Product and color sample of replaced material, including roofing, brick, mortar, siding, windows
- ☑ Photographs of structure

D – Approval of Paint Colors
- ☐ Swatches of all colors to be used
- ☐ Colored rendering of elevation (for complex color schemes)
- ☐ Photographs of structure

E – Fencing
- ☐ Style/design of fence
- ☐ Scale site plan with fence location
- ☐ Photographs of structure

F – Signs
- ☐ Scale drawings and specifications of the sign (with materials & colors labeled)
- ☐ Scale drawing of sign in relation to structure
- ☐ Scale site plan for free standing signs
- ☐ Proposed lighting (when used)
- ☐ Photographs of structure

G – Additions to existing buildings
- ☐ Plans and building elevations to scale
- ☐ Sectional drawings
- ☐ Scale site plan
- ☐ Materials – product and color samples including roofing, brick, mortar, siding, windows
- ☐ Photographs of existing structure

H – Driveway, Sidewalk, Parking Lots
- ☐ Surface type/ material of driveway/sidewalk including color samples
- ☐ Scale site plan
- ☐ Landscaping plans
- ☐ Photographs of structure

I – New Construction
- ☐ Plans and building elevations to scale
- ☐ Sectional drawings
- ☐ Scale site plan (with square footage of building) with adjacent properties and structures.
- ☐ Streetscape elevation showing relationship to other structures and surrounding properties
- ☐ Materials – product and color samples including roofing, brick, mortar, siding, windows
- ☐ Photographs of structure

J - Demolition
- ☐ Scale site plan
- ☐ Explanation why restoration is not feasible
- ☐ Proposed use after demolition (conceptual plan)
- ☐ Photographs of structure

K - Other projects
- ☐ Plans and building elevations to scale
- ☐ Materials – product and color samples including roofing, brick, mortar, siding, windows
- ☐ Scale site plan
- ☐ Photographs of structure

Applicants are required to submit the application form and all appropriate drawings and information to the Department of Planning **two weeks** prior to the regularly scheduled Wednesday meeting of the ARB. Please see meeting schedule for specific dates.

2011-12/14 5a

City of Petersburg, Virginia
Architectural Review Board
Action Sheet

Case Number: 712 High Street

Applicant: Canterbury Enterprises / Gerald Bauer

Date of Board Meeting: Dec. 14, 2011

Comments: Applicant requested deferral on or about Dec 8/9 as design team could not be present request to table

Motion Made By: Gattuso - table to future meeting

Second By: Ballenger

ARB Roll Call:

Member	Aye	Nay	Abst	Member	Aye	Nay	Abst
Ballenger, Lee	✓			White, Robert (Chairman)	✓		
Gattuso, Anthony	✓						
Pradia, Mitchell	✓						
Ward, Isaac	✓						

Motion Carried: _____

Motion Denied: _____

Case Number: _____ Status: Approved _____ Denied _____

Conditions: _____

#1

City of Petersburg
Architectural Review Board

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (COA)

Address of Structure: 712 HIGH STREET

Historic District: OLD TOWNE

Owner: CANTERBURY HIGHSTREET
Address: 204 RIVERS BEND BLVD. Phone: 804-530-2109

Firm/Person Preparing Plans: WALTER PARKS ARCHITECTS
Address: 313 NORTH ADAMS ST. RICHMOND, VA. Phone: 804-644-4761

Firm/Person to Perform Work: CANTERBURY ENTERPRISES
Address: 204 RIVERS BEND BLVD Phone: 804-530-2109

Type of Project:

- ☐ Residential
- ☑ Commercial

Category:

- ☐ A- Repair (In-kind)
- ☐ B- Renovation, Restoration
- ☐ C- Change in materials
- ☐ D- Approval of paint colors
- ☐ E- Fencing
- ☐ F- Signs
- ☐ G- Addition to existing building
- ☐ H- Driveway, Sidewalk, Parking Lots
- ☑ I- New Construction
- ☐ J- Demolition
- ☐ K- Other:

Project Description (attach additional sheets as needed):

NEW CONSTRUCTION THAT WILL CONSIST OF 12 (1) BEDROOM APARTMENTS

(Please see Application Guidance for additional information.)

Please be advised that the ARB may deny or table requests that lack sufficient information for review, and if you or your representative are not present to provide additional information.

Arnold Bam Jr.
Applicant's Signature

11-10-11
Date

For office use
Date received: 11/16/11
Agenda date: 12/14/11
Tax parcel: 023-02-0004 B-2

Department of Planning & Community Development, City Hall, Room 304, 135 N. Union Street, Petersburg, VA 23803
phone: (804) 733-2308 ; fax: (804) 863-2772
email: vahauser@petersburg-va.org
http://www.petersburg-va.org/planning/preservation.htm

High Street
712 High Street
Petersburg, VA
PROJECT SITE
VICINITY MAP
High Street
712 High Street
Petersburg, VA
Walter PARKS ARCHITECT
COVER
A.0

High Street
712 High Street
Petersburg, VA
walter PARKS
ARCHITECT
PLANS
A.201

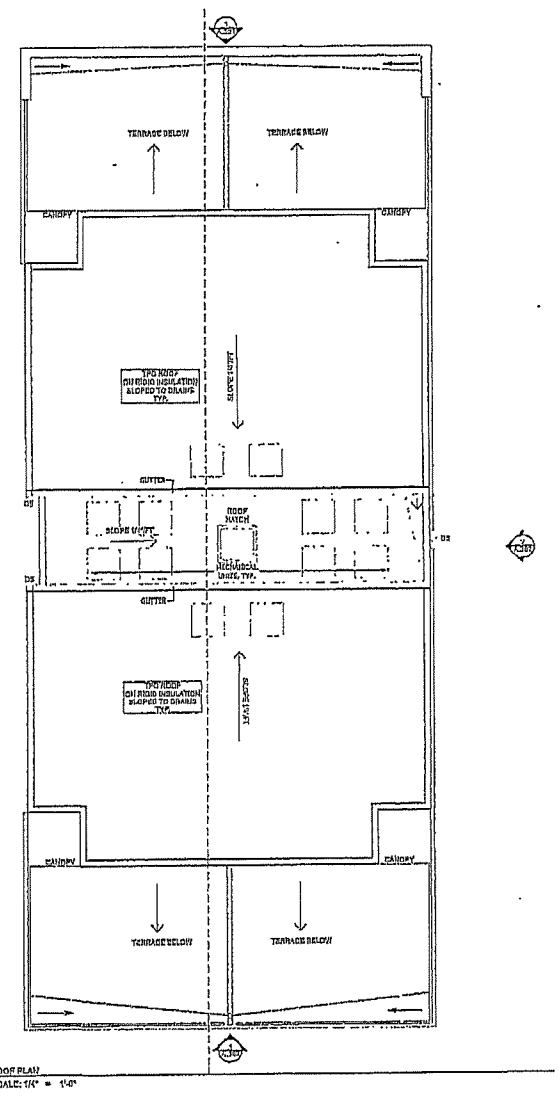
FIRST FLOOR
SCALE: 1/4" = 1'-0"

GROUND FLOOR
SCALE: 1/4" = 1'-0"

High Street
712 High Street
Petersburg, VA

Walter PARKS ARCHITECT

PLANS
A.202



High Street
712 High Street
Petersburg, VA

REVISIONS	
TAG	DATE

walter PARKS
ARCHITECT

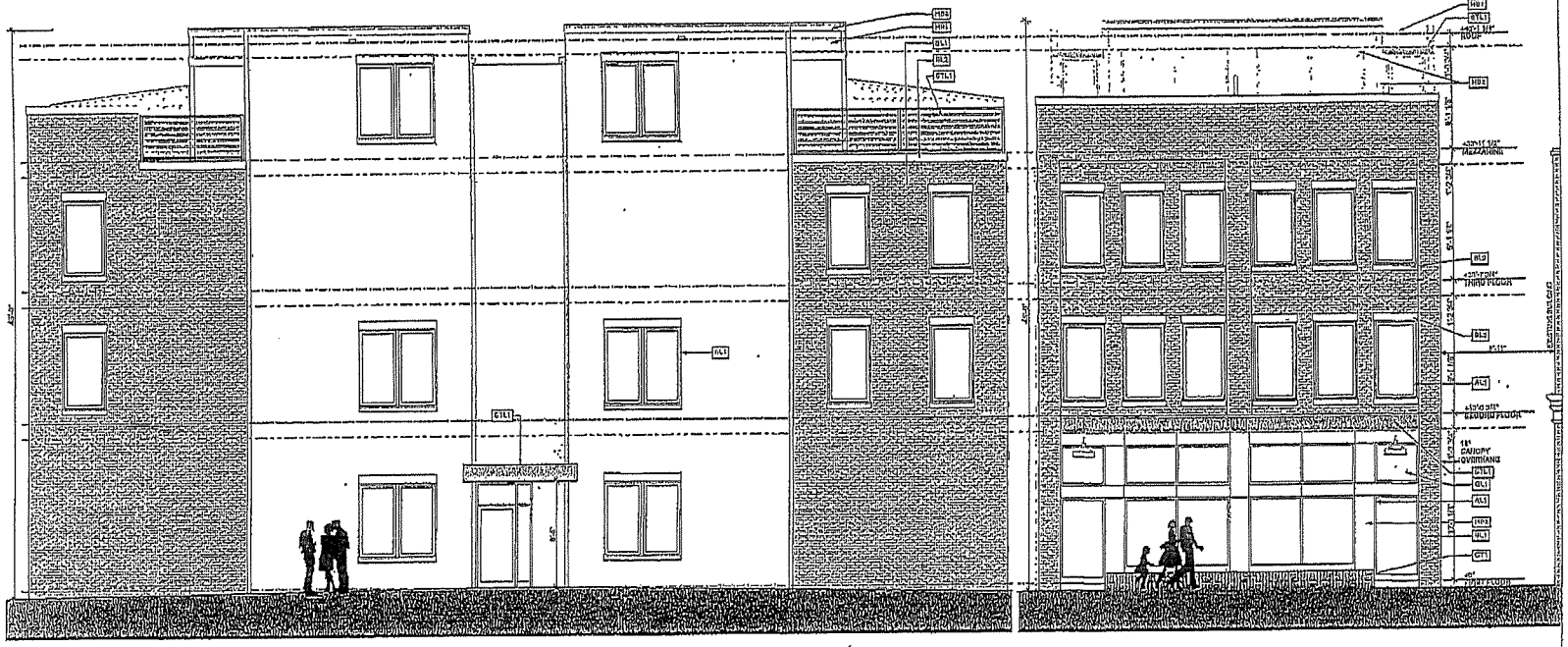
313 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
t: 644-4701 / f: 644-4703

