



City of Petersburg Virginia

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March 15, 2022 - Regular City Council Meeting

March 15, 2022
Petersburg Public Library
201 West Washington Street
Petersburg, VA 23803
5:00 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
Arnold Westbrook, Jr., Councilor – Ward 7

City Manager

Stuart Turille

-
1. **Roll Call**
 2. **Prayer**
 3. **Pledge of Allegiance**
 4. **Determination of the Presence of a Quorum**
 5. **Proclamations/Recognitions/Presentation of Ceremonial Proclamations**
 6. **Responses to Previous Public Information Posted**
 7. **Approval of Consent Agenda (to include minutes of previous meetings):**
 - a. Minutes:
February 22, 2022 - Closed Session
February 22, 2022 - Regular City Council Meeting
March 1, 2022 - Special City Council Meeting
 - b. Consideration of an appropriation ordinance of the Middle Atlantic Section Joint Player Development and Junior Golf Committees Grant in the amount of \$3,000 - 1st Reading
 - c. Request to schedule a public hearing on the consideration of naming a private street Civica Way at the request of Phlow Corporation.
 - d. Consideration to appropriate \$9,760.88 received from the Virginia Department of Environmental Quality (DEQ) for the City of Petersburg's Litter Prevention and Recycling Program activities for the period July 1, 2021 to June 30, 2022 - 1st Reading
 8. **Official Public Hearings**
 - a. A Request to Amend Sec. 106-14. – Permanent Board of Equalization.
 - b. A Public Hearing and consideration of an Ordinance amending the zoning of the property addressed as 801 S Adams Street, TP# 031300002; from R-B, Office-Apartment District to MXD-3, Mixed Use District.
 - c. A public hearing on the consideration of appropriating \$3,672,454.51 in Federal State and Local Fiscal Recovery Funds through the American Recovery Plan Act (ARPA) for the COVID-19

Municipal Utility Assistance Program.

- d. A Public Hearing and Consideration of An Ordinance Approving Amendments to the Comprehensive Plan to Comply With the Chesapeake Bay Preservation Act.
- e. A Public Hearing and consideration of an ordinance approving a petition to rezone property addressed as 3605 Halifax Road, Parcel: 096010003, 3625 Halifax Road, Parcel: 096010004, and 3607 Halifax Road, Parcel: 107020017, from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District.
- f. A Public Hearing and consideration of an Ordinance approving a petition for a Special Use Permit to allow for the construction of an office and operation of a crematorium business along a portion of the property addressed as 3605 Halifax Road, Parcel: 096010003, 3625 Halifax Road, Parcel: 096010004 and 3607 Halifax Road, Parcel: 107020017.
- g. A Public Hearing and consideration of an ordinance approving a petition for a Special Use Permit (SUP) to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership at 2306 East Washington Street, Parcel: 003030002.
- h. A Public Hearing and consideration of an Ordinance approving an amendment to the City Code, Chapter 50. Environment, Article II. Noise.

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 removed from consent agenda**

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

11. Items removed from Consent Agenda

12. Finance and Budget Report

13. Unfinished Business

14. New Business

- a. Consideration of re/appointments to the Planning Commission.
- b. Consideration of a motion to authorize and direct that the humanities bill proposal be forwarded to the Virginia General Assembly for Consideration.
- c. Consideration of a resolution to approve revisions to Article V, Vii, and VII of the City's Personnel Policy.

15. City Manager's Report

- 16. Business or reports from the Clerk**
- 17. Business or reports from the City Attorney**
- 18. Adjournment**



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM:

RE: **Minutes:**
February 22, 2022 - Closed Session
February 22, 2022 - Regular City Council Meeting
March 1, 2022 - Special City Council Meeting

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. February 22, 2022 Closed Session Meeting Minutes
2. February 22, Regular City Council Meeting Minutes- original February 15, 2022
3. March 1, 2022 Special City Council Meeting Minutes

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, February 22, 2022, in a virtual meeting. Mayor Parham called the Closed Session Meeting to order at 3:00 p.m.

1. ROLL CALL:

Present:

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

Absent: Council Member W. Howard Myers (arrived after roll call)

Present from City Administration:

Clerk of Council Nykesha D. Jackson
City Manager Stuart Turille, Jr.
City Attorney Anthony Williams

2. CLOSED SESSION:

- a. The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion pertaining to the performance, assignment, and appointment of specific public employees of the City of Petersburg specifically including but not limited to discussion of the performance, assignment and appointment of a specific public officer of the City of Petersburg; and pursuant to §2.2-3711(A)(7) AND (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the City Attorney and legal consultation regarding the subject of specific legal matters requiring the provision of legal advice by the City Attorney, specifically including but not limited to discussion regarding the legal requirements associated with reassessments of real property and the required methodology for conducting them and Petersburg Circuit Court Case No.: CL21000495-00; *and pursuant to §2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically including but not limited to the acquisition and disposition of real property.*

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 Westbrook. There was no discussion on the motion, which was approved on roll call vote.

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

City Council entered closed session at 3:01 p.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

*Audio available upon request.

knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should so state prior to the vote indicating the substance for departure that in his or her judgment has taken place. This requires a roll call vote Mr. Mayor.”

Council Member Hill made a motion to return City Council into open session and certify the purposes of the closed session. 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, Westbrook, Smith-Lee and Parham;
Absent: Hill

22-R-9 A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER’S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.

City Council returned to open session at 5:29 p.m.

3. ADJOURNMENT:

City Council adjourned at 5:29 p.m.

Clerk of City Council

APPROVED:

Mayor

The regular meeting of the Petersburg City Council was held on Tuesday, January 18, 2022, in a virtual meeting. Mayor Parham called the meeting to order at 5:30 p.m.

Mayor Parham stated, "This meeting was postponed from February 15, 2022. At this time Madam Clerk will you please call the roll."

1. ROLL CALL:

Present:

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

Absent: Council Member Darrin Hill

Present from City Council Administration:

Clerk of Council Nykesha D. Jackson
City Manager Stuart Turille
City Attorney Anthony C. Williams
City Assessor Brian Gordineer

2. PRAYER:

Mayor Parham stated, "At this time, we will have Council Member Treska Wilson-Smith led us in our opening prayer."

Council Member Wilson-Smith 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. Council Member Hill was not present at the meeting.

5. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:

a. Proclamation designation March as National Procurement Month

Mayor Parham read the proclamation out loud.

b. National Social Work Month

Mayor Parham read the proclamation out loud.

Mayor Parham stated, "Thank you to those two departments and for what you do here in the City of Petersburg."

*Audio available upon request.

6. RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

a. Presentation by City Assessor, Brian Gordineer

Key points:

- Petersburg City Assessor Office is one of the 50 offices in the US and in Canada to receive CEAA.
- An assessment is an estimate of value used as a basis to levy taxes.
- The fair market goal is 100% per the constitution.
- Review of sales since the last assessment was two years ago.
- Each sale is verified to determine if it reflects fair market value.
- Of the almost 3,000 recorded transfers during the past two years there were approximately 1,000 fair market value transfers.
- Many parcels in Petersburg have not been adjusted in ten years.
- Office Reviews deadline is March 1st.
- And the appeal deadline to the board of equalization is April 1st.
- The State Department of Taxation performs a ratio study of Petersburg and all Virginia jurisdictions annually.

b. Presentation by Commissioner of Revenue Brittany Flowers

Key points:

- The tax policies and tax rates that City Council set, the Commissioner of Revenue implements and administers those policies by establishing assessments and determine what is taxable.
- The city estimates that up to 15% of registered vehicles will experience appreciation rather than depreciation this year.
- Vehicle owners naturally expect their vehicle values to go down each year, but this is not always guaranteed.
- Values did go down for 81% of registered vehicles, and remained the same for 4%, but approximately 15% will see an increase.
- On January 24, 2022, an email was sent out to city council stating that the assessed values for personal property have increased up to 30% across the Commonwealth of Virginia due to the lack of supply.
- Commissioner of Revenue suggested to decrease the tax rate for personal property from \$4.90 to \$4.40 for 2022.
- On January 20, 2022, the file of 20,915 of PP was sent to NADA. The file was sent back on February 1, 2022, with 20,803 process and 112 errors. This process was completed on February 3, 2022.

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

a. City Council Minutes:

January 25, 2022 – Special City Council Meeting

February 1, 2022 – Closed Session Meeting

February 1, 2022 – City Council Work Session

- b. A request to schedule a public hearing and consideration of an ordinance approving a petition to rezone property addressed as 3605 Halifax Road, Parcel: 096010003, 3625 Halifax Road, Parcel: 096010004, and 3607 Halifax Road, Parcel: 107020017, from R-1, Single Family

*Audio available upon request.

- Residence and A-Agricultural Districts to M-2, Heavy Industrial District.
- c. A request to schedule a public hearing and consideration of an ordinance approving a petition from a Special Use Permit to allow for the construction of an office and operation of a crematorium business along a portion of the property addressed as 3605 Halifax Road, Parcel 096010003, 3625 Halifax Road, Parcel: 096010004 and 3607 Halifax Road, Parcel: 107020017.
 - d. A request to schedule a public hearing and consideration of an ordinance approving a petition for a Special Use Permit (SUP) to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership at 2306 East Washington Street, Parcel: 003030002.

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

8. OFFICIAL PUBLIC HEARINGS:

- a. A public hearing for the consideration of FY2020-2021 Proposed Schools Operating Budget Supplement in the amount of \$2,001,759.10

BACKGROUND: The fiscal year 2021-2022 budget developed by Petersburg City Public Schools included revenues totaling \$57,833,416. The City Council approved the 1st round of supplements on October 19th, bringing the total appropriation to \$71, 117,861. Petersburg Public Schools is bringing a 2nd round of supplements for approval in the amount of \$2,001,759.10. This additional appropriation will bring schools' revenues for FY2022 total to \$73,119,620.10.

RECOMMENDATION: Recommend City Council approve the Budget Supplement for the Petersburg Public Schools for FY2021-2022 in the amount of \$2,001,759.10.

Stacey Jordan, Director of Finance, gave a briefing on the request for the budget supplement for Petersburg Public Schools for FY2021-2022.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Myers made a motion to approve the Budget Supplement for the Petersburg Public Schools for FY2021-2022 in the amount of \$2,001,759.10. 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, Westbrook, Smith-Lee, and Parham; Absent: Hill

- b. A public hearing on February 15, 2022, for the consideration of an ordinance authorizing the City Manager to establish the Enterprise Zone Capital Investment Real Estate Tax Rebate.

BACKGROUND: The Virginia Department of Housing and Community Development established The Virginia Enterprise Zone (VEZ) program. It is a partnership between state and local government that encourages job creation and private investment. VEZ accomplishes this by designating Enterprise Zones throughout the state and providing two grant-based incentive, the Job Creation Grant (JCG) and the Real Property Investment Grant (RPIG), to qualified investors and job creators within those zones, while the locality provides local incentives.

*Audio available upon request.

On June 21, 2005, the City of Petersburg City Council adopted a resolution to establish a local Enterprise Zone in the City of Petersburg. The enterprise zone provides incentives to existing and new businesses such as permit fee waiver, façade improvement grants, and architectural assistance grants. To continue to encourage development in the City of Petersburg, the Department of Economic Development will offer the following incentive for capital projects.

RECOMMENDATION: The Department of Economic Development recommends that the City Council approves the ordinance authorizing the City Manager to establish the Enterprise Zone Capital Investment Real Estate Tax Rebate Incentive.

Mr. Turille stated, "The Economic Development Team and I have discussed this review and they need one more week. I am sorry until the March meeting. It is only one week away. So, I am requesting to reschedule for a workshop presentation first. I do not see why the ordinance cannot then go forward to the March meeting for a final public hearing and approval."

Mayor Parham stated, "Okay so this is a motion to table this until you have the work session or the second meeting in March, Mr. Turille."

Mr. Turille stated, "I would like to first have staff to discuss it in the work session. But I think that we can just reschedule the hearing for the March meeting. And just give you a review at the workshop first. So, the motion would be to reschedule the public hearing to the March meeting with staff to make a workshop presentation first."

Council Member Myers made a motion to table action until March 1st. The motion was seconded by Council Member Wilson-Smith. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Smith-Lee, and Parham; Absent: Hill

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.

Marcus Omar Squires, 1701 Monticello Street, stated, "I would first like to ask council if they could help me with the installation of the Walnut Hill banners. I have been working really hard to turn Walnut Hill into a historical district and help uplift their community here. And everything was going great with Dominion Energy and all of a sudden, a couple of weeks ago they reached out to me, and they said that the banners were automatically declined. The poles were too short. But I see other poles in Old Towne that are even shorter that have banners on them. So, I don't know if the city can help me navigate this. I am funding the banners out of my own funds. So, it would be a great way to uplift the community even more. And has the city been looking at street sweeping. I drive all around Petersburg and I notice that all of our gutters are full of debris and trash. On the city website it is listed that the city is actually sweeping the city daily. But I drive up and down these streets because I live and work and run and exercise in Petersburg. The gutters are all full. And the city under the former regime was giving us a blight update. We were seeing slides of progress in Petersburg and what was going on in the community. Is there anyway that we can bring that back? My final thing that I am going to bring up today is in regard to speeding here in the city. Ever since Crater Road closed off, I noticed that more and

*Audio available upon request.

more people are flying up and down Claremont Street and Sycamore Street and Graham Road. It is almost like they want to cut through the city without a regard for anybody that lives here in our neighborhoods. They are flying through stop signs in Walnut Hill. So, is the police department looking at increasing patrols here in our communities now that more and more members are coming through. Oh, and also will St. Andrews Street Bridge be open. Because more and more people could utilize that as a cut through in our city. Again, thank you for your time and consideration today. Stay safe."

Michelle Murrills, 131 S. Market Street, stated, "I am coming to you today to ask about the ARPA funds. At the September 7, 2021, City Council meeting, the City Manager announced that there had been a total of eleven households that had requested a total of \$42,196 to be given to them from the \$10.4 million that had been given to the city from the federal government. At that time, you guys were not happy about the low amount to be dispersed to the citizens of Petersburg and requested that more money be put into that fund so that more citizens could apply to get that relief. At the September 27th meeting the city manager came back with another \$500,000 put with the \$20,000 to be given to Petersburg citizens to help with money loss due to COVID. I am one of the people who applied for this money. The paperwork had to be turned in by the end of August and everything that was requested to prove monetary loss was given the city by the beginning of September. Again, 11 households applied for this. We are almost to the beginning of March, six months after the paperwork was turned in. I have not received any money from the community recovery needs portion of the ARPA funds. And to my knowledge neither has anyone else. I sent an email asking what was going on and I was told that the city auditor is still reviewing all applications as to whether they meet federal requirements. How long does it take to look at 11 applications? The only federal requirement is that people applying have proof that they have lost income between April 1, 2020, and July 31, 2021. I know that this city is a big bureaucracy but how long can it take to look at 11 applications. The point of the money was to get it in the hands of the public so that it can help with the loss of income and not just sit in a bank account accruing interest. And what about the other \$500,000? How are people supposed to apply for that? It is ridiculous that in a city like Petersburg that needs as much as possible brought into the community the city is not doing enough for the citizens. Five months ago, when I heard the city council was actually wanting more money set aside to be given to citizens I was impressed. Unfortunately, once again there is no follow through on it. Other communities in the area and nation have been able to give their citizens monetary relief. I do not understand why Petersburg cannot do this simple thing. As I said there were only 11 households that applied. Please can we get this money and figure out how to get this other \$500,000 out into the public hands. This will go a long way in helping people that truly needed. Thank you."

Mr. VanVoorhees stated, "And before he starts, Mr. Mason has I believe a couple of citizens in with him at transit that would like to speak. So, we may call on him more than once."

Darius Mason, Petersburg Area Transit System Manager, stated, "I have five citizens who would just like to speak to council briefly about their way of life."

Alvina Spurrell, 110 Perry Street, stated, "I have been riding the transit since November. I have been riding from Hopewell to Colonial Heights. And it will make six months, this month, that I have been working at Wal-Mart. And I would like to make it a year in August. Thank you."

Sarah Raines, 2701 Park Avenue, stated, "I am here tonight. I love to ride the city transit bust because I have been having problems with my car. It has been very helpful for me getting to work and from work. Thank you."

Michelle Baum, 1800 Boydton Plank Road, stated, "I speak on behalf of my colleagues here that ride the bus with me. I, myself, do not have a vehicle and I do not have a driver's license. And I depend on the bus transportation to take me to work and back home from work. I work in Colonial Heights in Wal-Mart at the deli. And I do not think it is right and I do not think it is fair to take that away from us. Thank you."

*Audio available upon request.

Timothy Kates, 110 Perry Street, stated, "I use the transportation back and forth to shop and stuff. Thank you."

Burgundy Brown, 101 Seaboard Street, stated, "I drive to and from work. I work at the Colonial Heights Chipotle. Thank you."

Mr. Mason stated, "Thank you council. Those are just some individuals that wanted to speak to council in regard to utilizing our transit services to and from Colonial Heights."

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

Council Member Cuthbert stated, "Thank you Mr. Mayor. I want to give a shoutout to two people affiliated with the 4th Ward. One is Ms. Victoria Sanders, she appeared on the article of the front page of the Progress-Index that I am showing here on the camera dated January 14th. Ms. Sanders spearheads a COVID vaccination clinic. She is stationed at Virginia State University. And I am proud to represent her on city council. I was particularly pleased to see that she is doing way more than her part to live what we should all be doing. And that is setting an example, for others as to how to protect our community from the COVID-19 as Pastor Diggs pointed out at the meeting with the Governor. Pastor Diggs told us all that he felt that it was important as a leader of our community to set the example and that he made a point of putting on a mask before he went into the sanctuary to conduct services. I am quite impressed with that. Speaking of churches doing their part there is also a significant contribution made by Bethany Missionary Baptist Church in the 4th Ward in Blandford. Led by Pastor Eli Melvin. They also conducted a vaccination clinic. And I am sure that there are many other churches that conducted vaccination clinics in Petersburg attempting to do their part to live the New Testament teachings and even the Old Testament teachings. So, I want to thank all of them. I want to thank Victoria Sanders and I want to thank Reverend Diggs and Pastor Eli Melvin. Thank you, Mayor."

Council Member Wilson-Smith stated, "I would like to thank the recreation department for the program that they presented on African American History Month on Saturday. It was very nice and very well done. So, I want to give a round of applause to them. Also, I would like to ask for two things. One of which might get tonight. This is the second time I am asking now. We received some money for water bills, and we have not discussed yet how that money is being disbursed. How many people are we helping and how many are left behind? If someone can report that to us at the next meeting, I would appreciate it. How much of it is left and what is left do we return it. And what is the plan for the distribution of such funds. Another thing I asked at the last meeting was the draft copy of a brochure for African American History month that I had been requesting since 2018. I do know that it is being worked on. But it would be nice if council can see it prior to anything else being done with it. And that is all that I have today. Thank you."

Council Member Westbrook stated, "Thank you Mr. Mayor and City Council. First of all, just a Happy Belated Valentine's Day to everybody as we are in this month of February. As far as my words this month, I would like to highlight some recent activity. One being on February 9th I helped with the Pleasant Lane Elementary School with food distribution. The event was hosted by the school along with the Petersburg Community & Schools. A full course of chicken, heads of cabbage, carrots, beans, rice, fruit boxes, assorted fruits, pizza rolls and other food items were distributed to over 60 cars and people picking up students from Pleasants Lane. I think that was a great service to the community. Secondly, I would like to shoutout a great black history celebration by the Department of Social Services this past Friday, February 8th. The Department of Social Services under the direction of Mr. Norris Stevenson where they had multiple spoken word pieces by Destiny Brown as well as a display of black artist exhibiting one of their actual workers in the department, Ms. Tamara Coleman. This program was a stellar event held by the Department of Social Services. And there are a few acknowledgements that I would like to close out. I would like to shoutout Petersburg Basketball Team under the direction of Coach Massenburg. If you haven't heard the Petersburg Crimson Wave had a stellar regular season with 15-3. And now we begin that march with the state title that we have not had in many

*Audio available upon request.

decades or years. We are hoping that this team will bring one home. The actual playoffs start tomorrow. So, please support Crimson Wave Basketball. Please support them as they march towards that state title. One of our former Petersburg Basketball and stand out athletic, Mr. Quinton Spain. I would like to give a shoutout to him. You know he came up on the losing end with the Cincinnati Bengals he was a participant with Super Bowl 56 in LA. So, I would like to give a shoutout to him. And my last acknowledgement is to my resident of one of my constituents in Ward 7, Sheriff Vanessa Crawford. As she was recently acknowledged as Sheriff of the Year. And that was on the front of today's paper. But it has been mentioned circles around, but I did want to give her due diligence at this council meeting. And my last acknowledgement is to Mr. Montray Howard of whom I just recently met. He is doing great things with Petersburg Solutions. He has his own website that he is putting out positive images of Petersburg. And my last piece of the day is not an acknowledgement but a little push for the City of Petersburg. It is called the 'Stop Littering Campaign'. I think that it was Mr. Marcus Squires that said that sometimes we do drive around, and we see trash in our gutters and streets of Petersburg. But as citizens I hope that we can do a little bit better and challenge each other as well as ourselves to do a little bit better in stopping the littering. I have five bullet points to show why liter is so important. Cleaning up liter cost US taxpayer's and businesses \$11.5 billion dollars each year. And that is just not in Petersburg but that is a national number. A lot of that money can be going to other services here in Petersburg. I have been working with the city manager and deputy city manager to highlight some things in Ward 7. But do your part please and if you see some trash and it is too much for you to pick up then alert the proper official so that we can get out there and cleanup Petersburg. The second thing is that liter along the side of road causes traffic accidents. Where people have to swerve out the way for big pieces of not just your normal cup or food that you might throw out the window. There are big pieces of liter that people may casually throw out. Highly littered areas experience more crime and reduced property values. Again, if you want to do something about making the city a stellar City of Petersburg, we have to make sure that you are cleaning up. When we do pollute it pollutes are lakes and streams. And that effects our wastewater and management treatment. And from that we do not want to have these high-water bills. And lastly, with Petersburg being at the very bottom of the state's health code as far as what we rate, liter is a breeding ground for germs and pathogens. So, when you through those things out the window that causes the rodents and bugs and other things and those things get in the air. Maybe if we can pick up the liter in the city it would change the healthiness of the City of Petersburg. Thank you very much Mayor."

Council Member Myers stated, "I do not have anything to announce tonight. It will be a meeting sometime next month for Ward 5. But I just want to add to Councilman Westbrook when he brought to our attention about liter. It is a huge problem here. And even though we cannot put motions on the floor for tonight, but I hope that everyone will support a motion on the floor that littering is a \$500 fine in the City of Petersburg. So, I would like for you all to consider that moving forward. Thank you."

Vice Mayor Smith-Lee stated, "Arnold took a lot of my stuff. How dare you, Arnold Westbrook? (laughing) First of all I just want to say great job to the workers in city who is collecting the utility and water bills and the personal property taxes. The line was moving and everything. I noticed this young lady who was working with the other workers. And low and behold guess who that was, the director. Stacey Jordan was back there putting it down with her employees. Now let me tell you something. That is what a great leader does. A great leader will step in and do what she needs to do to make sure that here employees are efficient and doing their job. And that is why if you noticed that things have kind of calmed down in reference to billing and collections. So, kudos to Stacey Jordan and her group and Brittany Flowers and her group. Keep the good work up guys. Petersburg High School Basketball Team is going to the regionals tomorrow and Petersburg High School at 7pm. We talk about wanting a community to pull together. Go out there and support these young boys that have been working so hard. One thing work on those free throws by tomorrow. Next, thing I want to say is Sheriff Crawford you rock it. You continue to put Petersburg on the map. We appreciate you and your leadership. Good leaders make things happen. Thank you. Quinton Spain, another Petersburg stand out. Right Arnold, they did not win but guess what, I know his mom from Stainback Street, 5th Ward. He worked hard in high school, and he went to college and guess what he has played on three NFL teams. And he made

*Audio available upon request.

it to the Super Bowl. Go Petersburg, Wave Pride. I probably have some other stuff, but I get hyped up when I talk about Petersburg. Just try to be there and support them with anything that they need. So, Arnold you are right about littering. I have a trash bag in the back of my car. I have a trash bag that I use to pick up trash all the time. In order for us to have a clean and prosperous city we need to do something about it. So, don't talk about it be about it. Thank you, Mayor."

Mayor Parham stated, "Just to chime in on what you have for liter, the city manager has designated a liter person. His name is Thomas Hairston. And Tommy is putting together efforts now to clean out the city and he is looking for ward captains for the cleanup to start the process on how we can keep a cleaner city. If any of you have your ward captains, I have mines. And Richard Taylor is going to be my ward captain in Ward 3. He stepped up and said that he is willing to work on it. We are going to also utilize a lot of help from our friends at Fort Lee. We are going to get a ton of soldiers over here and get me your names so I can get it to Tommy Hairston so we can get the city cleaned up before the spring. It was a privilege to be on a great Black History Month program with council Member Wilson-Smith. I know that Councilwoman Wilson-Smith talked about parks and recreation but I also want to give a shoutout to Wayne Crocker of the library for hosting it and putting together a wonderful event with Marquis Allen in Parks and Recreation. It was a great time and very informative. Not to be the broken record but Sheriff Crawford is amazing. She is the matriarch of Petersburg with the efforts that she does. She is definitely the trailblazer in the City of Petersburg, and we are all inspired to be like the great Sheriff Crawford. Also, just to let everybody we have been hard at work at the General Assembly. We currently have \$2.6 million in the current budget for the Ramada to take down the Ramada Inn Hotel. So, we hope to see that through. I know that myself and Councilman Myers have spent a lot of time up there with delegates and senator in trying to keep our bill alive. Because this can be a huge year for the City of Petersburg. Another thing is that we have another \$26 million for the state budget for infrastructure for Poor Creek. And I just cannot thank enough for Andrew Barnes for putting those numbers together for us. And for shedding light on the needs that we have. Andrew has worked super hard on this and all of my Build Back Better meetings that I have, the team from Richmond definitely commends Mr. Barnes. I do not think that people know that this has been 50 years in the making. So again, we cannot do it without our team, Andrew, and his staff and all that they do. Lastly, I do not know if we have it in the packet or not. Ms. Jackson, do we have Ms. Adaku application for Planning Commission. She has put in the necessary paperwork. She is a wonderful person to represent Council Member Wilson-Smith which is long overdue."

Ms. Jackson stated that she checked her application and the address that she posted as home address is not in Ward 1 and that she believes that it is in Ward 3.

11. ITEMS REMOVED FROM CONSENT AGENDA:

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

12. FINANCE AND BUDGET REPORT:

a. Cash Flow and Budget Calendar Update

Stacey Jordan, Director of Finance, gave a briefing of the cash flow and budget calendar.

Key points:

- For the month of January, the cash in was \$8.8 million and cash out was \$8.3 million.
- Right now, the monthly balance is \$38 million dollars and that does include ARPA, which is \$28 million dollars.
- This time last year the city was at \$14 million dollars which included \$5.5 million dollars in CARES funds.
- All department head meetings have been completed and the working budget document will be

*Audio available upon request.

complete for presentation to the deputy city manager and city manager on February 25th.

- They will presenting a preliminary budget on March 8, 2022.

Mr. Turille stated, "I would like to note that the schools come before council at a special meeting on the 24th."

Ms. Jordan stated, "And Dr. Pitre-Martin has been notified as well."

13. **UNFINISHED BUSINESS:**

- a. An ordinance authorizing the city manager to execute a purchase agreement for the sale of city-owned property at 835 Commerce Street, parcel ID 024-130012.

BACKGROUND: The Department of Economic Development received a proposal from Quality Trailers, Southside Community Development and Housing Corporation, and Habitat for Humanity to purchase City-owned property located at 835 Commerce Street, which is currently a vacant commercial building. The three proposals are attached for review and consideration by the City Council.

Quality Trailers - \$225,000

Southside Community Development and Housing Corporation - \$220,000

Habitat for Humanity - \$220,000

This proposal is following the City's Disposition Guidelines, City's Zoning, and the City's Comprehensive Land Use Plan.

Property Information

The zoning of the parcel at 835 Commerce Street is M-1, light industrial.

Address: 835 Commerce Street

Tax Map ID: 024-130012

Zoning: M-1

RECOMMENDATION: The Department of Economic Development recommends City Council review the attached proposals for the purchase of City-owned property located at 835 Commerce Street.

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

There was discussion among City Council and staff.

Council Member Wilson-Smith made a motion to approve and support Habitat for Humanities. 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, Westbrook, Smith-Lee, and Parham; Absent: Hill

22-ORD-8 **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT BETWEEN THE CITY OF PETERSBURG AND HABITAT FOR HUMANITY.**

- b. A public hearing on the consideration of revised city council ward maps following population changes identified in The 2020 Census.

BACKGROUND: Article VII, Section 5 of the Constitution of Virginia specifically requires any locality that conducts elections by district to change its district boundaries every 10 years in the year ending in

*Audio available upon request.

one. Districts must be drawn using U.S. census data.

The United States decennial census is the primary data source on population, age, and race used in redistricting. The 2020 census, conducted by the U.S. Department of Commerce through the Census Bureau, is the twenty-fourth census in U.S. history, and it will also be used to redraw congressional, state legislative, and local election districts.

There are two basic pieces of information needed to redraw election district lines: population data (Section 4.2) and maps (Section 4.3). The Census Bureau provides both.

The Constitution of Virginia Article VII. Local Government, Section 5. County, city, and town governing bodies, requires that the governing body of each county, city, or town shall be elected by the qualified voters of such county, city, or town in the manner provided by law; If the members are elected by district, the district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district; that when members are so elected by district, the governing body of any county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law; that whenever the governing body of any such unit shall fail to perform the duties so prescribed in the manner herein directed, a suit shall lie on behalf of any citizen thereof to compel performance by the governing body.

The 2020 Census population is 34,013, and the average Ward population for each of the seven (7) wards is 4,859, with a 10% range being 5% above (5,034) - 5% below (4,905). Wards 1 and 2 are above the range, and Wards 6 and 7 are below the range. To establish Wards that are within the range, all Ward boundaries and populations will need to be adjusted. The Wards must be contiguous and compact. Additionally, observable boundaries should be used (roadways, waterways, greenways, etc.), and a goal of maintaining intact neighborhoods has been identified.

The most recent decennial population figures for each locality, as adjusted by the Division of Legislative Services, are to be used. Beginning with the 2021 redistricting, any person incarcerated in a federal, state, or local correctional facility within the Commonwealth is to be counted as a resident of the locality where his address at the time of incarceration is located.

A new requirement for the 2021 redistricting is that a Geographic Information System (GIS) map that shows the district boundaries must be sent to the local elected board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services.

RECOMMENDATION: It is recommended that the City Council holds a public hearing and approves an amendment to the City's Ward Map.

Reginald Tabor and Alec Brebner gave a briefing on the amendment to the City's Ward Map.

There was discussion among City Council Members and staff.

Mayor Parham opened the floor for public comments.

Larry Hall, Grove Avenue, stated, "I am supporting map 10 that Grove Avenue stay in Ward 4. I strongly support it and that is all that I want to say."

Greg Hospodor, 530 Grove Avenue, stated, "Thank you all for taking our public comments tonight. I

*Audio available upon request.

want to say good evening to all and thank you giving me the opportunity to speak. I am the president of the Grove Avenue, Cross and Low Street Neighborhood Association. And I speak to you tonight on behalf of the association members. It is the unanimous opinion of all of the association members that I have heard from that we support Map 10. We are not requesting a change and we are not requesting any special consideration. Only to remain in Ward 4 where we have been for a very long time. All of which is to say that we hope tonight that you will vote to keep us in Ward 4 by adopting Map 10. Just a couple things about why. First, we think that our neighborhood's interest aligns with Old Town. What happens in Old Towne effects our neighborhood and vice versa. We thrive or decline together. We believe that it is in the best interests of all residents and businesses of Old Towne Historic District that political representation within the city aligns with the boundaries of the historic district to the maximum extent possible. For example, historic preservation, which is part of the city's future as well as it's past might best be coherently advanced by having our oldest areas nested together political. Therefore, speaking with one voice. In our neighborhood, which contains Petersburg's oldest street, remains committed to advancing historic preservation. We are dedicated to the development of our city and saving its architectural past. I believe that we can best contribute to this by remaining in Ward 4. Second, history and precedence support our request. Our neighborhood has been a part of Ward 4 since at least 1877. That is 144 years. Again, we do not want no special consideration or no changes on our behalf only to remain where we been for well over a century. We believe that the adoption of Map 10 is in the best interest of our neighborhood. It is in the best interest of Ward 4 and of the Old Towne Historic District and of the City of Petersburg as a whole. Thank you for your time and consideration."

Dr. Henri Thompson, business owner in Petersburg, stated, "It is my understanding that map option 10 may have come about through a conversation that may or may not have been appropriate. And I say that from some comments in the newspaper. I say that from having conversations with other residents in the City of Petersburg. And what I would like to offer up here this evening is comment related to perhaps this process and decision needs to be made by another party. And we are all aware of the influence of individuals and corporations in the process. But I think that we should make decisions that are in the best interest of citizens and not any particular elected officials. So, I do not know what that looks like. Again, I am speaking here this evening for myself and not for any organizations. But I think that in order to have a fair process regarding this process that we should be careful and thoughtful. We all saw what happened with the Commonwealth of Virginia, House Maps, and the Congressional Maps and the Senate Maps. And I do not think we should do anything different per say in terms of making a decision regarding our city maps. I do not know what that looks like. May be that can be another conversation offline with the elected officials here. But I would kindly suggest that we be careful about making decisions that may seek to influence or impact elected officials than the public at-large. And I thank you all for the opportunity to offer some comments."

Kristen Katzenbach, 301 S. Jefferson Street, stated, "I am a proponent of Map 10 for many of the reasons mentioned this evening. I think that consistency and the historic preservation needs to have consistent leadership. Whoever is in charge of Ward 4 can have that whole holistic approach to the historic district and the surrounding historic areas. That is all. Thank you."

Barbara Rudolph, 1675 Mt. Vernon St., stated, "Thank you for having the hearing. I like what Mr. Thompson had to say. Because some of this discussion does have a stench of a lot of lobbying and arm twisting going on. I hope you all will look at the needs of the whole city. I heard the gentleman from the Planning Commission say something. I may have misheard him when he mentioned Walnut Hill and talking about a plan that would have divided Walnut Hill. Walnut hill has been divided among different wards for a very long time. And somehow all of us in Walnut Hill are managing to work out okay. It is not that big of a deal whether I am in Ward 3 or Ward 4 or even if I get put somewhere else. I hope that others around the city will feel the same way. My preference, as I mentioned the last time you had a public hearing is Map 6. Thank you."

Hadley Katzenbach, 301 S. Jefferson Street, stated, "I am in support of Map 10 just as the gentleman in Grove Avenue Association had mentioned. I believe that Grove and Old Towne share a common vision. And it

*Audio available upon request.

would be for the best interest of that ward to stay together as they have been for the last 144 years. Thank you very much.”

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

There was discussion among City Council, staff, and Mr. Brebner.

Mayor Parham made a motion that city council adopt the ordinance proposing and correcting item 13b with the provision that Exhibit A to the ordinance incorporates the boundaries delegated in Map 10. The motion was seconded by Council Member Westbrook. The motion was not approved on roll call vote. On roll call vote, voting yes: Cuthbert, Westbrook, and Parham; Voting No: Wilson-Smith, Myers, and Smith-Lee; Absent: Hill

Vice Mayor Smith-Lee made a motion to approve Map 6. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Wilson-Smith, Myers, Smith-Lee, and Parham; Voting No: Cuthbert and Westbrook; Absent: Hill

****Motion was reconsidered at the end of the meeting, which changed the motion from being approved.**

Ms. Jackson stated, “Mayor Parham before you move onto the next item, Ms. Joanne Williams had one item in which we had missed during the consent agenda. She wanted an ordinance added to the consent agenda to schedule for a public hearing. You may have to call on her to get more information on it.”

Ms. Williams stated, “Good evening. This is an ordinance that pertains to pharmaceutical complex and the EDA group that we will discuss in a few minutes. I would like to put it on the consent agenda. It is a small item where there will need to be land conveyed to the city of about two acres to place the water tower. I think that it will be a very smooth process and will not be a burden on the city at all. I ask that it be put on the consent agenda and then to be heard March 1.”

Council Member Myers made a motion to add the item as discussed by Ms. Williams to the consent agenda. 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, Myers, Westbrook, Smith-Lee and Parham; Absent: Hill

14. NEW BUSINESS:

- a. Consideration of appropriation of the FY22 Circuit Court Preservation Grant in the amount of \$44,058.75– 2nd Reading.

BACKGROUND: The City of Petersburg Circuit Court Clerk has been awarded a grant from the Library of Virginia for FY22 Circuit Court Records Preservation Grant in the amount of \$44,058.75.

RECOMMENDATION: Recommend that City Council approve the appropriation ordinance of the FY22 Circuit Court Records Preservation Grant in the amount of \$44,058.75.

Council Member Myers made a motion to approve the attached appropriation for \$44,058.75. 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, Westbrook and Smith-Lee; Abstain: Parham; Absent: Hill

22-ORD-9 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2021, AND ENDING JUNE 30, 2022, FOR THE GRANTS FUND IN THE AMOUNT OF \$44,058.75.

*Audio available upon request.

- b. Consideration of a Department of Criminal Justice Services Grant in the amount of \$15,972 – 2nd Reading

BACKGROUND: The City of Petersburg Police Department has been awarded a grant from the Commonwealth of Virginia Department of Criminal Justice Services for FY22 Youth and Family Master Plan Grant in the amount of \$15,972.

RECOMMENDATION: Recommend that Council approve the appropriation ordinance of the FY22 Youth and Family Master Plan Grant for \$15,972.

Council Member Myers made a motion to approve the attached appropriation for \$15,972. 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, Westbrook, Smith-Lee, and Parham; Absent: Hill

22-ORD-10 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2021, AND ENDING JUNE 30, 2022, FOR THE GRANTS FUND IN THE AMOUNT OF \$15,972.

- c. Consideration of a motion regarding stop signs.

BACKGROUND: See below:

Motion:

Council directs the City Manager to direct staff to erect stop signs at the following locations:

1. Intersection of South Sycamore Street and Marshall Street.
2. Intersection of South Jefferson Street and East Fillmore Street (making this a four-way stop).
3. Intersection of St. Andrews' Street and Webster Street
4. Intersection of Claremont Street and Blair Road
5. Intersection of Graham Road and W. Roy Smith Drive (entrance road to the SVEC building).
6. Intersection of Liberty Street and Harrison Street (making this a four-way stop)

The City Attorney has advised that VDOT requires a speed study before the city erects a stop sign on state-designated roads. The City Attorney has further advised that there are no legal requirements for a speed study before the city erects a stop sign on roads that are not state designated that the liability risk resulting from the erection of such a stop sign without first obtaining a speed study is not significant absent unique circumstances.

Accordingly, Council directs the city manager to direct staff to erect stop signs at the foregoing intersections by the following deadlines:

1. As to the stop signs on state designated roads before August 1, 2022.
2. As to the other intersections specified above which are not state designated roads before May 1, 2022.

RECOMMENDATION: Recommend that Council approve the motion requested by Council Member Charles Cuthbert, Jr.

There was discussion among City Council and staff.

*Audio available upon request.

Council Member Cuthbert made a motion to approve the updated motion of February 20, 2022, revision.

Vice Mayor Smith-Lee stated, "I would like to add West Clara Drive and Talley Avenue; Custer and Hawk Street; Custer Street and Hamilton Street; and Patterson Street and Augusta Avenue. Thank you."

Council Member Cuthbert stated, "Annette that is all fine with me and I appreciate your input."

Vice Mayor Smith-Lee stated, "Okay and thank you."

There was discussion among City Council and staff.

Council Member Wilson-Smith made a motion to table until a study is done. The motion was seconded by Council Member Westbrook. There was discussion on the motion.

Council Member Cuthbert made a substitute motion to adopt the February 20, 2022, revision of the motion with the exception of the intersection of South Sycamore Street and Mars and the intersection of Graham Road and W. Roy Smith Drive. As with the two exceptions, ask staff to conduct a study that staff thinks will yield useful information to city council and go forward with the proposal including the four-intersections identified by Vice Mayor Smith-Lee. The motion was seconded by Vice Mayor Smith-Lee. There was discussion among City Council and staff.

Council Member Myers stated, "Mr. Mayor, I am going to ask Charlie if he will rescind his motion until the next meeting. They are on here arguing about how much the cost is going to be. So, how much is the cost going to be for a study or a fatality. I have where my constituents are asking me about stop signs and not being able to cross the street and all those kinds of things. You may ride down the street one or two times, but these folks live on the street. And they are out there all day long. If I could put a stop sign on every block on Washington Street, I would demand it instantly. Most of my neighbors' cars have been hit five times. In front of their houses people are flying down the street. And even though there is a stop sign at the corner it is a deterrent. It doesn't mean that they are going to stop. So, until we reinforce out law enforcement to provide the services that we need. What is the cost Mrs. Innis with respect to a study?"

Mrs. Innis stated, "\$7,000 sir."

Council Member Myers stated, "For the study of every street?"

Mrs. Innis stated, "No. Not for every street but for the streets on this report."

Council Member Myers stated, "I would like for each council member to tell me why do you oppose having stop signs at these particular corners. And Charlie, the only thing I ask is that we wait until the next meeting to give your council members a chance to digest what we are asking for. I am going to be supportive of these stop signs. Because the public safety means a lot. And I think that you are riding around there for one time or another, but there are more cars on the road than there were five years ago. And so, I see it all day every day. They are flying down the street. Charlie, what do you think?"

Council Member Cuthbert stated, "You make a good point Howard. What if we do this. What if we table the matter until we get together again? We have a special meeting and a work session on March 1st. We cannot vote at our work session."

Council Member Myers stated, "You can set aside the Rules of Council and vote if you want to Charlie that is not a problem. But the fact of the matter is that you would want to have your police chief there to

*Audio available upon request.

corroborate some of the instances there rather than hearing what someone else said. I would like to have law enforcement there to corroborate what it is that you are trying to do and if it is a helpful opportunity for the City of Petersburg and the citizens. I have seen people trying to cross the street and people are flying like crazy and throwing trash out the window. Stuff that we see every day.”

Council Members Cuthbert stated, “Well Howard what are you suggestion? That we continue this until our business meeting on March 15th. And at that time have the police chief. Can we have a public hearing at that same time?”

Council Member Myers stated, “Yes, sir. I believe that would be advisable. That way you will have some substantial evidence provided to the other members of council that you are not grasping at straws when you are doing this.”

Council Member Cuthbert stated, “I think that makes a lot of sense. I would like to retract the pending motion that I have made and offer another substitute motion in line with what Council Member Myers just suggested.”

Council Member Cuthbert made a substitute motion to table until a public hearing is held at our business meeting on March 15, 2022. The motion is seconded by Council Member Myers. There was discussion among City Council Members. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Smith-Lee, and Parham; Absent: Hill

- d. A resolution of the City Council of the City of Petersburg, Virginia committing funds for Water and Wastewater Improvements necessary to support an advanced pharmaceutical manufacturing and R&D Cluster Project.