PROJECT #: 10.55
DATE: 11/14/11

PLANS
A.203

EXTERIOR FINISHES

Mark	Description	Manufacturer	Product Name/No.	Color/Finish	Notes
AL1	ALUMINUM	KAWNEER	TRAVAMAX ALUMINUM	DARK BRONZE NO. 40	TRANSOM DOORS/STOREFRONT
BL1	OVERALL BRICK	KING HALL BRICK	BORDEAUX	BURNT CLOAK	
BL2	PRECAST HEADER & SILL				
BL3	BRICK HEADER	FLAMSTOCK-BRIDGEWAY	BRIDGEWAY COLORED CONSULT	3/4 HP - C110	
CT1	1" X 6" CORCELAIN TILE	AMERICAN CLEAN	SUBSTITUTE	SEA GRASS SIDE	
GL1	1/8" GROUT	[illegible]		1/8" DARK	
GL1	FISHER GLASS INSIDER				
HB1	CEMENTITIOUS BOARD	HONDIA	8 1/2" LAP SIDING	MONTMART	SMOOTH TEXTURE
HB2	CEMENTITIOUS BOARD	HONDIA	1 1/2" MINE BOARD	MONTMART	SMOOTH TEXTURE
HB3	STEEL & CHANNEL		CORRUGATED	DARK BRONZE NO. 40	MATCH ALUMINUM WINDOW & DOORS



2 A.301 WEST ELEVATION
SCALE: 1/4" = 1'-0"

1 A.301 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

High Street
712 High Street
Petersburg, VA

REVISIONS	
TAG	DATE

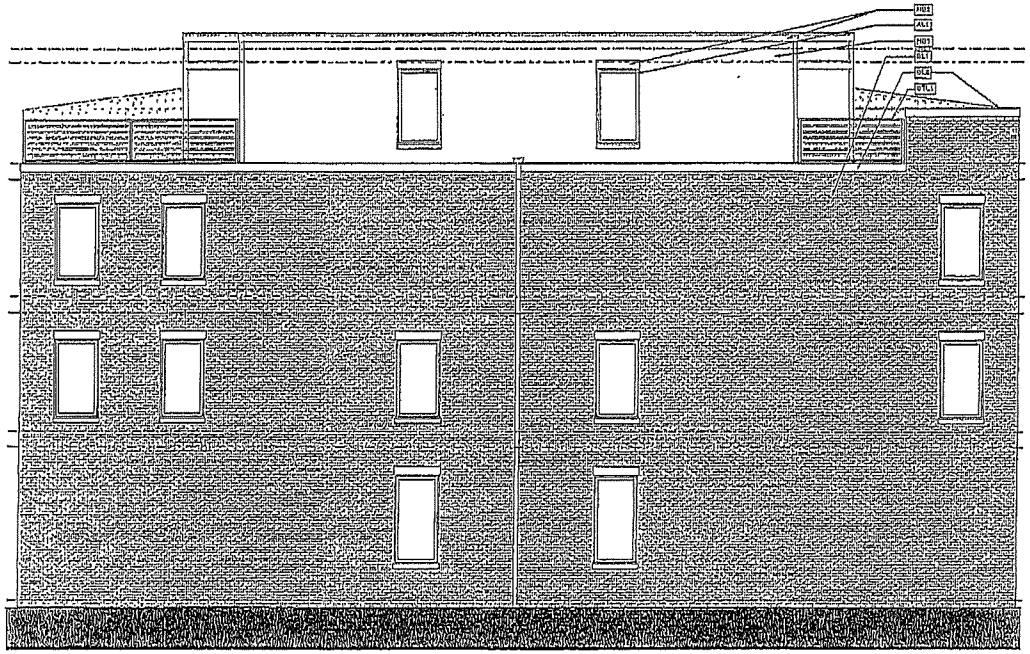
walter PARKS ARCHITECT

PROJECT #: 10.66
DATE: 11/14/11

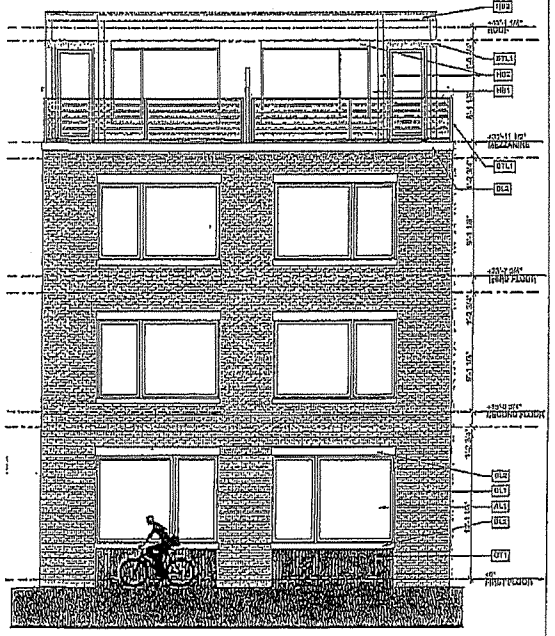
ELEVATIONS
A.301

EXTERIOR FINISHES

Mark	Description	Manufacturer	Product Name/No.	Color/Finish	Notes
AL1	ALUMINUM	CAMBRIDGE	PERMANENTLY ANODIZED	BARK BRONZE NO. 49	WINDOWS/DOORS STOREFRONT
BL1	BRICK BRICK	FINE HALL BRICK	MEDIUM	BURNT CREAM	
BL2	BRICK BRICK	FINE HALL BRICK	MEDIUM	BURNT CREAM	
BL3	BRICK MEDIUM	CLAMPED BRICK	MEDIUM COLORED CEMENT	BARK-BASE	
CT1	2" X 2" PORCELAIN TILE	SHERWIN CLEAN	SHADOW BAY	SEA GRASS 2/23	
CT1	1ST GROUT	MAPEI		1ST GROUT	
GL1	STEEL GLASS WINDOW				
HB1	CEMENTITIOUS BOARD	NICHIHA	5 1/2" LAP SIDING	LIGHT MIST	SMOOTH TEXTURE
HB2	CEMENTITIOUS BOARD	NICHIHA	TRAVERTINE BOARD	LIGHT MIST	SMOOTH TEXTURE
STL1	STEEL CHANNEL		POWDER COATED	BARK BRONZE NO. 49	MATCH ALUMINUM WINDOWS/DOORS



2 A.302 EAST ELEVATION
SCALE: 1/4" = 1'-0"



1 A.302 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

High Street
712 High Street
Petersburg, VA

REVISIONS	
TAG	DATE

walter PARKS
ARCHITECT

313 N. ADAMS STREET
RICHMOND, VIRGINIA 23220
t: 644-4701 / f: 644-4753

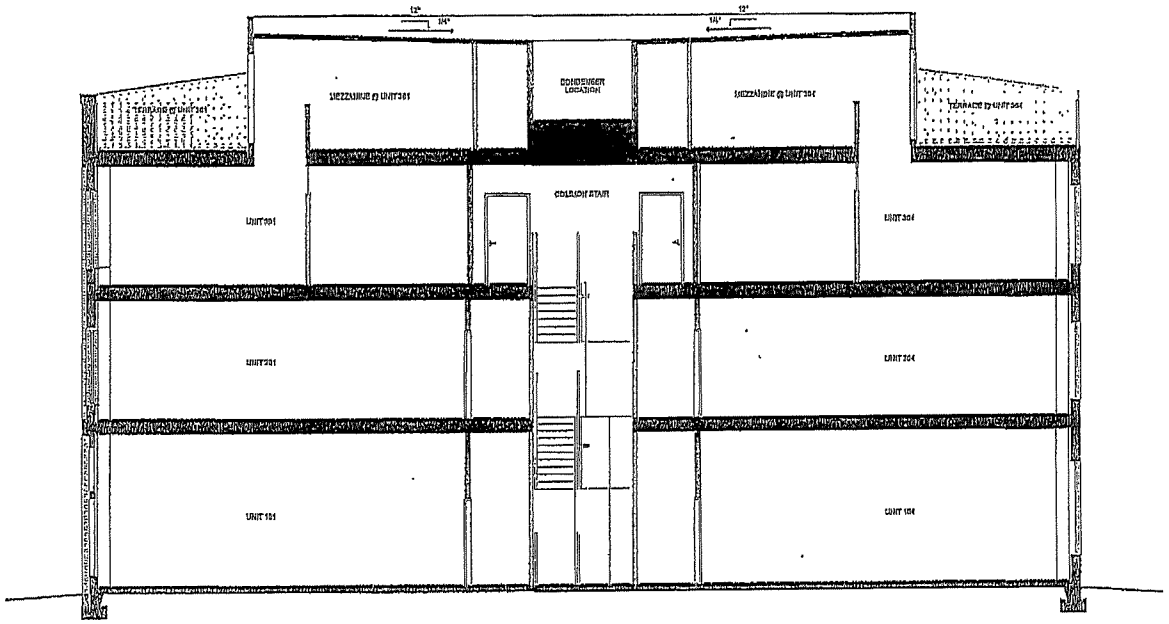
PROJECT #: 10.06
DATE: 11/14/11

ELEVATIONS
A.302

High Street

712 High Street

Petersburg, VA



1 A-401 BUILDING SECTION
SCALE: 1/4" = 1'-0"

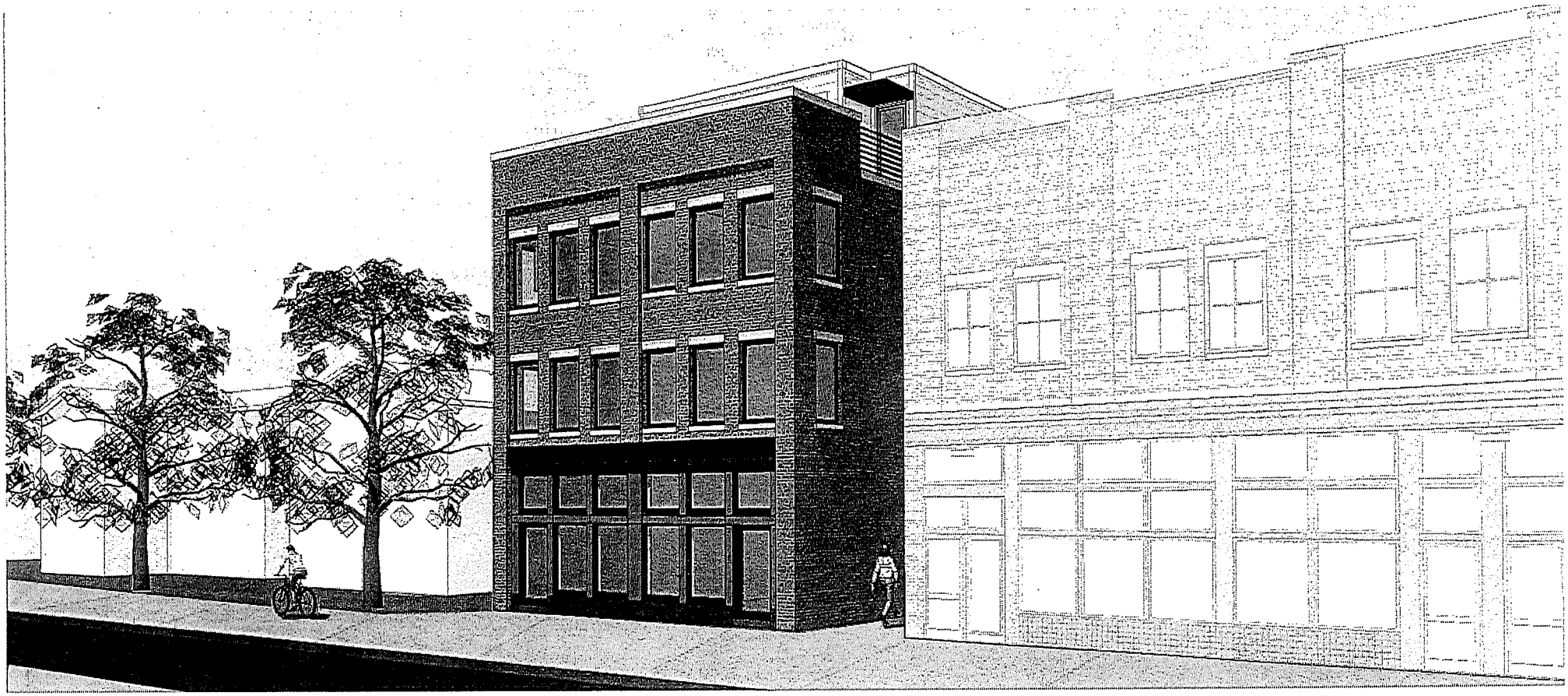
High Street
712 High Street
Petersburg, VA

REVISIONS	
TAG	DATE

walter PARKS ARCHITECT

PROJECT #: 10.65
DATE: 11/14/11

BUILDING SECTION
A.401



HIGH STREET LOFTS

712 HIGH STREET PETERSBURG, VA 23803

STREETSCAPE PERSPECTIVE

3/27/12

walter PARKS ARCHITECT



HIGH STREET LOFTS

712 HIGH STREET PETERSBURG, VA 23803

STREETSCAPE ELEVATION

3/27/12

walter PARKS ARCHITECT

SOUTHSIDE
COMMUNITY DEVELOPMENT
& HOUSING CORPORATION

712-714 High Street Apartments



SCDHC Background

- Homeownership focused – largest single-family non-profit developer in Richmond metro area
- Not large multi-family developer – deliberate in its choices
- Commitment to racial equity: 98% homes built since 1988 bought by Black households, in 2020 97% of clients BIPOC

SCDHC Services Pipeline

Financial Opportunity Center

SERVICE LIST OVERVIEW

Employment & Career Counseling
Income Support
Credit Counseling
Budget Counseling
Digital Literacy Training

Housing Counseling Center

SERVICE LIST OVERVIEW

Rental Counseling
Homeownership Education
Down Payment Assistance
Foreclosure Prevention
VIDA Match Program

SCDHC services are designed to promote neighborhood stability and to provide pathways for people on public assistance to reach financial self-sufficiency and work towards homeownership

714 High Street

- Applied for State funding with both properties to show SCDHC's commitment to taking a holistic approach to community development with its programs - State press release focused on the work in this building instead of new building because it better fit their goals
- SCDHC has already seen improvements in safety, non-resident activity, and cleanliness since beginning management
- Added security cameras and started towing for parking



714 High Street (cont.)

- Not a shelter – transitional housing for individuals who are chronically homeless with medical complications
  - Not the typical case with transitional housing, these individuals are chosen for the program because they regularly check in to the emergency room for medical issues that stable housing would fix better and more cost-effectively
  - Not all units dedicated to transitional housing program





712 High Street

- Property has zoning certification (zoned for B-2) and certificate of appropriateness granted through City Council ordinance 12-ord-24. Has passed all required environmental reviews and will meet EarthCraft certification requirements
- Meets City’s revitalization goals for the area on a property that has been vacant for years

712 High Street

- Target residents: Up to 80% Area Median Income: Richmond metro area
- Petersburg median income: $36,135

Petersburg city

MSA: Richmond, VA MSA

Median Income: $89,400.00

Percentage	One	Two	Three	Four	Five	Six	Seven	Eight
30%	$18,800.00	$21,450.00	$24,150.00	$26,800.00	$30,680.00	$35,160.00	$39,640.00	$44,120.00
40%	$25,040.00	$28,640.00	$32,200.00	$35,760.00	$38,640.00	$41,520.00	$44,360.00	$47,240.00
50%	$31,300.00	$35,800.00	$40,250.00	$44,700.00	$48,300.00	$51,900.00	$55,450.00	$59,050.00
60%	$37,560.00	$42,960.00	$48,300.00	$53,640.00	$57,960.00	$62,280.00	$66,540.00	$70,860.00
80%	$50,050.00	$57,200.00	$64,350.00	$71,500.00	$77,250.00	$82,950.00	$88,700.00	$94,400.00

Thank you!

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: India Adams-Jacobs

RE: **Legislative Update- General Assembly Regular and Special Session I 2021**

PURPOSE: To provide City Council with an update on the past legislative session(s) and government relations activities.

REASON: The General Assembly Legislative Session concluded in February, and then there was an additional Special Session called by the Governor. Staff will report out items of interest from both sessions.

RECOMMENDATION: N/A

BACKGROUND: City staff provided the last update at the beginning of the General Assembly session in January. This is a close out report from the regular session and special session.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: TDB

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: State and Federal legislative delegations.

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 2021 Legislative Session Update

LEGISLATIVE AGENDA UPDATE MARCH 23, 2021

City of Petersburg

STATE

DELEGATE LASHRECSE AIRD (D)



SENATOR JOSEPH "JOE" MORRISSEY (D)



City of Petersburg

Legislative Request #1- City Council /Economic Development

- November 2020- Request infrastructure funding for immediate business site development readiness at Petersburg Pharmaceutical Park Phase I ($750,000).
- ***February- City was successful with securing $10M in final state budget; awaiting the Governor's signature***.

Major Legislation

- Marijuana Legalization (2024) (SB1406)
- Skill Games Banned (HB2168)
- Disabled Veterans Motor Vehicle Property Tax Exemption (SB 1130)
- Cigarette Tax (SB 1326)
- Municipal Elections moved to November (SB 1157)
- Blight Legislation (HB1969)
- Clutter Legislation (HB1778)

Major Legislation- Marijuana Legalization (SB1406) Special Session I

Revenue Impact

According to the Virginia Department of Taxation, and based upon projected marijuana sales in Virginia as determined by JLARC in conjunction with MPG Consulting, it is estimated that this bill could generate total revenues ranging between $13.8 million and $23.0 million in FY 2024; $67.4 million and $112.6 million in FY 2025; $103.8 million and $173.0 million in FY 2026; and $135.6 million and $225.9 million in FY 2027.

The higher end of this range reflects optimistic estimates of illegal market conversion, relative equilibrium between supply and demand, and that no other states or the federal government also legalize these products. The lower end reflects less optimistic estimates of illegal market conversion, possible periods of disequilibrium between supply and demand, and the possibility that surrounding states or the federal government also would legalize marijuana. The FY 2024 estimates are based on five months of collections.

Source- https://lis.virginia.gov/cgi-bin/legp604.exe?212+oth+SB1406FER122+PDF

Skill Games (HB 2168) Special Session I

- Governor Northam amended legislation on March 19, 2021 to prohibit skill games
- Skill Games prohibited effective July 1, 2021

Local Cigarette Taxes (SB 1326) Special Session I

- **Local cigarette taxes; regional cigarette tax boards.** States that it is the policy of the Commonwealth, where practical, to encourage local cigarette stamping and tax collection to be accomplished through regional cigarette tax boards, defined in the bill. The bill directs the Department of Taxation to establish a task force to develop methods for modernizing the local cigarette tax collection system and provide assistance as appropriate to localities seeking to form new regional cigarette tax boards.

- Effective July 1, 2021; Governor signed into law on 3/11/21

Municipal Elections (SB1157) Special Session I

- To shift all city, town and school board elections to November
- Effective January 1, 2022; Governor signed into law on 3/12/21

Blight & Derelict Buildings (HB1969) Special Session I

- **Administration of blighted and derelict properties in certain localities.** Modifies the definition of "qualifying locality" to include any locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020. Under current law, a qualifying locality is one with a score of 107 or higher on the fiscal stress index, as published by the Department using revised data for 2017.
- Qualifying localities are able to (i) classify blighted and derelict properties as a separate class of taxable property and assess such property at a higher rate and (ii) sell delinquent tax lands six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted.