BACKGROUND: See attached.

RECOMMENDATION: Recommend City Council Members approve the resolution.

Joanne Williams, Director of Communications, Marketing and Government Relations, gave a briefing of the resolution.

Council Member Myers made a motion to approve the resolution. 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, Myers, Westbrook, Smith-Lee, and Parham; Absent: Hill

22-R-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETERSBURG, VIRGINIA COMMITTING FUNDS FOR WATER AND WASTEWATER IMPROVEMENTS NECESSARY TO SUPPORT AN ADVANCED PHARMACEUTICAL MANUFACTURING AND R&D CLUSTER PROJECT.

15. CITY MANAGER’S AGENDA:

- a. City Manager’s Report

Mr. Turille gave a briefing of his report.

Key points:

- The FY20-21 audit indicates that the Personal and Real Property tax collections are unacceptably low, about a 70% collection rate.

*Audio available upon request.

- The Finance Officer and City Manager discussed this during his first week with City of Petersburg. Ms. Jordan has increased the current year rate of collections to 81% (Personal Property) and 94% (Real Property) by following the VA statutory code to move cases from delinquency to notice, penalties and ultimately to tax sale if delinquency continued.
- Finance Director created a separate collections department to focus solely on the current and delinquent collections efforts for the city.
- Deputy City Manager worked with the utilities billing to improve collections. The city received \$3.67 million to reimburse the city for eligible accounts over 60 days, which will drive up the utility collection rate.
- With transit, South Park Mall is 10% of total trips monthly, 7th out of 9 major routes.
- Monthly operating cost to city is \$51,927 for the mall route.
- Staff estimates at least 25% of riders are for Petersburg residents to work in the mall and return home.
- Community Concerns report: Neighborhood Services Director will demonstrate the new iWork's software to track code and building cases.
- Economic Development department working on a GOVA grant to bring 69 miles broadband access to nine locations in Petersburg.
- Dogwood Trace received a grant to provide golf clubs to Petersburg Children; coordinated with Parks & Recreation. Mr. Fagan's staff also worked with Parks & Recreation to improve the Sports Complex fields.

There was discussion among City Council and staff.

Council Member Cuthbert asked Ms. Jordan to give city council an estimate as to how many properties were taken to tax sale in 2021.

Ms. Jordan stated that she will get that information to city council at the next city council meeting.

Council Member Wilson-Smith asked if they could also calculate how much it would cost the city if the people did not have a job and were on social services and food stamps because they cannot get to work and have to be dependent on others. She also asked can they calculate with the money that they lose as a cost to the city of the evictions that will take place if the city has to clean it up and the mental health. She stated that she would like that information when they come back with the information for Council Member Cuthbert.

There was continued discussion among City Council and staff.

Council Member Wilson-Smith asked when will the city reopen back up to the public.

Mr. Turille stated that he is keeping a look on the numbers with regards to the cases. He stated that once he receives the new numbers that it will determine when he reopens the city back up. He stated that he is keeping a close look on the numbers and cases in the city and surrounding areas.

Council Member Westbrook asked about the drainage near Ramblewood Road. He stated that it floods when it rains and that they have to shut down the road when this happens.

Mrs. Innis stated that she will have staff to look into this and bring information back at the March 1st meeting.

16. BUSINESS OR REPORTS FROM THE CLERK:

*No items for this portion of the agenda.

*Audio available upon request.

17. BUSINESS OR REPORTS FROM CITY ATTORNEY:

*No items for this portion of the agenda.

Mayor Parham stated, "Mr. Williams under this section I want to state for the record my vote to reconsider my vote on Map 6 tonight."

Mr. Williams stated, "Are you making the motion to reconsider?"

Mayor Parham stated, "Yes. I am making the motion to reconsider."

Mayor Parham made a motion to reconsider his vote on Map 6. The motion was seconded by Council Member Cuthbert.

Council Member Cuthbert stated, "I will second the motion and would add to it that we bring this back at a special meeting on March 1st."

Mr. Williams stated, "Vice Mayor Smith-Lee call for the vote."

Vice Mayor Smith-Lee stated, "Madam Clerk can you call for the vote."

Council Member Wilson-Smith stated, "I need to understand what we are doing first. Can we have discussion? So, Mr. Parham is taking his vote back for Map 6, right?"

Mayor Parham stated, "Yes, I am taking my vote back to reconsider on March 1st."

Council Member Wilson-Smith stated, "So, okay, if your vote goes back that means that it was a tie. Is that right?"

Mayor Parham stated, "Yes."

Council Member Wilson-Smith stated, "So, if it is a tie then it did not pass and so we are going to revisit all of this on March 1st. That is what we are saying?"

Mayor Parham stated, "Yes."

Council Member Wilson-Smith stated, "So, what is going to be the difference between now and March 1st? Are we looking for something? Never mind."

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Westbrook, Smith-Lee, and Parham; Absent: Myers and Hill

***This motion changed the approval to item 14b. With this motion approval, item 13b did not pass.

18. ADJOURNMENT:

City Council adjourned at 9:26 p.m.

Clerk of City Council

*Audio available upon request.

APPROVED:

Mayor

The Special City Council Meeting of the Petersburg City Council was held on Tuesday, March 1, 2022, on live stream. Mayor Parham called the Special City Council Meeting to order at 12:05 p.m.

1. **ROLL CALL:**

Present:

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

Absent: None

Present from City Council Administration:

Clerk of Council Nykesha D. Jackson
City Manager Stuart Turille
City Attorney Anthony Williams

2. **DISCUSSION AND/OR CONSIDERATION:**

- a. A consideration of revised City Council Ward Maps following population changes identified in The 2020 Census.

BACKGROUND: Article VII, Section 5 of the Constitution of Virginia specifically requires any locality that conducts elections by district to change its district boundaries every 10 years in the year ending in one. Districts must be drawn using U.S. census data.

The United States decennial census is the primary data source on population, age, and race used in redistricting. The 2020 census, conducted by the U.S. Department of Commerce through the Census Bureau, is the twenty-fourth census in U.S. history, and it will also be used to redraw congressional, state legislative, and local election districts.

There are two basic pieces of information needed to redraw election district lines: population data (Section 4.2) and maps (Section 4.3). The Census Bureau provides both.

The Constitution of Virginia Article VII. Local Government, Section 5. County, city, and town governing bodies, requires that the governing body of each county, city, or town shall be elected by the qualified voters of such county, city, or town in the manner provided by law; If the members are elected by district, the district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district; that when members are so elected by district, the governing body of any county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law; that whenever the governing body of any such unit shall fail to perform the duties so prescribed in the manner herein directed, a suit shall lie on behalf of any citizen thereof to compel performance by the governing body.

The 2020 Census population is 34,013, and the average Ward population for each of the seven (7) wards is

*Audio available upon request.

4,859, with a 10% range being 5% above (5,034) - 5% below (4,905). Wards 1 and 2 are above the range, and Wards 6 and 7 are below the range. To establish Wards that are within the range, all Ward boundaries and populations will need to be adjusted. The Wards must be contiguous and compact. Additionally, observable boundaries should be used (roadways, waterways, greenways, etc.), and a goal of maintaining intact neighborhoods has been identified.

The most recent decennial population figures for each locality, as adjusted by the Division of Legislative Services, are to be used. Beginning with the 2021 redistricting, any person incarcerated in a federal, state, or local correctional facility within the Commonwealth is to be counted as a resident of the locality where his address at the time of incarceration is located.

A new requirement for the 2021 redistricting is that a Geographic Information System (GIS) map that shows the district boundaries must be sent to the local elected board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services.

RECOMMENDATION: It is recommended that the City Council approves an amendment to the City's Ward Map.

Council Member Hill made a motion to adopt the ordinance proposed with the proviso that Exhibit A, to the ordinance incorporate the ward boundaries of Map 10. The motion was seconded by Council Member Westbrook. There was discussion among City Council Members. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Myers, Westbrook, Hill, Smith-Lee, and Parham: Voting No: Wilson-Smith

22-ORD-11 AN ORDINANCE APPROVING AN AMENDMENT TO THE PETERSBURG WARD MAP.

22-ORD-11A AN ORDINANCE APPROVING AN AMENDMENT TO THE PETERSBURG WARD MAP.

3. ADJOURNMENT:

City Council adjourned at 12:29 p.m.

Clerk of City Council

APPROVED:

Mayor



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager

FROM: Stacey Jordan

RE: **Consideration of an appropriation ordinance of the Middle Atlantic Section Joint Player Development and Junior Golf Committees Grant in the amount of \$3,000 - 1st Reading**

PURPOSE: To appropriate the Middle Atlantic Section Joint Player Development and Junior Golf Committees Grant of \$3,000.

REASON: These are the funds awarded to the Dogwood Trace Golf Course and issued by the Professional Golfers' Association of America Middle Atlantic Section.

RECOMMENDATION: Recommend that Council approve the appropriation ordinance of the Middle Atlantic Section Joint Player Development and Junior Golf Committees Grant of \$3,000.

BACKGROUND: Dogwood Trace Golf Course has been awarded a grant from the Professional Golfers' Association of America Middle Atlantic Section for the Middle Atlantic Section Joint Player Development and Junior Golf Committees Grant of \$3,000.

COST TO CITY: There is no monetary cost to the City. This is a reimbursement grant.

BUDGETED ITEM: This item was not a part of the adopted FY22 budget.

REVENUE TO CITY: \$3,000

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Dogwood Trace Golf Course

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Middle Atlantic Section Joint Player Development and Junior Golf Committees Ordinance

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2021, AND ENDING JUNE 30, 2022
FOR THE GRANTS FUND.**

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

I. That appropriations for the fiscal year commencing July 1, 2021, in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2022.

Previously adopted	\$0.00
---------------------------	---------------

ADD: Middle Atlantic Section Joint Player Development and Junior Golf Committees Grant	<u>\$3,000</u>
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Total Revenues	<u>\$3,000</u>
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II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2021 and ending June 30, 2022, the following sums for the purposes mentioned:

Previously adopted	\$0.00
---------------------------	---------------

ADD: Other Operating Supplies	<u>\$3,000</u>
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Total Expenses	<u>\$3,000</u>
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City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager

FROM: Kenneth Miller

RE: Request to schedule a public hearing on the consideration of naming a private street Civica Way at the request of Phlow Corporation.

PURPOSE: To name an unnamed private street

REASON: Property owner, Phlow Corporation, has submitted a request to name an unnamed private street Civica Way.

RECOMMENDATION: The Public Works Department recommends the unnamed private street be named Civica Way.

BACKGROUND: The Phlow Corporation, owner of the property for the Civica facility has submitted a request to name a private unnamed street on the property to Civica Way.

COST TO CITY: \$0

BUDGETED ITEM: No

REVENUE TO CITY: \$473.00

CITY COUNCIL HEARING DATE: 3/15/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: §98-51

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Civica Way, Council Resolution 3-15-2022
2. Petition to Change Street Name

**A RESOLUTION TO NAME A PRIVATE STREET
CIVICA WAY FROM NORTH NORMANDY
DRIVE TO END**

WHEREAS, pursuant to §98-51 of the Petersburg City Code, Council for the City of Petersburg, Virginia desires to name a unnamed private street Civica Way from North Normandy Drive to its end; and

WHEREAS, the City of Petersburg’s Department of Public Works has determined that the adjacent property owner is the applicant, Phlow Corporation; and

WHEREAS, no property owners either opposed or objected to the renaming; and

WHEREAS, to avoid duplication, the proposed name change was submitted to the Crater Planning District Commission (CPDC) which found the name Civica Way does not exist elsewhere in south central Virginia; and

WHEREAS, the private street is currently unnamed and the property owner, Phlow Corporation, desires to name the private street after the Civica Facility.

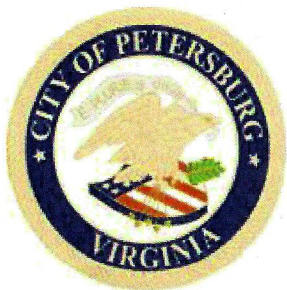
NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Petersburg, Virginia that the new unnamed private street beginning at North Normandy Drive and extending to its terminus is hereby named Civica Way.

Samuel Parham, Mayor

ATTEST:

Nykesha D. Jackson, Clerk of Council

Adopted by the Council of Petersburg, Virginia, this ____ day of _____, 2022.



CITY OF PETERSBURG

DEPARTMENT OF PUBLIC WORKS AND PUBLIC UTILITIES

103 WEST TABB STREET, PETERSBURG, VIRGINIA 23803

PHONE (804) 733-2355 FAX (804) 732-2030

PETITION TO CHANGE STREET NAME

(Please type or print neatly)

1. **Petitioner(s) Name:** Phlow Corporation

Petitioner(s) Address: 2821 Normandy Drive

Daytime Phone: 804.207.4893 (o) 703.509.4056 (m)

Fax Number: N/A

Email Address: rdemeria@phlow-usa.com

2. **Current Street Name and Route Number (if applicable):**

N/A (Private road not currently named) 2821 Normandy Dr.
Building # 9500

3. **Proposed Street Name:**

Civica Way

4. **Please describe the reason(s) why you are seeking the street name change:**

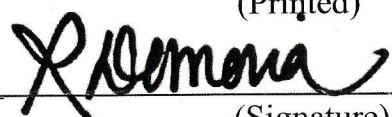
This road is being built on private land and will lead to the Civica facility

FILING REQUIREMENTS CHECKLIST

1. The petition with the original signature(s).
2. One (1) copy of a location map accurately showing the location of the referenced street reduced to a paper size not more than 11" x 17".
3. A list of the names and addresses of all persons, firms, or corporations owning all properties affected by the street name change and the tax map number of such properties.

Note to the Petitioner: It is highly recommended that the petitioner seek input from affected property owners and solicit their support of the street name change prior to filing the request with the Engineering and Stormwater Management Division. It is the City's policy that one hundred percent (100%) of all affected property owners must agree to street name changes initiated by a citizen, or the request will not be approved.

I, the undersigned Petitioner, certify that to the best of my knowledge, all statements in this application are accurate and complete, including all required information and submittals. I understand that the costs associated with this request, including postage, the creation and posting of new street signs, is my responsibility and agree to pay all costs associated with this request.

Name: Robby Demeria
(Printed)

(Signature)



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager

FROM: Randall Williams

RE: Consideration to appropriate \$9,760.88 received from the Virginia Department of Environmental Quality (DEQ) for the City of Petersburg's Litter Prevention and Recycling Program activities for the period July 1, 2021 to June 30, 2022 - 1st Reading

PURPOSE: To appropriate \$9,760.88 received from the DEQ for the City of Petersburg's Litter Prevention and Recycling Program.

REASON: To implement litter prevention and recycling educational programs and pilot projects in the City of Petersburg for FY 2022.

RECOMMENDATION: Recommend Council approve the attached appropriation for \$9,760.88 to the fiscal year 2022 budget.

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

COST TO CITY: \$9,760.88

BUDGETED ITEM:

REVENUE TO CITY: \$9,760.88

CITY COUNCIL HEARING DATE: 3/15/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Department of Environmental Quality (DEQ)

AFFECTED AGENCIES: Street Operations

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: NA

REQUIRED CHANGES TO WORK PROGRAMS: NA

ATTACHMENTS:

1. FY22 Litter Grant Ordinance
2. Litter Grant Award Letter

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION
FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2021 & ENDING ON
JUNE 30, 2022 IN THE GRANTS FUND**

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

I. That appropriations for the fiscal year commencing July 1, 2021, and ending June 30, 2022, are made from the following resources and revenues anticipated for the fiscal year

Revenue:

Previously Appropriated	\$ 0.00
 FY 2022 DEQ Litter Grant (3-200-024040-0615-0-401)	 <u>\$9,760.88</u>
 Total Revenue	 <u>\$9,760.88</u>

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

Expenditures:

Previously Appropriated	\$ 0.00
 FY 2022 DEQ Litter Grant (4-200-040000-6005-0-102)	 <u>\$9,760.88</u>
 Total Expenditures	 <u>\$9,760.88</u>

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Ann F. Jennings
Secretary of Natural
Resources

Street address: 1111 E. Main Street, Suite 1400,
Richmond, Virginia 23219
Mailing address: P.O. Box 1105, Richmond,
Virginia 23218
www.deq.virginia.gov

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

November 23, 2021

Stuart Turille, City Manager
City Manager
City of Petersburg
135 N. Union Street
Petersburg, VA 23803

Dear Stuart Turille, City Manager:

I am pleased to inform you that a grant award of **\$9,760.88** has been approved for the **City of Petersburg** Litter Prevention and Recycling Program activities for the period July 1, 2021 to June 30, 2022. Processing of the grant awards is underway, and a payment for this amount should be received within the next two weeks if funds can be transferred electronically (EDI) or in thirty days if processing by check is required.

If you have any questions or need additional information, please contact Prina Chudasama at prina.chudasama@deq.virginia.gov or at (804) 698-4159.

Sincerely,

A rectangular box intended for a signature.

Sanjay Thirunagari



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM:

RE: A Request to Amend Sec. 106-14. – Permanent Board of Equalization.

PURPOSE: A request for City Council to amend the ordinance that provides for a permanent board of equalization, found in Sec. 106-14 of the Municipal Code

-

REASON: The proposed amendment provides for an alternate member of the Board of Equalization to be appointed by the Circuit Court to serve when a board member has a planned absence or must abstain from a deliberation.

RECOMMENDATION: Recommend City Council amend the ordinance that provides for a permanent board of equalization, found in Sec. 106-14 of the Municipal Code

BACKGROUND: Given the importance of each member's attendance on a three member board, it would be beneficial to have a substitute member for situations where one of the three regular members may be unable to attend.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 3/15/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor's Office

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: This is an amendment to an existing ordinance.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Board of Equalization - Request to to Amend Sec 106 -14 – Permanent Board of Equalization
2. Ordinance to Amend Sec. 106 - 14



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: ~~February~~ March 15, 2022

TO: The Honorable Mayor and Members of City Council

FROM: Brian E. Gordineer, AAS, City Assessor

RE: A request to ~~schedule a public hearing to~~ amend Sec. 106-14. – Permanent Board of Equalization.

PURPOSE: ~~To schedule a public hearing to receive citizen comment~~ A request for City Council to-on amending the ordinance that provides for a permanent board of equalization, found in Sec. 106-14 of the Municipal Code

REASON: The proposed amendment provides for an alternate member of the Board of Equalization to be appointed by the Circuit Court to serve when a board member has a planned absence or must abstain from a deliberation.
~~Council is required to schedule and conduct a public hearing, upon amending an ordinance and the Municipal Code.~~

RECOMMENDATION: Recommend City Council amend the ordinance that provides for a permanent board of equalization, found in Sec. 106-14 of the Municipal Code ~~schedule a public hearing on February 15, 2022 to receive comment.~~

BACKGROUND: Given the importance of each member's attendance on a three member board, it would be beneficial to have a substitute member for situations where one of the three regular members may be unable to attend.~~The proposed amendment corrects an oversight when the length of all tax exemptions granted for renovation were reduced from ten years to five years and the oversight to include the ordinance in the Municipal Code.~~

COST TO CITY: None

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: ~~February~~ March 15, 2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor's Office

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: This is an amendment to an existing ordinance.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: N/A

STAFF: Brian E. Gordineer, AAS, City Assessor

Sec. 106-14. - Permanent board of equalization.

(a) *Created; membership.* There is hereby created, in accordance with Code of Virginia, §58.1-3373, a permanent board of equalization. Such board shall consist of three members ~~and one alternate member~~, to be appointed by the circuit court. ~~A regular member when they knows that they will be absent from or will have to abstain from any proceeding at a meeting shall notify the chairman of the board of equalization at least 24 hours prior of such fact. The chairman may select an~~ shall notify the alternate member ~~to who shall serve in the absent or abstaining member's place and the records of the board shall so note.~~

(b) *Terms of members.* The members of the permanent board of equalization shall be appointed for staggered terms of three years. The alternate members shall serve a two year term.

(c) *Compensation.* Each board of equalization member shall receive as full compensation for services performed the sum of \$100.00 per diem, except that the chairman of such board shall receive \$125.00 per diem.

(d) *Education.* Each member and the alternate member shall annually attend continuing education provided by the State Department of Taxation.

(e) *Hearing schedule.* The board of equalization shall dispose of all cases regarding January 1 valuations before June 30.

(Code 1981, §§ 34-80, 34-81; Ord. No. 18-25, 9-18-2018)

AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 106-14 OF THE PETERSBURG CITY CODE TO ADD A SUBSTITUTE MEMBER OF THE BOARD OF EQUALIZATION IN ACCORDANCE WITH THE VIRGINIA CODE §58.1-3373;

WHEREAS, §58.1-3373 of the Code of Virginia authorizes localities to create a permanent board of equalization, and

WHEREAS, City Council adopted Section 106-14 of the Petersburg City Code to create a permanent board of equalization, and

WHEREAS, §58.1-3373 of the Code of Virginia authorizes the appointment of a substitute member of the board of equalization, and

NOW therefore be it ORDAINED that Section 106-14 of the Petersburg City Code is hereby amended and re-adopted as follows:

Sec. 106-14. - Permanent board of equalization.

(a) Created; membership. There is hereby created, in accordance with Code of Virginia §58.1-3373, a permanent board of equalization. Such board shall consist of three members **and one alternate member**, to be appointed by the circuit court. **A regular member when they know that they will be absent from or will have to abstain from any proceeding at a meeting shall notify the chairman of the board of equalization at least 24 hours prior of such fact. The chairman shall notify the alternate member who shall serve in the absent or abstaining member's place and the records of the board shall so note.**

(b) Terms of members. The members of the permanent board of equalization shall be appointed for staggered terms of three years. The alternate members shall serve a two year term.

(c) Compensation. Each board of equalization member shall receive as full compensation for services performed the sum of \$100.00 per diem, except that the chairman of such board shall receive \$125.00 per diem.

(d) Education. Each member and the alternate member shall annually attend continuing education provided by the State Department of Taxation.

(e) Hearing schedule. The board of equalization shall dispose of all cases regarding January 1 valuations before June 30.

(Code 1981, §§ 34-80, 34-81; Ord. No. 18-25, 9-18-2018)



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager
Tangela Innis, Deputy City Manager

FROM: Reginald Tabor

RE: **A Public Hearing and consideration of an Ordinance amending the zoning of the property addressed as 801 S Adams Street, TP# 031300002; from R-B, Office-Apartment District to MXD-3, Mixed Use District.**

PURPOSE: To hold a Public Hearing and consider an ordinance approving a petition to rezone property addressed as 801 S Adams Street, TP# 031300002; from R-B, Office-Apartment District to MXD-3, Mixed Use District.

REASON: To comply with laws and procedures regarding rezoning.

RECOMMENDATION: It is recommended that the City Council conducts a Public Hearing and adopts an ordinance rezoning the property addressed as 801 S Adams Street, TP# 031300002; from R-B, Office-Apartment District to MXD-3, Mixed Use District.

BACKGROUND: The Planning Staff under the direction of the City Council, has worked to identify a zoning designation appropriate for the purpose of attracting new business development within the new Pharmaceutical Industrial Cluster. The new MXD-3 zoning district was approved to enhance the ability of the city to address the land-use needs of the community and to assist in marketing the available sites to potential developers.

The subject property at 801 S Adams Street has remained vacant since the former Medical Center was acquired in 2013. The goal of the City's rezoning of the subject property is to facilitate future development for the best potential use, but not conflict with adjacent uses and the existing character of the surrounding properties. The MXD-3 district permits a mixture of diverse land uses on large tracts of land where previous uses on such tracts of land have been discontinued and the uses listed in this article would not adversely impact neighboring parcels. The former hospital site is an opportunity for positive redevelopment efforts to take place along this portion of South Sycamore Street which could promote new jobs within the community. The zoning designation of the MXD-3, Mixed Use District states that parcels shall contain a minimum of ten (10) contiguous acres.

(I) Any uses permitted in the "MXD-3, Mixed Use District, are intended to:

- a. Encourage appropriate commercial and industrial activity.
- b. Encourage compatibility of existing and future land uses.

Section 2. Use Regulations.

(a) Offices.

(b) Clinics.

(c) Colleges and schools, public or private, having a curriculum and conditions under which teaching is conducted equivalent to a public school and institutions of higher learning.

(d) Any use other than any residential use or any objectionable use as defined by Article 18, Section 3 of this Ordinance, but only as allowed by a special use permit.

II. Surrounding Conditions

The subject property is currently zoned R-B, Office-Apartment District and all properties located along the North, East, and South side of the subject property, to Cameron Field and I-85 are zoned R-3, Two-Family Residence District and on the West side along Sycamore Street from the Southwest side of Shore Street the zoning classification is B-2, General Commercial District. The subject site is adjacent to the Poplar Lawn Historic District, but not located in the district. Current uses located within the area of the subject property include: business, medical and specialty offices, attorney offices, funeral establishments, mental health and day support services, auto repair shop, former Canton Chinese restaurant, insurance, and tax preparation offices etc. See attached Map.

III. Findings

A. The 2014 Comprehensive Plan designates the subject property for Community Facilities usage and surrounding property for business/professional, general commercial and low intensity residential purposes.

B. The property is currently designated as “R-B”, Office-Apartment District which permits residential, medical and specialty facilities, business offices etc. as by-right uses and with parking located in the rear yard and that portion of a side yard not adjacent to a street, if a corner lot.

C. The uses mentioned under the newly proposed zoning district will encourage appropriate and compatible commercial and industrial activities and remain in keeping with the existing and future land uses. If need be, conditions will be imposed on a potential developer by the City prior to the issuance of a building permit and as per the City’s Development Review Team standards to protect the residents and neighboring communities/businesses. Screening will be required per Section 8 of the MXD-3 regulations.

D. It is not believed that the proposed location will pose a burden to the existing neighborhood or property owners as the existing property owners and businesses have been operating in this capacity for more than 30 years.

E. The noise of any potential business use permitted, is expected to be low, and no change in the current noise level is expected at the property boundaries.

F. The City of Petersburg is proposing to reuse vacant property and make it marketable for suitable development which would provide tax revenue to the city, in addition, to cleaning up a predominantly vacant parcel of land and will encourage other owners to reinvest in their properties and the community.

G. As of the preparation of this report, our office had not received any public input or concerns about the request.

H. The subject parcel of land is located within the Enterprise Zone, which offers tax benefits. The Department of Economic Development Office maintains a listing of potential sites, and facilities for potential employers and developers looking to expand or relocate operations. They also manage the Enterprise Zones

located within the city which allows the city to offer state and local incentives to industries which locate new operations to designated areas. The Industrial Development Authority (IDA) is part of the office.

IV. Statement of Law

Zoning is a legislative process by which a local government classifies land within the community into areas and districts referred to as zones. Zoning regulates building and structure dimensions, design, placement, and use. Zoning generally follows the land use designations set forth in a comprehensive land use plan. (The Comprehensive Plan)

The City Council of the City of Petersburg, Virginia on 12-14-2021, approved and adopted an Ordinance amending the City's Zoning Ordinance to create and add a Mixed Use MXD-3 District.

The Planning Commission conducted a Public Hearing during the February 3, 2022 meeting and voted to recommend approval of the rezoning.

The Economic Development Authority has provided a letter of support for the rezoning.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from the development of the property under the new zoning.

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor, Public Works, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Ordinance establishing MXD-3 Zoning District adopted by the City Council.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0315_2022RezoningOrdinance801SAdamsSt
2. 0203_2022RezoningStaffReport801SAdamsStreetDocuments
3. EDALetterofSupport

**AN ORDINANCE APPROVING THE REZONING OF THE PROPERTY
LOCATED AT 801 SOUTH ADAMS STREET, PARCEL 031300002 FROM RB
DISTRICT TO MXD-3 DISTRICT**

WHEREAS, the Planning Staff under the direction of the City Council, has worked to identify a zoning designation appropriate for the purpose of attracting new business development within the new Pharmaceutical Industrial Cluster; AND

WHEREAS, the new MXD-3 zoning district was approved to enhance the ability of the city to address the land-use needs of the community and to assist in marketing the available sites to potential developers; AND.

WHEREAS, the subject property at 801 S Adams Street has remained vacant since the former Medical Center was acquired in 2013. The goal of the City's rezoning of the subject property is to facilitate future development for the best potential use, but not conflict with adjacent uses and the existing character of the surrounding properties; AND

WHEREAS, the MXD-3 district permits a mixture of diverse land uses on large tracts of land where previous uses on such tracts of land have been discontinued and the uses listed in this article would not adversely impact neighboring parcels; AND

WHEREAS, the former hospital site is an opportunity for positive redevelopment efforts to take place along this portion of South Sycamore Street which could promote new jobs within the community; AND

WHEREAS, the subject property is currently zoned R-B, Office-Apartment District and all properties located along the North, East, and South side of the subject property, to Cameron Field and I-85 are zoned R-3, Two-Family Residence District and on the West side along Sycamore Street from the Southwest side of Shore Street the zoning classification is B-2, General Commercial District; AND

WHEREAS, the 2014 Comprehensive Plan designates the subject property for Community Facilities usage and surrounding property for business/professional, general commercial and low intensity residential purposes; AND

WHEREAS, the property is currently designated as "R-B", Office-Apartment District which permits residential, medical and specialty facilities, business offices etc. as by-right uses and with parking located in the rear yard and that portion of a side yard not adjacent to a street, if a corner lot; AND

WHEREAS, the uses mentioned under the newly proposed zoning district will encourage appropriate and compatible commercial and industrial activities and remain in keeping with the existing and future land uses; AND

WHEREAS, the City Council of the City of Petersburg, Virginia on 12-14-2021, approved and adopted an Ordinance amending the City's Zoning Ordinance to create and add a Mixed Use MXD-3 District; AND

WHEREAS, the Planning Commission conducted a Public Hearing during the February 3, 2022 meeting and voted to recommend approval of the rezoning; AND

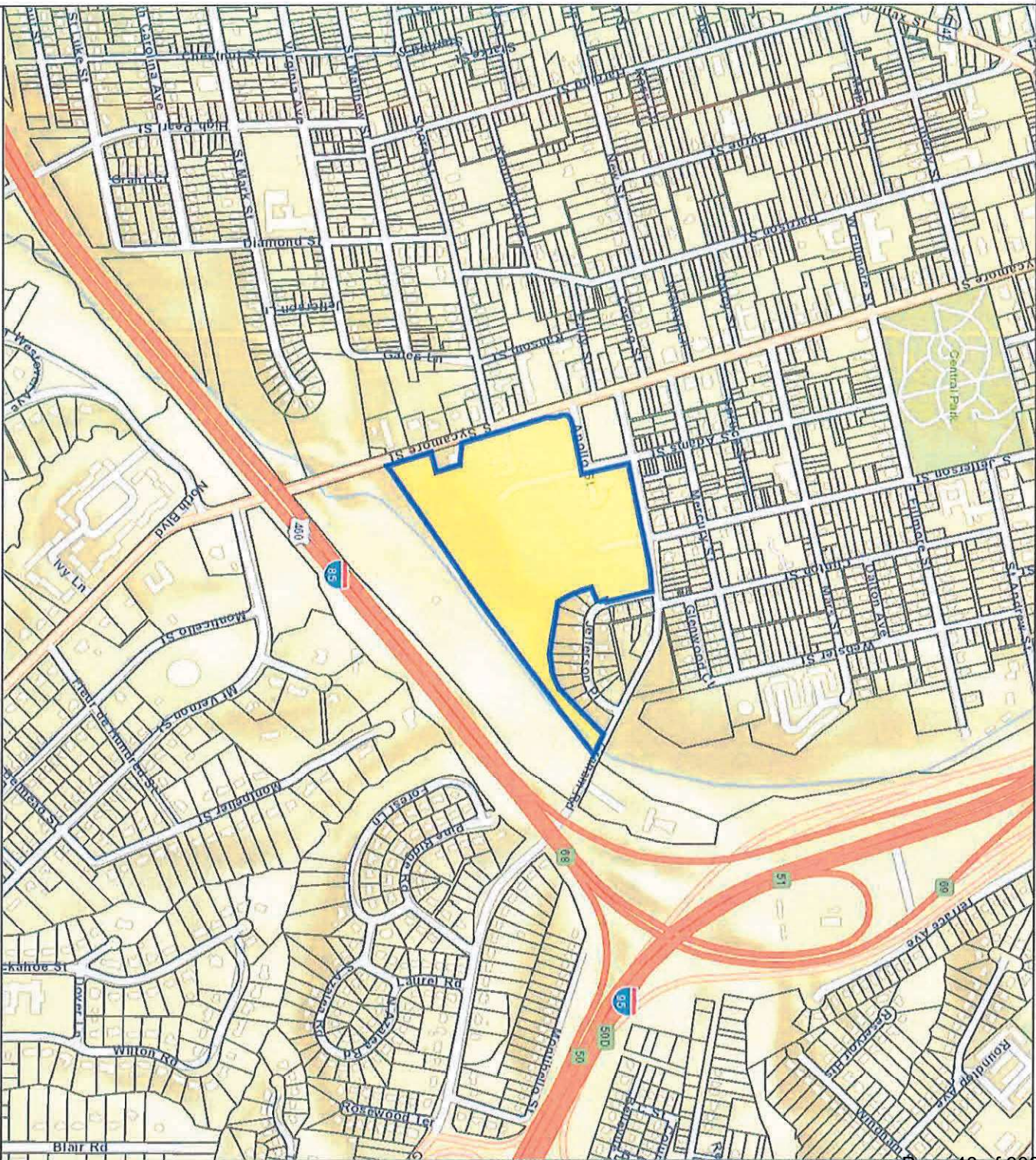
WHEREAS, the Economic Development Authority has provided a letter of support for the rezoning.

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing to consider approval of the rezoning of property, and the public hearing was advertised, in accordance with applicable laws prior to consideration of this ordinance.

NOW THEREFORE BE IT RESOLVED that the City Council does hereby approve the rezoning of the property at 801 South Adams Street, parcel 031300002 from RB DISTRICT to MXD-3 DISTRICT.


Legend

- County Boundaries
Parcels



Date: 2/1/2022

Feet



0 200 400 600 800

1:9,028 / 1"=752 Feet

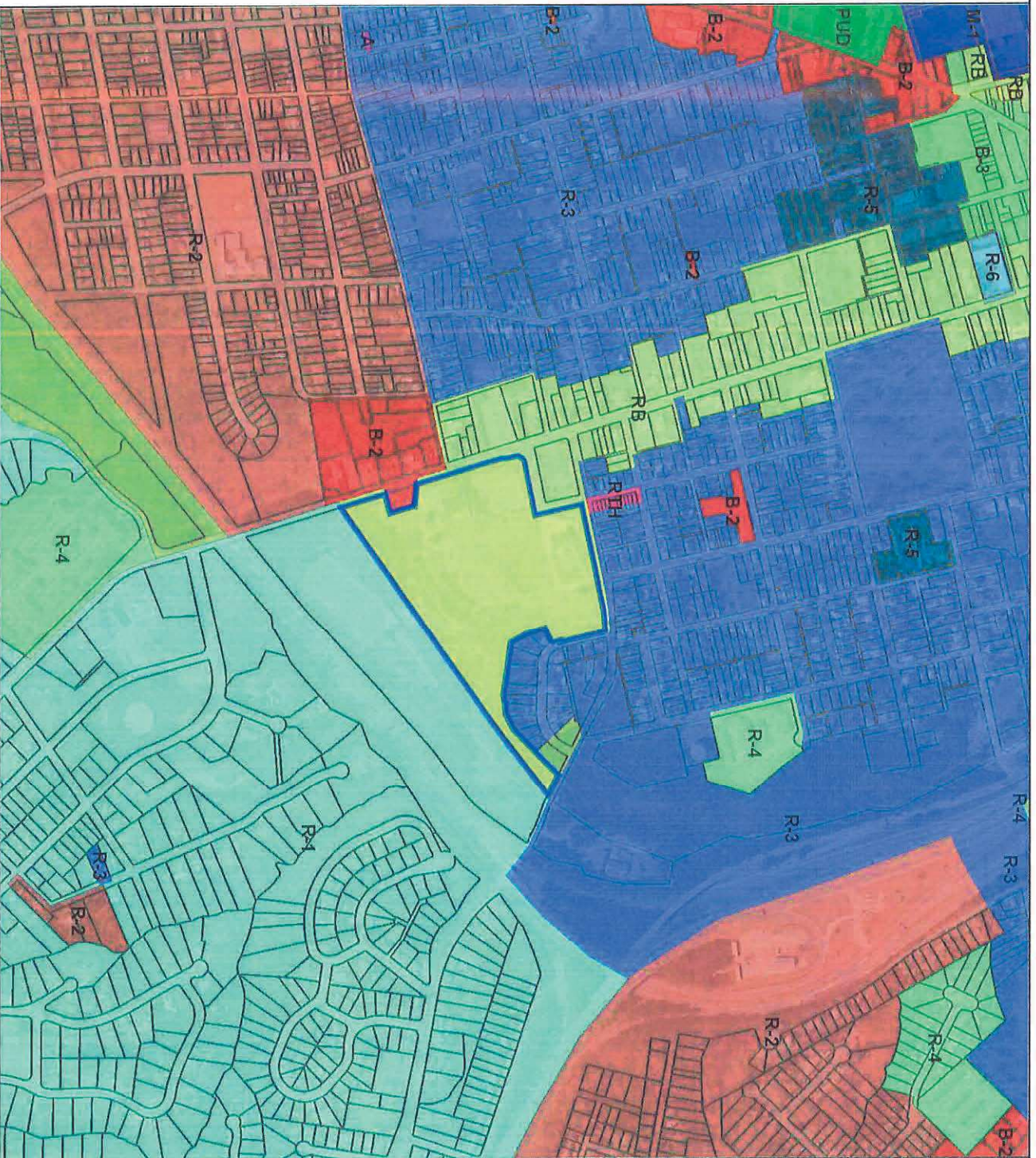
DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and City of Petersburg is not responsible for its accuracy or how current it may be.