Removal of clutter (HB1778) Special Session I

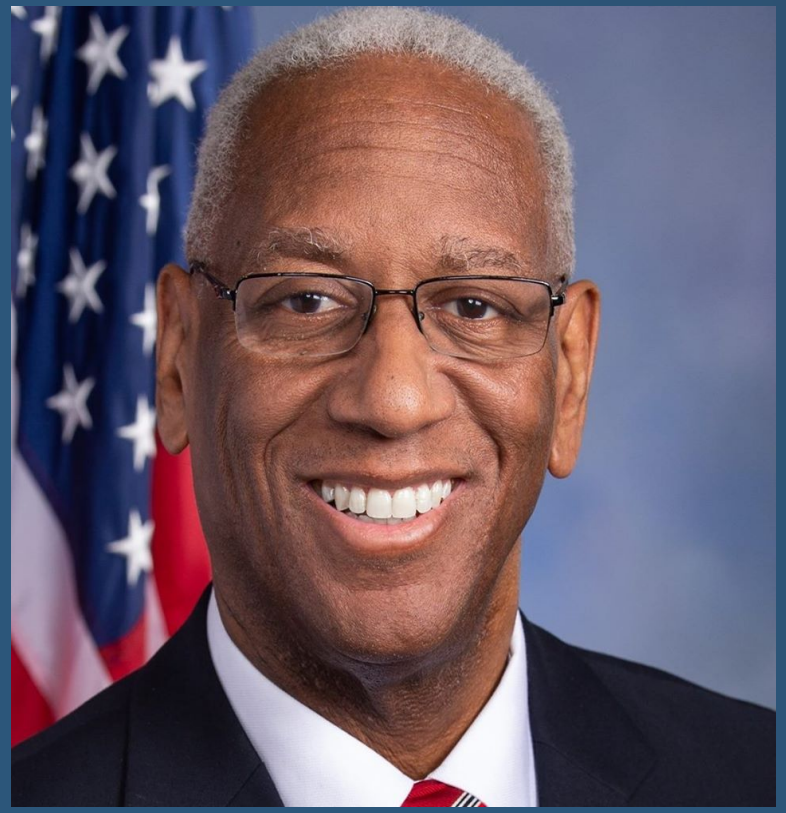
Removal of clutter from property; civil penalty. Provides that a locality may by ordinance require the removal of clutter from property, except on land zoned for or in active farming operation, or may, whenever the governing body deems it necessary, after reasonable notice, have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. The bill defines "clutter" as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property.

- Effective July 1, 2021; Governor signed into law on 3/18/21

FEDERAL

CONGRESSMAN

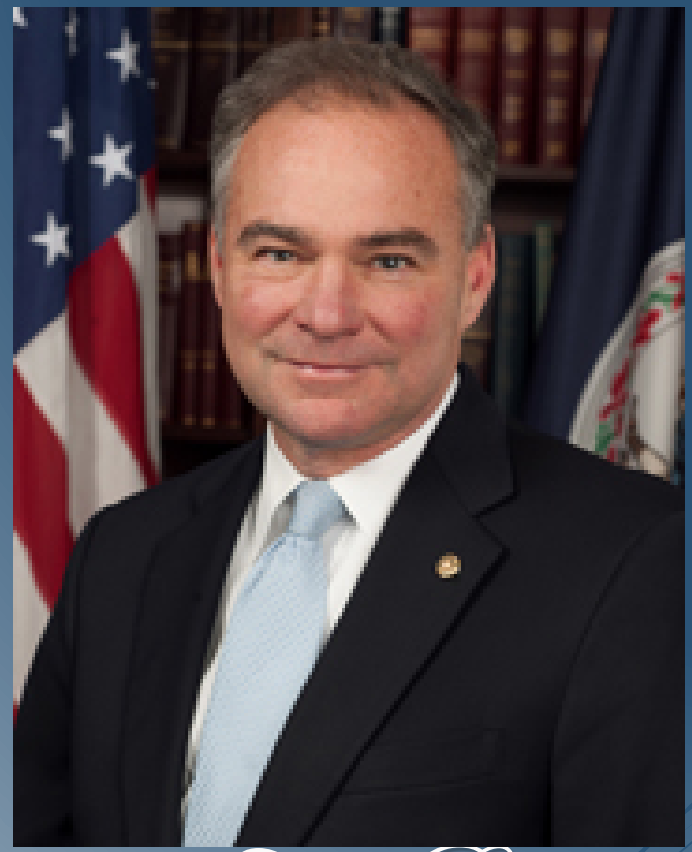
DONALD MCEACHIN(D)



SENATOR MARK WARNER (D)



SENATOR TIM KAINE (D)



Fiscal Year 2022 Community Project Funding

- In March 2021, the House Appropriations Committee announced that the committee will accept requests for community project funding (CPF), formerly known as earmarks, for the Fiscal Year 2022 (FY2022) appropriations process.
- This type of direct funding to specific governmental entities, nonprofit organizations, or geographic locations has not been permitted in congressional appropriations in a decade.
- Through the new CPF program, Members of Congress will be able to request direct funding for specific entities and projects in their districts to serve the public good and ensure that taxpayers get a greater say in the federal spending process.

Special Thanks to:

- Petersburg Federal & State Delegation
- City Council, Staff, and Residents

THANK YOU

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM:

RE: **COVID 19 UPDATE**

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS: None

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Robert Floyd

RE: **Presentation of the FY2021-22 Proposed Operating Budget.**

PURPOSE: To present to City Council and the residents of Petersburg the FY2021-22 Proposed Operating Budget.

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS: None

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: India Adams-Jacobs, Tangela Innis, Stacey Jordan

RE: **Utility Relief Assistance Program Update**

PURPOSE: To provide City Council with an update on the Utility Relief Assistance program.

REASON: The City of Petersburg was been awarded federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds for municipality utility relief to eligible Petersburg, VA customers from Virginia Housing and Community Development (VHCD). These funds offer relief to utility customers who have been greatly impacted by the COVID-19 pandemic.

This includes customers who have fallen behind on water and wastewater bill payment(s) due to economic hardship from the COVID-19 pandemic. The program were to assist in covering water and wastewater bills that were 30-60+ days late between March 1, 2020 - December 30, 2020. This does not cover any penalties or fees assessed by locality.

RECOMMENDATION: N/A

BACKGROUND: On January 19, 2021, City staff provided the City Council with the program's guidelines and an update on the number of total applications. Staff also provided the City Council with two options for awarding funding. City Council elected for Option B, which provided the most equitable solution for the community and awards based on a tiered approach.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Office of Billing & Collections

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS: Finance, Billing & Collections and City Manager's Office staff have been adjusting to administering this program in addition to day-to-day operations.

ATTACHMENTS:

1. Utility Relief Assistance Program Update- 4/6

Utility Assistance in Petersburg, Virginia



UTILITY RELIEF ASSISTANCE PROGRAM

APRIL 6, 2021

City of Petersburg

PROGRAM GUIDELINES FROM VIRGINIA HOUSING COMMUNITY DEVELOPMENT (VHCD)

- The City of Petersburg has been awarded federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds for municipality utility relief to eligible Petersburg, VA customers from VHCD.
- These funds offer relief to utility customers who have been greatly impacted by the COVID-19 pandemic.
- This includes customers who have fallen behind on water and wastewater bill payment(s) due to economic hardship from the COVID-19 pandemic.
- The program will assist in covering water and wastewater bills that were 30-60+ days late between March 1, 2020 - December 30, 2020.
- Does not cover any penalties or fees assessed by locality.

CITY OF PETERSBURG PROGRAM CRITERIA

Eligibility requirements include:

- Those who have faced financial hardship due to the COVID-19 pandemic.
- City of Petersburg resident with residential utility account.
- Past due water and/or wastewater balance that began between March 1, 2020 through December 30, 2020.
- Minimum of $20 and a maximum $1,500 past due bill.
- Must verify that you accept funding.

WHAT THIS PROGRAM DOES NOT DO

- Please note, this program only covers City utilities (water and wastewater); this program does **NOT** cover utility bills from other entities, such as **Dominion Power**.
- This does **NOT** cover City bills related to-refuse (trash), stormwater and tax.

- Does **NOT** apply to cover any balances prior to March 1, 2020 or after December 31, 2020.

- Does **NOT** cover penalties or fees assessed by locality.
- Due to the high volume of applicants this program will **NOT** cover all arrearages.

APPLICATIONS UPDATE & PROGRAM DEADLINES- JANUARY 19, 2021

- Two methods- online applications and paper applications(mailed and City website)

- Approximately- 1,450 applications total online and paper application
  - 80% online applications
  - 20% paper applications

Deadlines:

- Friday, January 8th for online applications
- Friday, January 29th – extended due to USPS delays
- Please note that all award notifications will now be delayed due to this change, and **awardees should expect a notice no later than February 26, 2021.**



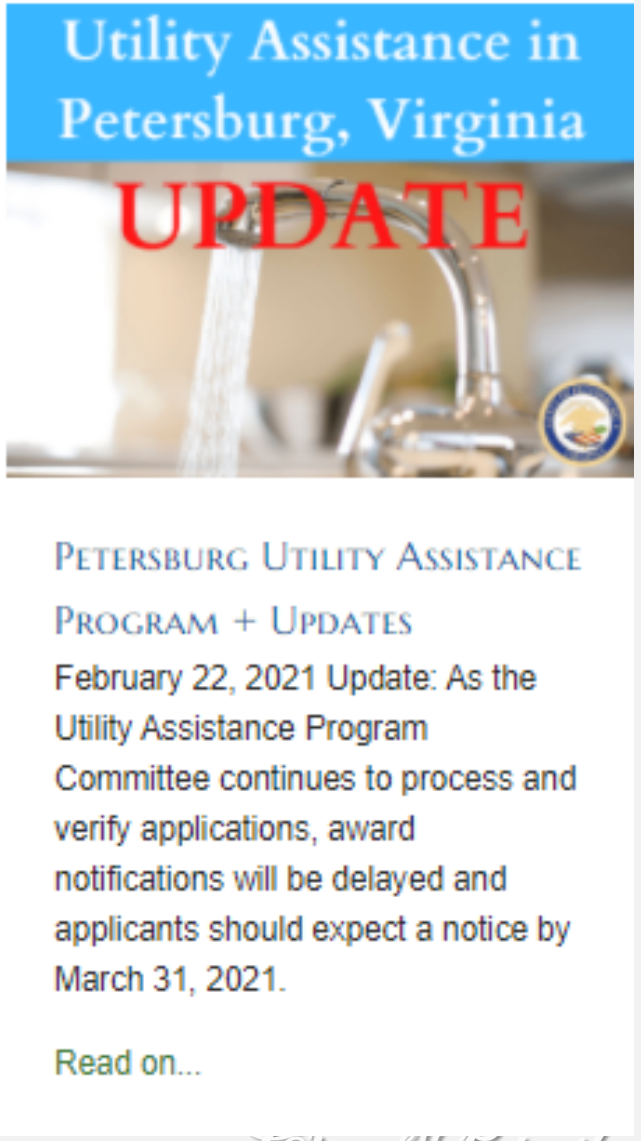
APPLICATIONS UPDATE & PROGRAM DEADLINES- MARCH 23, 2021