Petersburg, Virginia

Legend

- County Boundaries
- Parcels
- Zoning

- A
- B-1
- B-2
- B-3
- M-1
- M-2
- MXD1
- MXD2
- PUD
- R-1
- R-1A
- R-2
- R-3
- R-4
- R-5
- R-6
- RB
- RMH
- RTH



Title: 801 S Adams St

Date: 2/1/2022

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: 031300002

Summary

Owner Name	CITY OF PETERSBURG	National Historic District:	
Owner Mailing Address	135 N. Union St Petersburg, VA 23803	Enterprise Zone:	Yes
Property Use	410	Opportunity Zone:	51730811300
State Class:	7 Exempt Local	VA Senate District:	16
Zoning:	RB	Va House District:	63
Property Address	801 ADAMS ST Petersburg, VA	Congressional District:	4
Legal Acreage:	24.02	City Ward:	4
Legal Description:	24.024 ACRES	Polling Place:	Union Train Station
Subdivision:		Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8108
Local Historic District:		Elementary School:	Cool Springs
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	9,197	Shed:	
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
CAMERON FOUNDATIONTHE	10/11/2013	\$0	2013/2820
	7/13/2005	\$0	2005/3211

Assessments

Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$1,201,200	\$1,201,200	\$1,201,200	\$1,201,200	\$1,201,200
Improvement Value	\$468,300	\$468,300	\$468,300	\$468,300	\$468,300
Total Value	\$1,669,500	\$1,669,500	\$1,669,500	\$1,669,500	\$1,669,500

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 warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

801 S Adams Street - Former SRMC site



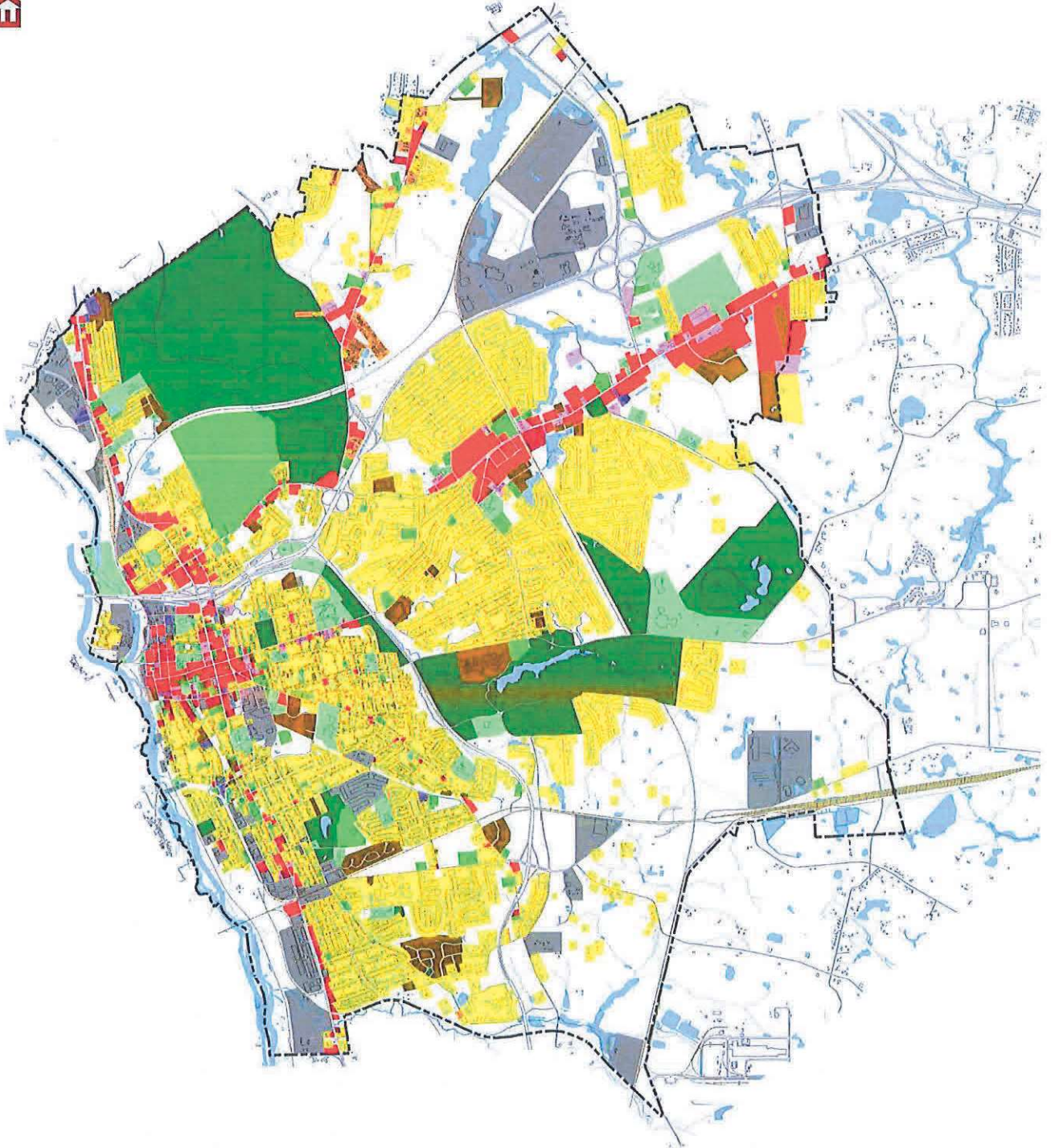
EXISTING LAND USE

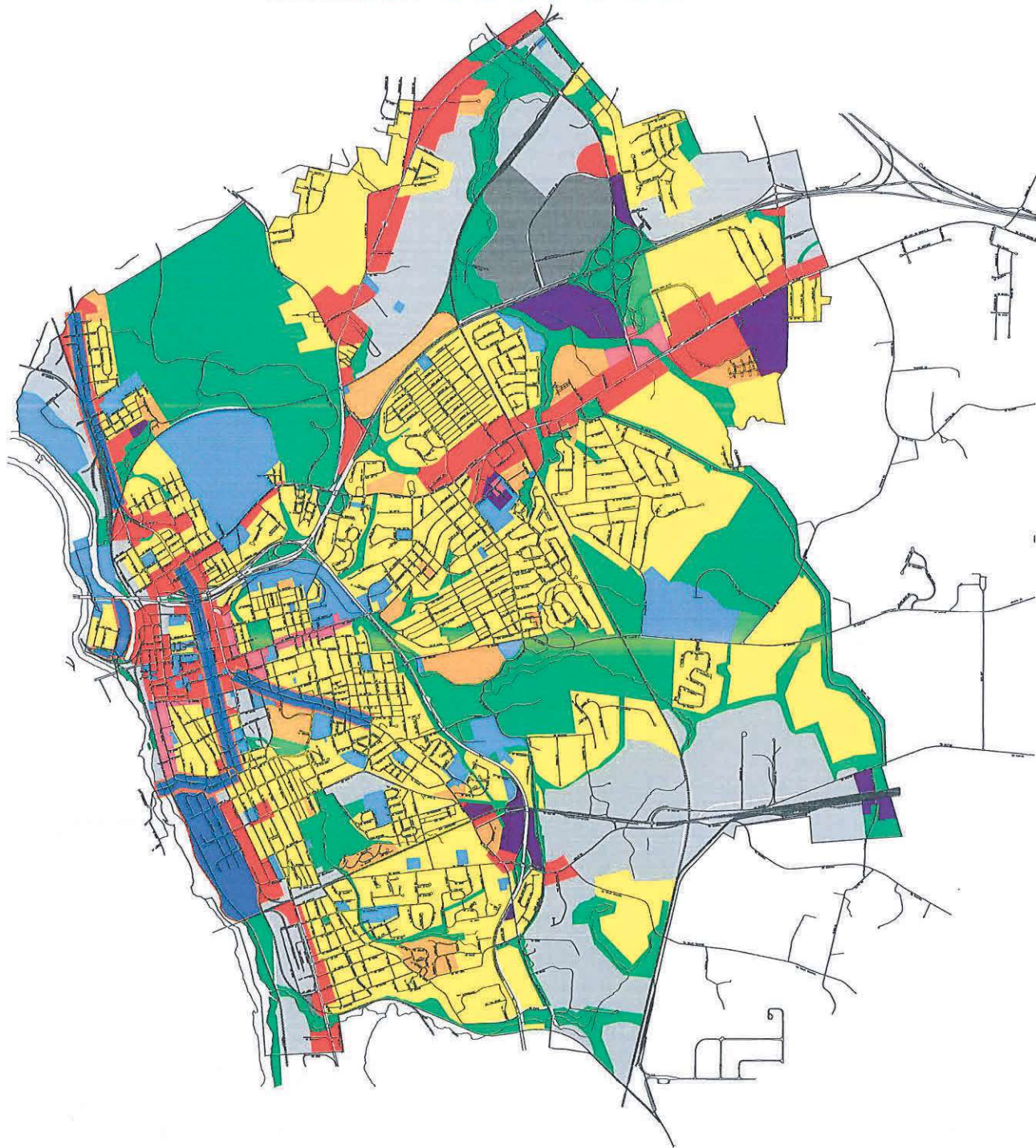
COMPREHENSIVE PLAN
City of Petersburg, Virginia

- LEGEND**
Land Use Classifications
- Residential**
 - SINGLE FAMILY
 - MOBILE HOME
 - MULTI-FAMILY
 - Commercial**
 - RETAIL & SERVICE
 - GENERAL COMMERCIAL
 - BUSINESS / PROFESSIONAL SERVICE
 - Industrial**
 - INDUSTRIAL
 - WAREHOUSING
 - Public & Semi-Public**
 - COMMUNITY FACILITIES
 - PLACES OF WORSHIP, CEMETERIES
 - LODGES
 - PARKS & RECREATION
 - VACANT**



MAY 20, 2008
K.W. Poore and Associates, Inc.
Community Development Consultants





LEGEND

- LOW DENSITY RESIDENTIAL
- MEDIUM / HIGH DENSITY RESIDENTIAL
- MIXED COMMERCIAL / PROFESSIONAL
- COMMERCIAL
- LIGHT INDUSTRIAL/FLEXIBLE
- HEAVY INDUSTRIAL
- INSTITUTIONAL
- PUBLIC USES
- PARKS & OPEN SPACE
- MIXED USE (OFFICE, INSTITUTIONAL, COMMERCIAL, RESIDENTIAL)
- RTE. 36 (E. WASHINGTON STREET) DEVELOPMENT CORRIDOR
- EAST CITY LIMITS TO E. BANK STREET
- WASHINGTON STREET DEVELOPMENT CORRIDOR
- CRATER ROAD TO ADAMS STREET
- WASHINGTON STREET DEVELOPMENT CORRIDOR
- ADAMS STREET TO SOUTH STREET
- HALIFAX STREET DEVELOPMENT CORRIDOR
- W. WYTHE STREET TO VIRGINIA AVENUE
- UNIVERSITY BOULEVARD / N. SOUTH STREET DEVELOPMENT CORRIDOR
- W. WASHINGTON STREET TO APPOMATTOX RIVER
- POCAHONTAS ISLAND DEVELOPMENT DISTRICT
- BATTERSEA DEVELOPMENT DISTRICT

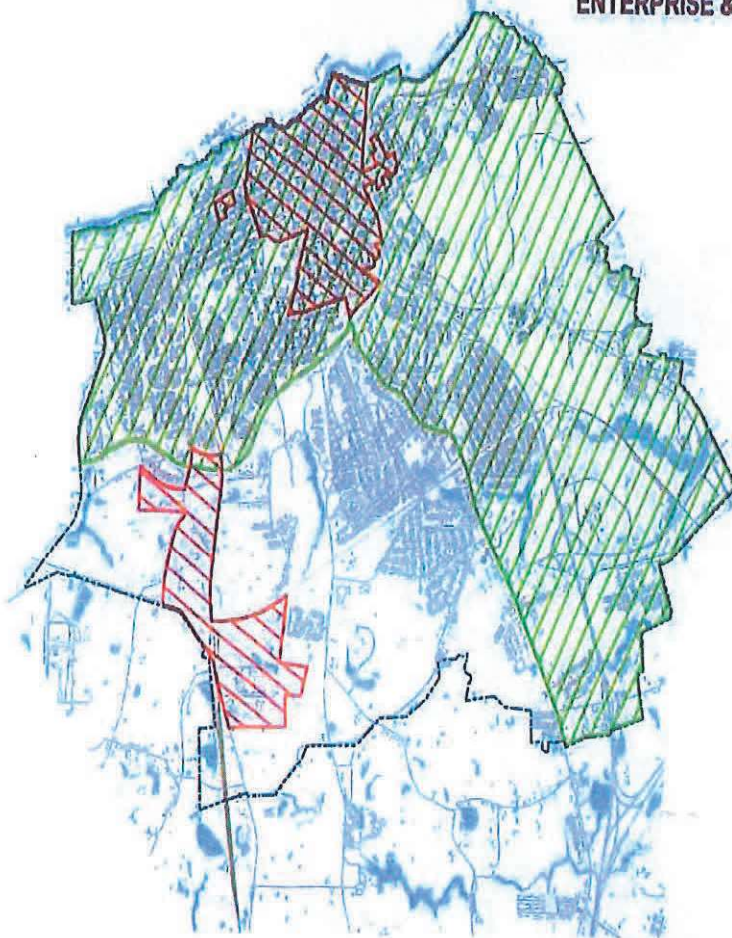
FUTURE LAND

USE PLAN

CITY OF PETERSBURG, VIRGINIA
COMPREHENSIVE PLAN 2014



ENTERPRISE & TAX CREDIT ZONES COMPREHENSIVE PLAN City of Petersburg, Virginia



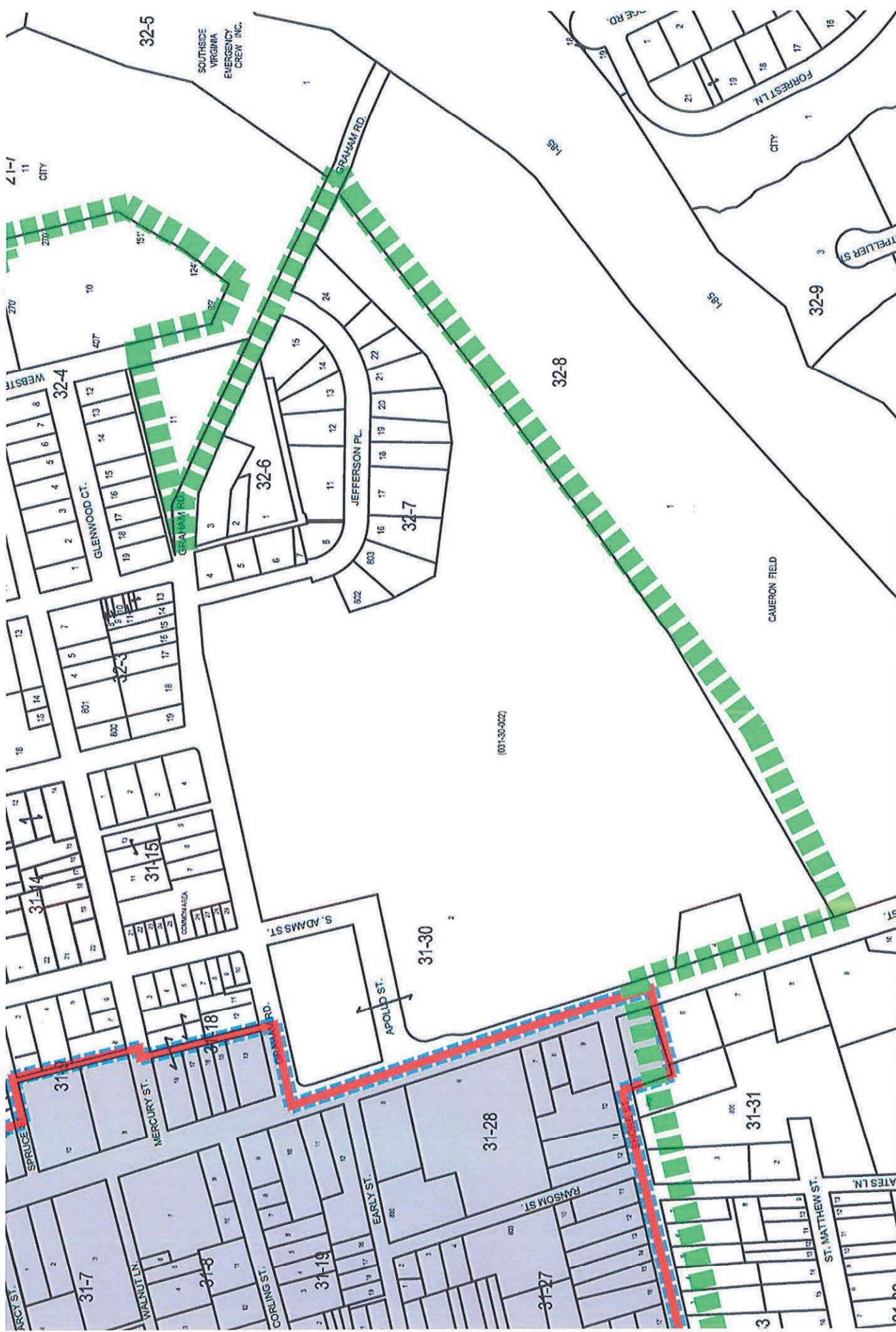
LEGEND

--- CITY OF PETERSBURG CORPORATE LIMITS

--- NEW MARKET TAX CREDIT ZONE

--- ENTERPRISE ZONES





Map showing the subject property which lies within the City's Enterprise Zone (outlined in green) and neighboring historic districts (shaded in gray)



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 14, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager
Tangela Innis, Deputy City Manager

FROM: Reginald Tabor

RE: A public hearing and consideration of an Ordinance amending the City's Zoning Ordinance to create a Mixed Use MXD-3 District.

PURPOSE: A Public Hearing and consideration of the approval of an ordinance amending the Zoning Ordinance to establish a MXD-3 Zoning District.

REASON: To comply with applicable procedures and laws regarding the consideration of amendments to the Zoning Ordinance.

RECOMMENDATION: It is recommended that the City Council holds a Public Hearing and considers an Ordinance amending the Zoning Ordinance to add a MXD-3 District.

BACKGROUND: New business development within the Pharmaceutical Industrial Cluster has begun in the City of Petersburg. The City of Petersburg owns the property at 801 S Adams Street, the former site of the Southside Regional Medical Center. The property is currently zoned RB District. The property has been vacant since the Medical Center was acquired by the City in 2013. A new mixed use district and designation of the property at 801 S Adams Street and potentially other vacant properties that are 10 acres or more, will facilitate development of the property.

Pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, the Planning Commission will hold a Public Hearing during the December 9, 2021 Planning Commission Meeting and consider a resolution recommending approval of an amendment to the Zoning Ordinance to add Art. 18.3. "MXD-3" Mixed Use District. The public hearing was advertised in accordance with applicable laws.

This public hearing was also advertised, in accordance with applicable laws.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from development in a new MXD-3 District.

CITY COUNCIL HEARING DATE: 12/14/2021

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Economic Development, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Zoning Ordinance

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 1214_2021CityCouncilMeetingAgendaItemMXD3

AN ORDINANCE AMENDING THE CITY OF PETERSBURG ZONING
ORDINANCE TO ADD ARTICLE 18.3 MXD-3 MIXED USE DISTRICT

WHEREAS, new business development within the Pharmaceutical Industrial Cluster has begun in the City of Petersburg; and

WHEREAS, the City of Petersburg owned property at 801 S Adams Street, the former site of the Southside Regional Medical Center, is zoned RB District; and

WHEREAS, the property has been vacant since the Medical Center property was acquired by the City in 2013; and

WHEREAS, a new mixed use district and designation of the property at 801 S Adams Street and potentially other vacant properties that are 10 acres or more, will facilitate development of the property; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, the Planning Commission held a public hearing prior to considering approval of a resolution recommending approval of an amendment to the City's Zoning Ordinance to add Article 18.3 MXD-3 Mixed Use District; and

WHEREAS, the public hearing was advertised, in accordance with applicable laws and no public comments were received prior to the public hearing.

NOW THEREFORE BE IT ORDAINED that the City Council approves the Text Amendment to the City's Zoning Ordinance consistent with the attached (Exhibit A).

Exhibit A

ARTICLE 18.3. "MXD-3" MIXED USE DISTRICT

Section 1. Purpose.

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations for the "MXD-3" Mixed Use District. The purpose of this district is to permit a mixture of diverse land uses on large tracts of land where previous uses on such tracts of land have been discontinued and the uses listed in this article would not adversely impact neighboring parcels.

The MXD-3 Mixed Use District shall consist of parcels with a minimum of ten (10) contiguous acres.

These regulations are intended to:

- a. Encourage appropriate commercial and industrial activity,
- b. Encourage compatibility of existing and future land uses.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- a. Offices.
- b. Clinics.
- c. Colleges and schools, public or private, having a curriculum and conditions under which teaching is conducted equivalent to a public school and institutions of higher learning.
- d. Any use other than any residential use or any objectional use as defined by Article 18, Section 3 of this Ordinance, but only as allowed by a special use permit.

Section 3. Reference to additional regulations.

- a. Height, area, bulk, and yard requirements shall be the same as required in districts permitting the same uses as listed in Section 2 of this Article, except such requirements for uses requiring a special use permit may, in the alternative, be particularly specified in the use permit, whereupon the specifications in the use permit shall be controlling.
- b. The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

Article 19, Off-street parking regulations;
Article 20, Off-street loading regulations;
Article 22, Height, area and bulk regulations;
Article 23, Supplementary use regulations;
Article 25, Supplementary height, area and bulk regulations;

Article 35, Historic zoning regulations.

Section 8. Screening.

For business and industrial uses - Where a side or rear lot line abuts a residential property there shall be, at a minimum, a continuous evergreen vegetative or opaque structural fence or screen not less than six (6) feet in height erected along such a lot line, but not within fifteen (15) feet of any street line. Additional screen requirements may be specified in the special use permit granting the use for such purposes, whereupon the specifications in the use permit shall be controlling.

PAR_ID	StreetNumber	StreetName	Owner	Owner_2	Owner_Mail_Street	Owner_Mail_City	Owner_Mail_State	Owner_Mail_Zip
031310010	960	SYCAMORE ST	CITY OF PETERSBU	135 N. Union St		Petersburg	VA	23803
031310013	906	SYCAMORE ST	YIMLI LLC	110 PRINCETON RD		COLONIAL HEIGHTS	VA	23834
031310009	950	SYCAMORE ST	YIMLI LLC	110 PRINCETON RD		COLONIAL HEIGHTS	VA	23834
031310008	900	SYCAMORE ST	LIBERTY-SOUTH CCP	O BOX 711		DALLAS	TX	75221
031310007	850	SYCAMORE ST	ROBERSONCHARLE	812 S SYCAMORE ST		PETERSBURG	VA	23803
031310006	812	SYCAMORE ST	ROBERSONCHARLE	812 S SYCAMORE ST		PETERSBURG	VA	23803
031310003	30	SHORE ST	WILLIAMSJAMAL	9725 FARRAGUT RD		BROOKLYN	NY	11236
031310800	24	SHORE ST	WILLIAMSJERMAINE	PO BOX 33097		BRONX	NY	11233
031310802	18	SHORE ST	HICKSCELESTINE D	10500 KRENMORE LANE		CHESTER	VA	23831
031310005	10	SHORE ST	WOODJOHN THARL	PO BOX 671		PETERSBURG	VA	23804
031280012	29	SHORE ST	WHEATONVICKI W	I 744 RAINBOW RIDGE RD		FABER	VA	22938
031280011	23	SHORE ST	WENZELDONALD E	24801 COX RD		PETERSBURG	VA	23803
031280009	734	SYCAMORE ST	BLACKNATHANIEL	1050 EUGENE AVE		SAN JOSE	CA	95126
031280010	17	SHORE ST	SHORE AVENUE PR	17 SHORE ST		PETERSBURG	VA	23803
031280007	722	SYCAMORE ST	PETERSBURG REN	PO BOX 487		COLONIAL HEIGHTS	VA	23834
031280006	700	SYCAMORE ST	A & J PROPERTIES	I 10710 CHIPEWYAN DR		RICHMOND	VA	23238
032070020	732	JEFFERSON PL	BROTHERS INVEST	1111 OAKWOOD DR		COLONIAL HEIGHTS	VA	23834
032070019	726	JEFFERSON PL	OAKLEYCARYN AS	4620 MELFORE DR		PRINCE GEORGE	VA	23875
032070018	724	JEFFERSON PL	FOREHANDCARYN	PO BOX 1413		PRINCE GEORGE	VA	23875
032070017	718	JEFFERSON PL	CIZLERMATYAS J	V 718 JEFFERSON PLACE		PETERSBURG	VA	23803
032070021	736	JEFFERSON PL	BREWTONJUSTIN C	643 ROBERSON ST		PETERSBURG	VA	23805
031280005	634	SYCAMORE ST	WHITECHRISTOPHE	8100 HOLDSWORTH RD		DISPUTANTA	VA	23842
032070022	740	JEFFERSON PL	JL EMPIRE HOMES	I 7109 DEXTER RD		RICHMOND	VA	23226
031190020	629	HARRISON ST	PITTWILLIAM PATRI	307 YOAKUM PWKY APT 817		ALEXANDRIA	VA	22304-4021
031190019	107	EARLY ST	EVERETTESTACEY	PO BOX 3561		PETERSBURG	VA	23805
031190022	623	HARRISON ST	WILLIAMSHORATIO	556 W 150TH ST APT 2B		NEW YORK	NY	10031
031190018	103	EARLY ST	JENKINSANNA M ET	20300 SHEFFIELD PL		ETTRICK	VA	23803
031190016	25	EARLY ST	RELIABLE PROS LL	I 1356 DEBREE AVE		NORFOLK	VA	23517
031190024	621	HARRISON ST	GREENEJOYCE	1621 DARBY DR		PETERSBURG	VA	23803
031190012	628	SYCAMORE ST	B.E.M.E.D. INC	4719 NINE MILE		HENRICO	VA	23223
032060008	705	JEFFERSON PL	SKINNERJAMES R	I 428 ROSLYN RD		COLONIAL HEIGHTS	VA	23834
031190011	620	SYCAMORE ST	GLENWELLS LLC	2900 SWEETSPIRE RIDGE		MIDLOTHIAN	VA	23113
031190001	50	CORLING ST	ROBERTSEDWARD	50 CORLING ST		PETERSBURG	VA	23803
032060007	641	JEFFERSON PL	SKINNERJAMES R	I 428 ROSLYN RD		COLONIAL HEIGHTS	VA	23834
031190002	44	CORLING ST	ZACH FOUR LLC	1306 BELLWOOD RD		RICHMOND	VA	23237
032060011	719	JEFFERSON PL	UZZLEJOHN A III	C 719 JEFFERSON PLACE		PETERSBURG	VA	23803
032060012	725	JEFFERSON PL	BRIDGE INVESTME	PO BOX 4		DOLPHIN	VA	23843
031190003	34	CORLING ST	COOPERMICHAEL E	44 CORLING ST		PETERSBURG	VA	23803
032060013	731	JEFFERSON PL	BRIDGE INVESTME	PO BOX 4		DOLPHIN	VA	23843
032060014	737	JEFFERSON PL	BRIDGE INVESTME	PO BOX 4		DOLPHIN	VA	23843
031190004	30	CORLING ST	EDWARDSBOOKER	30 CORLING ST		PETERSBURG	VA	23803

031300002 Neighbors

031190005 26	CORLING ST	WASHINGTONWEST 16103 COURTHOUSE RD	DINWIDDIE	VA	23841
031190010 618	SYCAMORE ST	618 S SYCAMORE S 29000 SWEETSPIRE RIDGE	MIDLOTHIAN	VA	23113
031190006 22	CORLING ST	PHOENIXTENACITY PO BOX 1421	COLONIAL HEIGHTS	VA	23834
032060006 637	JEFFERSON PL	EVANSVEIDA D 637 JEFFERSON PL	PETERSBURG	VA	23803
031190009 612	SYCAMORE ST	RE REPLACEMENT 612 S SYCAMORE ST	PETERSBURG	VA	23803
031080015 51	CORLING ST	SC-MARYLAND AVE 3420 PUMP RD #148	RICHMOND	VA	23233
031180010 620	ADAMS ST	CHAZ MART LLC 10 S VINE ST	RICHMOND	VA	23220
031080014 47	CORLING ST	JAMESHAROLD BE:47 CORLING ST	PETERSBURG	VA	23803
031180013 617	SYCAMORE ST	CITY OF PETERSBU 135 N. Union St	Petersburg	VA	23803
032060005 633	JEFFERSON PL	WHITTELGWEN 633 JEFFERSON PL	PETERSBURG	VA	23803
032060001 300	GRAHAM RD	WILLIAMSKENNETH 602 ROTHSCCHILD DR	CHESTER	VA	23836
031080013 41	CORLING ST	LBKBL PROPERTIES 2325 CHAMBRLAYNE AVE	RICHMOND	VA	23222
031080010 17	CORLING ST	TEMPLEVINE M KI 17 CORLING ST	PETERSBURG	VA	23803
031080012 35	CORLING ST	35 CORLING STREE 8858 WOODMAN WAY	SACRAMENTO	CA	95826
031180015 611	SYCAMORE ST	LAWRENCELWELLY 2008 CLARY RD	PETERSBURG	VA	23805
031180008 614	ADAMS ST	DURLAKSUSAN M 18778 W HUGEUNOT RD	RICHMOND	VA	23235
031080011 27	CORLING ST	ROSMARINHARRY J 4543 WELLINGTON FARMS DR	CHESTER	VA	23831
031080009 606	SYCAMORE ST	SMITHALICE E 4003 DUNSTON AVE	RICHMOND	VA	23225
031180016 609	SYCAMORE ST	COMMITTED REAL E 14330 BEACHMERE DR	CHESTER	VA	23831
031180012 15	GRAHAM RD	ROWLETTCHARLES 3411 SOUTH ST	ETTRICK	VA	23803
032060003 302	GRAHAM RD	WILLIAMSKENNETH 602 ROTHSCCHILD DR	CHESTER	VA	23836
031080001 529	HARRISON ST	PETERSBURG REN PO BOX 487	COLONIAL HEIGHTS	VA	23834
032060004 631	JEFFERSON PL	JONESDEBORAH L 631 JEFFERSON PL	PETERSBURG	VA	23803
031180007 612	ADAMS ST	ROBERTSONGEOR 1570 LAKESIDE DR	PRINCE GEORGE	VA	23875
031180017 605	SYCAMORE ST	HILLVERNON CHILL 47 EMERALD RIDGE RD	BEAR	DE	19701
031180005 608	ADAMS ST	ROBERTSONGEOR 1570 LAKESIDE DR	PRINCE GEORGE	VA	23875
031080002 523	HARRISON ST	PETG REDEV & HSIPO BOX 311	PETERSBURG	VA	23804
031150007 113	GRAHAM RD	SULIKJEFFREY T 1210 W LABURNUM AVE	RICHMOND	VA	23227-4434
031150006 117	GRAHAM RD	LABRADOR PROPEI 2425 BOULEVARD STE 9	COLONIAL HEIGHTS	VA	23834
031080003 32	WALNUT LN	ST JOSEPH PROPEI 12454 WALNUT HILL DR	ROCKVILLE	MD	23146
031180004 606	ADAMS ST	MIMMSL PACE 3007 APPOMATTOX TRACE LN	POWHATAN	VA	23139
031180018 603	SYCAMORE ST	PETERSBURG REN 1148 PEACE CLIFF CT	COLONIAL HEIGHTS	VA	23834
031080004 24	WALNUT LN	ROBERT L HILL SR 124 WALNUT ST	PETERSBURG	VA	23803
031080005 18	WALNUT LN	ZGHOULMAJDI ALC 2215 MARTIN AVE	RICHMOND	VA	23228
031080006 16	WALNUT LN	JOHNSON SERVICE PO BOX 188	MCKENNEY	VA	23872
031150003 612	JEFFERSON ST	BRIGGSCAROLL J 522 SPAIN DR	PETERSBURG	VA	23805
031180003 600	ADAMS ST	CRAWLEY ALGERN 316 JOHNSBERG LANE	BOWIE	MD	20721-7227
032030013 225	GRAHAM RD	THOMASDAVIDTHO 1307 CONDOVER RD	RICHMOND	VA	23229
032030019 201	GRAHAM RD	CITY OF PETERSBU 135 N. Union St	Petersburg	VA	23803
032030011 616	CLINTON ST	MORTON & MORTO 427 BOLLINGBROOK ST	PETERSBURG	VA	23803
031080007 600	SYCAMORE ST	KINGZ INVESTMENT 600 S SYCAMORE ST	PETERSBURG	VA	23803
032030018 211	GRAHAM RD	JACKSON-FRANCIS 12214 HILLANTRAE DR	CLINTON	MD	20735

032040019 302	GLENWOOD CT	FELLHAUERJASON 302 GLENWOOD CT	PETERSBURG	VA	23803
032030017 215	GRAHAM RD	ALLUSAI LAXMAN 8384 TENBROOK DR	GAINES	VA	20155
032030010 612	CLINTON ST	MORTON & MORTON 427 BOLLINGBROOK ST	PETERSBURG	VA	23803
032030016 217	GRAHAM RD	BROWNJULIAN E JF 3112 TAVERN RD	PETERSBURG	VA	23805
032030015 219	GRAHAM RD	JAMESWINSTON 1900 WALNUT DR	CHESTER	VA	23836
031150002 604	JEFFERSON ST	NEW BEGINNING C1202 FAIRMONT DR	COLONIAL HEIGHTS	VA	23834
032030009 608	CLINTON ST	MORTON & MORTON 427 BOLLINGBROOK ST	PETERSBURG	VA	23803
032040017 306	GLENWOOD CT	MORGANUNDRATE 306 GLENWOOD CT	PETERSBURG	VA	23803
032030014 221	GRAHAM RD	VIRGINIA HOME REI 7323 WINTER LEAF CT	RICHMOND	VA	23234
031150013 124	MERCURY ST	EPPLATOYA D 124 MERCURY ST	PETERSBURG	VA	23803
031150001 600	JEFFERSON ST	HARPERGLORIA J 600 S JEFFERSON ST	PETERSBURG	VA	23803
032030800 603	JEFFERSON ST	DOUBERLYAARON I 1390 GILES BRIDGE RD	POWHATAN	VA	23139
032040014 328	GLENWOOD CT	DAVISWAYNE EDW 165 WRIGHT AVE	COLONIAL HEIGHTS	VA	23834
032030801 214	MERCURY ST	SECRETARY OF HS 2401 NW 23RD ST STE 1D	OKLAHOMA CITY	OK	73107
032030004 220	MERCURY ST	CUEYARLETICIA JU 312 N THOMAS ST APT 3	ARLINGTON	VA	22204
032030005 222	MERCURY ST	ZGHOULMAJDI ALC 2215 MARTIN AVE	RICHMOND	VA	23228
032030007 228	MERCURY ST	HOLLOWAYMARK A 4701 7TH B ST E	BRADENTON	FL	34203
032040001 301	GLENWOOD CT	WALKERALVIN L 301 GLENWOOD CT	PETERSBURG	VA	23803
032040002 305	GLENWOOD CT	CASASSERVANDO 4507 BRICKWOOD MEADOW CT	PETERSBURG	VA	23803
032040003 309	GLENWOOD CT	COLESJAMES CON 309 GLENWOOD CT	PETERSBURG	VA	23803
032040004 319	GLENWOOD CT	PRICHETTFRANCES 319 GLENWOOD CT	PETERSBURG	VA	23803
032040005 325	GLENWOOD CT	RAMIREZWALTER F 173 LONGSTREET AVE	FREDERICKSBURG	VA	22401
032040006 327	GLENWOOD CT	ADHKOFI S 327 GLENWOOD CT	PETERSBURG	VA	23803
032040007 329	GLENWOOD CT	HARRISJAMES H. JF 329 GLENWOOD CT	PETERSBURG	VA	23803
032040008 331	GLENWOOD CT	LANGAASEARL J 617 CICERO DR	RUTHER GLEN	VA	22546
032040010 567	WEBSTER ST	AYA ENTERPRISES 438 S SYCAMORE ST	PETERSBURG	VA	23803
032040009 547	WEBSTER ST	CITY OF PETERSBU 135 N. Union St	Petersburg	VA	23803
032070023 744	JEFFERSON PL	JL EMPIRE HOMES 17109 DEXTER RD	RICHMOND	VA	23226
032030008 610	CLINTON ST	MORTON & MORTON 427 BOLLINGBROOK ST	PETERSBURG	VA	23803
031190021 625	HARRISON ST	WILLIAMSHORATIO 556 W 150TH ST APT 2B	NEW YORK	NY	10031
031150005 121	GRAHAM RD	MASONREBECCA J 121 GRAHAM RD	PETERSBURG	VA	23803
031150011 114	MERCURY ST	DAVISPRISCILLA D 114 MERCURY ST	PETERSBURG	VA	23803
031150021 601	ADAMS ST	LAWSONTONY 15801 MARITIME CT	CHESTER	VA	23831
031150022 603	ADAMS ST	BATESCHRISTINE 603 S ADAMS ST	PETERSBURG	VA	23803
031150023 605	ADAMS ST	NELSONSHAWNELL 8005-C CREIGHTON PKWY #739	MECHANICSVILLE	VA	23111
031150024 607	ADAMS ST	BAIM 3 LLC 5304 CUTSHAW AVE	RICHMOND	VA	23226
031150025 609	ADAMS ST	LEE AND LEE PROP PO BOX 2241	CHESTER	VA	23831
031150029 621	ADAMS ST	LEE AND LEE PROP PO BOX 2241	CHESTER	VA	23831
031150028 619	ADAMS ST	ROBBINSMILTON A 4009 MCTYRES COVE RD	MIDLOTHIAN	VA	23112
031150027 617	ADAMS ST	HARDYLATIYA D 617 S ADAMS ST	PETERSBURG	VA	23803
031150026 615	ADAMS ST	HARRISJEANETTE F615 S ADAMS ST	PETERSBURG	VA	23803
031150004 616	JEFFERSON ST	FELDERRUFUS CAT 616 S JEFFERSON ST	PETERSBURG	VA	23803

032070802 706	JEFFERSON PL	BROADDUSCARRIE 3713 E AUTUMN DR	N DINWIDDIE	VA	23803
031310011 980	SYCAMORE ST	CITY OF PETERSBU 135 N. Union St	Petersburg	VA	23803
032040013 330	GLENWOOD CT	TUITTJOSEPH S DE 798 E 161ST STREET	BRONX	NY	10456
032040016 308	GLENWOOD CT	WILLIAMSDEMARC1 308 GLENWOOD CT	PETERSBURG	VA	23803
032040015 310	GLENWOOD CT	BAIRDEDMOND T PO BOX 803	PETERSBURG	VA	23804-0803
032040012 336-38	GLENWOOD CT	HENSHAWHORACE 1011 AMELIA ST	PETERSBURG	VA	23803
032070016 714	JEFFERSON PL	WHEATLEYCLIFFOF 3418 CHESDIN BLVD	SUTHERLAND	VA	23885
032070803 710	JEFFERSON PL	BATTLEROBIN L PO 710 JEFFERSON PLACE	PETERSBURG	VA	23803
031280800 707	RANSOM ST	A & J PROPERTIES 1 10710 CHIPAWYN RD	RICHMOND	VA	23233
031280008 726	SYCAMORE ST	BLACKNATHANIEL 1050 EUGENE AVE	SAN JOSE	CA	95126
032040011 341	GRAHAM RD	CITY OF PETERSBU 135 N. Union St	Petersburg	VA	23803
032030006					

031190008



City of Petersburg

Economic Development Authority
135 North Union Street
Petersburg, Virginia 23803

February 25, 2022

Rezoning of 801 South Adams Street

The Economic Development Authority of the City of Petersburg supports the Planning Commission's recommendation to rezone The property located at 801 S Adams Street from R-B (Office-Apartment District) to MXD-3, Mixed Use District. This property has remained vacant since the former Medical Center was acquired in 2013. The goal of the City's rezoning of the subject property is to facilitate future development for the best potential use, but not conflict with adjacent uses and the existing character of the surrounding properties. The MXD-3 district permits a mixture of diverse land uses on large tracts of land where previous uses on such tracts of land have been discontinued and the uses listed in this article would not adversely impact neighboring parcels. The former hospital site is an opportunity for positive redevelopment efforts to take place along this portion of South Sycamore Street which could promote new jobs within the community.

Please consider the rezoning of 801 South Adams Street from R-B to MXD-3 to promote economic development in the City of Petersburg.

Sincerely,

A handwritten signature in black ink, reading "Samuel Rhue".

Samuel Rhue, Chair
Economic Development Authority

cc:
File
City Manager Office
The Department of Economic Development



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager

FROM: Randall Williams

RE: **A public hearing on the consideration of appropriating \$3,672,454.51 in Federal State and Local Fiscal Recovery Funds through the American Recovery Plan Act (ARPA) for the COVID-19 Municipal Utility Assistance Program.**

PURPOSE: Consideration of appropriating \$3,672,454.51 in Federal State and Local Fiscal Recovery Funds through the American Recovery Plan Act (ARPA) for the COVID-19 Municipal Utility Assistance Program.

REASON: To ensure that funding from the American Recovery Plan Act (ARPA) for the COVID-19 Municipal Utility Assistance Program can be utilized to provide utility relief per the program guidelines to residents of Petersburg. This funding is being provided under CFDA 21.027 – Coronavirus State and Local Fiscal Recovery Funds (SLFRF)

RECOMMENDATION: Staff recommends that the \$3,672,454.51 in Federal State and Local Fiscal Recovery Funds through the American Recovery Plan Act (ARPA) for the COVID-19 Municipal Utility Assistance Program be approved.

BACKGROUND: The utility shutoff moratorium enacted by Governor Northam ended on August 31, 2021, 60 days after the Virginia State of Emergency ended on June 30, 2021. Special Session II of the 2021 Acts of Assembly appropriated \$120 million from distributions of the Federal State & Local Recovery Fund (SLFRF) pursuant to the American Rescue Plan Act of 2021 to provide direct assistance to residential customers with accounts over 60 days in arrears. In October 2021, the City of Petersburg submitted its intent to apply for the ARPA SLFRF Municipal Utility Relief Program. After submitting its intent, the city received an award letter dated October 29, 2021 stating that the award (\$3,672,454.51) shall be used to directly assist residential municipal utility customers of the City of Petersburg with arrearages greater than 60 days for the time period between March 12, 2020 and August 31, 2020. Due to the current BAI system constraints, the city used the date of March 31, 2020 instead of March 12, 2020. This relief was only for the water and sewer components of the utility bill. It should be noted that any funds not used are to be returned back to the state by March 31, 2022.

COST TO CITY: \$3,672,454.51

BUDGETED ITEM: No

REVENUE TO CITY: \$3,672,454.51

CITY COUNCIL HEARING DATE: 3/15/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Department of Public Works & Utilities

AFFECTED AGENCIES: Finance

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: NA

REQUIRED CHANGES TO WORK PROGRAMS: NA

ATTACHMENTS:

1. Utility Relief Ordinance
2. ARPA Award Letter dated 10-29-21

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2021, AND ENDING JUNE 30, 2022
FOR THE GRANTS FUND.**

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

I. That appropriations for the fiscal year commencing July 1, 2021, in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2022.

Previously adopted	\$0.00
ADD: FY 2022 ARPA Municipal Utility Relief (3-210-025010-0001)	<u>\$3,672,454.51</u>
Total Revenues	<u>\$3,672,454.51</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2021 and ending June 30, 2022, the following sums for the purposes mentioned:

Previously adopted	\$0.00
ADD:FY 2022 ARPA Municipal Utility Relief (4-210-025010-5565)	<u>\$3,672,454.51</u>
Total Expenses	<u>\$3,672,454.51</u>



Ralph S. Northam
Governor

R. Brian Ball
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Erik C. Johnston
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

October 29, 2021

VIA EMAIL

Randall K. Williams
Assistant Director of Public Works & Utilities
City of Petersburg (VA)

Re: Award Letter, Guidance, and Required Certification and Comparison Analysis for COVID-19 ARPA SLFRF Municipal Utility Assistance Program

Dear Randall K. Williams:

On behalf of Governor Northam, it gives me great pleasure to inform you that City of Petersburg (VA) has been awarded \$3,672,454.51 in federal State and Local Fiscal Recovery Funds (SLFRF) through the American Recovery Plan Act (ARPA) for the COVID-19 ARPA SLFRF Municipal Utility Assistance Program. Your award shall be used to directly assist residential municipal utility customers of City of Petersburg (VA) with arrearages greater than 60 days for the time period between March 12, 2020, and August 31, 2021. This funding is being provided under CFDA 21.027 – Coronavirus State and Local Fiscal Recovery Funds (SLFRF).

Please read the additional program guidance included with this letter carefully before proceeding with additional steps. Given the tight timeline for utilization of these funds and to receiving funds in an expedited manner, you must return the attached forms through a web portal. You are required to partner with a city or county to act as the fiscal agent to receive the funds from the Department of Accounts (DOA). The city or county will then forward funds to the municipal utility to apply to eligible residential utility customer accounts. In order to pre-qualify your eligible residential utility customer accounts and apply relief automatically, you will need to complete the Utility Arrearage Analysis in Appendix A. Once the project is complete, DOA will follow up regarding project outcomes and compliance. It is incumbent on City of Petersburg (VA) and the partnering city or county to ensure project expenses are properly documented and verified in case of audit.

For questions contact DHCD staff member David Conmy at utility@dhcd.virginia.gov.

Sincerely,

A handwritten signature in black ink, reading "Erik C. Johnston".

Erik Johnston
Director, Virginia Department of Housing and Community Development

CC: David Von Moll, Comptroller, Department of Accounts

Encl: COVID-19 ARPA SLFRF Municipal Utility Assistance Program: Guidance and Required Certification; Appendix A: Utility Arrearage Analysis to Substantiate Residential Customer Pre- Qualification; and Frequently Asked Questions

COVID-19 ARPA SLFRF MUNICIPAL UTILITY ASSISTANCE PROGRAM:

Guidance and Required Certification

Based on the response that the Virginia State Corporation Commission (SCC) received from your utility system in the Application for Utility Assistance Funds (Municipal Utilities), the SCC has determined your award amount which is reflected in your award letter. Accordingly, the award letter, guidance, and required certification will serve as the next steps in facilitating this program.

Pre-Qualification & Eligibility

This program is funded through the State and Local Fiscal Recovery Funds (SLFRF) of the American Rescue Plan Act (ARPA). One of the most important elements of ARPA federal guidance as it relates to this new Utility Assistance program is the ability to pre-qualify certain populations for eligibility rather than requiring individual customer applications/attestations. It is a best practice to pre-qualify groups and populations with relief programs as the customers with the lowest incomes and largest impacts from COVID-19 are least likely to provide customer attestations to any utility with which they have debt. This policy decision that is authorized in the federal guidelines is critical to ensure quick and equitable access to relief for residential customers negatively impacted by the pandemic.

This guidance supports the Commonwealth's determination as a recipient that for this SLFRF utility relief program that the population group of residential customers with arrearages over 60 days as of August 31, 2021, are households that experienced a negative economic impact due to COVID-19, which is determined by these households having an unpaid arrearage greater than 60 days during the pandemic. Unpaid utility arrearages demonstrate housing insecurity for this population group which [Treasury's 7-19-2021 FAQ](#) demonstrates negative economic impacts from the pandemic (see question 2.17, Pages 9 through 11). **Accordingly, the Commonwealth has determined that individual customer attestations are not required for this program once a utility analysis is provided.**

Only residential customers are eligible for this utility assistance. Municipal utilities shall pay the full amount of arrearages owed by eligible residential customers; however, funding may be limited and may not fully address the eligible arrearages for which your utility system applied. Therefore, utility systems are required to proportionately distribute their award to the population/group of all residential utility customers that are 60+ days in arrears as of August 31, 2021.

Because this program does not require customer attestation, 100% of your award amount must be directed to assisting eligible residential utility customers. Utilization of your award amount for direct administrative costs is prohibited. **Utilities must ensure residential customers eligible for this relief have the funding credited to their account as soon as possible and must reflect this relief on the soonest billing statement possible given the specific billing system utilized by the utility. Should the application of any assistance render a customer due a balance necessitating a cash refund payable to the customer, such assistance shall be proportionally reduced as to achieve a zero balance.**

Management of Award Funds

Upon receipt of any funds, utilities shall maintain separate ARPA COVID-19 Utility Assistance Funds and record direct assistance payments to residential customers on their books in accordance with applicable accounting standards. Utilities may not direct any funds provided in this paragraph to new deposits, down payments, fees, late fees, interest charges, or penalties.

Your award amount must be disbursed through a partnering county or city that will serve as the fiscal agent with the Department of Accounts (DOA) disbursing funds and having responsibility for sub-recipient monitoring. Consequently, municipal utility systems, especially those that are not directly managed by a city or a county, will need to partner with a city or county to serve as the fiscal agent for this program. Cities and counties may serve as the fiscal agent for more than one municipal utility system. In order to receive your funding for this program, the chief administrative officer for the partnering city or county and the authorized official representing the municipal utility will be required to certify their respective organization's participation in this program and its adherence to all associated federal ARPA SLFRF guidance and regulations. A standard certification for this program requiring signatures from both officials on behalf of their respective organizations has been included near the end of this document.

Program Certification & Compliance

The SCC has calculated the proportional share of available funding for each municipal utility system that applied by the SCC's application deadline. This information was forwarded to DHCD, which is facilitating the award letter and certification process for municipal utilities and their partnering city or county.

In order to receive the ARPA SLFRF funding amount calculated by SCC, each city and county and their partner municipal utility system(s) must complete a certification form (at the end of this document). The certification form must be signed by the chief administrative officer for the city or county and the authorized official representing the municipal utility partner. In the event more than one municipal utility partners with a city or county, a separate certification will be needed for each partnership.

These certifications will be accepted by DHCD bi-weekly based on the following pre-determined schedule:

- November 5, 2021
- November 19, 2021
- December 3, 2021
- December 17, 2021
- January 7, 2022
- ***COB Friday, January 21, 2022 – Certification Final Deadline**

***January 21, 2022, will be the last date DHCD will accept certifications from awarded utilities. Any municipal utility that does not submit their certification by this date will forfeit their award and the funds will be used by the Commonwealth for other purposes in alignment with ARPA.**

Upon receipt of bi-weekly certifications from DHCD, DOA will process distributions to cities and counties – including those serving as fiscal agents on behalf of towns, authorities, and other regional level utilities – on a monthly basis.

The certification establishes that the awarded municipal utility and their city or county fiscal agent will abide by U.S. Treasury guidance and other regulatory matters concerning the use of ARPA SLFRF. The intent is for this allocation to pass through the county or city directly to the municipal utility to serve eligible municipal utility customers. The municipal utility as the customer utility relief program operator should develop a sub-agreement with the county or city fiscal agent assuring the city or county fiscal agent that the municipal utility will be responsible for compliance with state and federal law.

Upon receipt by DHCD of a complete and accurate certification form from the county/city and municipal utility, the Department of Accounts (DOA) will then distribute funds directly to cities and counties, which will serve as the fiscal agent on behalf of their partner municipal utility(ies). DOA will also be the lead state agency working with the city or county and their partnered utility system(s) on monitoring to ensure

compliance with the program and federal guidelines.

Please note that approval of an allocation for purposes of this utility assistance program does not represent any assurance, legal or otherwise, that the approved project complies with all federal guidelines related to the use of these funds. Cities and counties in addition to their partner municipal utility(ies) are strongly encouraged to consult their legal counsel prior to expending the federal ARPA Fiscal Recovery Funds that have been awarded through this program. Applicants are recommended to read and understand the federal guidance and the frequently asked questions can be obtained at the following links:

<https://www.govinfo.gov/content/pkg/FR-2021-05-17/pdf/2021-10283.pdf>

<https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

This information is routinely updated, so guidance may have changed since you last consulted it.

Compliance with the federal guidance is the responsibility of the city or county submitting the application on behalf of a municipal utility and failure to do so could result in disallowed expenses requiring repayment of the associated funds to the federal government. If the city or county fails to repay any funds spent for non-qualifying expenses on behalf of a municipal utility as required by the federal government, the State Comptroller will recover such amounts from future state payments to the locality via the State Aid Intercept Program. Consequently, cities and counties are encouraged to develop agreements or memorandums of understanding (MOU) with their partner municipal utility system(s) to indemnify cities and counties in the event the municipal utility system does not adhere to U.S. Treasury guidelines and consequently subjects the city or county to such State Aid Intercept action(s).

Further, the State Comptroller's office (DOA) has subrecipient monitoring responsibilities that will necessitate evaluation and additional correspondence with cities and counties regarding the use of funds. Cities and counties are encouraged to develop MOUs that will help establish clarity concerning responsibility and accountability among all parties regarding this requirement.

Please note that the certification statement includes an acknowledgment that recipients may not receive reimbursement or recipients may be required to return funds to the federal government if it is determined that those funds were spent for purposes that do not qualify. It is important to understand that the burden of ensuring that all ARPA Fiscal Recovery Funds are spent for qualifying purposes falls to the city or county working on behalf of the municipal utility. Again, cities and counties are encouraged to develop MOUs that will help establish clarity concerning responsibility and accountability among all parties regarding this requirement.

Awardees are responsible for maintaining all necessary documentation to ensure compliance with the federal requirements. The State Comptroller is responsible for all sub-recipient monitoring and may require additional information in the future from each city or county and/or their partner municipal utility system(s) to address that responsibility.

The certification form contains more specific details on the responsibilities of the city/county and partnered municipal utility. The signed certification form should be submitted to DHCD through the following web portal according to the aforementioned pre-determined schedule:

<http://s.alchemer.com/s3/COVID-19-ARPA-SLFRF-Municipal-Utility-Relief-Program>

If you have any questions regarding the appropriate use of ARPA SLFRF, please refer to the U.S. Treasury Website and guidance linked above. For questions about this process or technical questions about the certification form or the distribution of the funds, please first refer to the FAQ documents provided and then send unresolved inquiries to: utility@dhcd.virginia.gov



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager
Tangela Innis, Deputy City Manager

FROM: Reginald Tabor

RE: **A Public Hearing and Consideration of An Ordinance Approving Amendments to the Comprehensive Plan to Comply With the Chesapeake Bay Preservation Act.**

PURPOSE: To hold a Public Hearing on March 15, 2022, and consideration of an Ordinance approving an amendment to the City's Comprehensive Plan to Comply with the Chesapeake Bay Preservation Act.

REASON: To comply with applicable procedures and laws regarding the consideration of amendments to the City's Comprehensive Plan.

RECOMMENDATION: It is recommended that the City Council holds a Public Hearing and approves an amendment to the City's Comprehensive Plan to comply with Chesapeake Bay Act requirements.

BACKGROUND: The Virginia Department of Environmental Quality (DEQ) regulates compliance with the Chesapeake Bay Preservation Act. The Act requires that jurisdiction Comprehensive Plans include provisions regarding the Chesapeake Bay Preservation Act. The City has been working with DEQ to develop amendments to the City's Comprehensive Plan to comply with the Chesapeake Bay Preservation Act.

The proposed amendments as provided to the City Council have been reviewed and approved by DEQ.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 3/15/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Virginia Department of Environmental Quality (DEQ)

AFFECTED AGENCIES: Department of Public Works and Utilities, Department of Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: City's Comprehensive Plan

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 1204_2021OrdinanceCompPlanChesBay
2. 0104_2022CityCouncilItemCompPlanChesBayCover
3. 0104_2022CityCouncilItemCompPlanChesBayCover
4. 0104_2022CityCouncilItemCompPlanChesBayInfrastructure
5. 0104_2022CityCouncilItemCompPlanChesBayEnvironmental
6. 0104_2022CityCouncilItemCompPlanChesBayCurrentFutureLandUse

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PETERSBURG
COMPREHENSIVE PLAN TO INCLUDE CHESAPEAKE BAY
PRESERVATION ACT CONSIDERATIONS AND REQUIREMENTS**

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, The City of Petersburg Comprehensive Plan currently includes provisions for the Chesapeake Bay Preservation Act; and

WHEREAS, There is a need to amend sections of the City's Comprehensive Plan to address additional Chesapeake Bay Preservation Act considerations and requirements; and

WHEREAS, The Virginia Department of Environmental Quality (DEQ) regulates compliance with the Chesapeake Bay Preservation Act; and

WHEREAS, The Act requires that jurisdiction Comprehensive Plans include provisions regarding the Chesapeake Bay Preservation Act; and

WHEREAS, The City has been working with representatives of DEQ to develop amendments to the City's Comprehensive Plan to comply with the Chesapeake Bay Preservation Act; and

WHEREAS, The proposed amendments as provided to the City Council have been reviewed and approved by DEQ; and

WHEREAS, During the January 6, 2022 meeting, the Petersburg Planning Commission held a Public Hearing and considered the matter, then approved a resolution recommending approval by the City Council.

NOW THEREFORE BE IT ORDAINED that the City of Petersburg City Council does hereby approve Amendments to the Comprehensive Plan consistent with the attached (**Exhibit A**).

Mayor and City Council

Mayor Samuel Parham, Ward 3
Councilwoman Treska Wilson-Smith,
Ward 1 Councilman Darrin Hill, Ward 2
Councilman Charlie Cuthbert, Ward 4
W. Howard Myers, Ward 5
Councilman Annette Smith-Lee, Ward 6
Councilman Arnold Westbrook, Jr., Ward
7

Planning Commission

Tammy L. Alexander, Chair,
Ward 5 Fenton Bland, Vice
Chair, Ward 2 Candace Taylor,
Ward 3
Marie Vargo, Ward 4
Thomas S. Hairston,
Ward 6 James Norman,
Ward 7 Michael
Edwards, At-Large
William Irvin, At-Large

City Manager

Stuart Turille, City Manager
Tangela Innis, Deputy City Manager
Hall Wingfield, ICMA Fellow

City Attorney

Anthony Williams

Planning & Community

Development Reginald Tabor,
Interim Director Sandra Robinson,
Zoning Administrator Kate
Sangregorio, Preservation Planner
Deborah Parham, Secretary/Zoning Technician

City of Petersburg PTB 2040



Comprehensive Plan

Utilities

The Department of Public Utilities owns and maintains the lines which provide water and sewer services to houses, businesses and industries. These utility services are a vital function for the economic vitality and overall health of the residents of Petersburg. The extension of new services enables new housing, commercial, and industrial growth. Reliable existing service to older neighborhoods is important to encourage revitalization efforts.

The Capital Improvement Program (CIP) acknowledges these maintenance needs and has earmarked \$500,000 for investment in the aging infrastructure to prevent failure in the system. In addition, Petersburg has emergency plans for water service to come from Prince George County in the event of a system failure. Several lines in the current system have undergone repair and more are scheduled so that a failure in the system does not occur.

The management of water resources and the treatment of sewage are also important for the environment. Water service and sewage flows affect not just the water levels of Lake Chesdin and the water quality of the Appomattox River, but also the ecological health of the Chesapeake Bay.

Water Service

Lake Chesdin, located west of Petersburg, was created in 1968 by damming the Appomattox River at Brasfield Dam (also called Lake Chesdin Dam). The dam and the reservoir it draws from is located in the Appomattox watershed at the political boundary of Chesterfield, Amelia, and Dinwiddie Counties. The crest of the dam is about 840 feet long, and the reservoir has a drainage area of about 1,333 square miles. In addition, a run-of-river hydroelectric facility is located at the dam, which involves power generation whenever the flow over the spillway exceeds 250 cubic feet per second.

This dam and its reservoir is the primary Source of water for the City. In addition to providing recreation for boaters and fisherman, the reservoir has a volume of 9.66 billion gallons and provides the capacity for 96 million gallons per day (mgd) of water to Petersburg, Colonial Heights, Dinwiddie, Prince George, and portions of Chesterfield County. The Appomattox River Water Authority (ARWA) is the regional public body which administers the water supply and is jointly owned by the localities it serves. The Petersburg is allocated 16.69% of the total 96 mgd capacity, which amounts to 16.02 mgd.

As the principal water supplier of the region, ARWA also issues recommendations regarding how localities can protect and preserve their water supply. In their most recent regional water supply plan (from October 2011, ARWA recommends that the City avoid development of conservation lands such as the Petersburg National Battlefield Park as well as designated wetlands, in order to avoid environmental harm as well as damage to cultural and historic resources. The plan also recommends avoiding development in 100 year floodplains (see Map 7-2) as doing so could lead to increased erosion and the scouring of embankments located in the floodplain, increasing the susceptibility of the region to elevated water levels during flooding. The regional water supply plan lists over-irrigation of lawns or crops and withdrawal of water by other users without proper permits as additional threats to Petersburg's water

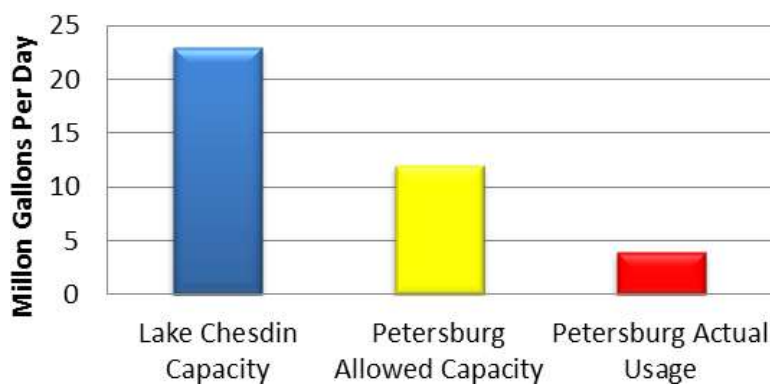
supply. A map of Petersburg riparian buffers (also known as Resource Protection Area) are included on Map 7-20 and the pages previous to it.

Petersburg also has an agreement with the Dinwiddie County Water Authority (DCWA) for them to provide water towards Fire Protection at Dominion Energy Locks Yard at 33 Rawlings Lane in the event that it is required.

There are two groundwater wells in Petersburg, both of which are operated by Dogwood Trace Golf Course.

This Golf Course operated until 2003, at which time they used an average of 38,000 gallons per day. Dogwood Trace reopened in 2008, and the wells are currently being used to refill their main pumping lake when the amount of runoff water supplied by rain is insufficient to provide for the needs of watering the fairways at Dogwood Trace. In 2020 Dogwood Trace pumped 1,324,800 gallons out of both wells over a non-consecutive period of 8 days. Finally, there are 50 private wells operating within the city limits of Petersburg. These wells are located mainly in the areas that the City annexed

Appomttox River Water Authority & City of Petersburg Water Usage



from surrounding counties in 1973.

Figure 6-14: An illustration of Petersburg's allowed capacity from ARWA and the actual amount It uses - Source: South Central Wastewater Authority

Petersburg has contracts with Fort Lee, Virginia State University, Fort Hayes, and customers along Johnson Road in Prince George County for usage of Petersburg's share of water purchased from ARWA. Together they comprise about 15% of the demand for Petersburg's share of the water. ~~Only~~ Petersburg water usage is about 6 mgd and this represents service to about 12,000 customers, which includes the four users mentioned above who are not within the City limits.

The Department of Environmental Quality estimates only a 10-15% increase in water withdrawals in the City from now to 2040, which is markedly less than it estimates for surrounding localities. This is well below the 16.02 mgd allotment from ARWA. Even with the additional users and an independent engineer's projections for increased demand from population growth in Petersburg, the determination has been made in the most recent Regional Water Supply Plan that the City has sufficient water allowances from ARWA to last through the year 2060 and beyond.

ARWA and Petersburg Water Service Issues

Although Petersburg has enough water allotted to the City, the growth throughout the region will place strains on the regional water supply including Lake Chesdin and other regional water sources. According to supply and demand projections for the region, it is estimated that by 2033 there will be a shortfall in available supply. Part of the shortfall will be due to increased demands from population growth, particularly from cumulative over-irrigation of lawns or crops in the area and withdrawal of water by other users without the proper permits, while shrinking supply from sedimentation in Lake Chesdin will also play a role.

The Regional Water Supply Plan names a variety of options for increasing the supply of water, including ways to increase reservoir capacities, finding other sources of water, and instituting demand control ordinances. In addition, the City shall study the feasibility of accessing and/or creating a secondary source of water for emergency conditions in the region.

The Department of Public Works must address the age of the primary supply lines to the City. The 16 inch water supply line is about 100 years old and “highly tuberculate.” This means over time as the pipe has become corroded; tubercles have accumulated from minerals in the water reducing flow capacity and wearing away at the reliability of water service through the pipeline. The planning of rehabilitation and replacement of these lines are being done through the Capital Improvement Program (CIP), as required by the plan created for the Appomattox River Water Authority (ARWA). The additional resources have been identified through a small increase in the water bill and the capital improvement program. These improvements will allow an efficient operation at ARWA and an efficient manner of water delivery.

Sewer Service

The South Central Wastewater Authority (SCWWA) is a public entity jointly owned by the communities it serves: Petersburg, Colonial Heights, and portions of Chesterfield, Dinwiddie, and Prince George counties. Located in Petersburg on Pocahontas Island, SCWWA’s facility has the capacity to treat 23 million gallons per day (mgd) of sewage. It currently operates at half capacity. While SCWWA administers the treatment of sewage flows through its facilities, it is important to note that Petersburg is responsible for the maintenance of the collection system and sewage lines up to the gates of SCWWA’s treatment plant.

Each locality served by SCWWA is allocated a percentage of SCWWA’s flow capacity based on its percentage of ownership in SCWWA. Petersburg owns the largest share at 52.5% of the 23 mgd capacity but uses far less than what it is allowed. Graph 5.2 shows the comparison of total treatment capacity to actual flows from Petersburg.

South Central Wastewater Authority & City of Petersburg Capacity

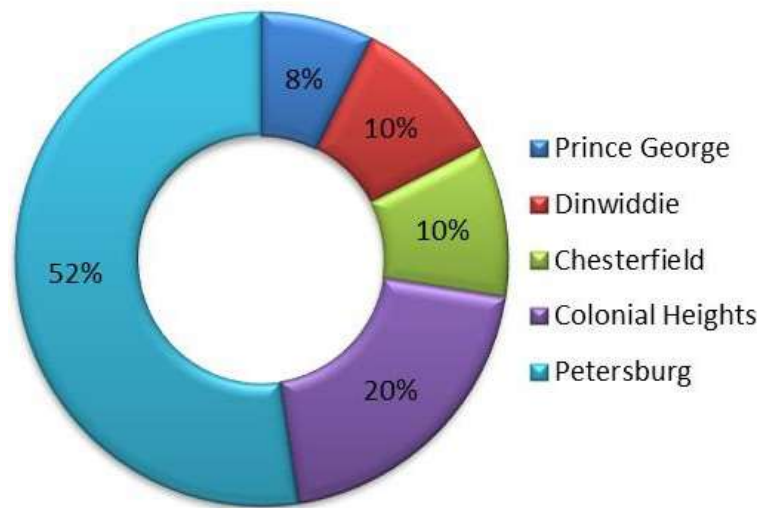
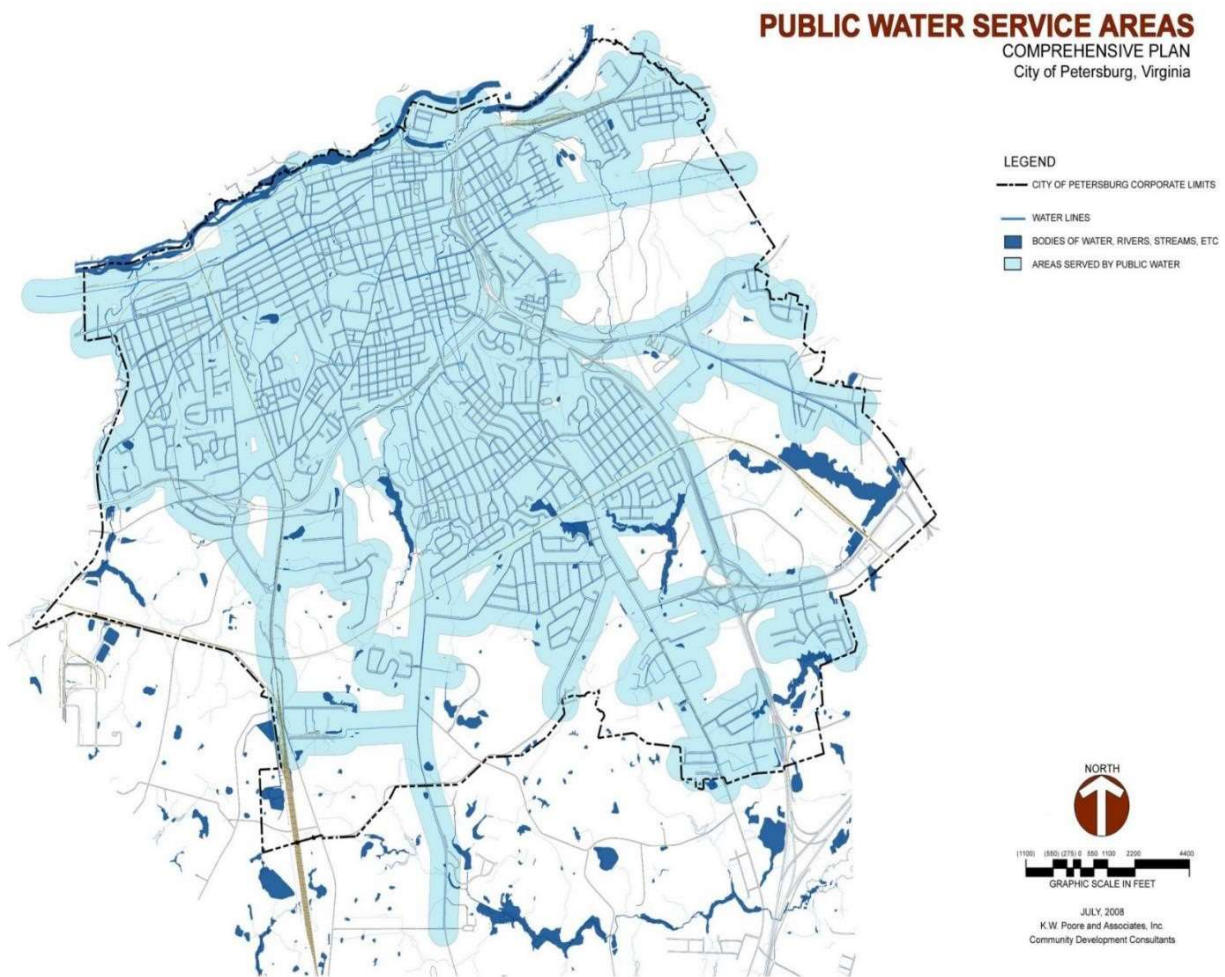


Figure 6-15: an illustration of Petersburg's share of capacity for the SCWWA - Source: South Central Wastewater Authority

SCWWA and Petersburg Wastewater Services Issues

While Petersburg has the luxury of more than enough sewer treatment capacity, unlike other localities located in the Chesapeake Bay watershed. The SCWWA is required under the Chesapeake Bay Agreement to comply with limits set on the amount of nitrogen and phosphorous nutrients discharged when treated water is released back into the Appomattox River under the Chesapeake Bay TMDL. SCWWA has already begun preparing to upgrade their facilities to meet this mandate and it is projected to be completed in 2024. Until these upgrades have completed construction, Petersburg and the other members of SCWWA will have to bear the cost of purchasing credits from other water and sewer authorities who are already in compliance and selling credits.

The cost of upgrading the SCWWA's facility to reduce nitrogen and phosphorous discharge is estimated to cost \$68 million dollars. A grant from the Water Quality Improvement Fund will reduce the cost to member localities, but Petersburg will be responsible for 52.5% of the final cost. Whether buying credits to stay compliant or financing the cost of the treatment upgrades, this project is a costly mandate to the City. City policymakers have already begun preparing for this cost and are assessing the feasibility of expanding water/sewer services to all areas of the City. This includes those areas which have been annexed and remain underserved by basic water and sewer services.



Map 6-10: This map displays Petersburg’s bodies of water (in dark blue) and the areas served by its water system (light blue).

Infrastructure Issues

- Much of the City's infrastructure is in disrepair and needs improvement.
1. **Policy Goal:** Create an infrastructure regional model for efficient and ecologically sound infrastructure.
 - **Objective 1:** Develop a plan for the City's current and future "green" infrastructure.
 - **Objective 2:** Designate City resources toward creating urban "edible" parks and open-spaces and creative spaces.
 - **Objective 3:** Create a Citywide master plan for greenways.
 - **Objective 4:** Pass Ordinance to update the City's adherence to and implantation of the Chesapeake Bay Protection Act
 - **Objective 5:** Develop a land use plan for the City going forward

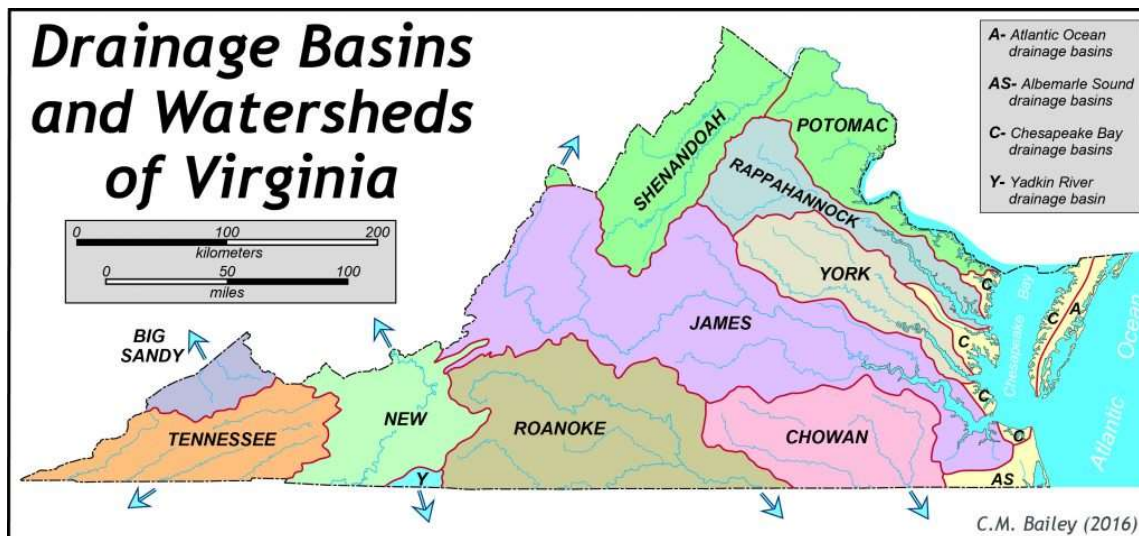
Environmental Features & Constraints to Development

A healthy environment impacts the health of the citizens and provides recreational opportunities in parks and along the Appomattox River. Opportunities for redevelopment along the Appomattox River and the harbor will require that Petersburg mitigate the environmental neglect which has caused pollution problems in the past. It is therefore important to understand how protecting the environment has implications for the health of citizens and the economic development of the City.

Protecting Petersburg's environment affects the quality of life of residents, attracts new investment, and can encourage redevelopment. Environmental stewardship is also important for the region and the localities that rely on environmental factors which encompass the entire region. Just as the water quality in Lake Chesdin affects the drinking water in Petersburg, so does the water quality of the Appomattox River affect the localities downstream along the James River and eventually the industries and residents of the Chesapeake Bay. Water quality is an important environmental factor for the region, and its maintenance and improvement is a challenge for Petersburg and under regulation by federal and state agencies.

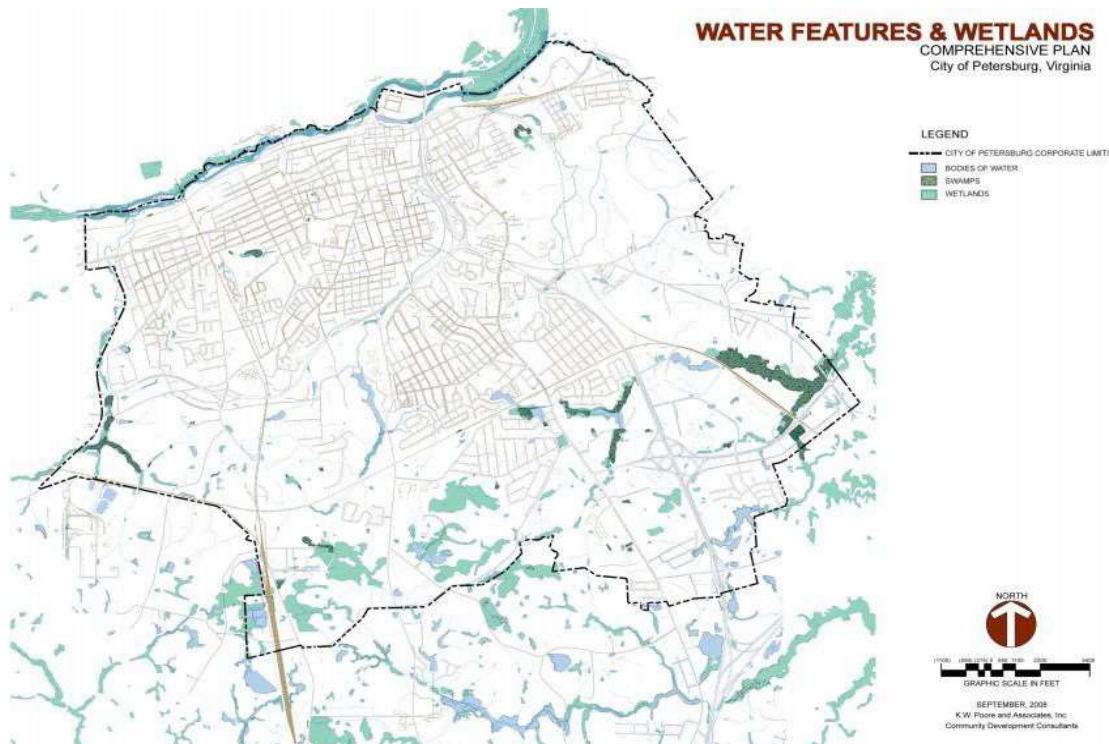
Surface Water & Groundwater Resources

The City is located in South Central Virginia, twenty-three miles south of the City of Richmond, 130 miles south of Washington D.C. and twenty-three miles west of the Chesapeake Bay. Petersburg is situated at the Falls of the Appomattox, on the boundary between the Tidewater and the Piedmont, between the Chesapeake and Albemarle basins. According to the US Census, the city has an area of 22.72 square miles of land and 0.22 square miles of water within its borders, with 4 miles bordering the Appomattox River and about a dozen major lakes. The majority of the City's wetlands can be found in and around these areas. Once the site of a great degree of volcanic activity, the City now sits upon a foundation of granite and other metamorphous rocks and sediments and is part of the Northern Atlantic Coastal Plain Aquifer System. While most of the city lies within the James River basin (which drains to the Chesapeake Bay), the southeast portion of the city lies within the Chowan River basin via the Blackwater River, which travels southeast down to North Carolina.



Map 7-1: River Basins of Virginia. Petersburg is split between the James and the Chowan

The City of Petersburg draws its water directly from ARWA's reservoir, purchasing an average of 148 million gallons of water monthly. This water is stored in six tanks throughout the city limits, which have an average height of fifty feet. This encapsulates all of Petersburg's demand for water, except for the fifty private wells and the well at Dogwood Trace; there are no isolated community water systems within the City. Although Petersburg has a zoning designation for agriculture, there are no agricultural water users in the City. To better protect the City's potable water supply, the City requires that backflow devices be installed and tested annually at locations and facilities that host potential cross-connections to pollutants and contaminants that pose a risk to the potable water supply. In an emergency situation, the director of Public Utilities may suspend water service to a facility that the City has deemed a danger to the potable water supply. Additionally, all wells within the City (public or private) with a diameter of six inches or more must be kept covered, and the City requires that wells must be filled prior to abandonment.



Map 7-2 - This map features designated wetlands in the Petersburg area as well as other waterways

Wetlands

Wetlands are some of the most ecologically vibrant habitats in the world and are comparable to rain forests and coral reefs in terms of the biodiversity found within them. They provide, among other benefits, fish and wildlife habitats, natural water quality improvement, flood storage, shoreline erosion protection, and opportunities for recreation and aesthetic appreciation. Preserving wetlands also goes a long way toward reducing flood damage, consequently protecting the safety of the City's citizens. Map 7-2 displays the City's wetlands.

These vibrant spaces also represent a constraint on Petersburg's economic development. Wetlands are to be considered in the development of water resources because construction of almost any type of water project could impact wetlands, either through the loss of wetlands or the change in wetland habitat. It is not as simple as offsetting the loss of water resources: even if a reservoir was created to offset the loss, that would still leave the animals and plants impacted without a habitat. Consequently, state law mandates that nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow to be designated as a component of Resource Protection Areas (RPAs) as part of the City's Chesapeake Bay Preservation program described on page 162.

Petersburg must therefore plan proactively for new development, preservation of open space, recreation, and environmental protection in ways that best suit the need of residents of Petersburg. Greenfields are a precious commodity in urban areas, and wetlands are an irreplaceable natural resource that the City must preserve for future generations. Additionally, it is in the long-term interests of the City and its residents to have an aesthetically pleasing and livable city with minimal ecological damage and disruption, as that creates an attractive environment for outside business and talented human capital.

Petersburg has both tidal and non-tidal wetlands. Tidal wetlands are located along the James River and its tributaries, such as the Appomattox. These are known as riverine wetlands and include all wetlands and deepwater habitats contained within a channel. Petersburg's riverine wetlands can be found along the Appomattox River on the city's north border and along Poor Creek in the southeast. Wetlands that are not located along a tidal waterway are known as palustrine wetlands. These are freshwater wetlands that consist either of trees and shrubs or grasses. As map 7-2 on page 122 displays, these are found all along the City's southern border. The City's wetlands will be covered in greater detail in the section on the Chesapeake Bay Preservation Act on page 162.

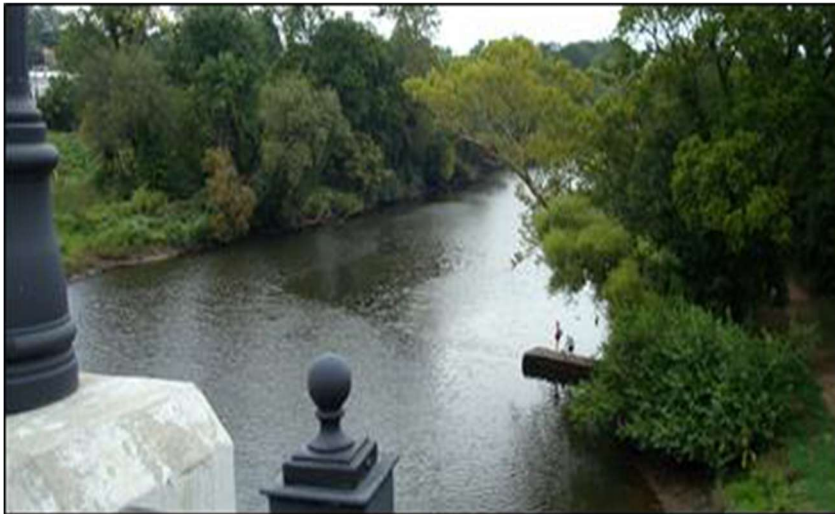


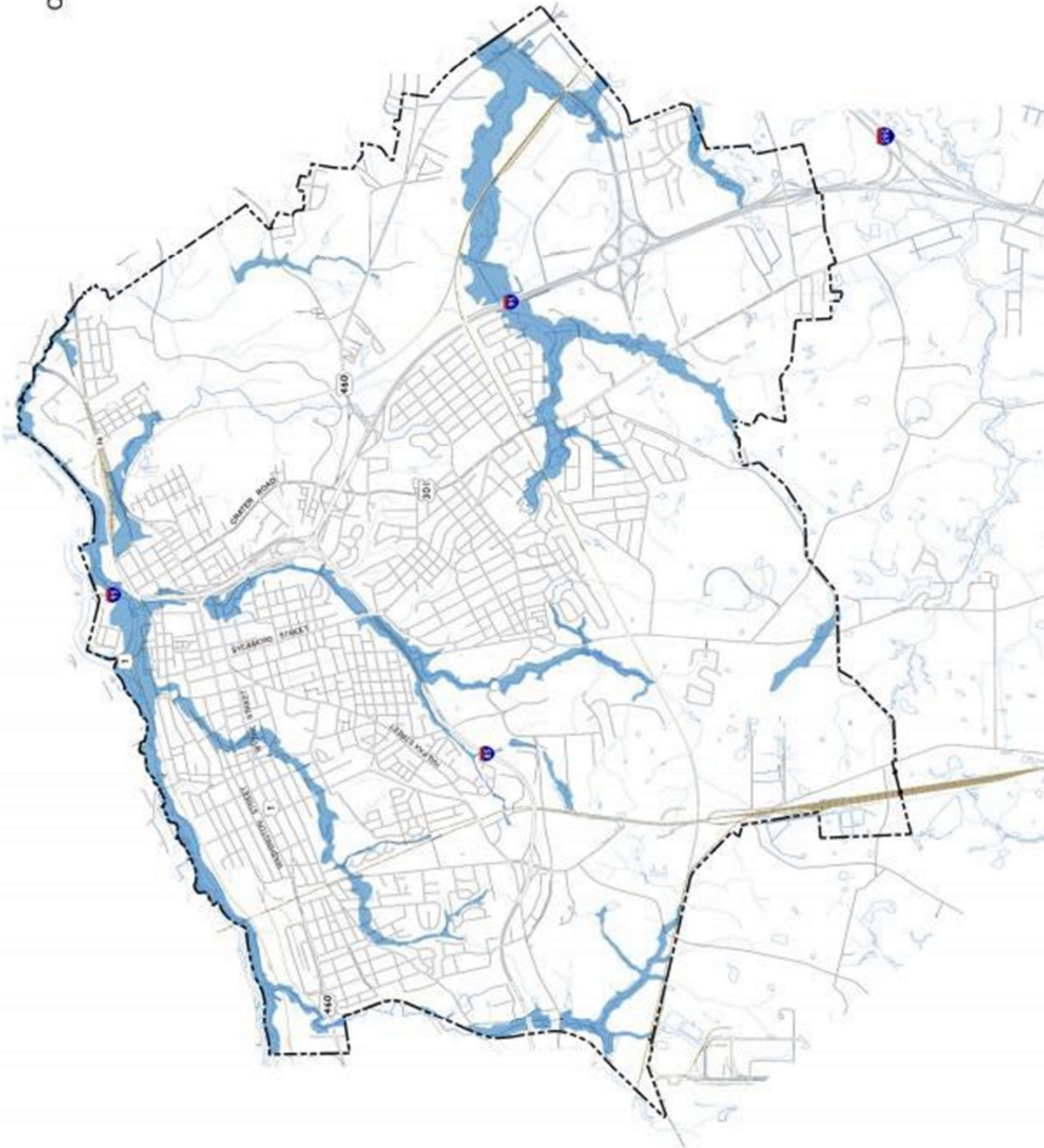
Figure 7-1: A view of the Appomattox from Martin Luther King, Jr. Bridge

Flood Plains

Like many communities bordering bodies of water, some of the land within the City of Petersburg is prone to flooding during extended heavy periods of rainfall and other adverse weather events. Map 7-3 denotes the so-called "100-year floodplains" that lie inside the City's borders. These 100-year floodplains are so named because there is a roughly one percent chance that the area will be flooded at some point over the course of a year. As one might expect, these floodplains are largely centered around where the City meets the Appomattox River, however there are also 100 year floodplains in the area running alongside a section of interstates 95 and 85, near a riverine running roughly parallel to the south of Washington Street in western Petersburg, in the area around Rohoic Creek on the border to Dinwiddie County, and finally in certain areas bordering the lakes that lie between Dogwood Trace Golf Course and County Drive in the southeastern section of the City.

FLOODPLAINS

COMPREHENSIVE PLAN
CITY OF PETERSBURG, VIRGINIA



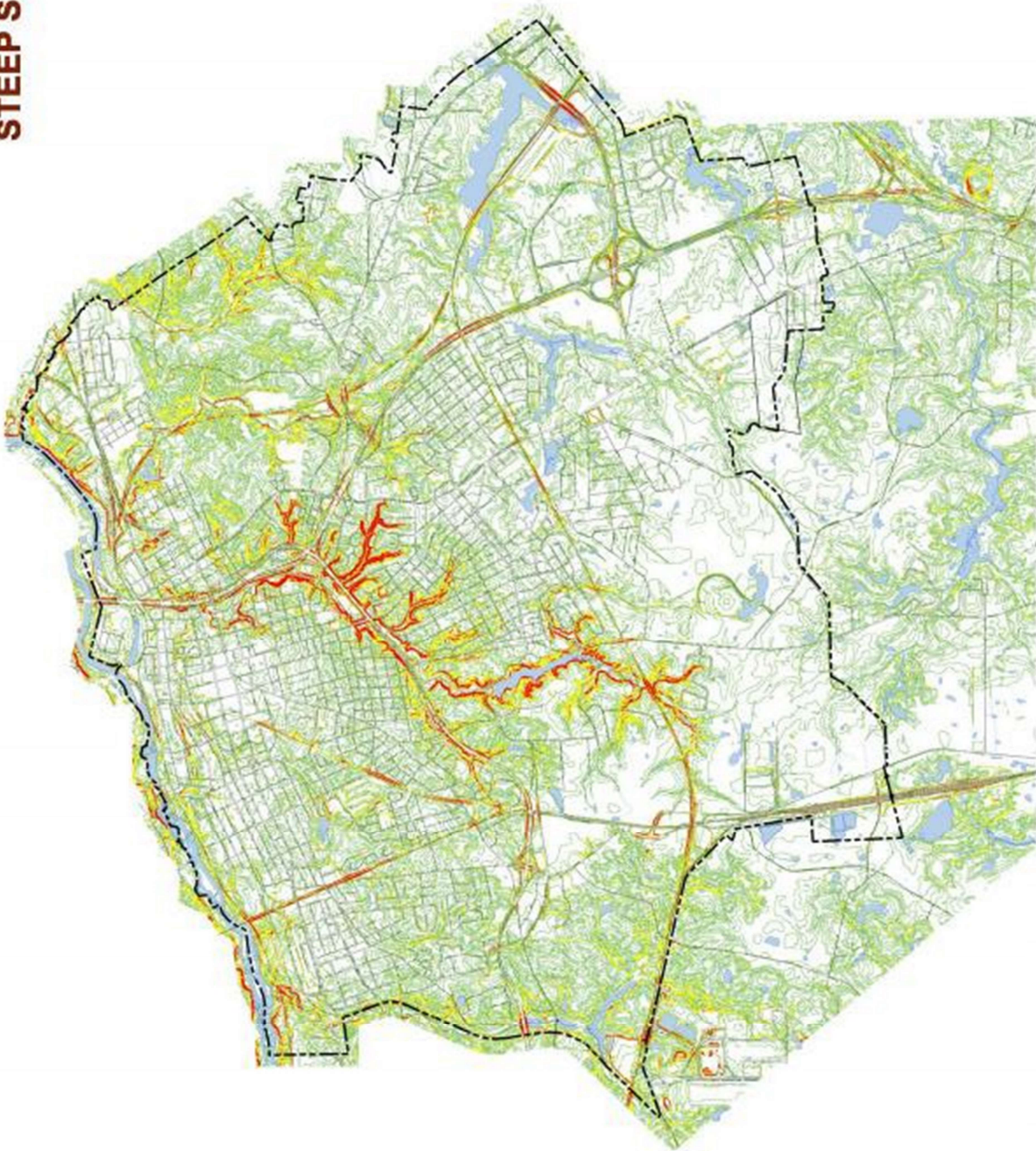
Map 7-3 This map displays the area of Petersburg in which there is a 1% chance of a flooding event per year

Knowing which areas of the City are susceptible to flooding is crucial for wisely planning future development. Having clear information on where flooding can be expected helps the property owners in the area who can take the proper steps to flood-proof their holdings, helps insurance agencies assess rates, and offers builders insight on potential building restrictions and standards. Petersburg's flood plains map indicates that the City should exercise caution in developing near wetlands and coastal areas and should consult the City's topography to ensure that the effects of development on the City's topography do not have a pernicious effect on extant flooding trends.