1,619 total applications

- Online- 1167
- Paper- 452

Deadlines:

- February 5th – extended due to USPS delays and mailing issues
- Please note that all award notifications will now be delayed due to this change, and **awardees should expect a notice no later than March 31, 2021.**



PROGRAM FUNDING CONSIDERATION & EQUITY – OPTION B

- Assistance will be awarded on a first-come, first-served basis based on established program criteria and submitted application completeness/accuracy.
- **Proposed funding allocation breakdown would be:**
  - **Approximately $306,000 awarded on first come first served basis to online applicants based on tiered system to attempt to spread funding as fairly and equitably as possible.**
  - **Approximately $76,500 awarded on first come first served basis to paper applicants based on tiered system to attempt to spread funding as fairly and equitably as possible.**

Pros	Cons
More equitable; provides funding breakdown to online and paper applicants, which more than likely will assist residents who were unable to apply online (digital inequity)	More difficult to administer
More residents will receive funding	Residents may receive a lower award amount

COUNCIL ACTION OPTION B- JANUARY 19, 2021

Option A	Option B
Proposed funding allocation breakdown: • Approximately $382,494 awarded on first come first served basis regardless of application type (online or paper).	Proposed funding allocation breakdown: • Approximately $306,000 awarded on first come first served basis to online applicants based on tiered system to attempt to spread funding as fairly and equitably as possible. • Approximately $76,500 awarded on first come first served basis to paper applicants based on tiered system to attempt to spread funding as fairly and equitably as possible.

TIERED APPROACH BASED ON OPTION B

Based on council direction and staff recommendation, a tiered award approach was applied to customer awards to promote equity and help assist the greatest number of customers as possible.

Arrears Amount	Award Amount
$20-$125	Exact amount
$125.01-$250	$125
$250.01-$750	$250
$750.01 +	$450

AWARD RESULTS- MARCH 23, 2021

Type of Application	# of Applicants	Total
Online	1021	$272,923.80
Mail	306	$85,296.77
Ineligible*	292	
Total # of Awardees	*1,327*	
Total	*1,619*	*$358,220.57*
Funds Remaining		*$24,273.43*

REASONS FOR INELGIBIILTY

- Provided incorrect account number, or the applicant is not the account holder on file
- The account does not exist
- The account is inactive or invalid
- The account is under an apartment complex
- Withdrew from the program
- Address on the application does not match the address on file
- Applied using more than one account
- Account arrearages is less than $0
- Did not follow up with City on hardship clarification
- Hardship not due to COVID-19
- *Business or Non-residential account*
- *Application is incomplete*

WHAT HAVE WE LEARNED? *There is still a significant need*

Out of the 1327 Customers…

- We were able to provide $358,220.57 towards utility relief.
- However, there is still $402,140.12 of arrears that we were not able to address with this program.

NEXT STEPS

- Following up to gauge how many customers have fallen behind after Dec 30, 2020- March 3, 2021
- Following up with State on additional funding opportunities
- Internal close out process
- Report back to City Council-May

Special Thanks to:

- City Council
- City Staff- Utility Relief Assistant Program Staff
  - Ken Miller, ICM
  - Lionel Lyons, DCM
  - Darnetta Tyus, DCM
  - India Adams-Jacobs, Asst. to the City Manager
  - Tangela Innis, Public Works & Utilities Director
  - Gerrit VanVoorhees, IT Director
  - Stacey Jordan, Interim Finance Director
  - Monte Evans, Billing & Collections Manager
  - Alesha Mann, Management Fellow

THANK YOU

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 6, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM:

RE: **City Managers Report**

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. City Managers report 4.6.2021
2. End of Session Report 2021_Crater Planning District

City of Petersburg

Office of the City Manager
135 North Union Street
Petersburg, Virginia 23803

(804) 733-2301

MEMORANDUM

Date: April 6, 2021

To: Honorable Mayor and Members of City Council

From: Kenneth Miller, Interim City Manager

Subject: **City Manager's Report – April 6, 2021**

Utility Relief Program – Update presentation provided during meeting.

ERP – Update presentation provided during meeting.

FY2021-22 Proposed Operating Budget – Presentation provided during meeting.

Finance:

- Preaudit – RFP released through EVA 03.15.2021

Recreation, Special Events, & Volunteerism:

- Petersburg High School Athletic Director is requesting usage of the Sports Complex for Varsity Boys/Girls Baseball/Softball Practice and games.
- Each year the Sports Complex serves as the home site for Petersburg High School Scholastic Spring Sports.

Public Works & Capital Projects:

Park-N-Ride:

- A total of 5 Contractors submitted bids with costs ranging from $4,740,000.00 to $6,313,919.00.
- The lowest bidder was Mark Turner Construction.
- The total project was anticipated at $4,852,500.00.

LED Conversion:

- 163 light conversions will be done on the first phase of conversions.
- The initial work order request has been broken into Four work order requests to begin the project; #10402240, #10422033, #10422034, #10422035.
- The roll out plan will be put together and communicated through a memo update.

Work Request	Scheduled Start	Scheduled Completion	Project Completion
10402240	04/05/2021	04/21/2021	06/30/2021
10422033	04/05/2021	04/21/2021	06/30/2021
10422034	03/29/2021	04/21/2021	06/30/2021
10422035	04/05/2021	04/07/2021	06/30/2021

St. Andrew St. Bridge Replacement Project:



Contractor installing support beam for 8" ductile iron waterline.

4



Contractor installing 8" ductile iron waterline pipe.



Subcontractor collecting water sample for bacteriological testing.

General District Court:

- The re-roofing project is complete.

CRATER PLANNING DISTRICT COMMISSION

2021
END OF SESSION REPORT

March, 2021

ADMINISTRATION OF GOVERNMENT

HB 1969 - **RE: Blighted & Derelict Properties** – to amend Section 58.1-3221.6 which allows "qualified localities" to declare blighted properties and the land to be a separate class of property for local taxation, so a different rate can be applied- may exceed the rate on the general class of real property by up to 5 percent. On derelict buildings and the land the rate can be up to 10 percent higher.

This bill **lowers the threshold for Qualifying Locality** to a locality with a score of 100 or higher on DHCD's fiscal stress index, as published in July, 2020.

The bill also seeks to amend Section 58.1-3970.1 re: **appointment of a special commissioner** to execute title to certain real estate with delinquent taxes or liens to localities. Currently, **Hopewell** & **Petersburg** are specifically named, but it would change it to the above fiscal stress index of 100 or higher.

This legislation would give this authority, including the special Commissioner provisions, to:

Colonial Heights
Dinwiddie County
Greensville County
Hopewell
Petersburg
Sussex County

The **City of Emporia** already had this per Section 58.1-3221.6.

Freedom of Information Act

HB 1931 - **RE: FOI Act** – to amend Section 2.2-3708.2A.1 to allow public bodies to meet through electronic communication if notified on or before the meeting day that a family member of a member has a medical condition that requires the member to provide care preventing his or her physical attendance. It would also provide that this information must be included in the minutes. It would also amend 1b. re: inability of a member to attend due to a personal matter, to add that a member could only use this excuse for 2 meetings/ year or 25% of the meetings held/year rounded up to the next whole number, whichever is greater. The specific nature of the personal matter would have to be in the minutes.

HB 2025 - **RE: FOI Act** – to amend Section 2.2-3705.1-10 to exempt from disclosure personal contact information provided to a public body or any of its members for the purpose of receiving electronic communications from that body or its members.

SB 1271 - **RE: FOI Act** – to amend Section 2.2-3708.2A.3. to allow a public body or any joint meeting thereof to meet electronically without a quorum physically present when the locality in which the public body is located has declared a local state of

emergency. The purpose of the meeting would have to be to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties and responsibilities. The public body would still have to: give public notice, make arrangements for public access through electronic communications, including video conferencing if already used by the public body; provide the public with opportunity to comment when public comment is customarily received. It was amended so that it in no way limits the General Assembly's exercise of authority to set its rules of procedure.

SB 1135 - **RE: Dangerous Dogs** – Overhaul of multiple Code sections re: procedures to be used by law enforcement and animal control officers to deal with dangerous dogs, when they may apply for a summons, when the dog can be disposed of, and how the court handles these dogs. Localities would be authorized to enact parallel dangerous dog ordinances. No locality could impose a felony penalty for violation of the ordinance.

HB 1848 - **RE: The Virginia Human Rights Act** – to add prohibition of discrimination on the basis of **disability**; to require employers to make reasonable accommodation to the known physical and mental impairments if necessary to assist such person to perform a particular job.

HB 1874 - **RE: Minimum Standards for Local Corrections Facilities** – to amend Section 53.1-68 C.1. to provide for behavioral health screening ("and assessment" removed) of individuals committed to local correctional facilities; if screening indicates a mental illness there would have to be a referral to a behavioral health provider for an assessment. Provisions are added re: procedures that must be followed if a person is in acute mental health distress or a suicide risk. As amended the Board of Local & Regional Jails shall review the behavioral health screening and assessment process to identify barriers to ensuring the 72 hours requirement and present recommendations for addressing the barriers. Report due 10/1/2021.

HB 1898 - **RE: Boards of Zoning Appeals** – to amend Section 15.2-2308A. to allow an elected official of a town to serve on that county's BZA.

HB 1968 - **RE: Absentee Voting in Person** – to allow localities to offer this service on Sundays.

SB 1148 - **RE: Primary Elections in June** – to set the date for **the 3rd Tuesday in June**, not the 2nd.

SB 1157 - **RE: Municipal Elections** – to shift all city, town and school board elections to November, effective 1-1-2022.