Slopes and Topography

A locality's topography is often as determinative of where its floodplains are as the location of bodies of water. This is because steep slopes tend to reduce the amount of infiltration of water into the ground. This water then either flows more quickly and in greater quantities into whatever river or creek is nearby, or it pools in low-lying areas. Both situations can lead to flooding. Map 7-4, pictured below, demonstrates this relationship – the floodplains running along the interstates, the Rohoic Creek floodplains near Dinwiddie County, and the floodplains along County drive are all in the vicinity of steep slopes, particularly the floodplains near the interstates.

STEEP SLOPES ANALYSIS COMPREHENSIVE PLAN City of Petersburg, Virginia



LEGEND

--- CITY OF PETERSBURG CORPORATE LIMITS

Slopes Analysis

0 - 18% GRADE

19% - 24% GRADE

25% + GRADE

NORTH

GRAPHIC SCALE IN FEET

0 500 1000 1500 2000

MAY 20, 2008

KW Phoebe and Associates, Inc.

Community Development Consultants

Map 7.4: The map below displays the City topographically, with red denoting the most sloped areas - high-gradient areas can generate the greatest amount of runoff

As development occurs and indigenous vegetation is removed, there may be an increase in the velocity and volume of stormwater runoff, which can also lead to increases in erosion of the soil in the area, which could itself lead to an increase in the slopes or deepening of ravines adjacent to streams, potentially leading to a vicious cycle of escalating erosion. If properly utilized, however, sloped areas can serve as groundwater recharge areas and a provider of high-quality water to local waterways. As the preceding sentence demonstrates, however, improper development of sloped areas can lead to destruction of an area's scenic beauty of the area, decreased water quality, loss of sensitive habitats, fire hazards, high utility costs, lack of safe access for emergency vehicles, and high costs for maintenance of public improvements. With an average elevation of 134 feet above sea-level, Petersburg is somewhat low-lying, and responsible management of its sloped areas will be crucial to the City successfully managing its water supply and future development. Maintaining vegetation where possible, avoiding the excavation or undercutting of the load-bearing areas of slopes, being mindful of the weight put on slopes by development or by redirecting waterflow are all good ways for the City to avoid mismanaging sloped areas within the City limits.

Petersburg's Soil

Knowledge of a city's soil quality allows the City to plan for its development in various ways, determining erosion risks, potential wastewater issues, agricultural development, and many other uses. The Natural Resources Conservation Service (NCRS) identifies and maps over 20,000 different kinds of soil through a progressive taxonomy of order, suborder, great group, subgroup, family, and series. Most of the soil found in and around Petersburg are members of the *ultisol* order of soils. These are reddish, clay-rich, acidic soils that occur through the southeastern United States and supports a mixed forest vegetation prior to cultivation. They are naturally suitable for forestry, can be made agriculturally productive with the application of lime and fertilizers, and are stable materials for construction projects.

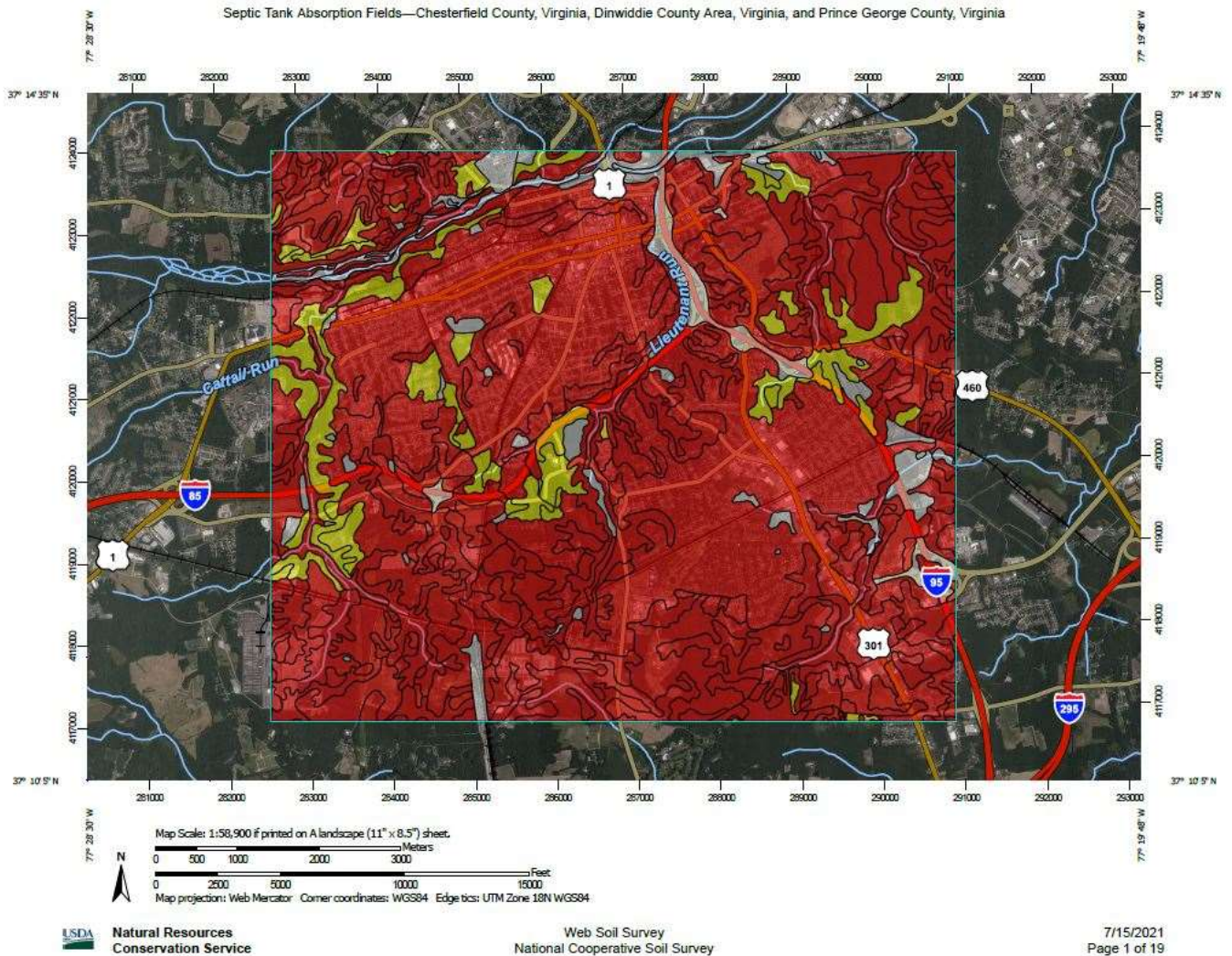
Two related soil qualities that are both critical to the city's planning process are the ability of the soil to conduct water and its ability to absorb effluent from storage tanks. These two qualities are shown below in maps 7-5 and 7-6. The hydrological potential of the soil measures its potential to transmit water and air and has a pronounced effect on both a soil's ability to nurture and sustain life and the speed by which water (or waterborne pollutants) moves through the soil down to the water table or to surface waterways. It is not coincidental that the areas displaying the highest permeability correspond with the flood plains shown in Map 7-3. Knowledge of the hydrologic soil group on a property can help estimate runoff from storm events, which can be helpful in the evaluation of sites for certain types of conservation measures.



Map 7-5: Map showing the ability of the soil in the Greater Petersburg area to conduct water. Orange and red areas have the highest permeability, light green has the lowest. Note: Appomattox River is situated at the north side of the map, with Petersburg on the south bank

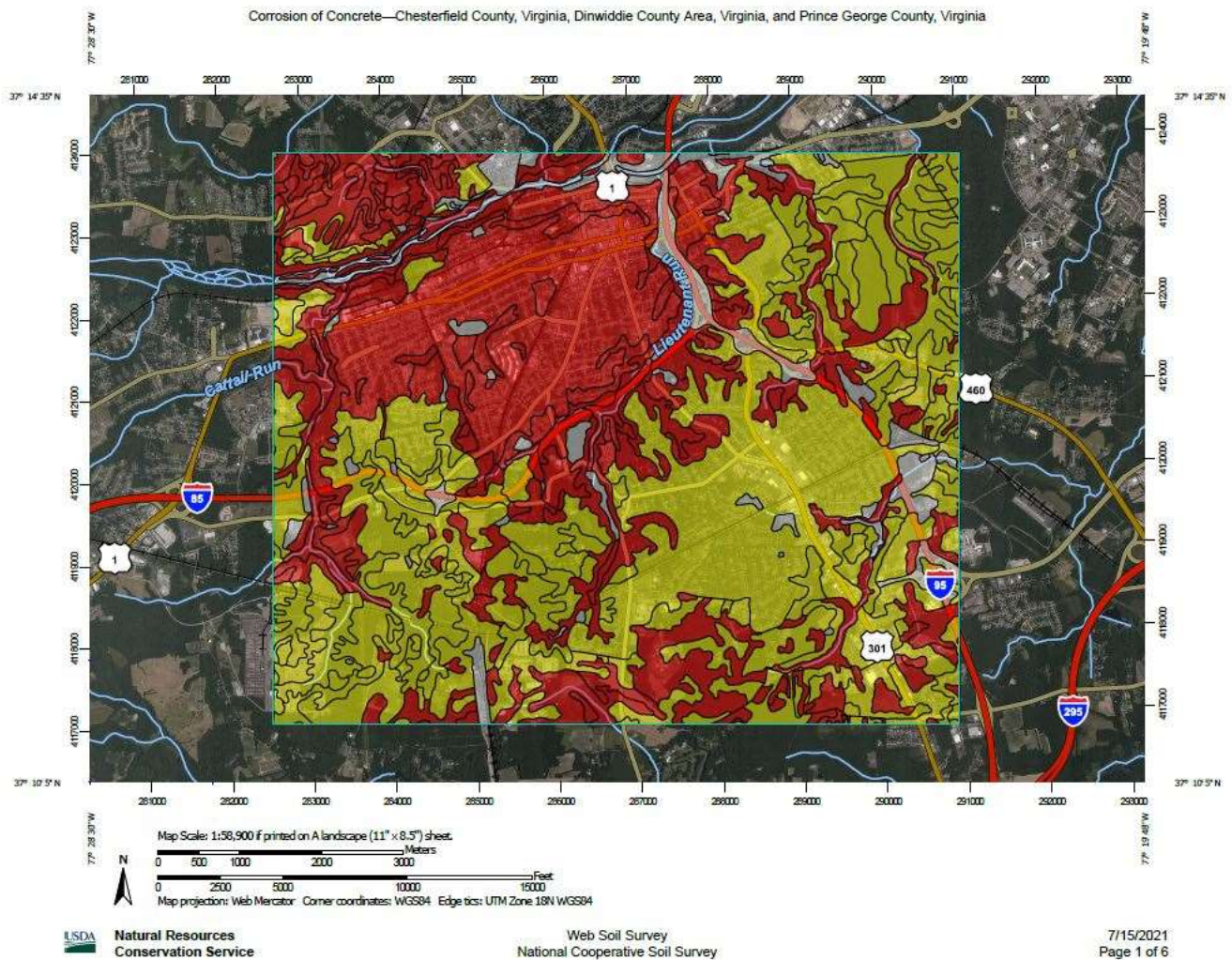
The ability to absorb effluent from septic tanks is an important quality for soil. Most septic systems distribute sewage effluent into the soil through absorption fields, a soil's failure to absorb effluent may result in the outflow from septic tanks in the area accumulating to an unhealthy degree, leading to potential issues for the water supply. Map 7-6 shows the absorptive qualities of Petersburg's soil in this regard, which unsurprisingly corresponds roughly with the hydrology of the soil. Higher than average hydrology is also a good predictor of whether an area contains wetlands or not. While much of the soil is not ideally suited for

distributing effluent, this does not necessarily preclude the ability of septic systems to function. It does, however, highlight the importance of both the city and private landholders to have a site and soil survey performed by a licensed professional before commencing with development on a given site.



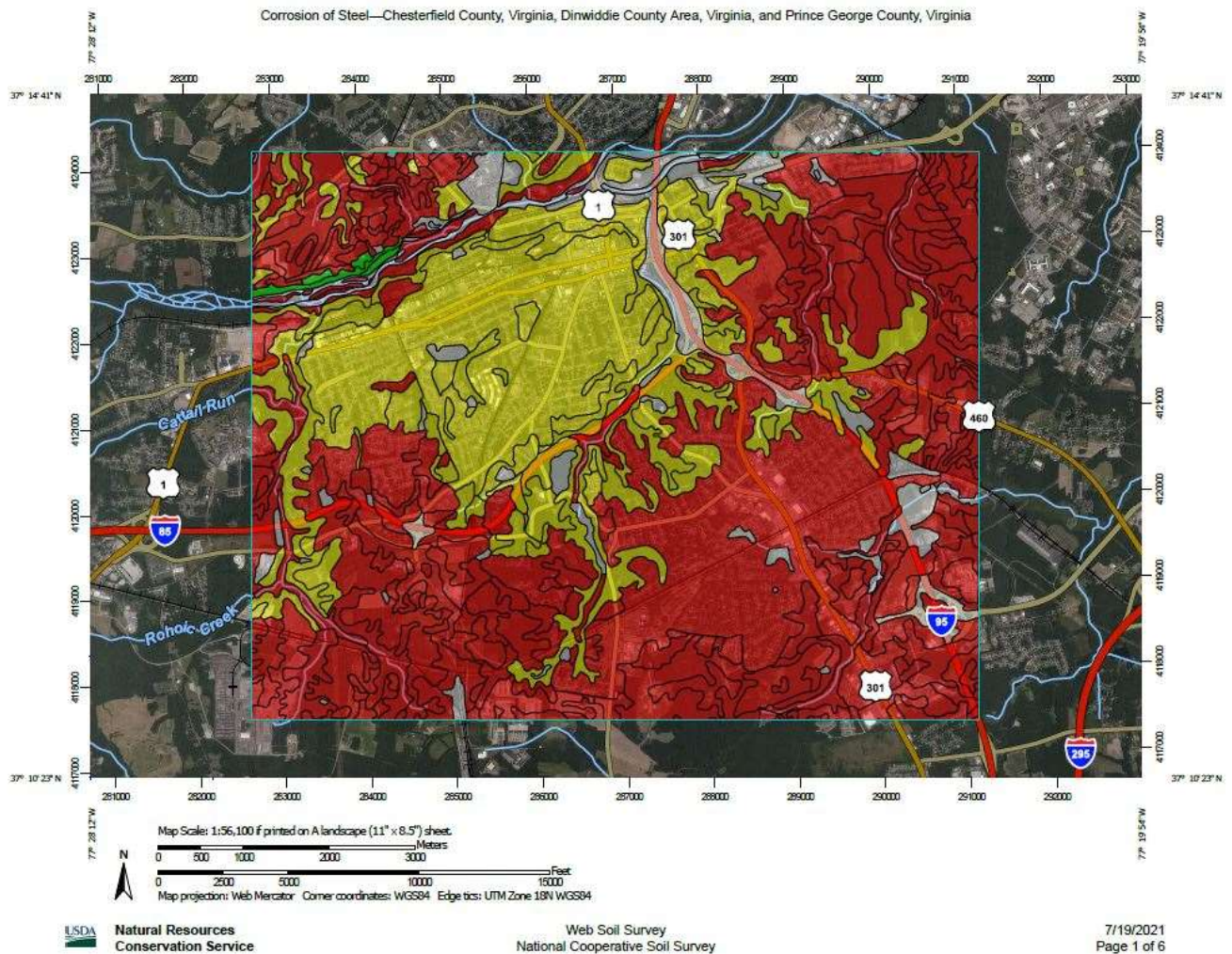
Map 7-6: Soil ability to absorb effluent from septic tanks. Red corresponds to a section of soil with a very limited ability to absorb effluent, yellow corresponds to sections of the soil with a somewhat limited ability to absorb effluent. Note: Appomattox River is situated at the north side of the map, with Petersburg on the south bank

Another soil metric that is useful to know before engaging in development is a soil's propensity to erode or degrade building materials such as concrete. Map 7-7 illustrates the risk of corrosion to concrete posed by soils throughout the Petersburg area. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the concrete in installations that are entirely within one kind of soil or within one soil layer. As this map demonstrates, much of the downtown lies on a foundation of soil that is rated as having a high corrosion potential for concrete, and the City must plan for an appropriately increased amount of maintenance and observation on the many buildings in the affected areas.



Map 7-7: Potential for soil in the Petersburg area to corrode concrete. Red denotes areas with soil that has a high risk of corroding concrete, while yellow denotes areas with soil has a medium risk of corroding concrete. Note: Appomattox River is situated at the north side of the map, with Petersburg on the south bank

Steel is another critical building material, and it is just as important to see the areas of the city where steel building materials may be compromised by long-term corrosion on behalf of the soil. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. Much like concrete, the steel in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel in installations that are entirely within one kind of soil or within one soil layer. Map 7-8 displays the local soil's potential for corroding steel. It is nearly a mirror image of the concrete corrosion map, with most of the high-risk areas for concrete being medium risk for steel and vice-versa. This demonstrates the diversity of concerns that accompanies any responsible plan for development.



Map 7-8: A map showing the local soil's potential for corroding steel building materials. Red denotes areas with soil that has a high risk of corroding steel, while yellow denotes areas with soil has a medium risk of corroding steel. Note: Appomattox River is situated at the north side of the map, with Petersburg on the south bank

Streambank and Shoreline Erosion

Out-of-control erosion can have a highly pernicious effect on the City's land and water resources if it is not properly monitored and curtailed. The dangers of erosion are many; farmers risk losing their topsoil (this is known as "sheet erosion"), with the subsequent formation of rills and gullies that can make the soil virtually impossible to cultivate. If the eroded soils contain pollutants, then this can further compromise the City's water quality as they make their way into waterways. Previously this report mentioned the vicious cycle of erosive activity and flooding that can occur in areas with steep slopes – erosion makes the slopes steeper, which makes an area more prone to flash flooding, which further erodes the soil. The impacts of unchecked erosion can easily spiral out of control if left unmonitored and unchecked.

There are several types of erosion. Water erosion is largely from rain, though it effects areas that

lie along waterways as well. Raindrops hit bare soil with enough force to break the soil aggregates, and these fragments wash into soil pores and prevent water from infiltrating the soil. Water then accumulates on the surface and increases runoff, which takes soil with it.

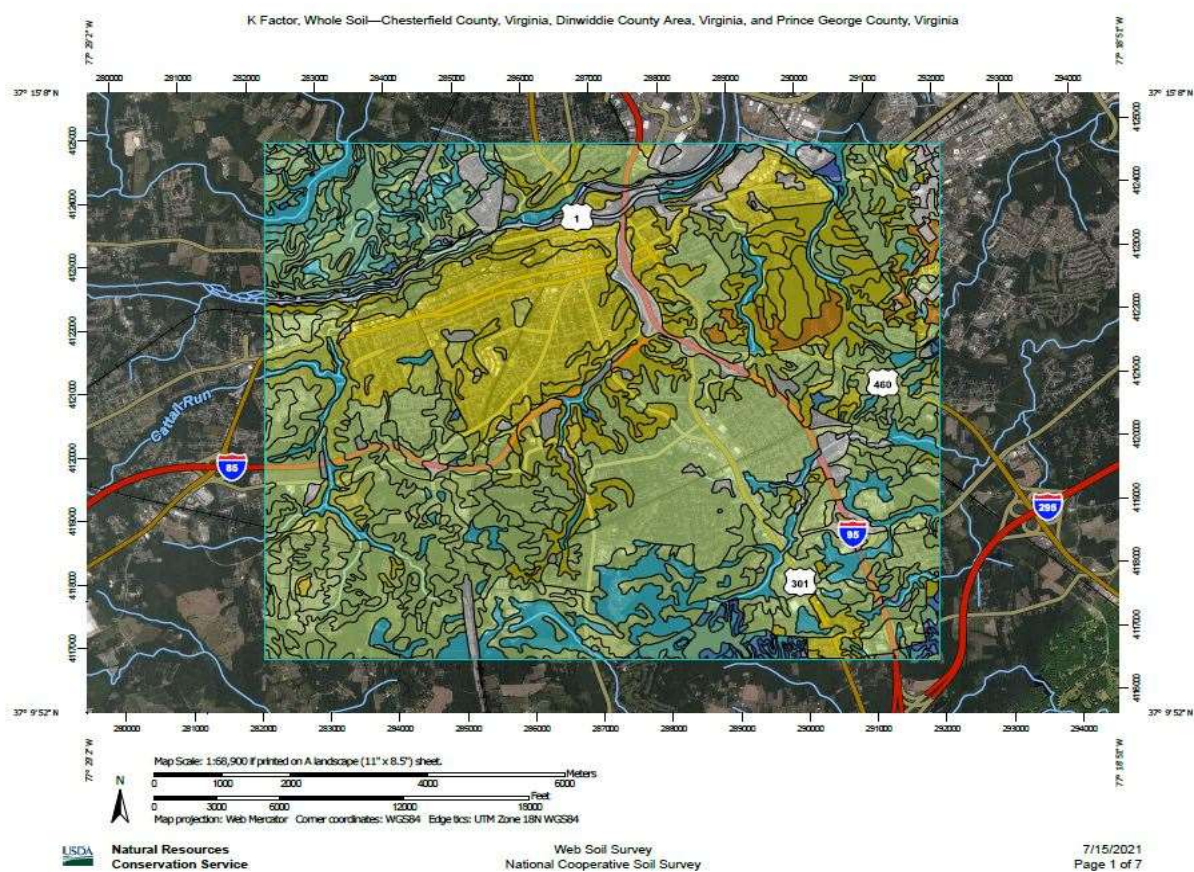
The vulnerability of soils to water erosion depends on:

- Rainfall intensity (erosivity) – high intensity rainfall creates serious risk as heavy drops on bare soil causes the soil surface to seal;
- Nature of the soil (erodibility) – clay soils vary in their ability to withstand raindrop impact;
- Slope length – if a slope is long, water running down the slope becomes deeper and moves faster, taking more soil with it;
- Slope steepness – the speed of runoff increases on steep slopes, which increases the power of water to break off and carry soil particles

Water erosion can particularly cause “rill erosion”, which occurs when runoff forms small channels as flow concentrates down a slope, creating rills that can be up to 0.3 meters deep. If this intensifies it becomes “gully erosion”, which is highly visible and affects soil productivity, restricts land use, and can damage roads, fences and buildings. The gullies formed by erosion are limited by the depth of the underlying rock so are normally less than 2 meters deep, but in the right circumstances can go as deep as ten or fifteen meters.

This can occur in reverse as well. When water penetrates through a soil crack or a hole where a root has decayed, the soil disperses and is carried away with the flow to leave a small tunnel, in what is called “tunnel erosion”. Initially, the surface soil remains relatively intact, but with every flow, the tunnel becomes larger, and the soil may eventually collapse and form a gully. The whole process speeds up significantly if an outlet is provided (such as an existing gully or cutting in a roadside) as this allows free flow of subsurface drainage water.

Finally, water erosion can take the form of streambank erosion, which is exacerbated by the destruction of vegetation on riverbanks and the removal of sand and gravel from the stream bed, which generally occurs by clearing, overgrazing, cultivation, vehicle traffic near banks, or fire. Streambank erosion can be further accelerated by lowering the stream bed or increasing the level of its bottom (often through increased runoff of soil, another potential vicious cycle of erosion), the redirection and acceleration of flow around infrastructure, obstructions or debris, and soil characteristics such as poor drainage or seams of readily erodible material within the bank profile. Map 7-9 below illustrates how susceptible each area of Petersburg is to water erosion.



Map 7-9: Water erosion potential in and around Petersburg, with orange and yellow denoting the least susceptible areas and blue representing the most susceptible areas Note: Appomattox River is situated at the north side of the map, with Petersburg on the south bank

As one might expect, many of the areas in Petersburg most susceptible to water erosion are in wetlands areas and near the City's various waterways, with a definite overlap between flood plains and areas prone to water erosion. One of the most reliable ways to mitigate water erosion is to maximize the amount of what is called surface cover. Surface cover is simply the vegetation (natural or planted) or man-made constructions (buildings, etc) which occur on the surface of the City's land. Cover which is permeable can absorb excess water runoff and therefore helps reduce erosion, while impermeable cover such as parking lots or concrete roofing can increase runoff since excess rainfall can't be absorbed into the ground on such surfaces. This is covered in greater detail in the Stormwater section. Trees are very helpful in preventing erosion, particularly on-stream banks, though if the soil is bare under a tree's canopy then erosion will still occur.

Erosion can be mitigated during development through such means as diverting upslope stormwater around any construction sites or other disturbed areas. Construction sites often displace large quantities of the area's soil, and if there are no provisions for diverting upslope stormwater then one good night's rainfall displacing tons of loose soil into the local waterways is a likely possibility. Another best practice is to install sediment barriers or turf buffer strips downslope of building sites to filter coarse sediments, and restricting vehicle access on the site to one (preferably graveled) access point. Finally, construction crews and developers can connect a temporary or permanent downpipe to a stormwater

system before laying the roof, and landscape all bare areas as soon as possible after construction is completed as a further means of reducing erosion during the point when the landscape is most vulnerable to such impacts.

In May 2021, the City performed an informal survey of erosive conditions in three different sites of the Appomattox riverbank at the recommendation of DEQ staff. These sites were differentiated by the level of vegetation listed on the Center for Coastal Resources Management's (CCRM) GIS tool. The locations of the sites are on Map 7-10 below. Site A on the west side of Pocahontas Island was noted as having "partial vegetation" on the bank, Site B under the I-95 bridge was right in between the area noted as having "partial vegetation" and an area of the riverbank noted as having "total vegetation". Site C was near an area the CCRM identified as having "total vegetation" on the bank. The City employee then proceeded to document any difference in evidence of riverbank erosion between these three sites.



Map 7-10: Map of the Sites visited as part of the erosion survey, Pocahontas Island lies at the center of the map. Colored lines denote height of the riverbank and amount of vegetative cover (Source: Google Maps)

SITE A

- Cracked, dry soil
- Exposed tree roots
- Severely overhanging riverbank
- Brown water with vegetation floating in the current



Figures 7-2, 7-3, 7-4. 7-5: Photographs taken at Site A

SITE B

- Flat “beachy” riverbank, some overhang
- Dry, sandy soil
- Some exposed roots



Figures 7-6, 7-7, 7-8: Photographs taken at Site B

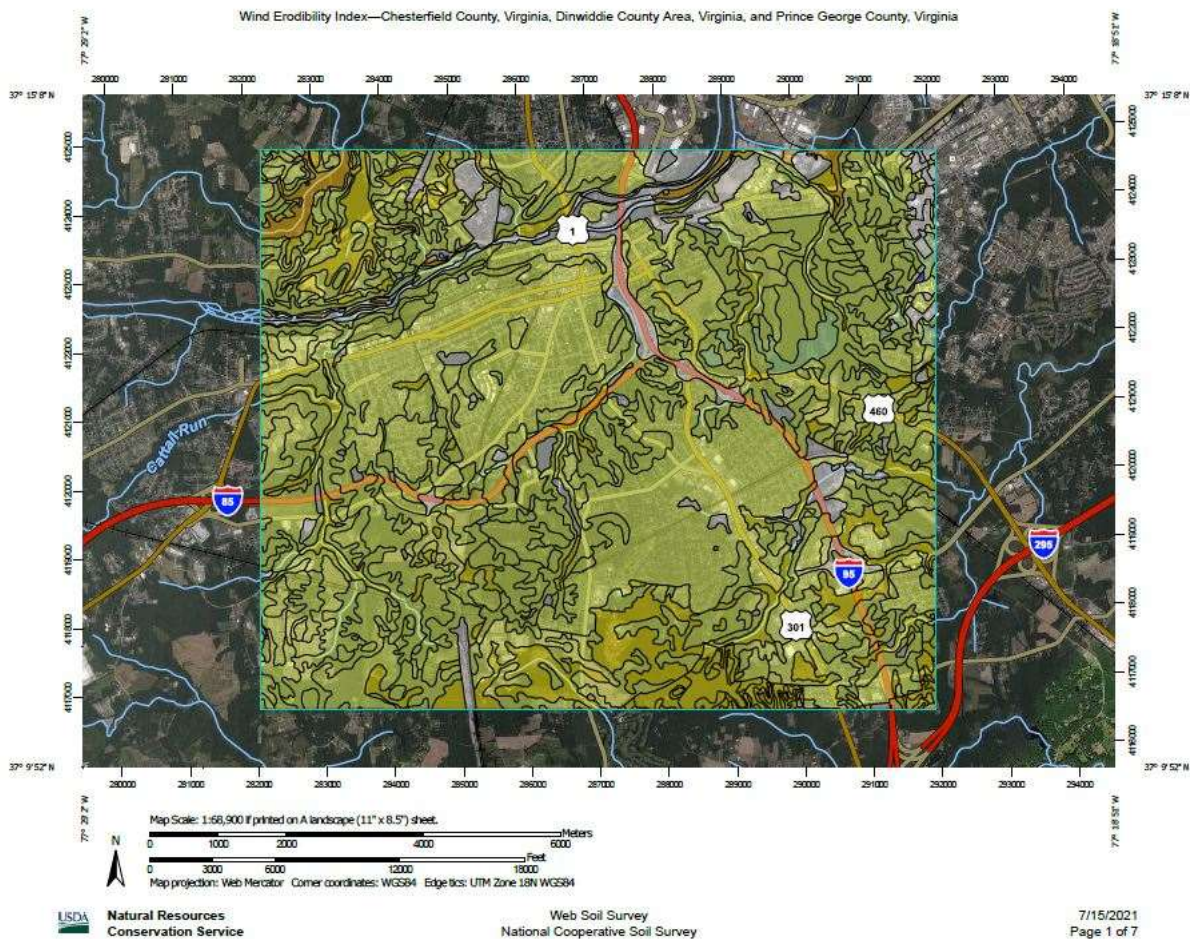
SITE C

- Greatly reduced riverbank overhang
- Moist, smooth soil
- Reduced grass and soil in water



Figures 7-9, 7-10, 7-11: Photographs taken at Site C

Wind erosion is a more significant problem in the more arid western United States, but it still exists to a degree in Petersburg. Wind erosion is most likely to occur when strong winds blow over light-textured and sandy soils. In areas where livestock cultivation is prevalent, this can be greatly exacerbated by overgrazing these lands, denuding them of the vegetative cover that would have spared the soil from the winds' effects. If left unchecked this can lead to scalding, a process that forms smooth bare areas on impermeable subsoils. These areas can be difficult to revegetate due to a lack of topsoil, low permeability, and an often-saline surface. Map 7-11 below shows the areas of Petersburg that are most and least susceptible to wind erosion.



Map 7-11: This map shows the potential for wind erosion in and around Petersburg. Dark yellow denotes areas that are the least susceptible to wind erosion, light yellow denotes areas that are mildly susceptible to wind erosion, and the green area near route 460 is the most susceptible region in the area to wind erosion. Note: Appomattox River is situated at the north side of the map, with Petersburg on the south bank

As map 7-11 makes clear, wind erosion in Petersburg is a secondary concern in the area compared to water erosion. Many of the same techniques that are effective for curtailing water erosion work just as well against wind erosion, particularly planting trees and maximizing vegetative cover on available surfaces.

Stormwater & Stormwater Management

As precipitation falls on agricultural and undeveloped areas, it is primarily absorbed into the ground or slowly runs off into streams, rivers or other bodies of water. Stormwater runoff is the water that flows off roofs, driveways, parking lots, streets, and other hard surfaces during rainstorms. Stormwater runoff is also the rain that flows off grass surfaces and wooded areas that is not absorbed into the soil. The runoff that is not absorbed into the ground pours into ditches, culverts, catch basins and storm sewers. It does not receive any treatment before entering the streams and lakes.

Paved surfaces can exacerbate this issue. Development resulting in rooftops and paved areas prevent water from being absorbed and create a faster rate of runoff. This development can cause localized flooding or other water quantity or quality issues. In addition, stormwater can carry harmful pollutants, cause flooding, erode topsoil, and stream banks and destroy habitats.

An additional concern is that runoff water can pick up and carry many ~~substances~~ that pollute water. Examples of common pollutants include fertilizers, pesticides, pet wastes, sediments, oils, salts, trace metals, grass clippings, leaves and litter. Polluted stormwater runoff can be generated anywhere people use or alter the land, such as farms, yards, roofs, driveways, construction sites, and roadways. The latter four of these is of particular importance.

Credible research by the Center for Watershed Protection has revealed a strong relationship between impervious cover (roofs, streets, parking lots, etc.) and various indicators of water quality in local streams. Studies have established that a link between impervious cover and stream condition typically shows that impacts to a stream fall into four general categories: hydrologic impacts, geomorphic impacts, water quality impacts, and biological impacts. More specifically, when natural land is converted into impervious cover, a greater fraction of annual rainfall is converted into surface water runoff and a smaller volume is able to infiltrate into the soil and recharge groundwater aquifers. This increased surface runoff volume causes higher peak flows that can erode stream channels and lower the baseflow of local waterways, resulting in habitat degradation.

As the previous section mentioned, surface water runoff also carries pollutants that often originate from the areas of impermeable cover which further degrade water quality. In order to reduce the amount of impervious cover, the City has mandated that the use of pervious surfaces such as grid and modular pavements be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the City's Director of Public Works. Additionally, the city requires all non-disabled parking spaces be built to a maximum of 9' x 18', or 162 square feet.

Stormwater runoff needs to be managed just as any other natural resource in order to maintain the quality of our natural watercourses as drinking water supplies and for recreational activities such as swimming, fishing, boating, and water skiing, etc. Stormwater also needs to be managed to minimize damages that may occur when stormwater runoff exceeds the capacity of the pipes and open channels used to carry stormwater to the City's rivers and streams.

Historically, Petersburg has performed maintenance of the stormwater collection system, which includes cleaning, repair, and replacement of the City's stormwater infrastructure; however, in 2014 the City was designated a Phase II Municipal Separate Storm Sewer System (MS4) by the Virginia Department of Environmental Quality. This designation was also given to other Virginia localities of similar size having a storm sewer system that discharges – directly or indirectly – to a ~~potable~~ river, bay, or other body of water. As a Phase II MS4, the City is responsible for stormwater discharges to receiving waters through an MS4 (VPDES) General Permit administered by DEQ. The permit requirements are very extensive, generally covering six (6) areas called Minimum Control Measures:

1. Public Education and Outreach
2. Public Involvement/Participation

3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff Control
5. Post-Construction Stormwater Management in new development and Development on Prior Developed Lands
6. Pollution Prevention/Good Housekeeping for Municipal Operations.

Also in 2014, the City passed a Stormwater Management Ordinance in compliance with state legislation mandating the establishment of a local stormwater management program. As part of its stormwater management program, the City operates and maintains drainage facilities that are located within the public right-of-way or public easements and is also responsible for the water quality of natural streams within its jurisdiction as designed by the State and EPA; however, it does not maintain facilities that are located on private property or that fall under the jurisdiction of other governmental jurisdictions.

The following illustrations in Figure 7-12 show some planned initiatives that will continue to enhance the City's stormwater management program.



Figure 7-12: Steps the City is taking to mitigate the effects of stormwater runoff

In addition, the City intends to review ordinances pertaining to stormwater management and erosion control ordinances in order to improve stormwater management and erosion control and will consider the following actions:

- Remove streams from underground pipes wherever possible in order to increase aquatic habitat, groundwater infiltration and flow rates, reduce water stagnation and improve environmental aesthetics.
- Pronounce a moratorium on underground piping of streams.
- Restore degraded stream buffers by utilizing neighborhood organizations in planting programs, removal of pollution sources and invasive plants.
- Utilize Water Quality Improvement Funds (WQIF) to enhance or develop Best Management Practices (BMP) when addressing stormwater runoff in highly impervious areas of the City (Downtown, South Crater Road).
- Avoid development and the scouring of embankments in areas designated as 100-

year flood plains (see map ##?).

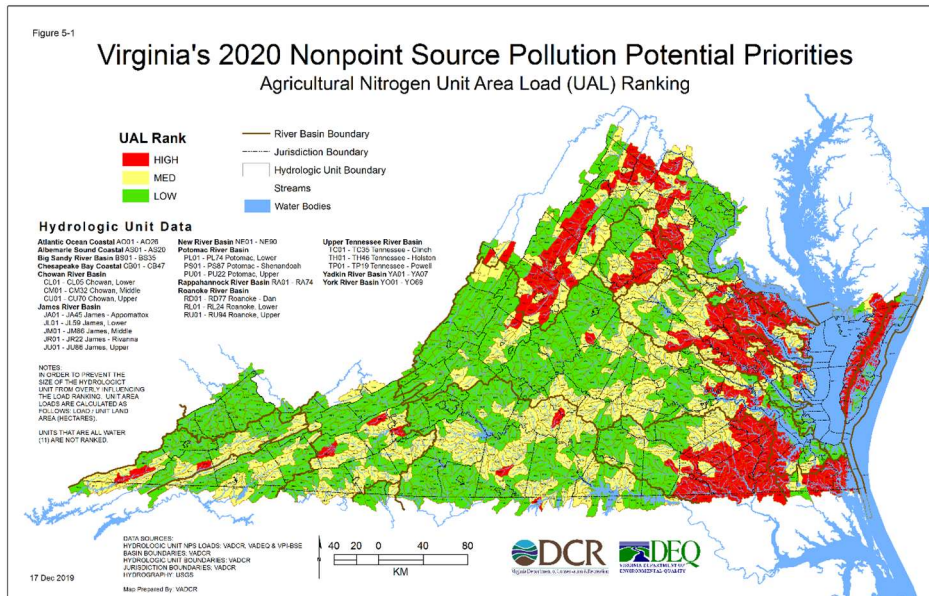
Nonpoint Source Pollution

Nonpoint source pollution is an issue throughout the James River Watershed and can have a significant impact on water quality. Previous sections have established the deleterious effect runoff can have on local water quality, and nonpoint source pollution is the specific expression of this phenomenon. It occurs when rain runs off farmland, city streets, construction sites, suburban lawns, roofs, and driveways and enters waterways. This runoff often contains harmful substances such as toxins, pathogens, excess nutrients, and sediments. It is called nonpoint source pollution because it does not come from a single source or point, such as a sewage treatment plant or an industrial discharge pipe, but from many diffuse sources.

There are four main forms of nonpoint source pollution: sediments, nutrients, toxic substances, and pathogens.

- Sediments are soil particles carried by rainwater into streams, lakes, rivers, and bays. By volume, sediment is the greatest pollutant. It is caused mainly by erosion resulting from bare land, some farming practices, and construction and development.
- Nutrients are substances that help plants and animals live and grow. The main concern is excessive amounts of two nutrients: nitrogen and phosphorus.
- Toxic substances are chemicals that may cause human and wildlife health concerns. They include organic and
- inorganic chemicals, metals, pesticides, household chemicals, gasoline, motor oil, battery acid, roadway salt, and other pollutants.
- Pathogens are disease-causing microorganisms present in human and animal waste. Most pathogens are bacteria.

Map 7-11 divides the Commonwealth of Virginia into areas grouped by severity of local nonpoint source pollution. Of particular note is how the areas of high concern generally correlate with the headwaters of the Commonwealth's major waterways, illustrating the compounding effects of runoff as it moves downstream and accumulates with every mile. Petersburg itself is largely an area of medium concern, with the City's west side being an area of low concern.



Map 7-12 – Virginia's Nonpoint Source Pollution Potential Priorities – Red signifies areas of high concern, yellow signifies areas of medium concern, and green signifies areas of low concern

The aquatic ecosystems found in developed headwater streams are particularly susceptible to degradation. Changes seen in natural flows and channel conditions reduce the habitat value of the stream. The cumulative impacts of many individual factors such as erosion, sedimentation, scouring, increased flooding, lower summer flows, higher water temperatures and pollution are responsible for the progressive degradation of stream ecosystems.

The net effect of land development is to increase pollutant export (more pollution and more movement) over pre-development levels. The impact of the higher export is felt not only on adjacent streams, but also on downstream receiving waters such as lakes, rivers, and estuaries. The impacts of the developed environment include sediment and nutrient loading, increased bacteria, increased oxygen demand, oil and grease pollution, trace metals, high levels of chlorides, and damaging thermal fluctuations.

Additionally, system failures and leakage events of wastewater from the sanitary sewer system impacts water quality by releasing untreated sewage containing microbial pathogens and toxins. Typical leakages or Sanitary Sewer Overflows (SSOs) occur during severe storm events when groundwater exceeding normal levels infiltrates the sanitary sewer system.

The potential impacts and costs associated with an increase of impervious cover on receiving waters, including tidal streams necessitates measures be taken to offset impacts. Researchers from various parts of the country have studied the impact of development on coastal areas and estuaries. Increased volumes of stormwater runoff may also have a physical effect on important wetland resources. According to the Impervious Cover Model (ICM), coastal/estuarine systems, such as shellfish beds and wetlands, have found increased degradation thresholds when impervious cover exceeds 10 percent. Decreases in water quality due to pollutant loading may have an adverse impact on valuable spawning habitat and on the

ability of some fish to travel from sea to freshwater spawning grounds.

A progressive Capital Improvement Program is necessary to not only address current failures in the system but foresee future development needs and potential setbacks. Additionally, it will be important for the City to do its part for environmental stewardship and protecting the health of its citizens by enacting ordinances that mitigate the impact of development of the swamps and waterways through improved stormwater management.

Impaired Waterways

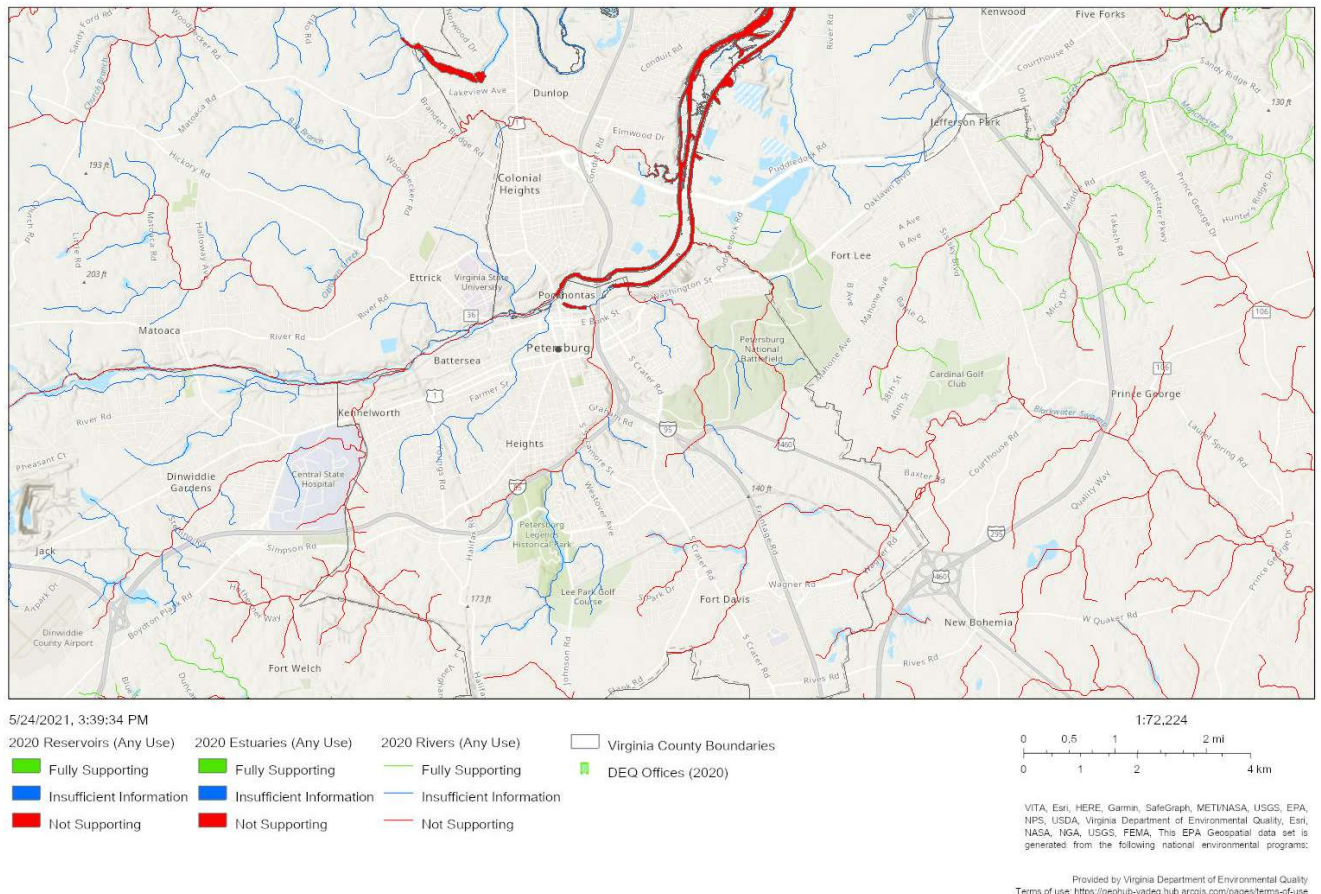
In response to requirements under the Federal Clean Water Act, the Virginia Department of Environmental Quality (DEQ) tests Virginia's rivers, lakes and tidal waters for pollutants on a regular basis, using both fixed-state (i.e., conventional) and probabilistic monitoring techniques. Over 130 different pollutants are monitored annually to determine whether the waters can be used for swimming, fishing and/or drinking (i.e., designated beneficial uses). Federal standards define the water quality needed to support each of these uses. If a body of water contains more contamination than allowed by water quality standards, it will not support one or more of its designated uses and has "impaired" water quality. Waters not meeting water quality standards are included in the biannual *305(b)/303(d) Water Quality Assessment Integrated Report*. The goal of the water quality assessment program is to determine whether Virginia's waterways meet water quality standards, and to establish a schedule for the restoration of impaired waters.

Like other communities in Virginia, most of Petersburg's waterways are included as impaired in the *Integrated Report*. Most impaired waterways require that DEQ develop a cleanup plan, or Total Maximum Daily Load (TMDL), representing the amount of a pollutant that the water body can contain and still meet water quality standards. To restore water quality, pollutant levels in an impaired waterway need to be reduced to the TMDL amount. Following development of a TMDL, a cleanup plan describing the ways to reduce pollution levels in the waterway must be outlined. This plan is developed by the State with input from the local government and other interested stakeholders. The final step in the cleanup process is to implement the best management practices (BMPs) established in the plan.

Due to its location within the Chesapeake Bay's 64,000-acre watershed, Petersburg's waterways are also included in the Chesapeake Bay TMDL, established by EPA in 2010. The multi-state Chesapeake Bay Program, a regional partnership working together since 1983 to meet the goals of the *Chesapeake Bay Watershed Agreement* inclusive of federal and state agencies, local governments, non-profit organizations, and academic institutions, to restore the Chesapeake Bay. Signatories of the original Chesapeake Bay Agreement of 1983 included the governors of Virginia, Maryland, Pennsylvania, the mayor of the District of Columbia, the administrator of the U.S. Environmental Protection Agency (EPA), and the chair of the Chesapeake Bay Commission. In 2000, Delaware, New York, and West Virginia joined the partnership, and in 2010 the EPA established the Chesapeake Bay TMDL, setting limits on the amount of nutrients and sediment that can enter the Bay and its tidal rivers to meet water quality goals. Each of the seven Bay jurisdictions, including Virginia, has created Watershed Implementation Plans (WIPs) that spell out specific steps localities will take to meet these pollution reductions by 2025.

Watershed Implementation Plans (WIPs) are the roadmap for how the Bay jurisdictions, in partnership with federal and local governments, will achieve the Chesapeake Bay TMDL allocations. There are three phases of WIPs developed by the Bay jurisdictions. Phase I and Phase II WIPs were developed and submitted to EPA in 2010 and 2012, respectively. Both Phase I and Phase II WIPs describe actions and controls to be implemented by 2017 and 2025 to achieve applicable water quality standards. Phase III WIPs are based on a midpoint assessment of progress and scientific analyses. Phase III WIPs provide information on actions the Bay jurisdictions intend to implement between 2018 and 2025 to meet the Bay restoration goals.

Table 7-1 lists the City's waterways identified as being impaired in the *Final 2020 Virginia Water Quality Integrated Report*, the type of impairment, and the date EPA approved a TMDL for the applicable waterways. Impaired waterways are mapped on Map 7-13. As listed on Table 7-1, four TMDLs have been developed for waterways within or touching Petersburg's jurisdictional boundaries: two for the Appomattox and its tributaries, the Blackwater River and Blackwater Swamp. None of the TMDLs have had Implementation Plans developed. The Lower Appomattox River at the location of the WWTP is listed as Category 4A in the *Final 2020 Water Quality Assessment Integrated Report* due to low levels of dissolved oxygen. Waters designated as Category 5 indicate impaired waters requiring a total maximum daily load. The TMDL for the Appomattox River watershed regulates *E. Coli*. The SCWWA Wastewater Treatment Plant (WWTP) has received an annual *E. Coli* waste load allocation (WLA) through this TMDL and has remained in compliance with that WLA. The James River basin has 10 or more impaired segments in this watershed. Per DEQ, the sources of the impairment include atmospheric deposition of Nitrogen, clean sediments, industrial point source discharges, internal nutrient recycling, loss of riparian habitat, municipal point source discharges, and wet weather discharges.



Map 7-13: The map above denotes impaired waterways of the Petersburg area. Waterways that are marked in red are not supporting their intended use according to the Clean Water Act standards and have been designated as impaired.

The South Central Wastewater Authority (SCWWA), located in Petersburg but serving the region as well as the City, is a point source for treated water flowing into the Appomattox River and eventually the Chesapeake Bay. SCWWA discharges directly to the Appomattox River tidal freshwater estuary. The Appomattox River estuary is estimated to be approximately 0.51 square miles per the DEQ. The drainage area is 1,344 square miles with high flow months occurring between December and April. The ongoing upgrade of SCWWA's equipment is estimated to increase its ability to process affected influent loads by around 10%. The SCWWA treatment plant has consistently stayed within the parameters of its VPDES permit to meet DEQ and EPA goals for water quality.

Implementation of Virginia's third Chesapeake Bay Watershed Improvement Plan (WIP III), including General Permit reductions combined with actions proposed in other source sectors, is expected to adequately address ambient conditions such that the proposed effluent limits is consistent with the Chesapeake Bay TMDL, and will not cause an impairment or observed violation of the water quality standards for Dissolved Oxygen, Chlorophyll a, or Submerged Aquatic Vegetation. ARWA also lists sections of Appomattox River, Poor Creek, and Harrison Creek as impaired due to fecal coliform. These waterways are not located below public wastewater treatment plants but do flow through urbanized areas. The non-point source

pollutant threats on these waterways may include, but are not limited to, sediment, fertilizers, pesticides, herbicides, and toxic substance spills.

In April 2017, the Virginia Department of Health's (VDH) Office of Drinking Water stated that the nearest downstream raw water intake (Virginia American Water Company) is located approximately 10.6 miles from the discharge point of South-Central Wastewater Authority. This should be sufficient distance to minimize the impacts of the discharge. In May 2017, VDH's Division of Shellfish Sanitation (DSS) stated that the discharge will not affect shellfish growing waters.

During the 2018 and 2020 cycle, the Appomattox River Tidal Fresh (APPTF) segment failed the Open Water Dissolved Oxygen requirements. Likewise, during the 2018 and 2020 cycle, the APPTF failed the submerged aquatic vegetation acreage requirements, and the water clarity acreage remained impaired due to no new data. This deficiency in aquatic plant acreage stemmed from a variety of sources, from agricultural runoff to loss of riparian habitat, industrial point source discharge and sediment resuspension. Finally, as a city that is located within the James River Basin, Petersburg is a party to the impairment involving PCBs in Fish Tissue from contaminated sediments and other causes, the TMDL for which is scheduled to be completed in 2022.

Table 7-1: List of Impaired Waterways in Petersburg Area (Source: Department of Environmental Quality 2020 Integrated Report)

Waterbody Name	Impairment Category	Cause of Impairment	Probable Source(s) of Impairment	EPA Approved TMDL Date (if applicable) or
Appomattox River – Tidal Estuary	Aquatic life, open water aquatic life Shallow-water submerged aquatic vegetation	Dissolved Oxygen Aquatic plants (Macrophytes)	Agriculture; loss of riparian habitat; atmospheric deposition (nitrogen); municipal and industrial point source discharges; internal nutrient recycling; stormwater; CSOs Above, plus clean sediment resuspension and unknown sources	Chesapeake Bay TMDL 2010
Appomattox River	Recreation	E. Coli	Agriculture, nonpoint sources	2004
Appomattox River	Fish consumption	PCBs in fish tissue	Contaminated sediments, unknown sources	<u>During the 2004 cycle, a VDH Fish Consumption Restriction was issued from the fall line to Flowerdew Hundred and the segment was adjusted slightly to match the restriction. In addition, in the 2004 cycle, the Chickahominy River from Walkers Dam to Diascund Creek was assessed as not supporting of the Fish Consumption Use because the DEQ screening value for PCBs was exceeded in 3 species during sampling in 2001. The VDH restriction was extended on 12/13/2004 to stretch from the I-95 bridge downstream to the Hampton Roads Bridge Tunnel</u>
Ashton Creek	Aquatic life, SAV	Aquatic plants (Macrophytes)	Agriculture; loss of riparian habitat; atmospheric deposition (nitrogen); municipal and industrial point source discharges; industrial point source discharges; internal nutrient recycling; stormwater; CSOs; clean sediment resuspension and unknown sources	Chesapeake Bay TMDL 2010

Waterbody Name	Impairment Category	Cause of Impairment	Probable Source(s) of Impairment	EPA Approved TMDL Date (if applicable) or
Ashton Creek	Fish consumption	PCBs in Fish Tissue	Contaminated sediments, unknown sources	<u>During the 2004 cycle, a VDH Fish Consumption Restriction was issued from the fall line to Flowerdew Hundred and the segment was adjusted slightly to match the restriction. In addition, in the 2004 cycle, the Chickahominy River from Walkers Dam to Diascund Creek was assessed as not supporting of the Fish Consumption Use because the DEQ screening value for PCBs was exceeded in 3 species during sampling in 2001. The VDH restriction was extended on 12/13/2004 to stretch from the I-95 bridge downstream to the Hampton Roads Bridge Tunnel</u>
Blackwater River	Recreation	E. Coli, Total Fecal Coliform	Aging, leaking sewer lines, and runoff from commercial or industrial development in the vicinity	7/9/10
Blackwater Swamp	Recreation	E. Coli, Total Fecal Coliform	Aging, leaking sewer lines, and runoff from commercial or industrial development in the vicinity of the swamp	7/9/10
Cattail Run	Recreation	E. Coli	Agriculture, nonpoint sources	
James River and various tributaries	Fish consumption	PCBs in Fish Tissue	Contaminated sediments, unknown sources	<u>During the 2004 cycle, a VDH Fish Consumption Restriction was issued from the fall line to Flowerdew Hundred and the segment was adjusted slightly to match the restriction. In addition, in the 2004 cycle, the Chickahominy River from Walkers Dam to Diascund Creek was assessed as not supporting of the Fish Consumption Use because the DEQ screening value for PCBs was exceeded in 3 species during sampling in 2001. The VDH restriction was extended on 12/13/2004 to stretch from the I-95 bridge downstream to the Hampton Roads Bridge Tunnel</u>

Catalog of Existing and Potential Pollution Sources

Voluntary Remediation Program Successes

This Chapter has generally enumerated some of the harmful impacts that development in sensitive areas can have on the local region, but it is equally important to recount some of the specific instances of environmental damage in the Petersburg area, as well as the successful efforts the City, Commonwealth, and private sector have had in cleaning up these environmentally compromised properties. The Voluntary Remediation Program (VRP) encourages hazardous substance cleanups that might not otherwise take place. The VRP represents a way for site owners or operators to voluntarily address contamination sites with support from DEQ. The main objectives of the program are site redevelopment and enhanced environmental outcomes. The program is not intended to serve as an alternative to or refuge from applicable laws, just a means for site owners and operators to measure and redress damage that had taken place at the site in the past.

When remediation is properly completed, DEQ issues a Satisfactory Completion of Remediation certificate. This certification provides assurance that the remediated site will not become subject to DEQ enforcement action at a later time, provided new issues are not discovered. The program eases the sale and reuse of industrial and commercial properties across Virginia, and participation in the program decreases potential environmental liabilities of reusing or further developing extant commercial properties and reduces the need for expanding commercial sites onto lands as yet undeveloped. There are three VRP sites in Petersburg – the Titmus Optics building on Commerce Street and the Brenco Puddledock Road site both received certificates of completion, while the Columbia Gas site on North Madison Street is enrolled in the program.





Figures 7-13 & 7-14: The VRP site on Commerce Street, formerly the Titmus Optics factory. Half the site was converted into loft apartments in 2009 (right), and half remains vacant (left), though an attempt was made in 2015 to acquire the property, also to convert it into residential space

Edward Titmus, a Petersburg native, founded the Titmus Optical Company in 1908. At first a glasses and jewelry store with a small area for manufacturing lenses in the back, Mr. Titmus expanded in 1919 to the Commerce Street site and by 1927 had established a factory and gone into full-time manufacturing of eyewear products. Before World War I the international lens industry had been largely dominated by German manufacturers, but as war closed the traditional avenues of trade, the way stood open for individuals like Mr. Titmus and his employees to satisfy America's demand for glasses and lenses. By 1960, Mr. Titmus' factory employed 1,200 people and was one of the largest independent lens companies in the US, having expanded into frames, sunglasses, and vision testers. The good times would unfortunately not last. In 1974, control of the company fell out of the hands of the Titmus family, and into that of Carl Zeiss, the German optical firm, only later to be sold to French firm Bacou-Dalloz (now owned by Honeywell). With each new owner, the original

plant hemorrhaged workers, until finally in 1995 the City of Petersburg agreed to purchase the Commerce Street properties on the condition that Honeywell/Bacou-Dalloz would move to a new factory within Petersburg's City Limits. Though individuals in the Petersburg area continued to be employed in lens manufacturing, the former site of the largest American glasses factory south of New York was now abandoned.

Slow expansion of Titmus over decades had resulted in a sprawling complex comprised of 24 interconnected one, two and three story buildings, totaling approximately 208,000 square feet of floor space. Upon taking ownership in 1995, the City conducted an Environmental Site Assessment (ESA), which identified trichloroethene and its degradation products in the site's groundwater. A manmade chemical, trichloroethene is used as a solvent for various industrial and chemical uses. Once used as a sedative, it dulls neurochemical processes for eight hours upon inhalation (it evaporates into the air at room temperature) and studies strongly suggest that long-term contact could have serious negative health effects, especially for pregnant women. A year later, the Titmus building was classified as site #00148 in the Commonwealth's Voluntary Remediation Program. After some more investigation the DEQ determined that the contamination of the site's groundwater did not present a danger to the surrounding water system and issued the Titmus building its first certificate of completion for the VRP on September 4th, 1996, under the condition that the site's groundwater be strictly prohibited from

use as drinking water.

In 2009, developers began to explore the possibility of converting sections of the Titmus building into loft apartments. Residential use naturally carried a higher bar for investigation of potential environmental dangers, and so the developers hired a firm to conduct an even more thorough investigation than had occurred nearly fifteen years previously. This survey discovered arsenic, silver, chromium, lead, naphthalene, and the previously detected trichloroethene in the soil at levels that were potentially harmful to human habitation. In order to mitigate the risk posed by these materials, DEQ mandated the installation of vapor mitigation systems that would prevent the dangerous materials in the air from accumulating to levels that would be hazardous for the building's residents. These devices were installed in early 2010, and on August 2011 the site received its second VRP certificate. Though half the factory remains abandoned, the loft apartments (pictured in figure 7-14) remain occupied into the present day.



Figure 7-15: The Brenco site at 1964 Puddledock Road.

Amsted Rail Company's Brenco Division has been operating in the Petersburg area since 1949. A manufacturer of railroad components, Brenco's presence in the City reflects Petersburg's historic importance as a hub of Virginia's rail lines. While the company's main property is at 2580 Frontage Road, the company also possesses a property at 1964 Puddledock Road that served as a manufacturing facility and warehouse, ceasing active operations in 1970 (though continuing to operate as a warehouse until the late 2000s). In 1994 Brenco contracted a consulting firm to determine the extent of any of the environmental damage of the site, which proceeded to discover quantities of lead, cadmium, barium, chromium, and other potentially harmful materials in the copious amounts of waste material stored at the site, though only lead was discovered in quantities exceeding the EPA's toxicity thresholds.

Brenco mitigated the lead contamination by mixing 20% to 25% Cement Kiln Dust (CKD) as a stabilizing agent with the lead contaminant waste material. To avoid any contamination to the groundwater during this process, the Puddledock site was dewatered through a series of wells specially built for this purpose, allowing the excavation of the waste material to proceed with no danger of contamination of the surrounding area's water. The actual stabilization

process was accomplished by loading the waste material into a front-loading hopper with a screening plant. The hopper then proceeded to feed the waste material into a channel belt conveyor, which removed large fragments of contaminant before feeding CKD onto the conveyor to neutralize the rest of the hazardous material. Using this process, Brenco utilized 12,766 tons of CKD to stabilize 62,078 tons of contaminated material, which was then sent to a nearby landfill. After the completion of this endeavor, the site received its VRP certificate from DEQ. Although Brenco still owns the property, it is not currently in use.

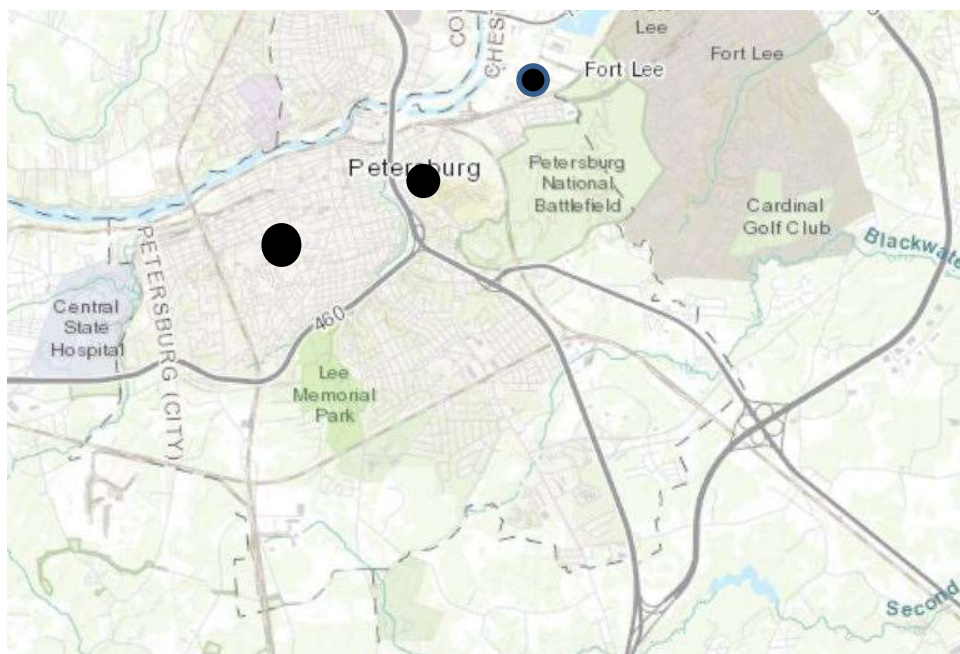


Figures 7-16 & 7-17: The Columbia Gas Company

Before natural gas became widely available through the interstate pipeline system, it was manufactured from coal and/or oil at a town gas plant in many communities. Petersburg's old gas plant fulfilled this role until approximately the mid-20th century, when new energy sources and improved natural gas infrastructure rendered the plant's business model obsolete. The old plant was later acquired by Columbia Gas. Columbia Gas has never operated the plant in its traditional capacity, but in 1993 they discovered that some residual contaminants of the old gas plant were affecting the environment. Further investigation revealed that the residuals from the former gas operations had affected soils and groundwater and there was seepage into adjacent Lieutenant Run.

Coal tar was the primary gas manufacturing byproduct of the old plant's industrial model.

When the plant was in production, the tar was sold for use in roofing and in road tar. Once the plant closed, some tar was left on the property in underground structures. Over time, residual elements of this tar had leaked out of their containment and migrated as far as Bank Street, where they threatened underground utility lines such as gas, water, sewer, and communications cables. To counter this, Columbia Gas has since removed or cleaned gas plant residuals from underground structures, halted the seepage into the creek by excavation of affected bank material and placement of loose stone, and placed clean soil over portions of its property. Although these steps greatly lessened the danger the former plant posed to the groundwater, to receive full VRP certification Columbia must address sources of gas plant residues deeper in the subsurface, including under Bank Street, as there is a concern that this could prove a danger to utility workers conducting repairs.



Map 7-14: A map taken from the City's GIS of sites that have received a certificate of completion from the Voluntary Remediation Program or which are currently enrolled

Brownfields

Each of the successful remediation projects above began as a "brownfield." A brownfield is defined as a site that has actual or perceived contamination and potential for redevelopment or reuse. In 2000, the EPA assessed City-owned brownfields on Commerce Street and High Street, eventually awarding the city a \$200,000 grant for revitalizing these areas. Since the initial announcement of this ~~study~~ in 2000, former industrial sites along Commerce Street (the Titmus building) and High Street (Seward Trunk Company) have been adaptively reused for loft apartments in concert with the revitalization of Downtown Petersburg. The Commerce Street Site's success story was told in the previous section as it was also a VRP, but even after a tragic fire devastated much of the High Street structure in 2018, the area was mostly rebuilt and remains a popular destination for young renters in the City. Redevelopment of brownfields such as these improves the economic viability of the downtown and improves the environmental quality of the currently impaired Appomattox River.



Figure 7-18: An unrepaired section of fire damage to the High Street Lofts site stemming from the 2018 fire that left dozens homeless

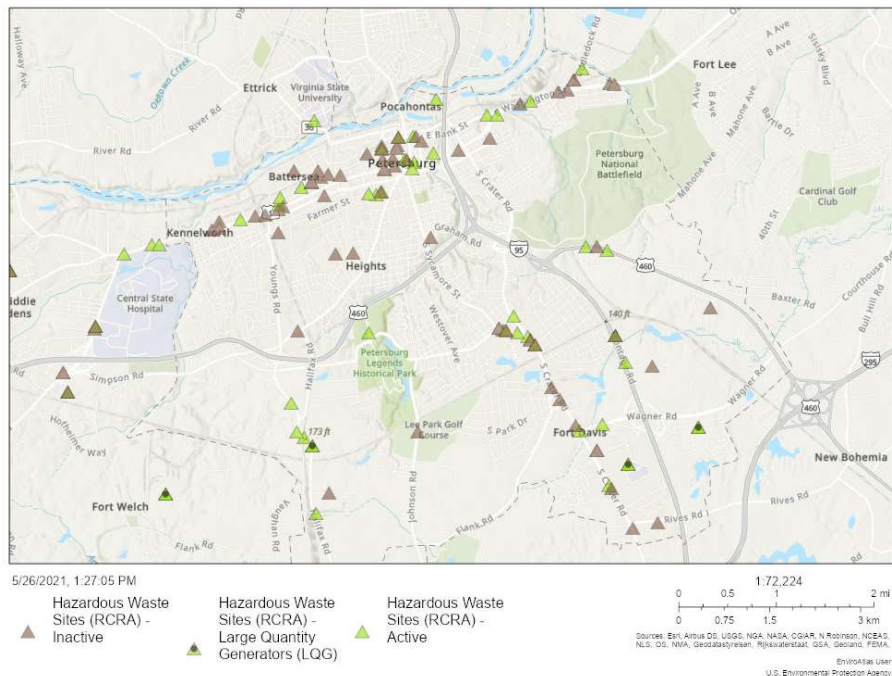
In 2010, the Petersburg area benefited from a \$300,000 Brownfield Job Training Grant to the Pathways-VA nonprofit, to assist the organization to train 64 students, place 45 graduates in environmental jobs, and track the graduates for one year. These students were recruited from unemployed and underemployed residents of the Petersburg area as well as veterans transitioning from the military stationed in Fort Lee Army Base. Working with partners such as the Crater Regional Workforce Investment Board, trade unions, and the City, Pathways-VA entered 85 participants in their program. Of these 85 individuals, 69 completed the training and 58 entered employment in fields such as hazardous material removal, occupational health, and protective services.

RCRA Sites & Superfund Sites

Federal law requires states to investigate and clean up hazardous chemicals that pose an unacceptable risk through the Resource Conservation and Recovery Act (RCRA), which typically targets industrial or hazardous waste facilities. Virginia's program is driven by aspirational goals announced in 2004 that were focused on meeting certain cleanup measures by the year 2020. These goals targeted achieving 95% completion of three important milestones:

- Human exposures under control
- Migration of contaminated groundwater under control
- Remedy construction

Current human exposures are under control at 100 percent of the 121 baseline facilities, which includes the 21 active RCRA sites in Petersburg. The U.S. Environmental Protection Agency has established a new 2030 Vision: Mission and Goals for the RCRA Corrective Action program. Corrective Action cleanups support healthy and sustainable communities, where people and the environment are protected from hazardous contamination. The inactive and active RCRA sites located in and around Petersburg are Map 7-15.



Map 7-15 - Hazardous Waste Sites in the Petersburg Area – The gray triangles represent inactive hazardous waste sites, the dark green triangles are Large Quantity Generators (LQG) of waste, generating over 2,200 pounds per calendar month. Light green triangles represent sites that generate less than 2,200 of hazardous waste per calendar month. According to the EPA, there is one LQG site within the Petersburg city limits, the Ampac Chemical site at 2820 Normandy Drive.

Superfund sites are federally designated areas of pollution that the EPA is empowered to clean up (or mandate that responsible parties do so) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. These contaminated areas are known as “Superfund” sites. There are 40,000 Superfund sites in the United States, but according to the EPA there are no Superfund sites in Petersburg.

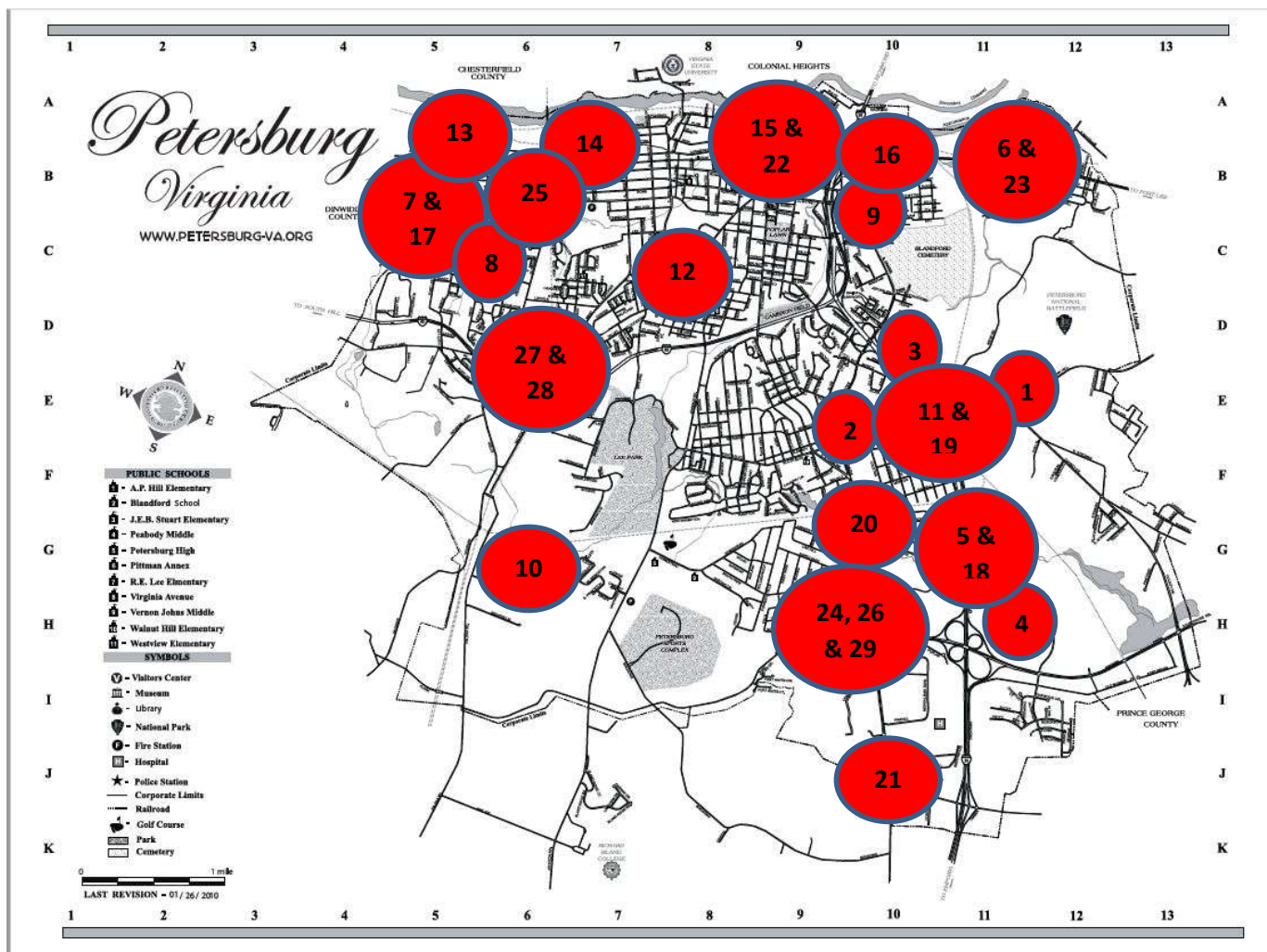
Potential Groundwater Contaminants – Storage Tanks and VPDES Sites

Above and underground storage tanks (USTs) can often contain substances that are hazardous to the local environment. Examples of the kind of chemicals sometimes found in storage tanks include petroleum, gasoline, diesel fuel, and acetone, and these are left unmonitored the chemicals stored inside the tanks can contaminate the groundwater.

If a storage tank is no longer being used, then the City and the tank’s owner takes the proper steps to fill it in with concrete or other substances which will nullify any chances of the tank leaking harmful substances into the surrounding area. This has happened numerous times in Petersburg’s history, and as of now there are 4 residential storage tanks and 29 commercial storage tanks within Petersburg’s city limits. The commercial storage tanks are detailed in table 7-2 below.

Table 7-2: Commercial Storage Tanks in the Petersburg Area

Number of Site	Name	Address	Business Type
1	460 Sunco	2127 County Dr.	Convenience Store
2	7 Eleven	225 S. Blvd.	Convenience Store
3	7 Eleven	701 S. Crater Rd.	Convenience Store
4	Ampac Fine Chemicals	2820 N. Normandy Dr.	Chemical Co.
5	Brenco	2580 Frontage Rd.	Plant
6	BP	1932 E. Washington St.	Convenience Store
7	City of Petersburg	309 Fairgrounds Rd	City Property
8	City of Petersburg	800 Arlington St.	City gas fill up
9	Exxon Food Mart	615 E Washington St.	Convenience Store
10	Infra-Metals Co.	1900 Bessemer Rd.	Plant
11	J&B Stores	2058 County Dr.	Convenience Store
12	Little Food Mart	908 Halifax St.	Convenience Store
13	LU & RO Atlantic Iron	30-B Mill Rd.	Salvage yard
14	Lucky's Convenience Store	1450 W. Wythe St.	Convenience Store
15	Market Place #1	110 W. Washington St.	Convenience Store
16	Market Place #2	1 S. Crater Rd.	Convenience Store
17	Midget Mart #12	1420 W. Washington St.	Convenience Store
18	Miller Mart	1200 Courthouse Rd.	Convenience Store
19	Mobile	2156 County Dr.	Convenience Store
20	Mobile Express II	2205 S. Crater Rd.	Convenience Store
21	New Dixie Mart #228	328 Rives Rd.	Convenience Store
22	Petersburg Deli	140 E. Washington St.	Convenience Store
23	Petersburg Food Mart	1500 E. Washington St.	Convenience Store
24	Petersburg Market Place	2706 S. Crater Rd.	Convenience Store
25	Russell Fence Co.	1639 W. Washington St.	Fence inst.
26	Sheetz	151 Wagner Rd.	Convenience Store
27	Town & Country #3 LLC	1908 Boydton Plank Rd.	Convenience Store
28	Velero	1740 Boydton Plank Rd.	Convenience Store
29	WaWa	3199 S. Crater Rd.	Convenience Store



Map 7-16: Displaying the city's commercial underground storage tanks –Numbers correspond to Table 7-2. Tanks that are too close together to show individually are represented by one dot with multiple numbers

The City's ordinance does not allow the storage of materials except those necessary for building maintenance in flood zones, preventing a potential source of pollution from stormwater runoff. The City is highly proactive in removing storage tanks upon request or when they present a potential liability, removing or filling in with concrete and/or foam 34 storage tanks over the last three decades.

The Clean Water Act of 1972 established the National Pollutant Discharge Elimination System, a program intended to limit the quantity of pollutants infiltrating the water supply of streams, rivers and bays all across the country. DEQ implements and administers this program as the Virginia Pollutant Discharge Elimination System (VPDES). The agency monitors all point source discharges to surface waters, dischargers of stormwater from Municipal Separate Storm Sewer Systems (MS4s), as well as dischargers of stormwater from industrial activities. These sites are shown on Map 7-17 on the page below.

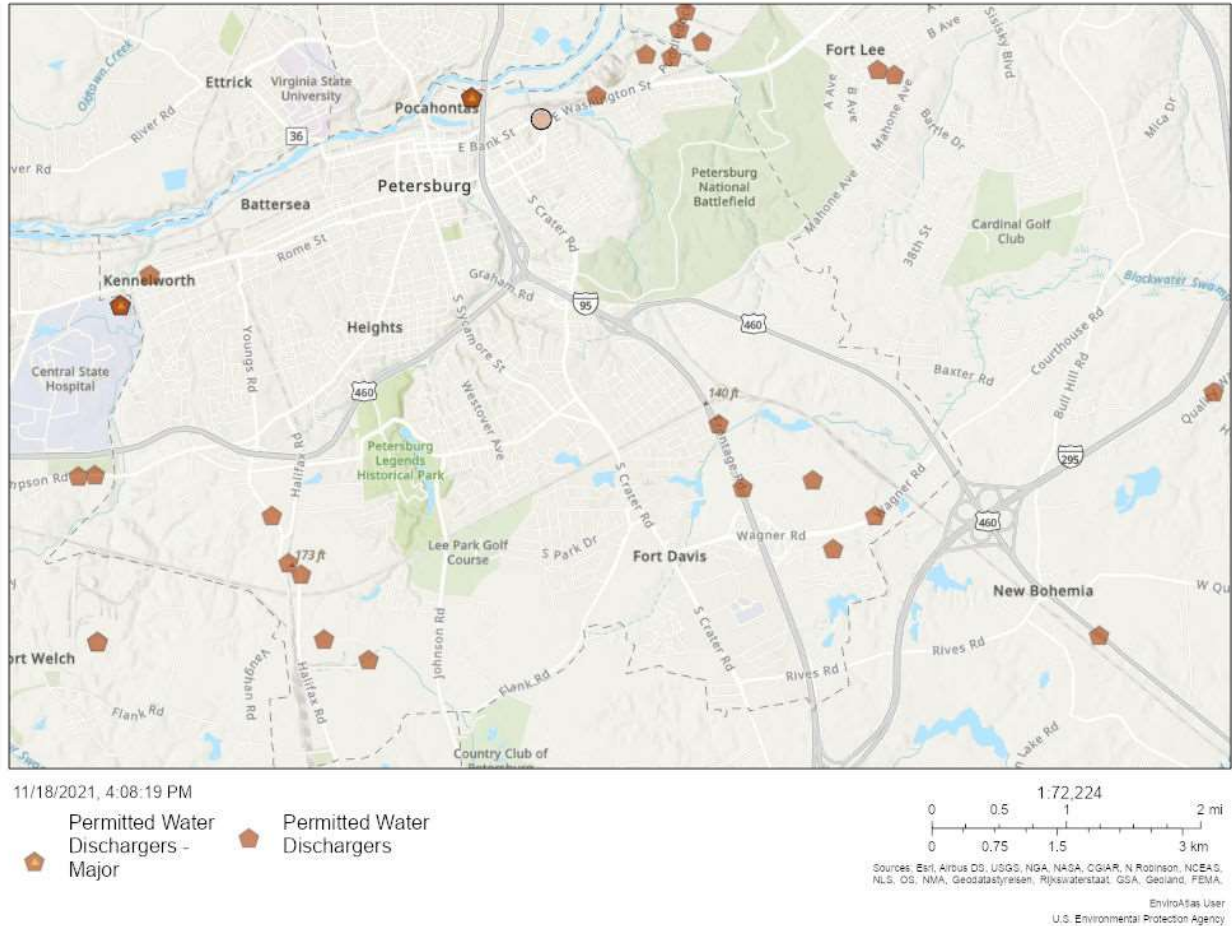
Point sources are generally given a classification based on the type of discharge and volume of their output:

- Major: Sewage with a design volume equal to or greater than 1.0 million gallons per day and

industrial discharges requiring EPA review

- Minor: Commercial, small industrial and sewage of less than 1.0 million gallons per day
- General: Typically, small volumes of low-potency pollutant

VPDES Sites



Map 7-17: VDPES sites in and around Petersburg. There are 15 minor dischargers and one major – the South Central Wastewater Authority Complex.

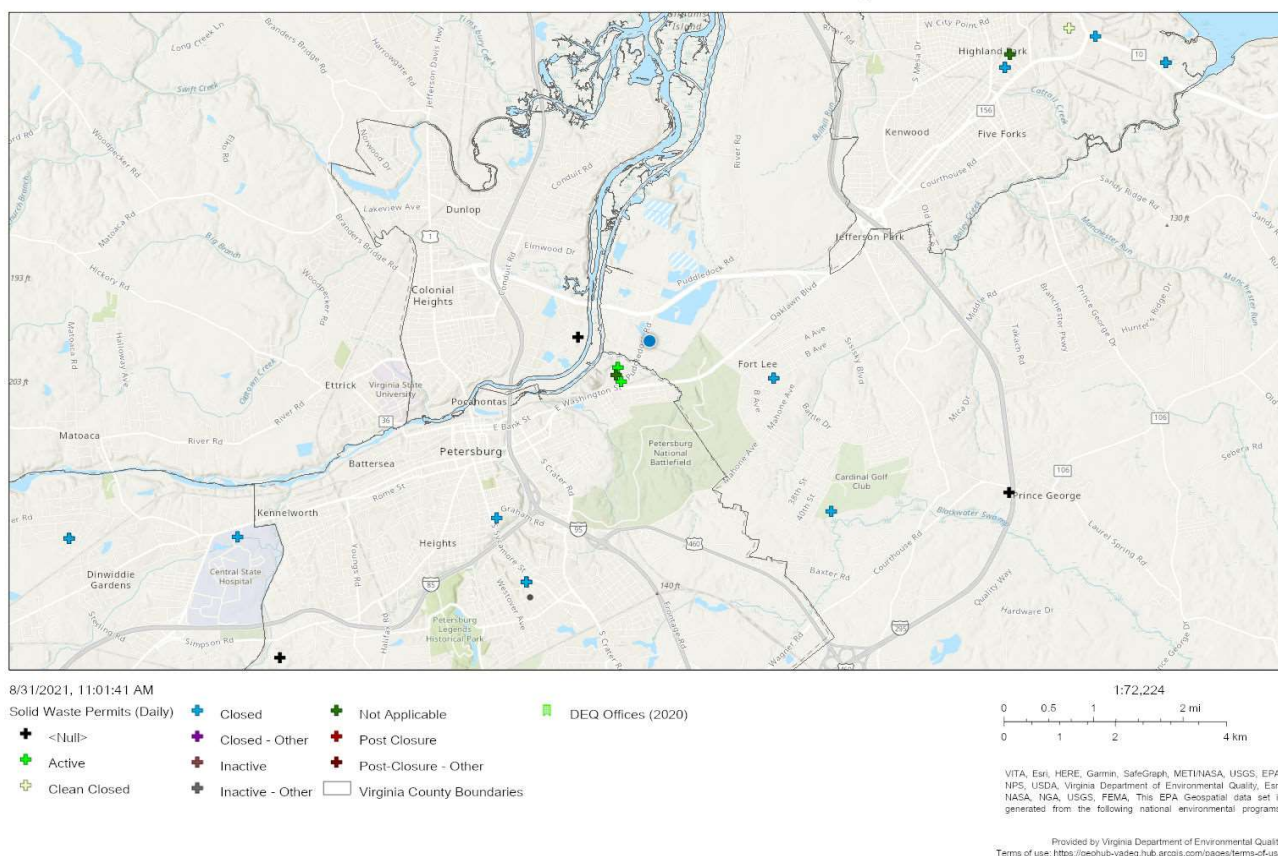
To better regulate potential point source pollution, DEQ issues individual permits to municipal and industrial facilities alike. These can be industrial sites, large gas stations, hospitals, water treatment facilities, large schools, or any number of other facilities that pose a documented or potential danger to the local environment. There is one VPDES site within Petersburg's city limits: the SCWWA facility. In May 2017, Department of Conservation & Recreation's Division of Natural Heritage recommended the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations in order to minimize adverse impacts to the aquatic ecosystem. However, the SCWWA facility currently holds a "No Exposure Certification" for exclusion from Virginia Pollutant Discharge Elimination System (VPDES) permitting (effective through 6/29/2022). Therefore, the City anticipates that storm water runoff from this facility will not have an impact on in-stream water quality. In June 2017, the Virginia Department of Game & Inland Fisheries (DGIF) indicated that provided the applicant adheres to the permit conditions and the following recommendations, DGIF does not anticipate the reissuance of this permit to result in adverse impact to these designated threatened and

endangered species waters or their associated species.