HB 2046 - **RE: Virginia Fair Housing Law** – to provide that it shall be an unlawful, discriminatory housing practice for any political jurisdiction to discriminate in the application of **local land use ordinances** or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, or handicap source of funds, sexual orientation, gender identity, military status or disability, or because the development would contain affordable housing units for people with incomes at or below 80% of the area's median income. It would not prohibit ordinances re: Short-Term Rentals. It would not prohibit decisions based on considerations of limiting high concentrations of affordable housing. If discrimination is found the matter would go to the Virginia Attorney General for civil action.

HB 2085 - **RE: Local & Interjurisdictional Emergency Operations Plans** – to amend Section 44-146.19 E to require that plans contain provisions to ensure that they are applied equitably and that the needs of minority and vulnerable communities are met.

Solar & Energy Storage

HB 2201 & SB 1207 - to broaden Code sections 15.2-2288.8, 2316.6-2316.9 so that all solar and energy storage projects greater than 5 MW would be required to execute host siting agreements with the locality prior to issuance of a state permit. These agreements may include mitigation of impacts, financial compensation to the host locality, assistance by the applicant in broadband deployment. Not applicable to projects that have received zoning and site plan approval before 1-1-2021.

HB 2006; SB 1201 - **RE: Tax Exemptions for Energy Storage Systems** – to declare these systems included in the definition of Certified Pollution Control Equipment & Facilities, making them exempt from state and local taxation. The tax exemption is applicable only to certain projects with alternating current (AC) storage capacity of more than 5 MW and less than 150 MW.

It allows localities to assess a revenue share of up to $1,400/MW on energy storage systems. It provides that on 7-1-2026, and every 5 years thereafter, the max amount of the revenue share that may be imposed on energy storage systems as well as certain solar energy projects shall be increased by 10%. Also, energy storage systems are defined as electric supplies whose property shall be assessed by the SCC.

HB 2269 - **RE: Local Option Revenue Share for Solar Projects & Energy Storage Systems** – to allow the up to $1,400 per MW to increase on 7-1-2026 and every 5 years thereafter by 10%.

SB 1208 - **RE: Continuity of Government** – to amend Section 15.2-1413 to extend the 6-month timeframe to 12 months.

HB 2131 - **RE: Locality Input on ABC Licenses** – to amend Section 4.1-230 B. to add a locality's CAO as an option for locality notifications of license applications. The bill would also amend Section 15.2-907 to add to the definition of "**Criminal Blight**" the regular presence of persons in possession of (new) or under the influence of controlled substances; the discharge of a firearm (current language says "repeated acts of malicious discharge").

HB 1778 - **RE: Property Maintenance** – to amend Section 15.2-901 to add "clutter" so that a locality could require removal or remove "clutter", i.e. mechanical equipment, furniture, containers, that have accumulated in public view. Amendments were added in 3 places in the bill to provide an exception to the provisions for land zoned for or in active farming operation.

SB 1275 - **RE: Workers Compensation-Hypertension, Heart Disease** - to amend Section 65.2-402 B. to add salaried and volunteer EMS personnel (applies to those responsible for direct provision of EMS care), when they are operating in a locality that has legally adopted a resolution and meets any minimum hours worked requirements established in such resolution, declaring that it will provide one or more of the presumptions under this subsection.

HB 2001 - **RE: Building Standards for Public Buildings** – to add a new section, Section 15.2-1804.1 that will apply to localities building new buildings or doing significant renovations- buildings greater than 5,000 sq. feet- must comply with high performance building certification program and VEES, must have sufficient electric vehicle charging infrastructure. If cost is the excuse you would have to calculate and compare costs over 20 years. There is an alternative for achieving ENERGY STAR certification if less than 20,000 sq. feet. The bill was amended so that it will NOT apply to localities with a population of less than 100,000 until July 1, 2023.

HB 2017 - to **allow** localities to establish **Youth Justice Diversion Programs**.

HB 2266; SB 1471 - **RE: Outdoor Refreshment Areas-ABC Licenses** – to change the name of ABC Local Special Events License to Designated Outdoor Refreshment Area License. These licenses can only be issued to a locality, business improvement district or nonprofit organization. Alcohol could be consumed in these designated outdoor areas, including sidewalks. These licensees would be limited to 16 events/year and the duration of each shall not exceed 3 days. Frequency and duration could be increased after adoption of a local ordinance requesting such increases- local ordinance would be required to include size and scope of area, public safety plan and any other considerations required by ABC.

HB 1963 - **RE: Funding for Local Health Departments-Government Contribution** – to add a new Section 32.1-34.3 to provide that the amount of local matching funds that a locality would be required to provide shall be determined on the locality's revenue generation capacity factor- In no case higher than 45% or lower than 18% of the total cooperative local health budget after deducting estimated self-generated local service revenues. No change in Chesterfield; Increases in Charles City, Colonial Heights & Prince George County; Everyone else would see a decrease.

Note: A budget amendment provided in conference **phases in over 3 years** the increase in local match and the increase in state support for updates to the local health department cooperative funding formula.

HB 2326 - **RE: Child Care Facilities & Services** – to give to **all cities** the authority that only NOVA localities have to, by ordinance, regulate and license persons who provide child-care services and to regulate and license child care facilities.

SB 1465 - **RE: Gray Machines** – to amend Section 18.2-325 and adds a new section that defines "unregulated location", sets out penalties for operating these machines in an unregulated location, and provides for civil actions by Commonwealth's attorneys, local government attorneys or the Attorney General.

HB 2333; SB 1445 - **RE: COVID-19 Vaccine** – The bill defines "eligible health care provider"; it direct the State Department of Health to establish a program to enable eligible health care providers to volunteer to administer the vaccine and maintain a list of these providers; it requires that data be collected at every site re: race and ethnicity; it direct the State Department of Health to establish a process whereby businesses, schools, hospitals, major facilities can volunteer sites for vaccinations; to allow fire departments, rescue squads to establish and staff sites-still need licensed providers, EMTs, Paramedics to administer the vaccine.

SIGNED BY GOVERNOR

SB 1375; HB 2207 - **RE: Workers' Compensation-COVID-19** – to add to Section 65.2-402.1 COVID-19 causing the death of or any health condition or impairment resulting in total or partial disability of any firefighter, law enforcement officer, correctional officer or regional jail officer shall be presumed to be an occupational disease, without a preponderance of competent evidence to the contrary. Applicable only to people whose death or disability occurred on or after 9-1-2020 and prior to December 31, 2021. Diagnosis must come from licensed physician, after testing, and required medical treatment for COVID-19 signs and symptoms.

ECONOMIC DEVELOPMENT

SB 1413; HB 2304 - **RE: Broadband Services** – to amend Section 56-585.1:9 to make permanent the pilot program under which a Phase I or Phase II utility may petition to provide broadband capacity to unserved areas. It also allows for participation of municipalities and government-owned broadband authorities. Also, investor-owned utilities may recover costs of and revenue generated from providing broadband capacity that serves as an electronic grid transformation project in areas unserved by broadband.

HB 2273; SB 1423 - **RE: Data Centers-Sales & Use Tax Exemption** – to amend Section 58.1-609.3 to provide that the requirement for at least 50 new jobs is reduced to 10 new jobs if the data center is located in a distressed locality, with the minimum capital investment reduced from $150 million to $70 million in a distressed locality. It defines "distressed locality in this section as:
1. From July 1, 2021, until July 1, 2023, any locality that had (i) an annual unemployment rate for calendar year 2019 that was greater than the final statewide average unemployment rate for that calendar year and (ii) a poverty rate for calendar year 2019 that exceeded the statewide average poverty rate for that year; and
2. From and after July 1, 2023, any locality that has (i) an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year and (ii) a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year.

The bill also requires that as long as data centers are claiming an exemption, they must submit detailed reports to VEDP annually.

SB 1398 - **RE: Lodging Taxes** – to create a **Tourism Promotion Fund** by amending all of the statutes re: the Transient Occupancy Tax and the Sales Tax on room rentals to provide that the taxes be imposed on the total price paid by the customer. If hotel rooms are facilitated via an intermediary (ex. Expedia), the hotel bill is to reflect the total price with taxes broken out. The tax revenue attributable to the charge for the service provided by the intermediary, whether accruing to the state or the locality, shall be dedicated to tourism promotion. VTC will administer the Tourism Promotion Fund and is directed to provide grants from the Fund to tourism entities for the purpose of promoting tourism in Virginia.

No more than 50% of the funds available in a fiscal year shall be distributed. A 50% cash or in-kind match would be required. Funds cannot be used for capital projects or signs. Funds have to be disbursed throughout Virginia.

HB 2204; SB 1405 - **RE: Workforce** – to establish the **Get Skilled, Get a Job, Give Back (G3) Fund and Program**. It is focused on high-demand fields in which there is a shortage of skilled workers. The fund will provide financial assistance to low-and middle-income Virginia students enrolled in educational programs at an associate degree granting public higher ed institution (2-year college/community college).

EDUCATION

HB 1823 - **RE: School Buildings** – to require that all built before 2015 have carbon monoxide detectors.

SJR 294 - to have JLARC **study** the **true cost of education** and provide an accurate assessment of the **SOQ implementation costs**.

SB 1313 - **RE: Children's Services Act** (CSA) – to amend Section 2.2-5211 A. to provide that State Pool funds for private special education services shall only be expended on private educational programs that are licensed by the Virginia Department of Education. Added as a target population are children/youth previously in approved private school educational programs for at least 6 months who will receive transitional services in a public school setting. State Pool funds may be used for transitional services (no more than 12 months). It allows for local agencies to contract with a private school education program provider to provide transitional services in public schools. A definition of "transitional services" is added to this Code section. The bill also directs the Secretary of Education, Office of Children's Services, and the Department of Education to establish a Work Group (includes broad representation to stakeholders including local governments. Report due 11-1-2021.

HB 1827 - **RE: State Board of Education** – to require that at lease 5 members each reside in a different superintendent's region to ensure better geographic representation.

SB 1257 - **RE: School Personnel** - to amend the SOQ to require each school board to provide at least 3 specialized student support positions/1,000 students (includes social workers, school psychologists, school nurses, licensed behavior analysts). These can be school employees or contracted services.

ENVIRONMENT

HB 1801 - **RE: Litter** – to amend Section 33.2-802 to increase penalties for dumping trash, garbage to $500-$2,500 (current law $250-$2,500). This Code section already provides for local ordinances as long as they do not conflict with this Code section.