Solid Waste Permits in Petersburg

Solid waste permits are required for the construction, operation, and modification of solid waste disposal sites, otherwise known as landfills. These permits are mandatory for sanitation, construction/demolition/debris, and industrial landfills, as well as for coal combustion residual landfills and surface impoundments. One facility in Petersburg currently has an active solid waste permit, the Curtis Bay Medical Waste Services building on Puddledock Road. The Tri-City landfill and material recovery facility on Industrial Drive used to possess a solid waste permit, but this was revoked by DEQ in 2019.

Solid Waste Permits in Petersburg



Map 7-18: Map of Solid Waste Permits in the Petersburg area. Includes former permit-holders such as the former site of the Southside Regional Medical Center as well as the Tri-Cities landfill. There is also a Resources Recovery Site located at 2851 Frontage Road for which construction was approved by the City Council in February 2020 but this site is not displayed on DEQ's map.

Harbor Initiative

The City has long pursued the re-creation of a navigable harbor on the Appomattox. The process of dredging the river has uncovered hazardous materials that have halted the finished product of a harbor for many years. Currently, the Army Corps of Engineers is testing the viability

of taking hazardous materials (primarily creosote) found in the riverbed, and the City has made a \$750,000 Community Project Fund request to the Federal Government for assistance in this project.

Figure 7-19: The city harbor in the 19th Century



Figure 7-20: The proposed dredging zone of



the Appomattox River

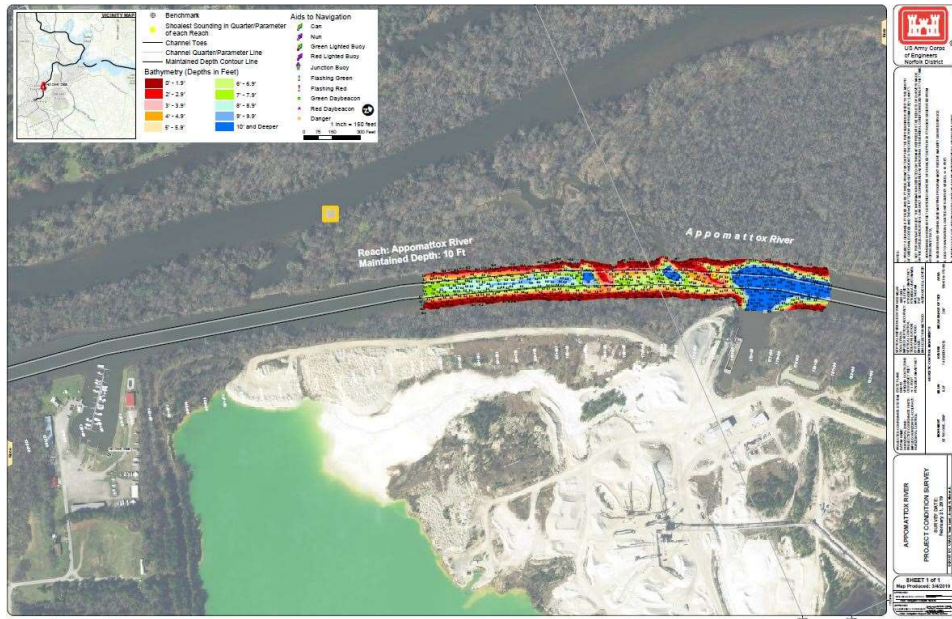


Figures 7-21 and 7-22: A view of the areas to be dredged

The discovery in 1991 of contaminated materials during Appomattox River dredging had created an environmental obstacle to the re-creation of the Petersburg Harbor and the process has been slow. The City of Petersburg and the Army Corps of Engineers are jointly reviewing possible sites for the dredged material. There are numerous challenges associated with placement of the material – it must be close enough to the site for easy pumping or truck hauling, it cannot have an impact on water treatment or sediment dewatering, and systems for air and water quality monitoring must be available. The city had found a suitable site for disposal of the dredged material but unfortunately the site's operators have run into issues with the permitting process which makes the site unsuitable until this is resolved.

It is estimated that an average 200,000 cubic yards of material stand to be recovered once

dredging begins. The federal government has been consistently supportive, and the City can be reasonably confident that the dredging will occur in the not-too-distant future once a suitable site for disposal has been located and secured.



Map 7-19: A 2019 survey by the Army Corps of Engineers on the section of the river being dredged

Public and Private Access to Waterfront

Currently 46% of Petersburg's population enjoys public waterfront access. The Appomattox is a designated Scenic River, and the City's public access points can be found on Table 7-3 below.



Figures 7-23, 7-24, and 7-25: Public Water Access Points in Petersburg, from left to right: Wilcox Lake, Patton Park, the bridge on the soon to be expanded Friends of the Lower Appomattox site

Table 7-3: Public and Private Waterfront Access Points in Petersburg

Site	Structure	Location	Owner	Open/Accessible to Public?
1	Bridge going over river in two locations, paved ramp to river	Appomattox River, Near McKenzie Street Park	Friends of the Lower Appomattox	Yes
2	Campground, Multiple paved ramps to river	Appomattox River, Patton Park	City of Petersburg	Yes
3	Dirt bank alongside trail	FOLAR Trail, west of Patton Park	City of Petersburg	Yes
4	Gantry overhanging the river	Appomattox River, Harvell Dam	Harvell Dam Associates	No
5	Paved ramp to river near large stone block	Appomattox River, east of Harvell Dam near intersection of Pike & N Market St	Railroad right-of-way area	No

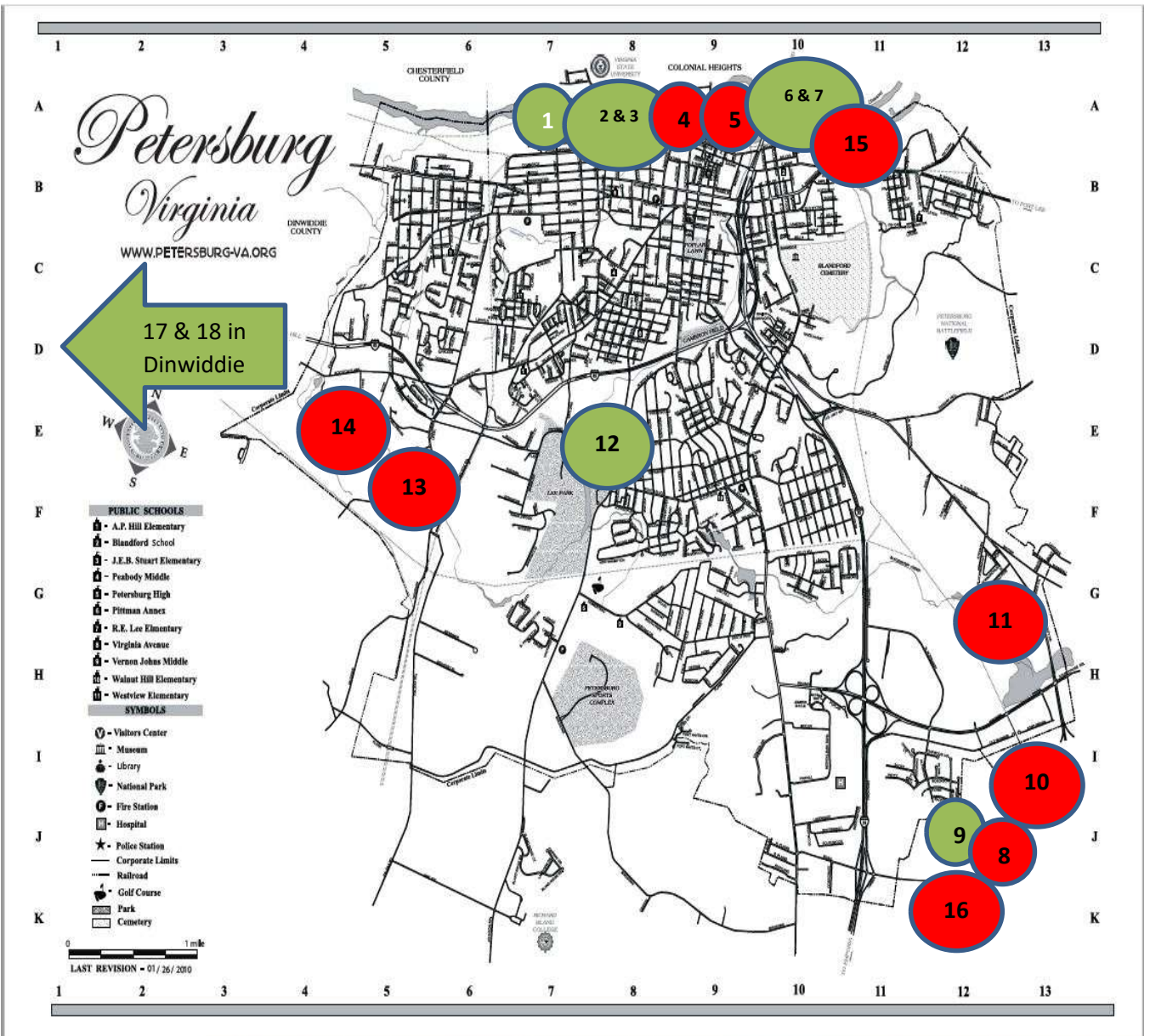
6	Paved ramp to river near several painted stone structures	Appomattox River, Matoax Park on Pocahontas Island	City of Petersburg	Yes
7	Sand shore going to river	Underneath I-95 Bridge	City of Petersburg	Yes
8	Boathouse on lake in a state of disrepair	Near Berkeley Manor Park	Berkeley Estate Holding Company LLC	No
9	Square Concrete Dock on Lake	Berkeley Manor Park	City of Petersburg	Yes
10	Dock on a Lake	Private Home	Private Individual	No
11	Dock on a Lake	Brenco Compound	Brenco Incorporated	No
12	Dock, Ramp going into water	Wilcox Lake	City of Petersburg	Yes
13	Boat House on Lake	Private Home	Private Individual	No
14	Dock on a Lake	Private Home	Private Individual	No
15	Paved Ramp to River	Appomattox River, SCWWA Plant	South Central Wastewater Authority	No
16	Dock on a Lake	Private Home	Private Individual	No
17	Dock on a Lake	Appomattox Riverside Park (Dinwiddie)	City of Petersburg	Yes
18	Dirt Ramp to Water	Appomattox Riverside Park (Dinwiddie)	City of Petersburg	Yes

In conjunction with the Friends of the Lower Appomattox River (FOLAR), Petersburg recently received a funding award from the Virginia Department of Transportation's Smart Scale program to support construction of a 2-mile section of the Appomattox River Trail. This \$6.5 million award will finance a section that will go from Squaw Alley at Patton Park Entrance along Grove Avenue through historic Old Towne Petersburg, before continuing to I-95 along a bridge for bicycles and pedestrians. This trail is on the waterfront, near the old Harvell Dam, and upon its completion will include an overlook of the river below. Though future FOLAR sites will allow for fishing, the Overlook site that opened on November 12,

2021

does

not.



Map 7-20 – Public and Private waterfront access points in Petersburg. Green dots are public access points and red dots are private access points



Map 7-21 - Water access points along the Appomattox River in the Petersburg area

Though concrete plans for development of further waterfront access points are limited to the aforementioned FOLAR site, some projects might lead to further development in that regard in the future. The Pocahontas Island Neighborhood Plan completed recently showed several ideas for reuse of the old Roper Brothers site to stimulate development on the Island. The plan further explores infill single family development as well as expanding an existing trail through the neighborhood to continue to tell the story of the City of Petersburg. Interpretive signage will tell the story of the Free Black Community that existed amidst the racial turmoil going on in the nation and other parts of the City of Petersburg. The completion of the Appomattox River dredging project could greatly aid this development goal. Any subsequent development of public waterfront access points will follow guidelines offered by the Virginia Marine Resources Commission. The FOLAR trail adds a new public waterfront access points, and future sites may have more, but there are no plans to add waterfront access points to Pocahontas Island at the present time.

Character and Location of Recreational Fisheries

There are no commercial fisheries in Petersburg. Recreational fishing is allowed at Appomattox River Park, Patton Park, Pocahontas Island, and at Lake Wilcox in compliance with state law, though to fish at Lake Wilcox the individual must have a permit and do so from within a boat. The present FOLAR trail does not allow fishing, but future sites will.

Chesapeake Bay Preservation Program

In the 1970s the Chesapeake Bay reached a critical state of pollution, caused largely by runoff from industrialized areas that lie in its watershed. Much has been done throughout the Commonwealth to correct this trend, the most significant of which was the 1988 passage of the Chesapeake Bay Preservation Act, intended to minimize the negative

impact local communities have on the Bay's water quality. The Bay Act is based upon the premise that certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints attributable to flooding, erosion, and soil limitations. With proper management, these lands offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. Lands of particular sensitivity include, but are not limited to, floodplains, steep slopes, highly erodible soils, highly permeable soils, and hydric soils. These lands together need to be protected from destruction and damage to protect the quality of water in the bay and consequently the quality of life in the city and in the Commonwealth.



Figure 7-26: A view of the beautiful Appomattox River

The DEQ Local Government Assistance Program oversees the implementation of the Bay Act by localities required to identify environmentally sensitive features for protection and to incorporate performance criteria for development within those areas into local plans and ordinances. Petersburg is among the localities which drains to the Chesapeake Bay and has adopted a local Chesapeake Bay Preservation program which requires City staff to review land development proposals within designated Chesapeake Bay Preservation Areas (CBPAs) for compliance with local ordinances to ensure that "land disturbance is minimized, indigenous vegetation is preserved and impervious cover is minimized," among other performance criteria.

The City's designated CBPAs include Resource Protection Areas (RPAs) and Resource Management Areas (RMAs). The RPA is the component of a Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state or local waters. RPAs include tidal wetlands, tidal shores, nontidal wetlands (connected by surface flow and contiguous to tidal wetlands or to perennial streams) and a 100-foot-wide buffer adjacent to and landward of other RPA components. Within RPAs development is limited and requires local government review and approval.

The RMA is that component of the Chesapeake Bay Preservation Area that is not classified as

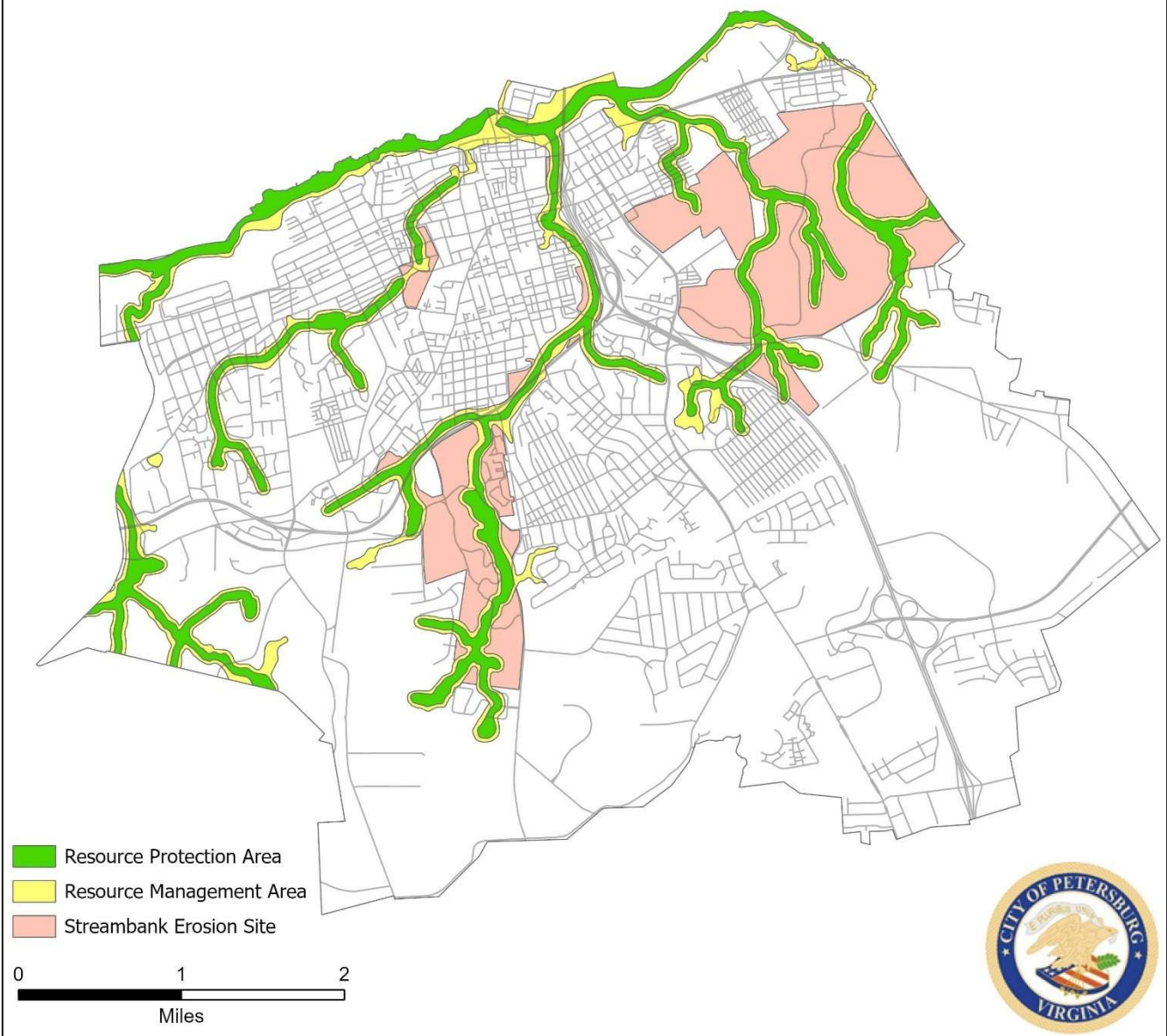
the Resource Protection Area. The City's Ordinance designates RMAs as areas lying 100 feet landward of and contiguous to the RPA and, in addition, any area consisting of the 100-year floodplain (areas with a 1% chance of flooding per year) and hydric soils adjacent to water bodies with perennial flow. City law dictates that if the boundaries of an RPA or RMA include a portion of a lot or parcel, the entire lot or parcel is designated as either RPA or RMA. Within the RMA, any use or activity permitted by zoning is allowed with local government review and approval.

The Petersburg City Chesapeake Bay Preservation Ordinance limits development in the RPA to water-dependent uses, redevelopment, new principal structures and necessary utilities on parcels recorded prior to October 1, 1989 that have suffered a loss of buildable area, private roads and driveways, or regional flood control or stormwater management facilities. Also permitted are certain exemptions, buffer encroachments or buffer modifications. Each of these uses, activities, or facilities can be approved under certain conditions through an administrative process overseen by the Director of Planning and the Director of Public Works. Other activities or structures proposed within the RPA require approval of an exception following a public hearing by the City Board of Zoning Appeals. Any land disturbance in the RPA requires approval of a site-specific determination of the CBPA boundaries at the time of development, a water quality impact assessment, and mitigation for the encroachment of the 100-foot buffer area elsewhere on the parcel.

Development within CBPAs, inclusive of the RMA and the RPA, is required to minimize land disturbance and impervious surfaces to that which is necessary for the proposed use or development, and to preserve indigenous vegetation to the extent practicable. In addition, compliance with the City's erosion and sediment control and stormwater management ordinances, and review through the plan of development review process is required for land disturbance exceeding 2,500 square feet. The plan of development review process requires approval of a site plan in accordance with the provisions of the zoning ordinance or a subdivision plat in accordance with the subdivision ordinance prior to any clearing or grading of the site or the issuance of a building permit in order to ensure compliance with all applicable requirements of the City's Chesapeake Bay Preservation ordinance. In addition to a site plan or subdivision plat the following items will be required:

- Environmental site assessment, inclusive of a site-specific CBPA determination
- Landscaping plan
- Stormwater management plan
- Erosion and sediment control plan
- Water quality impact assessment, inclusive of vegetative mitigation for the area of land disturbance within the RPA

Chesapeake Bay Preservation Area



Map 7-21 – City of Petersburg Designated Chesapeake Bay Preservation Areas

Existing Land Use

Existing land use in Petersburg has a large impact on the location and type of future development, since established land use patterns are not easily changed. Understanding existing land use patterns is therefore essential to planning for desired future growth. The existing land use map, Map X-X, indicates the present use of all property was compiled from field surveys in May 2008. Graph 15.1 shows the percentage and acreage for each land use which totals 22.9 square miles.

As is visually apparent, from the existing land use map, Figure 9-1 page 132, the City of Petersburg has a considerable amount of land devoted to residential use including single-family, multi-family, and mobile homes. Residential uses make up about 30% of all land uses in the City. Commercial uses only make up about 15% of the acreage used in the City of Petersburg and are primarily concentrated in downtown/Old Towne Petersburg, along Crater Road, and along Route 36/Washington Street. The acreage devoted to Industrial land uses have changed over the years as the old warehouses have been converted to residential uses or rezoned for other commercial uses. Approximately 5%, Industrial uses are scattered throughout the older portions of the city and the outskirts of the City. The remaining acreage is devoted to Community Facilities to include churches, cemeteries, and parks. Vacant land throughout the City has increased in recent years as we have demolished homes as a part of the blight removal policies. The remaining land uses comprise of 4.5 square miles of dedicated roads, rail, and transportation right of way.

EXISTING LAND USE COMPREHENSIVE PLAN City of Petersburg, Virginia

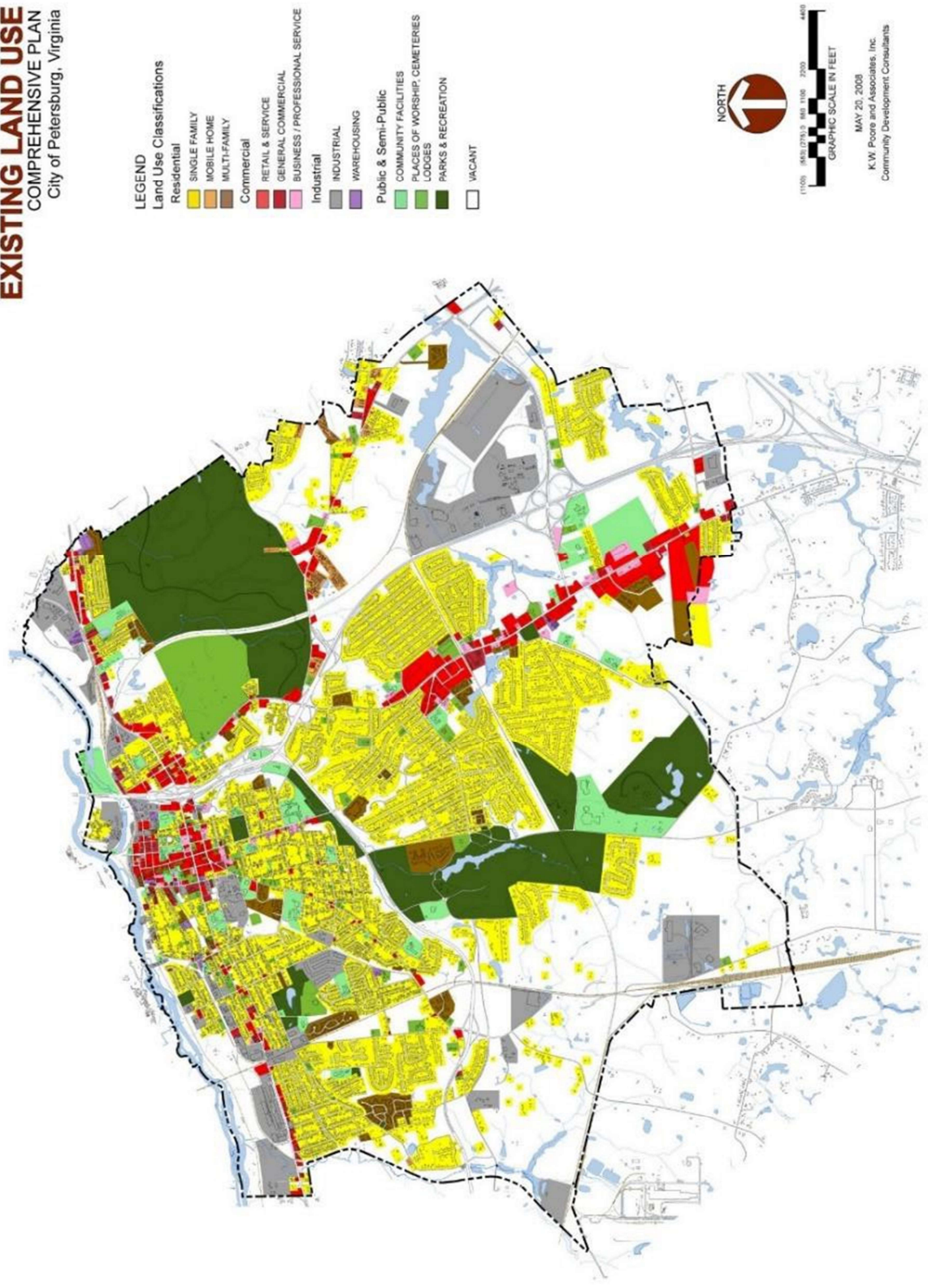


Figure 9-1: Existing Land Use map in Petersburg

The major categories of land use are as follows:

Low Density: Conventional single- family homes, row houses, single building duplexes (two-family) which are generally located on individual lots.

Medium to High Density: Apartment complexes and condominium style living. Generally, includes anytype of clustered housing as part of a larger complex.

Mobile Homes: Includes individual manufactured and mobile homes and mobile home/trailer parks.

Retail & Service: Includes all types of retail outlets such as shops, convenience stores, clothing shops, and restaurants.

General Commercial can include auto repair shops, bulk storage, gas stations. Service also includes personal service (beauty and barber shops, nails salons, fitness, and dance studios. Service may also include appliance servicing but not manufacturing.

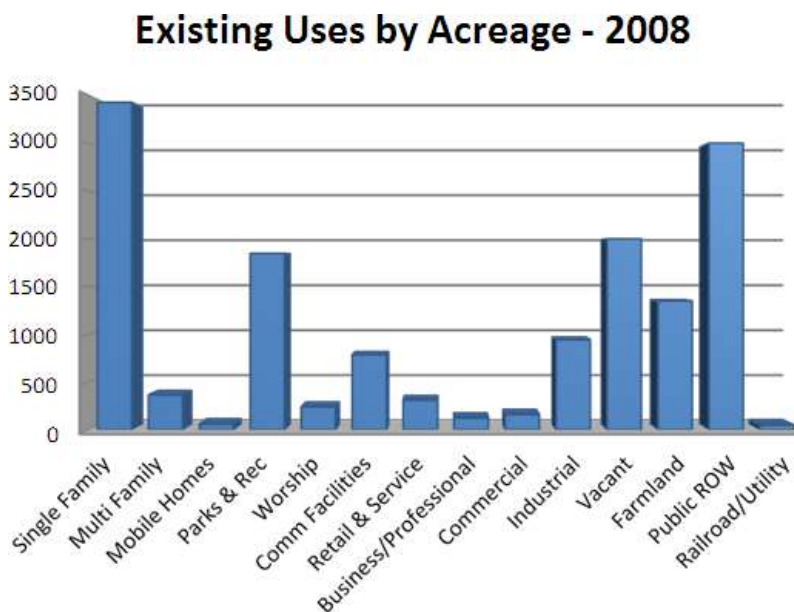


Figure 9-1: Existing Uses of land in Petersburg in 2008

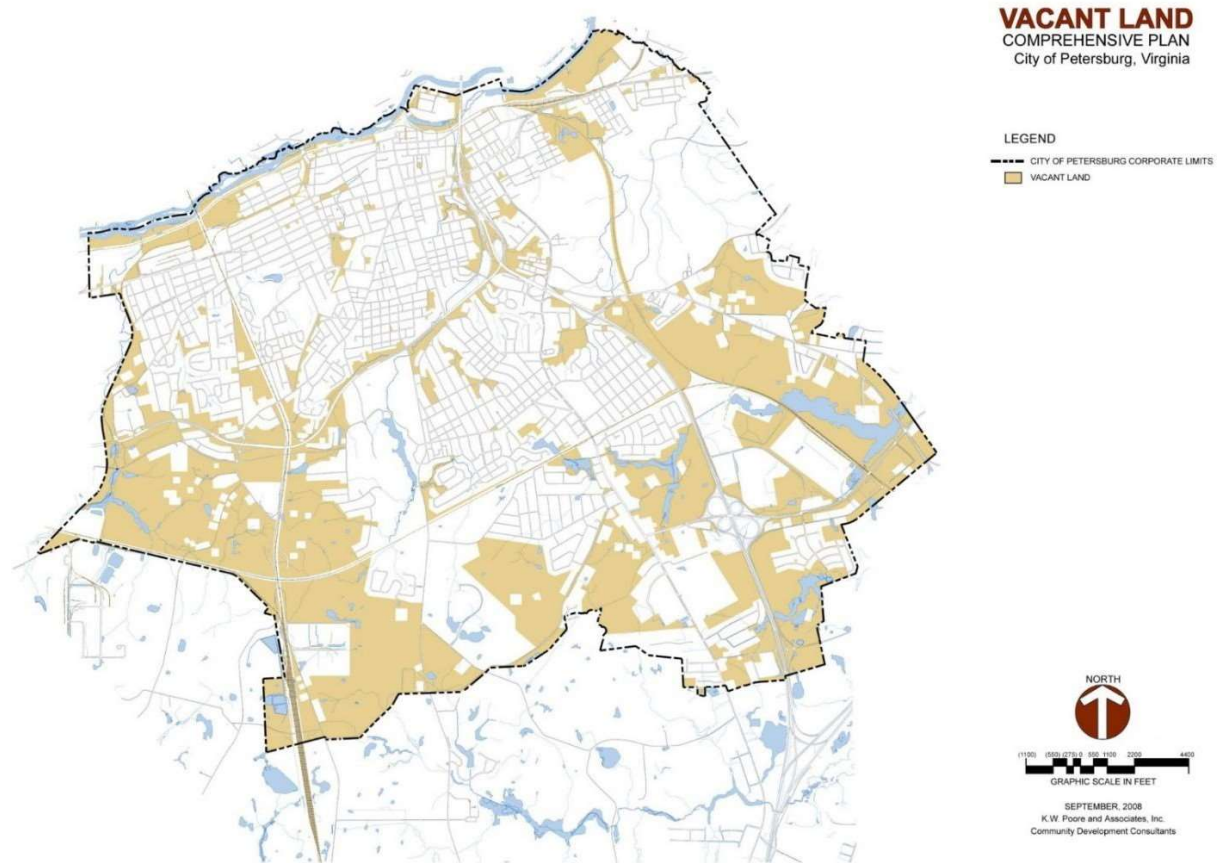
Business/Professional Services: Includes general offices, dentists, doctors, law firms, insurance agencies and other such professional services and offices.

Industrial: Includes both low-intensity industrial uses such as light manufacturing or processing of goods. Also includes heavy manufacturing of goods including processing packaging, treatment of products and materials.

Community Facilities: This includes all municipal buildings, land and stations, water storage, and schools. Places of Worship (churches, synagogues, temples, storefront, cathedrals, halls), Cemeteries, community centers (not for profit) and lodges.

Parks & Recreation: Includes public parks, small neighborhood parks, recreational facilities, sports complexes, sports fields, and other recreational areas.

Vacant: All undeveloped land including vacant lots, open space, and forest lands.



Map 9-1: Vacant Land in Petersburg



Figure 9-1: A pastoral field on the beautiful outskirts of Petersburg

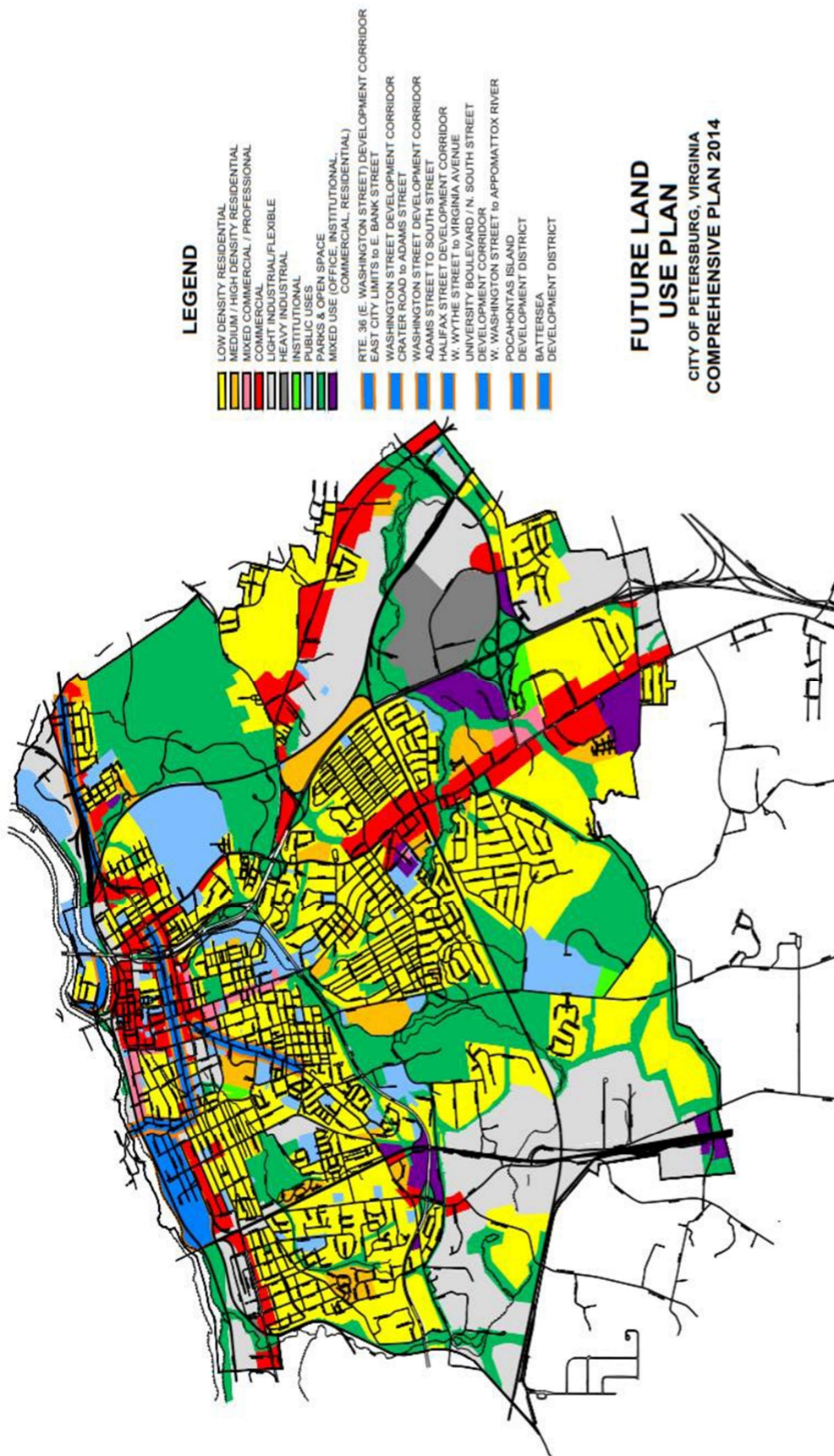
Historic Development Trends

Although land use today is determined by planning and zoning, Petersburg's early growth followed the various transportation corridors which cross it. This is evident in the street patterns and land uses shown on the existing land use map. Transportation and land use have been linked since the City's beginnings as Fort Henry in 1646. Situated at the falls of the Appomattox River, Petersburg's early growth depended on the river front for trade in tobacco and other goods. Industrial development along the river and the clustered mixture of uses on the street grid of Old Towne reflect the days before the automobile. The 19th century rail began to affect Petersburg's growth and shook the foundation of its center for industry and trade. The land dedicated to industrial use today is still found along the numerous railways which cross Petersburg. The railroad corridors along the river front continued to supply the industries located along the river and strengthened Petersburg's economic importance as a center for manufacturing. Rail continues to be an important part of the existing land use pattern. Industrial areas line the CSX and Norfolk Southern lines shipping coal, mixed freight, and even automobiles.

The rise of the automobile began to change the pattern of land use nationwide by the mid-20th Century. Neighborhoods north of interstates 85 and 95 as seen on the Existing Land Use map, reflect the evolving patterns of land use as residential, commercial and industrial uses were increasingly kept separate. Zoning and increased automobile traffic became a part of everyday life. The pattern of land use south of interstate 85 is classic suburban growth which flowed from the construction of interstates across the nation. While older residential neighborhoods in Petersburg show occasional neighborhood commercial uses, the explosion of growth in the 60's, 70's and 80's south of Interstate 85 shows almost a complete separation of land uses. Commercial growth occurred primarily along South Crater Road, with large amounts of land dedicated to parking lots and widened roads in stark contrast to the narrow streets of Old Town.

Future Land Use Plan

The future land use plan is more than a map – it should include a narrative that discusses how much change is anticipated (or desired) from existing to future land use during the Plan’s lifetime. What will Petersburg look like in the future, how or will it change from how it has developed in the future? Petersburg has quite a bit of vacant land available...what are the City’s policies for that land? How do physical constraints to development factor into the future land use plan, particularly as it relates to infill parcels and current open or greenspace (undeveloped lands)? Has the City identified Enterprise Zones or other areas for redevelopment through which water quality improvement can be addressed via compliance with current environmental regulations and city policy (Bay Act compliance, E&S, SWM, better site design, LID, etc.). How will compliance with the previously mentioned requirements and development practices impact or influence (in a positive way) new development in Petersburg? This might also be the place to state that the City does not have any commercial fishing or other aquatic resources, other than recreational fishing and boating opportunities. Make sure you review the requirements of 9 VAC 25-830-170 to see if there are policy statements, implementation measures and timelines that are appropriate for addition to this section (if they haven’t already been addressed somewhere).



Map 10-1 Future Land Use in Petersburg



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager
Tangela Innis, Deputy City Manager

FROM: Reginald Tabor

RE: **A Public Hearing and consideration of an ordinance approving a petition to rezone property addressed as 3605 Halifax Road, Parcel: 096010003, 3625 Halifax Road, Parcel: 096010004, and 3607 Halifax Road, Parcel: 107020017, from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District.**

PURPOSE: To hold a Public Hearing and consider an ordinance approving a petition to rezone property from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District.

REASON: To comply with laws and procedures regarding rezoning.

RECOMMENDATION: It is recommended that the City Council holds a Public Hearing and approves an ordinance to rezone property addressed as 3605, 3625 and 3607 Halifax Road from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District.

BACKGROUND: The City of Petersburg received a petition from Timothy and Jane Banks, owners/lessee, or agent to rezone property from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District to be permitted to construct and operate a crematorium at property addressed as 3605, 3625 and 3607 Halifax Road, Petersburg, VA. The property is further identified as Tax Parcel ID's: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres.

The subject property is currently vacant, and with the exception of the parcel that includes the Full Gospel Holy Temple, Inc. all adjacent properties are also vacant. The subject property is located south of the Petersburg Interstate Industrial Park and immediately adjacent to Industrial Galvanizers, a metal finisher, Boar's Head Provisions, Inc., which are zoned M-2, Heavy Industrial District. The parcels to the east, including the parcel that includes the Full Gospel Holy Temple, Inc, are zoned R-1, Single-Family Residential District. The Comprehensive Plan designates the property as Light Industrial use. The proposed use, Crematorium, is identified in the Zoning Ordinance as an Objectionable Use, that is permitted within the M-2, Heavy Industrial District with a Special Use Permit.

Pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held by the Planning Commission and subsequently by the City Council prior to consideration of the rezoning

proposal and the public hearings were advertised, in accordance with applicable laws.

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

COST TO CITY: N/A

BUDGETED ITEM: N/A

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

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor, Public Works, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: The City's Zoning Ordinance.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. ORDINANCE_Rezoning3605HalifaxRoad
2. 0120_2022PCStaffReportCrematorium

AN ORDINANCE APPROVING THE REZONING OF THE PROPERTIES LOCATED AT 3605, 3607 AND 3625 HALIFAX ROAD FROM R-1, SINGLE FAMILY RESIDENCE DISTRICT, AND A- AGRICULTURAL DISTRICT TO M-2, HEAVY INDUSTRIAL DISTRICT TO PERMIT A CREMATORIUM WITH A SPECIAL USE PERMIT.

WHEREAS, the City of Petersburg received a request from Timothy and Jane Banks, to rezone property located at 3605, 3607 AND 3625 Halifax Road from R-1, Single Family Residence District, and A- Agricultural District to M-2, Heavy Industrial District; and

WHEREAS, the proposed rezoning will allow the applicant to construct a Crematorium use with a Special Use Permit; and

WHEREAS, the subject property is 27 acres; and

WHEREAS, the subject property is currently vacant; and

WHEREAS, the subject property is located near the Petersburg Interstate Industrial Park and immediately adjacent to Industrial Galvanizers, a metal finisher, Boar's Head Provisions, Inc., and Full Gospel Holy Temple, Inc; and

WHEREAS, the Comprehensive Plan designates the property as Light Industrial use; and

WHEREAS, the proposed use, Crematorium is identified in the Zoning Ordinance as an Objectionable Use, that is permitted within the M-2, Heavy Industrial District with a Special Use Permit; and

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

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg approves the rezoning of the property located at 3605, 3607 and 3625 Halifax Road from R-1, Single Family Residence District, and A- Agricultural District to M-2, Heavy Industrial District.