HB 2129, SB 1353 - **RE: Chesapeake Bay Phase III Watershed Improvement Plan-Nutrient Removal** - Requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works beginning February 1, 2023, to address the requirements of the ENRC Program.

The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the Water Quality Improvement Fund. The bill lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms.

The bill provides that the ENRC Program shall be deemed to implement through January 1, 2026, the Chesapeake Bay Phase III Watershed Implementation Plan. The bill provides that if, after July 1, 2026, Virginia has not achieved its nitrogen pollution reduction commitments in the Phase III Watershed Implementation Plan, the Secretary of Natural Resources may develop an additional watershed implementation plan.

SB 1309 - **RE: Local Stormwater Management Fund – Flood Mitigation & Protection** – to amend Section 15.2-2114.01 to allow these dollars to be used for flood mitigation and protection measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality. Grants, where practicable, shall prioritize projects that include nature-based practices.

SB 1258 - **RE: Soil Erosion & Sediment Control-Solar Projects** – to add Section 62.1-44.15:55.1 to provide that any locality that does not operate a regulated MS4 and for which the Department did not administer a VSMP as of 7-1-2020, shall notify

the Department if it decides to have the Department provide the locality with 1) review of the erosion & sediment control plan; and 2) a recommendation on the plan's compliance with the regulations for any solar project exceeding 5MW.

This bill was amended to direct DEQ to adopt a fee schedule and charge fees for conducting reviews pursuant to this section. The fees shall be charged to applicants and not to any VESCP authority. The amount of the fees shall be set at an amount representing no less than 60 percent, but not to exceed 62 percent, of the administrative and other costs to the Department for conducting such reviews.

HB 1836 - **RE: Secretary of Natural Resources** – will now be called Secretary of Natural & Historic Resources.

SB 1210 - **RE: Environmental Permit Fees** – to direct DEQ to convene working groups to develop annual fee schedules for nonhazardous solid waste management facilities, and annual maintenance fee schedules for certain water withdrawal permits.

SB 1291 - **RE: Virginia Water Protection Permits** – to amend Section 62.1-44.15:22 to provide that no Virginia Water Protection Permit for a surface water withdrawal shall be issued without an approved water auditing plan, leak detection and repair plan; to amend Section 62.1-262 re: ground water withdrawal permits to require that within the water conservation & management plan there must be a water auditing plan, a leak detection & repair plan.

SB 1404 - **RE: Stormwater Local Assistance Fund** – to amend Section 62.1-44.15:29.1 to add that grants awarded for projects related to Chesapeake Bay TMDL requirements may take into account total phosphorus reductions or total nitrogen reductions. Also, grants awarded in localities with high or above-average fiscal stress may account for more than 50% of project costs.

LAND USE

HB 2175; SB 1327 - **RE: Housing** - to add Section 15.2-2223.5 to **Require** that localities when they next amend their **comprehensive plans** incorporate strategies to promote manufactured housing as a source of affordable housing. It also provides for various protections for homeowners and tenants of manufactured home parks.

MISCELLANEOUS

HJR 521; SJR 282 - to Commend the **Crater PDC** on 50 years of service.

HB 2068 - **RE: Local Food & Farming Infrastructure** – to establish the Local Food & Farming Infrastructure Grant Program to award grants of up to $25,000 to political subdivisions to support community infrastructure development projects that support local food production and sustainable agriculture. Funds must be matched, grants are to be competitive and the program will favor projects that establish or maintain farmers markets, food hubs or processing facilities.

SB 1442 - to establish a Public Defender Office in **Chesterfield County**.

HB 2321 - to **add** a new Virginia Cabinet Secretary- **Secretary of Labor**- under this would be the Department of Labor & Industry, Department of Professional & Occupational Regulation, and the Virginia Employment Commission. Virginia's Chief Workforce Development Advisor would be eliminated and that role would fall to the Secretary of Labor.

HB 2312; SB 1406 - **RE: Legalization of Marijuana** – Work can begin on establishing the Virginia Cannabis Control Authority this year. There will not be retail sales until 2024. A local referendum may be held on prohibition of retail marijuana stores in a locality. There are other provisions preserving local authority. The bill will be back in 2022 before the Legislature, and I am sure there will be issues right up to 2024. There is authorization for a local tax so that you can get some money. Priorities for state revenue are Pre-K programs, Equity Reinvestment Fund, CSBs and Public Health.

PUBLIC SAFETY

SB 1119 - to create the **Body-Worn Camera System Fund** to help local law-enforcement agencies purchase, operate and maintain systems. The provisions of this Act shall expire on 7-1-2023.

TAXATION

SB 1130 - **RE: Personal Property Tax –** This is the enabling legislation for the Constitutional amendment that was approved in November. It will provide that 1 motor vehicle of a veteran who has 100% service-connected, permanent and total disability shall be exempt from local personal property tax. This is applicable beginning on January 1, 2021. Exemption expires at veteran's death.

SB 1326 - **RE: Local Cigarette Tax** - It establishes as the policy of the Commonwealth that, where practical, local cigarette stamping and tax collection is encouraged to be accomplished through regional cigarette tax boards modeled on the Northern Virginia Cigarette Tax Board. It directs the Virginia Department of Taxation to establish a task force to develop methods for modernizing the system and help localities seeking new regional tax boards. Recommendations due by 11-1-2021.

HB 2165 - **RE: Sale of Land for Delinquent Taxes** – to amend Section 58.1-3965 C. to change 36 months to 60 months or upon written notice by an individual, not a party to the action asserting ownership rights in the property.

TRANSPORTATION

HB 1813 - **RE: Highway Construction Projects** – to amend Section 33.2-234 to raise the cost limit on projects that can be built by state or local employees from $600,000 to $700,000.

HB 1841 - **RE: Crosswalks** – to convene a work group including VML & VACO to determine whether there should be model policies for crosswalk design and installation- recommendations by 11-1-2021.

HB 1903 - **RE: Speed Limits** – to amend Section 46.2-1300 to allow local governing bodies of counties, cities and towns to reduce the speed limit to less than 25 mph, but not less than 15 mph in business districts or residence districts.

HB 2071; **SB 1350** - **RE: Transportation Projects** – to amend Section 33.2-214.2 to provide that in the review of projects for inclusion in the **6-Year Plan**, the evaluation will consider **whether a project has been designed to be resilient**; to amend Section 33.2-353 re: the Statewide Transportation Plan that the Plan shall promote, among other things, resiliency. It directs the Commission of Highways to ensure resiliency is incorporated into design standards for new construction projects.

HB 2075 - to re-name all portions of **US Route 1** designated as Jefferson Davis Highway "Emancipation Highway". It does not affect any other memorial designations. Effective 1-1-2022.

DEAD BILLS

HB 1746 - **RE: Elections** – to require every locality's registrar to have and maintain video recordings of each polling location while absentee ballots are being cast, votes are counted and returns are completed.

HB 1997 - **RE: Freedom Information Act-Definition of a Meeting** – to amend Section 2.2-3701 to change the number from as many as 3 to as many as 4 as an informal assemblage, or a quorum, if less than 4.

HB 2000 - **RE: Freedom of Information Act-Access to Public Records** – to amend Section 2.2-3704 F. to provide that for the first 4 individual record requests made by a requester during 31 consecutive days, you could not charge for any costs incurred during the 1st 2 hours spent searching or accessing; and for any additional time spent or for additional record requests, you could not charge an hourly rate exceeding the lesser of the hourly salary of the lowest paid employee capable of fulfilling the request or $33/hour. Public bodies would be required to post on their websites the written policy explaining how they charge for records requests.

HB 2023 - **RE: Solar Farms** – to **require** localities to provide to the VA Department of Mines, Minerals & Energy info. re: the amount of land formerly in production agriculture, silviculture that has been approved for or developed into solar farms, including roads, infrastructure, transmission lines and buffers. To **require** that in adopting ordinances or approving these, the locality shall consider the amount of total land to be devoted to these projects, effects on birds, wildlife, endangered species, local roads, job creation after construction, local tax revenue, and appropriateness of an industrial facility in a rural community.

HB 1861 - to allow localities to, by ordinance, **prohibit** the use of **Compression Release Engine Brakes** (Jake brakes or Jacobs brakes) adjacent to residential districts.

SB 1228 - **The Virginia Equal Pay Act** – to apply to public and private employers.

HJR 529 - to study the need for **Apprenticeship Training Programs** in Virginia.

HB 1826 - **RE: State Board of Education** – to require that at least one person appointed to the Board have experience or expertise in local government leadership or policymaking.

SB 1191 - to remove school nurses from the "support personnel" category; to **require** at least 1 FTE **registered nurse (R.N)** in every elementary, middle & high **school**. It directs the State Department of Education to establish a waiver process for those divisions for which the requirement would create a hardship.

HB 2247 - **RE: School Division Boundaries** – In Virginia the Virginia Board of Education is directed in Section 22.1-25 to divide the Commonwealth into school divisions. To delete that the school divisions that exist on July 1, 1978 shall be and remain; To delete that no school division can be divided or consolidated without consent of the school board and local governing body; and Under Subsection B, to add under criteria to be considered: "equity in educational programs within and between school divisions".

HB 2067 - **RE: Solar** – to amend Section 10.1-1197 A.5. to lower from 150 to 50 megawatts for solar facilities to be permitted by rule.

HJR 552 - **RE: Flooding** – to study development of a comprehensive and coordinated planning effort to address recurrent flooding in inland and urban areas – 2 year study.

HB 1844 - **RE: Zoning** – to amend Section 15.2-2286 A.3 to give local governing bodies the same authority as boards of zoning appeals re: imposing certain conditions on permits for special exceptions, including limiting the duration of the permit.

HB 2270 - **RE: Minimum Wage** – to amend Section 40.1-28.10 to delay (push forward) the effective dates of this law- would commence January 1, 2022 (current law is May 1, 2021) and all of the other increases would occur one year later than originally set.

SB 1407 - A 57-page re-write-re-names the Lottery Board to the **Virginia Lottery & Gaming Department** – It would **no longer sunset the electronic skill games** (Gray Machines). The State tax on these operators would be 34% on all gross profits, with 70% going to the Virginia Electronic & Gaming Device Educational Support Fund to be used solely for public education; **26% to the host locality**; 3% to the Lottery & Gaming Department; and 1% for Problem Gaming Treatment.

SBs 1449, 1450 - to prohibit **any** employer from requiring an employee to take the **COVID 19 vaccine**; to prohibit discrimination based on a person's vaccination status.

HB 1753 - to establish the **VA Law-Enforcement Professional Standards** Commission Accreditation Grant Fund and The VA Law-Enforcement Professional Standards Commission Accreditation Grant Program to assist agencies to pursue accreditation.

HB 1793 - **RE: Guns** - to amend Section 15.2-915 to provide that any local ordinance that prohibits firearms on any specified public property shall not apply to persons who have valid concealed handgun permits.

HB 1875 - **RE: Minimum Qualifications of Law-Enforcement Officers** – to amend Section 15.2-1705 to qualify that the provisions re: misdemeanors involving moral turpitude apply only if the conviction or plea occurred within the last 3 years.

HB 2114 - **RE: Public Notice By Localities** - to amend Section 15.2-2204 (this Code section currently only applies in Planning District 23-Hampton Road) to make it applicable statewide. It would provide that in any instance in which a locality has submitted a timely notice to the newspaper and the newspaper fails to publish it, the locality will be deemed to have met the notice requirements as long as it is published in the next available edition of a newspaper having general circulation in the locality. If passed the law would sunset on 7-1-2022.

HJR 530 - to direct the Virginia State Crime Commission to study alternative approaches to **Enforcement for Drug Possession**.

HB 2245 - to add a new section to Title 33.2 that specifically says **revenues dedicated to transportation** shall only be used for transportation- state cannot re-purpose/transfer monies for other purposes.

HB 2256 - **RE: Local Authority to Regulate Parking** – to amend Sections 46-2-122 & 1222.1 to allow all localities to restrict or prohibit parking on any secondary roads and prescribe penalties (currently 8 counties have this authority including Prince George; to allow all localities to prohibit parking on any public highway watercraft, boat trailers, motor homes, camping trailers (currently 6 counties and 7 towns have this authority.

HB 1757 - **RE: Firearm-Free Zones** – to provide that if the state or a locality designates any property as a firearm-free zone, the state or locality would waive its sovereign immunity as it relates to injuries in the zone.

SB 1173 - **RE: Tobacco Region Revitalization Commission** – to require that legislators on the Commission represent districts with at least 25% of their populations residing within the Tobacco Region.

HB 1910 - **RE: Regional Transportation Authorities** – to add a new chapter to Title 33.2 to authorize any two or more adjacent counties or cities to create a regional transportation authority by ordinances.

HB 1934 - **RE: GAS Pipelines in Residential Subdivisions** – to prohibit a public service corporation or other utility from installing a gas line greater than 12 inches in diameter under any public road or state highway within a residential subdivision, including under the median or a sidewalk without prior written application and

approval by the local governing body. Any permit granted by an agency or dept, including VDOT, before 7-1-2021 is null & void until an application is approved by the local governing body.

HJR 551 - proposed Constitutional Amendment that would allow persons 16 & older to vote in **local elections**. Notwithstanding the requirement for 18 year olds in other elections.

SB 1419 - **RE: Project Labor Agreements on Transportation Projects** – to add to Section 2.2-4321.2 that for contracts for road, highway, bridge design or construction, a public body that wants to enter into a project labor agreement must first determine by written finding that this agreement advances the public interest, based on objective criteria that may include cost, efficiency, quality, safety, timelines, maintenance of a skilled labor force, labor stability or advancing minority-owned or women-owned participation.

HB 2315 - to provide localities the option of holding a referendum on whether or not the **Legalization of Marijuana** shall be allowed in the locality or within an election district in the locality.

HB 1755 - Full repeal of the **Right to Work Law**.

HB 1794 - **RE: Collective Bargaining** – to amend Section 40.1-57.2 to provide that in localities which permit collective bargaining, there will be no action or discussion re: the hiring, firing or disciplining of a local employee allowed in collective bargaining negotiations.

HB 1780 - **RE: Collective Bargaining** – to exempt school employees from the prohibition on **STRIKING**.

HB 1880 - **RE: Gambling-Skills Games** – to extend the time that these machines can continue through June 30, 2022. It seeks to reduce the number of machines in truck stops and ABC licensees to 90% of the number they had as of 7-1-2020. It would also provide localities' take would be 33%.

SB 1407 - **RE: Electronic Gaming** – to authorize these gray machines, put them under the Virginia Lottery- no sunset.

HB 1937 - **RE: Green New Deal Act** – a comprehensive bill that requires Dominion & AEP to produce electricity from 80% renewable sources by 2028 and 100% by 2036.

HB 2093 - **School Construction Fund** – grants would be available to school boards that leverage federal, state and local resources. The bill names a variety of state and federal agencies/programs and it increases the amount of grant money from this fund as the Composite Index falls.

SB 1186 - **RE: Landfills** – to prohibit construction of any new municipal landfill within 3 miles of any designated historic district, structure, object or site.

SB 1200 - **RE: Waste Disposal** - to amend Section 10.1-1408.1 B. to provide that for a new solid waste management facility permit, except for a noncaptive industrial landfill, the application shall include certification from the governing body for each locality within a 5-mile radius of the facility other than the locality in which it will be located. The same requirement would also be added to Section 10.1-1426.

HB 1938 - **RE: Law Enforcement/Fire & EMS Equipment** – to increase the penalty to a Class 6 felony for tampering with, destroying, interfering with equipment, apparatus or vehicles used by firefighters, law-enforcement or EMTs.

HB 1929 - **The School Equity & Staffing Act**.

SB 1373 - **RE: Environmental Permits-Community & Environmental Justice Outreach** – This bill seeks to impose broader and more detailed public outreach, notice, signage, hearings requirements for applicants for air permits, landfills, transfer stations, hazardous waste facilities, VPDES permits, Virginia Pollution Abatement Permits, individual groundwater withdrawal permits. Also **removes** from Section 10.1-1408.1 the **exemption provided to local government and public authority applications for landfill or transfer station permits**. Localities will have to comply with all of the new community and environmental justice outreach requirements.

HJR 614 - proposed Constitutional amendment to exempt from **Real Estate Taxation** property of a surviving spouse of an armed services member who died from a service-connected disability or illness. It would broaden a current Constitutional provision.

HJR 616 - proposed Constitutional amendment that would allow localities to exempt from **Real Estate Taxation**, or a portion of the tax, real estate on which **affordable housing** is constructed. The General Assembly would determine any conditions or restrictions and define affordable housing.

SB 1171 - **RE: IDAs & EDAs** – to amend Section 2.2-3115 to require that the executive directors and members in **localities with populations in excess of 25,000** must file Statements of Economic Interest. Current law has no population threshold.

SB 1363 - **RE: Board of Local & Regional Jails** – to amend Section 53.1-5 to add to the power and duties: ensure the development of long-range policies, programs, plans for services at the state and local levels; review and comment on all budgets, funding requests, all applications for funding prior to submission to the Governor, review content and frequency of correctional officer training programs;

and collect and review information on disciplinary practices and trends in state, local, regional and community correctional facilities and adopt rules and regulations to improve disciplinary practices.

There would be citizen representatives from 6 regions of Virginia (The Crater Region would be Central Region along with Richmond Area), plus a former Commonwealth's Attorney, a mental health professional, former defense attorney, former state inmate, former correctional officer, former Sheriff, former regional jail supt, and a representative of a prisoner rights advocacy organization.

HB 2291 - **RE: Law-Enforcement Civilian Oversight Boards** – to amend Section 9.1-601 to authorize those boards to oversee Sheriffs' depts. also. A disciplinary determination would be advisory only for deputy sheriffs. If a Sheriff's office declines to implement the recommended disciplinary determination, the Sheriff's office would be required to create a written record which shall be made available to the public of its rationale within 30 days of the recommendation.

The bill would not mandate establishment of such Oversight Boards. If one is established, the locality shall establish the policies and procedures as set forth in this Code section.

SJR 289 - Proposed Constitutional Amendment to Article VII to provide that an **easement on public property** may be granted in perpetuity to a public body, political subdivision and the requirement to advertise and publicly receive bids shall not apply to these easements conveyed.

HB 2221 - **RE: Sanitary Landfill Permits** – to provide that if a locality or public authority proposes to operate a new sanitary landfill, they must provide information on their efforts to obtain public comments. Those steps shall include: publish a public notice in English and Spanish for 2 weeks in newspaper, hold 1 public meeting. There are detailed requirements for the public notice and the first publication must be 60 days before the public meeting. Notices must be in every public library, post office, public school within a 5-mile radius and mailed to every land owner of every parcel within 3 miles. It also applies to public or private applicants for a range of environmental permits for large projects.

HB 1736 - to amend Section 22.1-274 to provide that no individual who provides nursing services in a public school (school board or contract employee) shall use the title of **school nurse** unless the individual is a registered nurse with an active Virginia license.

SB 1106 - to establish the **Public School Assistance Fund & Program** to provide grants to local school boards for repairing or replacing HVAC systems, plumbing systems, roofs, and any equipment or infrastructure that was damaged as a direct result of a defect in such systems or roofs. Grants may also be provided to fund the

financing (principal and interest) of any of these types of repairs as long as they were incurred on or after 1-1-2011. To be administered by the State Department of Education.

HB 2074 - **RE: Local Comprehensive Plans** – to add Section 15.2-2223.5 to require that after July 1, 2021, every locality shall, during each review of its comprehensive plan, consider identifying:

1) Each environmental justice community and fenceline community within the locality;
2) Objectives and policies to reduce the unique or compounded health risks in each environmental justice community or fenceline community by means that include the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, broadband Internet access, safe and sanitary dwellings, and physical activity;
3) Objectives and policies to promote public involvement of residents of each environmental justice community or fenceline community in the public decision-making process; and
4) Objectives and policies that prioritize improvements and programs that address the needs of environmental justice communities and fenceline communities.

An Environmental Justice Community is any low-income community or community of color.

A Fenceline Community is an area that has all or part of a low-income community or community of color that presents an increased health risk due to proximity to a major source of pollution.

HB 2155; **SB 1360** - **RE: Virginia Human Rights Act** – to now apply it to employers of 5 or more; to add definitions and detailed sections on workforce harassment and sexual harassment.