City of Petersburg

Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803
FAX 863-2772 TDD 733-8003

Memorandum

To: Chairwoman Tammy L. Alexander, and Members of the Planning Commission

From: Reginald Tabor, Director of Planning & Community Development
Sandra A. Robinson, Zoning Administrator

Date: December 29, 2021

Subject: REZ-2021-07; SUP-2021-07 Objectionable Use Review
Crematorium (Construction and Operation)
3605, 3607 and 3625 Halifax Road
TP # 096010003, 096010004 and 107020017

I. Statement of Fact

Per Article 18, "M-2", Heavy Industrial District Regulations, Section 3. Objectionable Uses, The following uses, or manufacture, compounding, processing, packaging or treatment of the following products, having accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance in the City of Petersburg or State of Virginia, be located in the "M-2" Heavy Industrial District, only after the location and nature of such use shall have been approved by the city council after public hearing. The planning commission shall review the plans and statements and shall not permit such buildings, structures, or uses until there has been shown that the public health, safety, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The planning commission, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety.

A public hearing has been scheduled regarding a request from Timothy and Jane Banks, owners/lessee, or agent to rezone property from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District to be permitted to construct an office/facility and operate a crematorium at property addressed as 3605, 3607 and 3625 Halifax Road, Petersburg, VA. The property is further identified as Tax Parcel ID's: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres. This request is for dual request to rezone the property and grant a Special Use Permit to allow for cremation/mortuary activity and services.

The applicants are requesting this rezoning to be allowed to provide a much-needed service to not only those funeral homes located within the City of Petersburg and Tri-Cities area, but also other local businesses who currently go outside the city limits to obtain crematorium services for their loved ones. Currently, there is one cremation company located within the City of Petersburg, at JT Morris & Son Funeral Home, located at 103 S Adams Street. Other funeral establishments without the ability to provide crematory services is Bland Funeral Home, 137 Harrison St, J M Wilkerson Funeral Establishment, Inc., 102 S Ave, Joseph M. Johnson & Son Funeral Home, 530 S Sycamore Street, however, use as a mortuary was reviewed and approved by the Board of Zoning Appeals on March 27, 2008. Tucker & Fisher Funeral Home, other funeral establishments within the Tri-Cities area are J.L. Dodson and Sons Funeral Establishment, 25824 Greensville Ave, Petersburg, VA 23803 (Dinwiddie County) Johnson Services Funeral and Cremations, McKenney, VA., Oris P. Jones Funeral Establishment, 11107 Doyle Blvd., McKenney, Virginia 23872, E. Alvin Small Funeral Homes & Crematory, 3935 S Crater Road Petersburg, VA. And 2033 Boulevard, Colonial Heights, VA just to name a few.

The subject site is located near the Petersburg Interstate Industrial Park and immediately adjacent to Industrial Galvanizers – VA Inc., a metal finisher, which the company performs coating for all types of structural steel products, located at 3535 Halifax Road. Boar's Head provisions Co. Inc, a meat-packing manufacturing facility, also located within the Petersburg Interstate Industrial Park at 1950 Industry Place. Located to the south of the site is Full Gospel Holy Temple Inc. at 3635 & 3637 Halifax Road. City Assessor records indicate the property as being vacant. Upon site visits to the proposed site staff has not seen any activity at the church.

II. Surrounding Conditions

The subject property, and all properties immediately adjacent to the proposed, vacant site, are zoned "M-2", Heavy Industrial District and are in the Petersburg Interstate Industrial Park, A-Agricultural and there are a few parcels zoned R-1, Single-Family Residential. The surrounding business uses include Triad Metals International, a steel fabrication facility, at 1951 Bessemer Rd., Infra-Metals Company- Virginia Division at 1900 Bessemer Rd, Allan Myers-Petersburg Asphalt Plant at 2020 Bessemer Rd and Allied Crawford Steel, 2021 Bessemer Road. The Boar's Head Provision, a processor and distribution facility for meat products is located to the Northeast along Bessemer Road and Collier Yard CSX railroad freight train assembly yard to the west.

III. Findings

- A. The 2011 Comprehensive Plan designates the subject property for Light Industrial usage.
- B. The current "M-2", Heavy Industrial zoning district classification and designation allows for many uses such as, warehousing, and distribution, research and/or testing labs and facilities by right contingent upon the approval of an Objectionable Use(s). The subject requests are not identified as a "use" within any of Section 2. Use Regulations under the M-2, Heavy Industrial or M-1, Light Industrial District classifications. The proposed facility could be technically permitted as an ancillary use of a funeral home establishment at a business/central commercial location (a zoning precedent has been set) if there were enough space to accommodate the use on the same lot or parcel of land, however, this is not the case in this instance. Funeral homes have traditionally been permitted in B-2, General Commercial, B-3, Central Commercial and now the R-B, Office-Apartment District within the City of Petersburg. It has been brought to staffs' attention that Joseph M. Johnson and Son Funeral Home has a crematorium within its facility located at 530 South Sycamore Street as an ancillary use to the funeral service business. Mortuary services/funeral home businesses have consistently been permitted as a service-oriented business activity and regarded as a use by right in the commercial zoning designations.
- C. The proposed project will create jobs and encourage the use of local construction labor and supplies, benefiting businesses. Increase of 3 or more workers to perform duties.
- D. It is not believed that the proposed location will be visible from any public road and the site is separated from the nearest residential neighborhood by approximately 800+/- feet.
- E. There will not be noise emissions from the equipment and if there are, it's expected to be low, and no change in noise is expected at the property boundaries.
- F. Applicant anticipates building out the property in the future to construct an office park but keeping much of the property buffered with the existing, heavy vegetation for others in need of a location to promote unconventional business uses in a private setting. Truck traffic is anticipated to be low. The building will be accessed by persons from funeral establishments, medical examiners, and the like to deliver the deceased for transitioning to ashes and for containment (urns). This process is considered minor addition to the truck traffic at the site and even smaller change relative to the truck traffic from the entire industrial area.
- G. It is the applicant's choice to locate the business activity to said property location as they have discussed the possibility of expanding the site to allow for other uses that would be permitted within an industrial park environment.
- H. Staff is unaware of any specific chemicals to be used through the cremation process and as such has required the applicant to obtain a Special Use Permit for review as would be required under item (8) cemetery; of Article 23, Section 4. Special Uses Enumerated.
- I. Should the applicant(s) receive a favorable approval from the City Council with respect to their application. The applicant shall be required to submit for review and approval a site plan showing the building location, parking, lighting, signage, and landscaping to be review by the DRT (Development Review Team) prior to the submission of a building permit application. (See Rendering attached to the application)

IV. Statement of Law

Article 18. "M-2", Heavy Industrial District Regulations

Section 1. Purpose

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "M-2" Heavy Industrial District. This district provides for industrial operations of all types, except that certain potentially hazardous industries are permitted only after public hearing and review, to assure protection of the public interest and surrounding property and persons.

Section 2. Use regulations. A building or premises shall be used only for the following purposes:

1. Any manufacturing, processing, storing, or distributing use permitted in the "M -1" Light Industrial District.
2. Dwellings for resident watchmen and caretakers employed on the premises.
3. Accessory farm dwellings, on a farm often (10) acres or more.
4. Farm, truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sales of products raised on the premises; but not including the raising for sale of birds, bees, rabbits, or other animals, fish or other creatures to such an extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors; and provided no retail or wholesale business office or store is permanently maintained on the premises;
5. The following uses and any similar industrial uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses permitted; and manufacture, compounding, processing, packaging, or treatment of the following products or similar products:

Chemicals, petroleum, coal, and allied products.

Adhesives.

Alcohol.

Bleaching products.

Bluing.

Calcimine.

Candle.

Cleaning and polishing preparations (non-soap) dressings and blackings.

Dyestuff.

Essential oils.

Exterminating agents and poisons.

Fertilizer (nonorganic)

Fuel briquettes.

Glue and size (vegetable).

Ink manufacture from primary raw materials (including colors and pigments);

Soap and soap products.

Section 3. Objectionable uses.

Chemicals, petroleum, coal, and allied products.

Acids and derivatives.

Acetylene, generation, and storage.

Ammonia.

Caustic soda.

Cellulose and cellulose storage.

Chlorine.

Coke oven products (including fuel gas).

Creosote.

Distillation, manufacture or refining of coal, tar asphalt, wood, and bones.

Explosives (including ammunition and fireworks) and explosives storage.

Fertilizer (organic); Fish oils and meal.

Glue, gelatin (animal);

Hydrogen and oxygen.

Lamp black, carbon black and bone black.

Nitrating of cotton or other materials.

Nitrates (manufactured or natural) of an explosive nature, storage.

Petroleum, gasoline, and lubricating oil.

Plastic materials and synthetic resins.

Potash.

Pyroxylin.

Rendering and storage of dead animals, offal, garbage, or waste products.

Turpentine and resin.

Section 3. Objectionable uses.

The following uses, or manufacture, compounding, processing, packaging or treatment of the following products, having accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance in the City of Petersburg or State of Virginia, be located in the "M-2" Heavy Industrial District, only after the location and nature of such use shall have been approved by the city council after public hearing. The planning commission shall review the plans and statements and shall not permit such buildings, structures, or uses until there has been shown that the public health, safety, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The planning commission, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety:

V. Recommendation

The Department of Planning & Community Development will withhold its recommendation until after the public hearing and the presentation by the petitioner(s).

VI. Exhibits

- 1) Tax Parcel Map Extract
- 2) Zoning Map Extract
- 3) Tax Assessor File Record
- 4) Applicants Petition w/Exhibits
- 5) Departmental Impact Statements
- 6) Reference Information/Questions

REFERENCE INFORMATION/QUESTIONS

Who can authorize a cremation in Virginia?

Medical Examiner

Medical Examiner/Coroner Authorization: For every cremation that occurs in the State of Virginia, a local Medical Examiner must certify and sign that your loved one is okay to cremate. The State of Virginia fee for the Medical Examiner Authorization is \$50.

How much is a crematory machine?

Cremation Systems normally delivers a Human retort and accessories, installs the equipment, fires the chamber, and trains your cremationists, for approximately \$135,000. Total cost for a suitable metal building and cremation equipment in most U.S.A markets is normally less than \$200,000. (As of April 27, 2021)

How much does it cost to cremate a person in Virginia?

A cremation can cost anywhere between \$1,200 to \$4,000. Cremation is typically around a third of the cost of a traditional funeral. There is no need for a casket, embalming, a burial vault, or a cemetery plot. Cremation can significantly reduce the expenses of a funeral.

Is it legal to scatter ashes in Virginia?

Is natural burial legal in Virginia? Is Home Burial Legal in Virginia?

There are no state laws in Virginia prohibiting home burial, but local governments may have rules governing private burials. Before burying a body on private property or establishing a family cemetery, one should check with the county, city, or town clerk for any zoning laws that you must follow.

What fuel is used in for cremation?

Crematories are most often heated by burners fueled by natural gas. LPG (propane/butane) or fuel oil may be used where natural gas is not available. These burners can range in power from 150 to 400 kilowatts (0.51 to 1.4 million British thermal units per hour).

What is the temperature of a crematorium?

The cremation then takes place in a specifically designed furnace, referred to as a cremation chamber or retort, and exposed to extreme temperatures – up to 1,800 degrees Fahrenheit – leaving behind only ashes.

How much ash is there after cremation?

Depending on the size of the body and the specific process used by the crematory, there are usually 3 to 9 pounds of remains.

Do they cremate multiple bodies at once?

No, all cremations are performed individually. In the United States, multiple-body cremation is illegal.

Definition:

Retort or also known as a cremation chamber is an industrial furnace designed to hold one body. Lined with fire-resistant bricks, the chamber can withstand temperatures up to 2,000 degrees. Modern cremation furnaces are automated and computerized, and they are fueled with natural gas, propane, or diesel. They must follow today's environmental and air quality standards.

A crematorium is usually the term for the facility that houses a cremation chamber or retort. There may be multiple chambers in a crematorium. A crematorium can be a part of a funeral home, a church, or it can be a stand-alone facility. Crematoriums are usually regulated by the state.

Direct Cremation

Direct cremation is a process where the remains are transferred directly to a cremation center without a funeral service beforehand. Because this approach eliminates the need for a funeral service and a casket purchase, it's often the cheapest type of cremation. Direct cremations typically don't allow for a viewing, visitation, or wake beforehand. Most families will schedule a memorial service later for friends and family to pay their respects.

Liquid Cremation

The process of alkaline hydrolysis is an alternative to flame cremation. The combination of the water, alkali, heat, and pressure causes a reaction that speeds up decomposition and leaves behind only bone fragments and a sterile liquid. The flameless process results in about 30% more remains than flame-based cremation, which may require a larger vessel. This process may take three to sixteen hours, depending on body mass and equipment. Many medical devices, including pacemakers, do not need to be removed before the process as they do with conventional flame-based cremation.

Green Cremation

Alkaline hydrolysis is considered a "green" alternative to burial. Once drained of remaining bone fragments, the resulting sterile solution can be recycled through the wastewater treatment system. Many environmentally conscious individuals are now opting for alkaline hydrolysis instead of the conventional procedure because of its environmental benefits. In addition to the ability to recycle the liquid byproduct, it is a green choice for several important reasons:

- Green cremation reduces more than 75% of a body's carbon footprint.
- The green process only consumes 1/8 of the amount of energy of conventional flame-based cremation.
- Because there is no flame, green cremation eliminates concerns regarding mercury emissions and reduces the use of fossil fuels and greenhouse gases.

Do you have clothes on when you're cremated?

Most crematories allow the bereaved the option of dressing their loved one prior to cremation (or having a funeral professional dress the body), although clothing choices must be completely combustible. This is especially the case when there is a viewing or other ceremony prior to cremation. For direct cremation with no viewing, the body is usually cremated in either a sheet or the clothing the deceased was wearing upon arrival.

Do they burn the coffin at a cremation?

Yes, the coffin (or whatever type of container selected to hold the body) is burned along with the body.

How Long Is the Process?

Cremation is considered more efficient than traditional burials and can be completed in a shorter amount of time following a death. Depending on factors like the size and weight of the body, the type of container holding the body, and the efficiency of the equipment installed, the actual cremation procedure usually takes between 2-3 hours for flame-based processes and up to 16 hours for liquid cremation. Keep in mind the crematory has its own policies on how long it can take to have the remains ready for the bereaved. Seven to ten days is not an unusual turnaround time, and it all depends on the individual facility's policies and procedures.

How Does Cremation Work?

Depending on your location and the services performed, cremation can range from \$1,000 – \$3,000 on the low end of the spectrum but can cost as much as \$6,000 – \$8,000. Having a traditional service beforehand can significantly increase your costs, particularly if there is a viewing or if a casket is needed.

Step 1. Identifying the Deceased

Identification regulations vary from state to state. The individual facility defines its specific procedures based on industry recommendations, but identification typically involves a family member confirming the identity. Upon confirmation, a metal ID tag is placed on the body, which will remain throughout the process and then be put with the remains for final verification.

Step 2. Authorizing the Procedure

The crematory must have official permission to move forward with the cremation. Most require that the person(s) making the final arrangements completes paperwork that authorizes the crematory to proceed. (Remember that each state has its own rules about who is legally allowed to make these decisions.) The paperwork also asks for information regarding the type of container the crematory should use and who will be responsible for picking up the remains.

Step 3. Preparing the Body

Preparing the body is something the individual facility can handle in its own way but usually involves cleaning and dressing. For typical cremation, the body is not embalmed unless the beneficiaries request this for a public viewing or other personal reason. Jewelry or other items are taken off for the loved ones to keep, except those requested to stay with the body, and medical devices and prosthetics that are mechanical or battery-operated are removed to avoid a reaction. Finally, the body is placed in a vessel that is combustible yet strong enough to hold the weight.

Step 4. Moving into the Cremation Chamber

The cremation then takes place in a specially designed furnace, referred to as a cremation chamber or retort, and exposed to extreme temperatures – up to 1,800 degrees Fahrenheit – leaving behind only ashes. Following the procedure, a cooling period is required before the remains can be handled.

Step 5. Finalizing the Remains

After cremation, the remains are inspected for any metal remnants left behind. This can be the result of items such as pins, screws, and joints the deceased had surgically placed during life. Metal is removed by hand or with strong magnets, and then it is often sent for recycling. The cremated remains are then ground down by a special processor into the final resulting ashes.

Step 6. Transferring the Ashes

Unless specified otherwise, the remains are placed in an urn (or another container) and returned to the family.

What are religious views on cremation?

The views on cremation are as varied as the religions themselves. For many years, Christianity was opposed to cremation, although the past century has seen a greater acceptance of the practice. Even within Christianity, though, the practice is met with vastly different opinion: The Eastern Orthodox Church forbids cremation outright, while the American Episcopal Church has incorporated columbaria (public displays of cremation urns) into many parishes. Likewise, Orthodox Judaism remains opposed to cremation, while Reform Judaism has begun to allow it. Muslims are expressly forbidden from having themselves cremated or even participating in another's cremation, while in contrast, Hinduism seems to encourage the practice.

Petersburg, Virginia

Parcel: 096010003

Summary

Owner Name	WILSON BEVERLY ET ALS	National Historic District:	
Owner Mailing Address	1132 ROME STREET PETERSBURG, VA 23803	Enterprise Zone:	
Property Use	200	Opportunity Zone:	
State Class:	1 Single Family Urban	VA Senate District:	16
Zoning:	R-1	Va House District:	63
Property Address	3605 HALIFAX RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.472	City Ward:	7
Legal Description:	.37ACRE	Polling Place:	Good Shepherd Baptist Church
Subdivision:		Primary Service Area:	E
Assessment Neighborhood Name:		Census Tract:	8111
Local Historic District:		Elementary School:	Walnut Hill
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):		Shed:	
Basement:		Total Rooms:	0
Attached Garage:		Bedrooms:	0
Detached Garage:		Full Baths:	0
Enclosed Porch:		Half Baths:	0
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	0%

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	7/7/2010	\$0	216/7577
	8/19/2004	\$0	2004/3649

Assessments

Valuation as of	01/01/2017	01/01/2018	01/01/2019	01/01/2020	01/01/2021
Effective for Billing:	07/01/2017	07/01/2018	07/01/2019	07/01/2020	07/01/2021
Reason					
Land Value	\$10,500	\$10,500	\$10,500	\$10,500	\$11,000
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$10,500	\$10,500	\$10,500	\$10,500	\$11,000

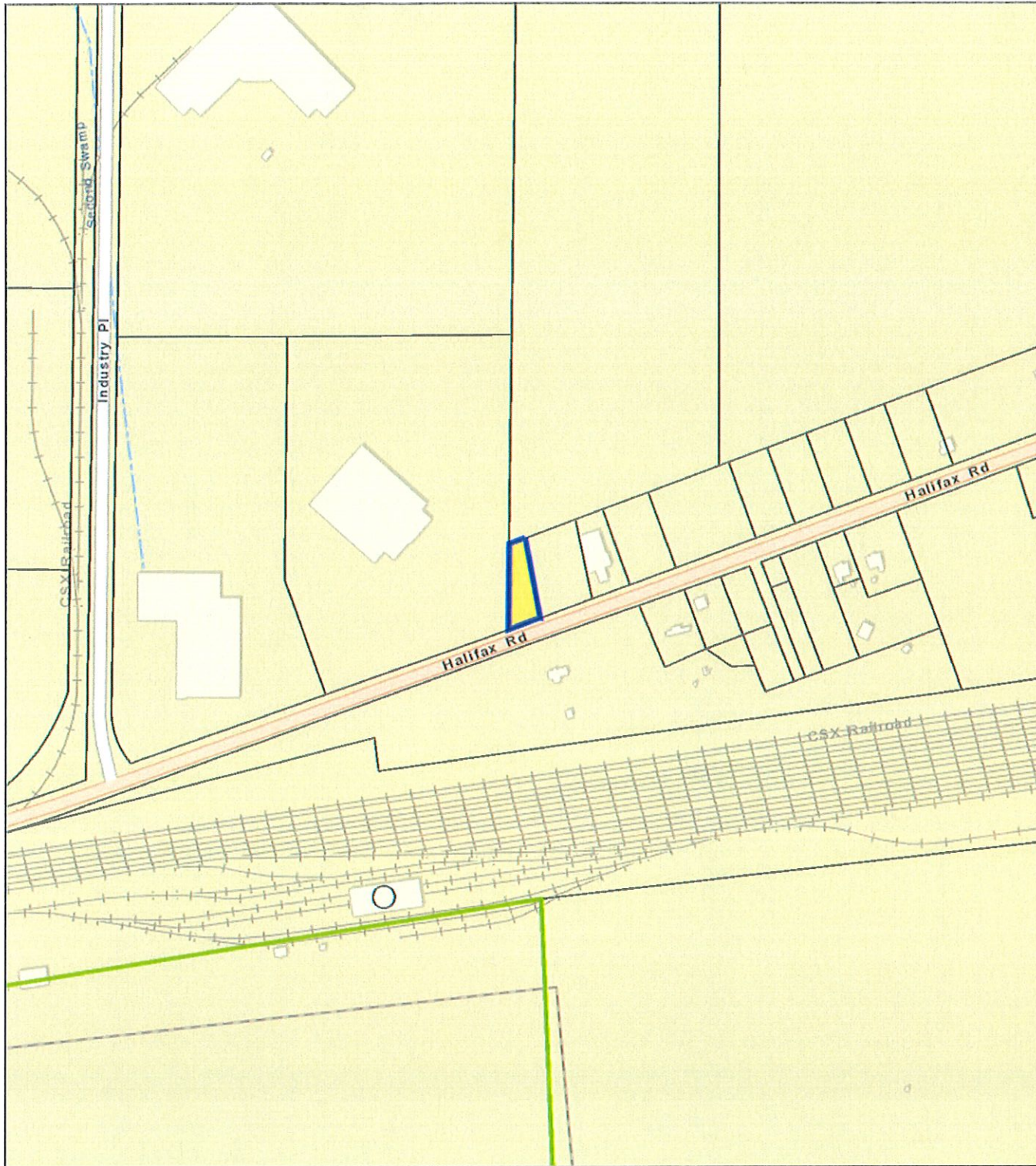
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 096010003

Date: 12/20/2021

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Petersburg, Virginia

Parcel: 107020017

Summary

Owner Name	WILDON BEVERLEY ET ALS	National Historic District:	
Owner Mailing Address	1132 ROME ST PETERSBURG, VA 23803	Enterprise Zone:	
Property Use	500	Opportunity Zone:	
State Class:	5 Agricultural 20 - 100 acres	VA Senate District:	16
Zoning:	A	Va House District:	63
Property Address	3607 HALIFAX RD Petersburg, VA	Congressional District:	4
Legal Acreage:	26	City Ward:	7
Legal Description:	26.0 ACRES	Polling Place:	Good Shepherd Baptist Church
Subdivision:		Primary Service Area:	E
Assessment Neighborhood Name:		Census Tract:	8111
Local Historic District:		Elementary School:	Walnut Hill
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):		Shed:	
Basement:		Total Rooms:	0
Attached Garage:		Bedrooms:	0
Detached Garage:		Full Baths:	0
Enclosed Porch:		Half Baths:	0
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	0%

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	7/7/2010	\$0	216/7577
	11/27/1996	\$0	635/291

Assessments

Valuation as of	01/01/2017	01/01/2018	01/01/2019	01/01/2020	01/01/2021
Effective for Billing:	07/01/2017	07/01/2018	07/01/2019	07/01/2020	07/01/2021
Reason					
Land Value	\$74,800	\$74,800	\$74,800	\$74,800	\$74,800
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$74,800	\$74,800	\$74,800	\$74,800	\$74,800

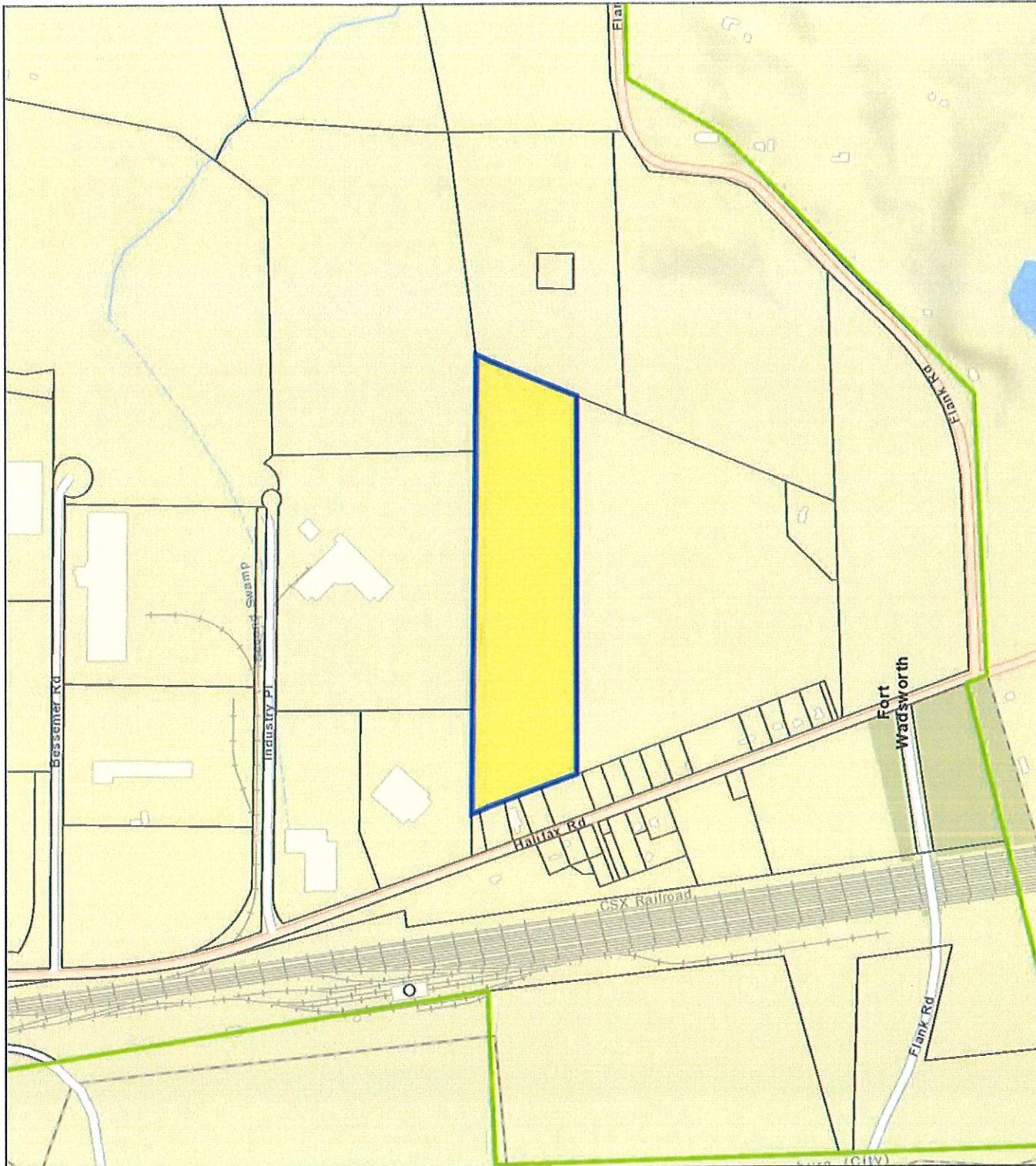
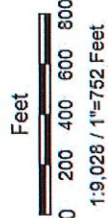
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 107020017

Date: 12/20/2021

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Petersburg, Virginia

Parcel:

096010004

Summary

Owner Name	WILSON BEVERLY WILSON EDMUNDS WILSON BARNWELL	National Historic District:	
Owner Mailing Address	1132 ROME STREET PETERSBURG, VA 23803	Enterprise Zone:	
Property Use	200	Opportunity Zone:	
State Class:	1 Single Family Urban	VA Senate District:	16
Zoning:	R-1	Va House District:	63
Property Address	3625 HALIFAX RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.53	City Ward:	7
Legal Description:	.53 ACRES 110 X 210	Polling Place:	Good Shepherd Baptist Church
Subdivision:		Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8111
Local Historic District:		Elementary School:	Walnut Hill
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):		Shed:	
Basement:		Total Rooms:	0
Attached Garage:		Bedrooms:	0
Detached Garage:		Full Baths:	0
Enclosed Porch:		Half Baths:	0
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	0%

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	7/7/2010	\$0	216/7577
	12:00:00 AM	\$0	138/170

Assessments

Valuation as of	01/01/2017	01/01/2018	01/01/2019	01/01/2020	01/01/2021
Effective for Billing:	07/01/2017	07/01/2018	07/01/2019	07/01/2020	07/01/2021
Reason					
Land Value	\$10,500	\$10,500	\$10,500	\$10,500	\$11,000
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$10,500	\$10,500	\$10,500	\$10,500	\$11,000

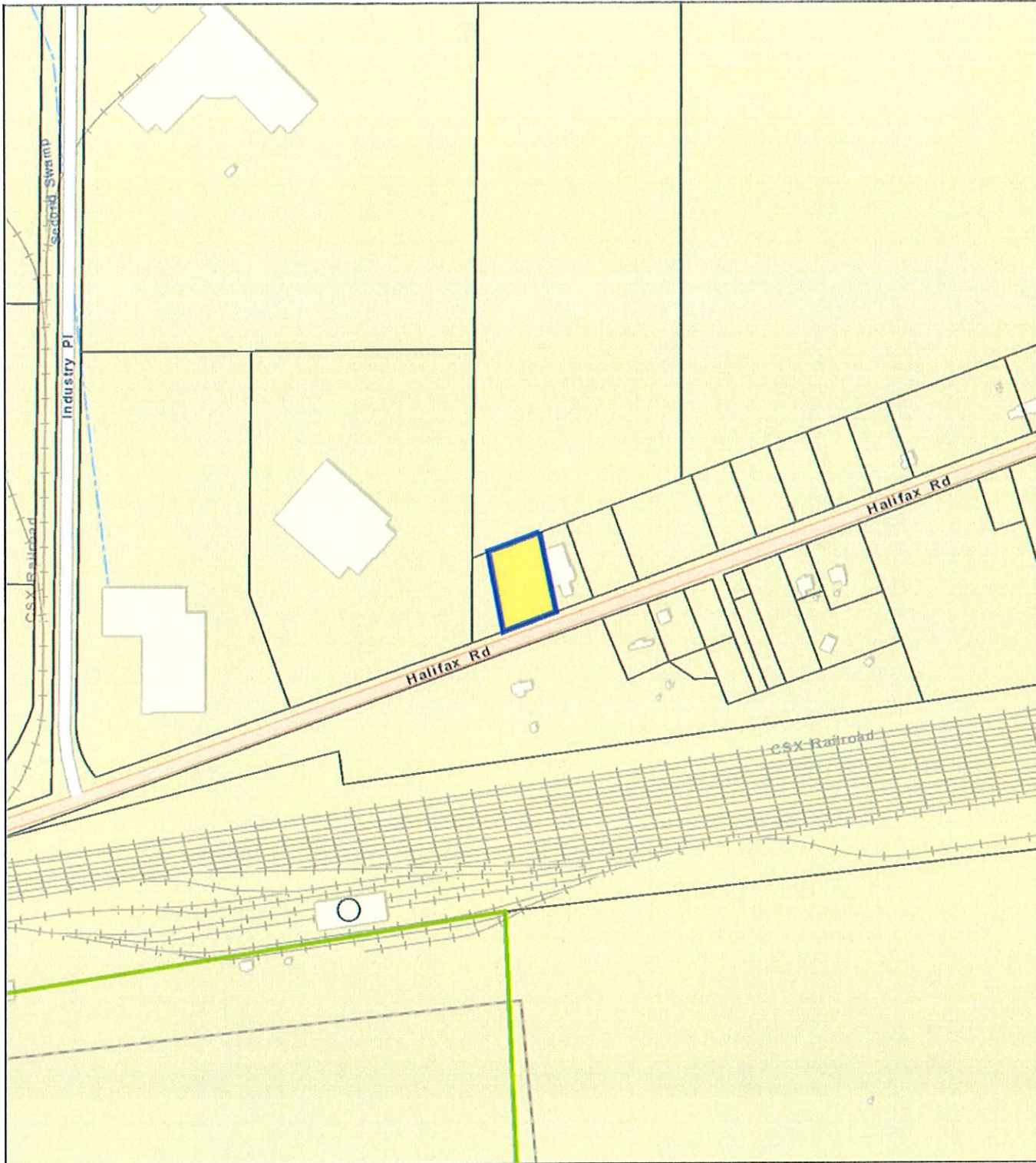
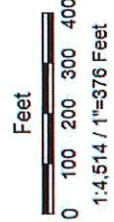
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

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- Parcels



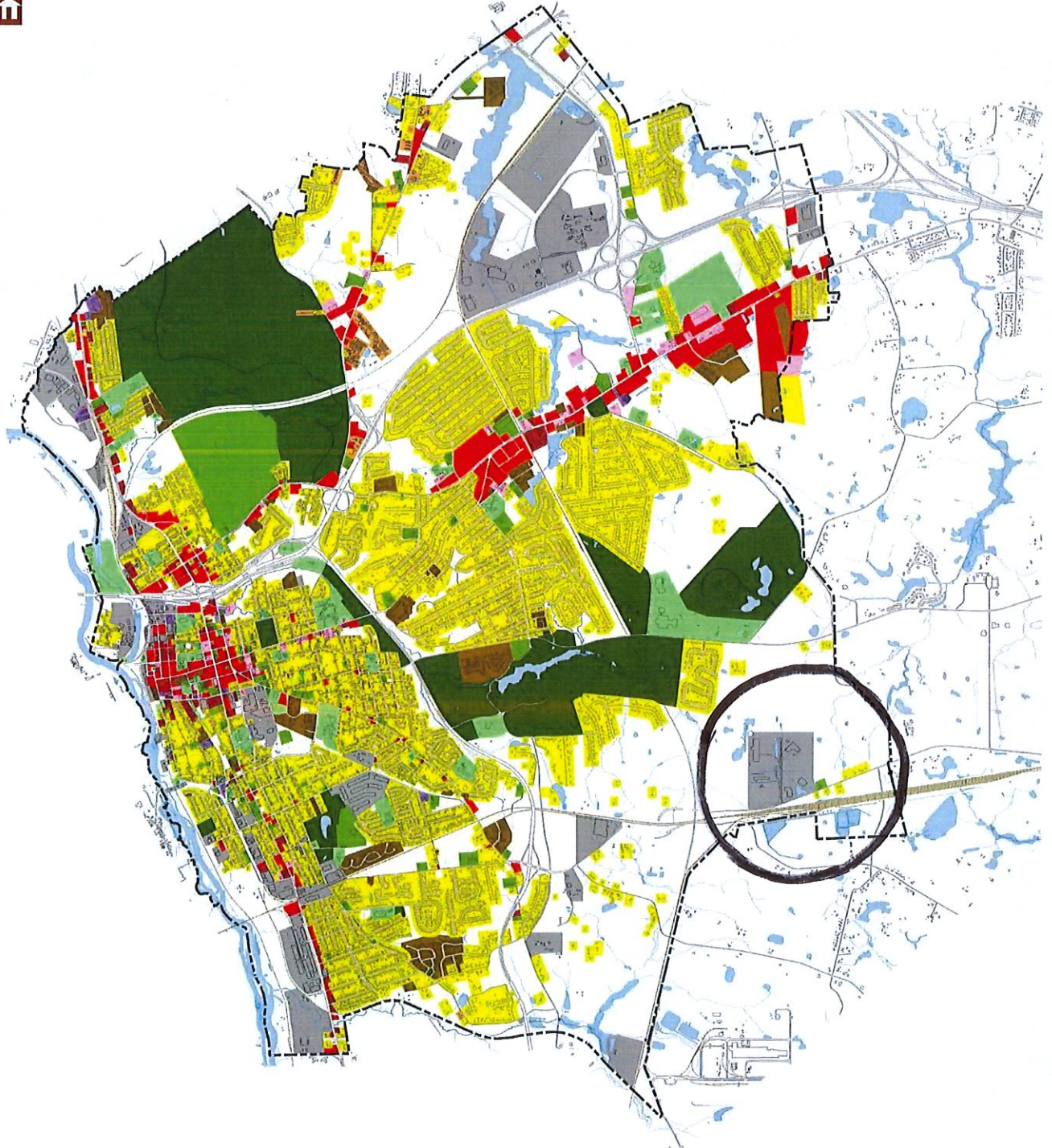
Parcel #: 096010004

Date: 12/20/2021

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EXISTING LAND USE

COMPREHENSIVE PLAN
City of Petersburg, Virginia



- LEGEND**
- Land Use Classifications**
- Residential**
- SINGLE FAMILY
 - MOBILE HOME
 - MULTI-FAMILY
- Commercial**
- RETAIL & SERVICE
 - GENERAL COMMERCIAL
 - BUSINESS / PROFESSIONAL SERVICE
- Industrial**
- INDUSTRIAL
 - WAREHOUSING
- Public & Semi-Public**
- COMMUNITY FACILITIES
 - PLACES OF WORSHIP, CEMETERIES
 - LODGES
 - PARKS & RECREATION
- VACANT**



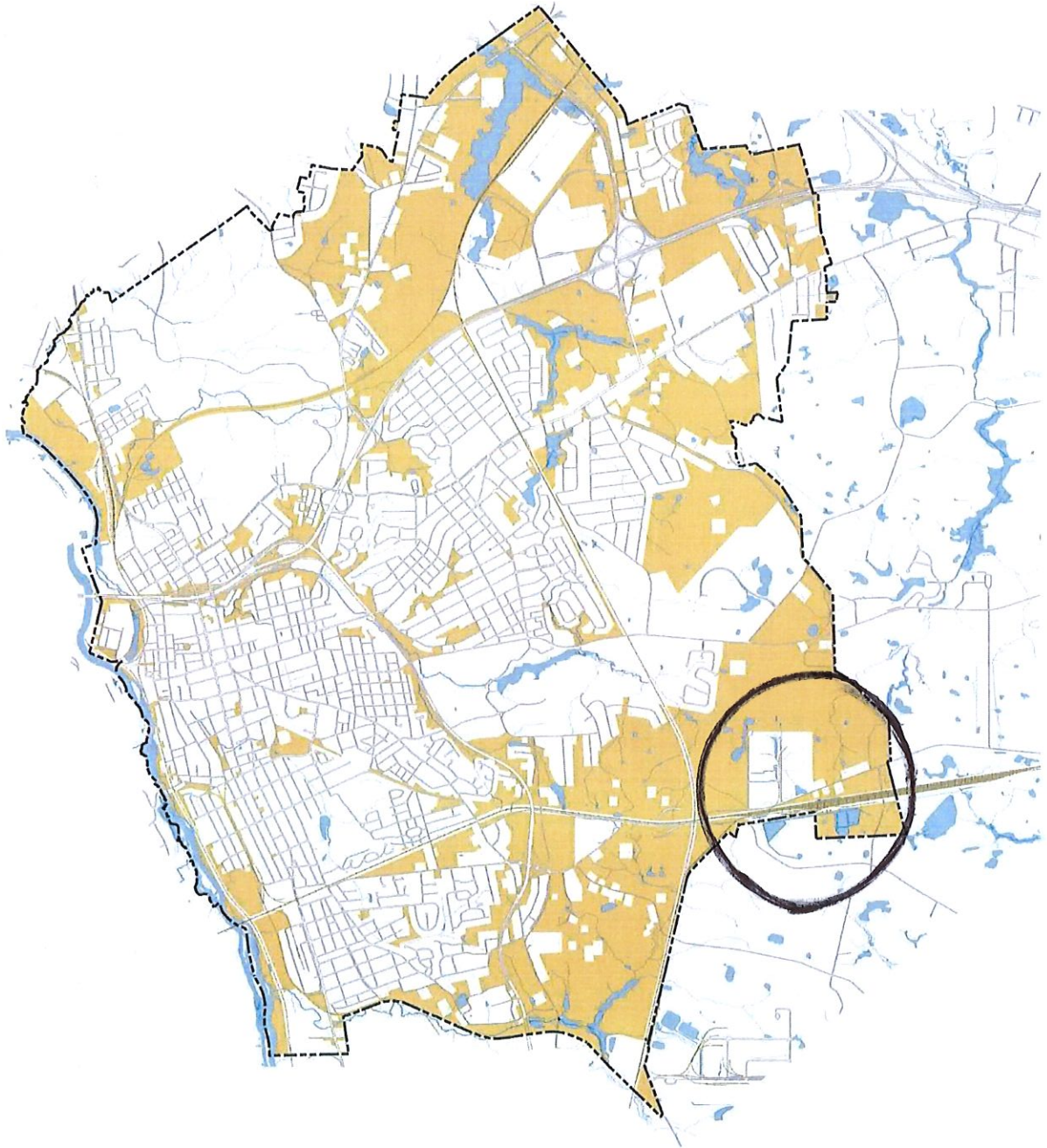
MAY 20, 2008
K.W. Poore and Associates, Inc.
Community Development Consultants



VACANT LAND
COMPREHENSIVE PLAN
City of Petersburg, Virginia

LEGEND

- CITY OF PETERSBURG CORPORATE LIMITS
- VACANT LAND



0 100 200 300 400
GRAPHIC SCALE IN FEET

SEPTEMBER, 2008
K.W. Poore and Associates, Inc.
Community Development Consultants



City of Petersburg

Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803
FAX 863-2772 TDD 733-8003

Public Notice

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold public hearings on Thursday, January 6, 2022, beginning at 6:00 p.m. in the Petersburg Public Library located at 201 W. Washington Street, Petersburg, Virginia 23803.

21-REZ-04: Request by PBFL, LLC represented by C. Burton Cutright, to rezone property located at 1200 Harrison Creek Blvd, TP # 040030801, 1220 Harrison Creek Blvd, 1225 Harrison Creek Blvd and 1255 Harrison Creek Blvd, future identified as TP# 040030805, TP# 040030806, and TP# 040030807, from PUD with B-2, General Commercial District with conditions to PUD, with conditions. The proposed rezoning will allow the applicant to construct 52 single-family detached rental homes on 6.26+/- acres located along Harrison Creek Blvd between Route 460 and Acqua Luxury Apartments. This subject property is approximately 272,990.52 sq. ft. and has a public street frontage of approximately 261.06 feet.

21-SUP-06: A petition by Eldrika Whitaker, owner/operator of Barely Used Cars and Trucks, to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership or not located upon the same parcel as such new vehicle-dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1, zoning districts only, as provided under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (22). The proposed location is 2306 East Washington Street, Petersburg, VA., further identified as Tax Parcel 003030002. The subject property is within the B-2, General Commercial District.

21-REZ-07: A petition from Timothy and Jane Banks, owners/lessee, or agent to rezone property from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District to be permitted to construct and operate a crematorium at property addressed as 3605, 3625 and 3607 Halifax Road, Petersburg, VA. The property is further identified as Tax Parcel ID's: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres.

21-SUP-07: A petition from Timothy and Jane Banks, owners/lessee, or agent for a Special Use Permit to allow for the construction of an office and operation of a crematorium business along a portion of the property addressed as 3605, 3625 and 3607 Halifax Road, Petersburg, VA. The property is further identified as Tax Parcel ID's: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres. Such SUP to be provided under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (8).

21-CPA -01: A resolution recommending approval of amendments to the City's Comprehensive Plan to comply with the Chesapeake Bay Preservation Act.

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

A copy of the related material may be examined in the Department of Planning & Community Development in City Hall Room 304, telephone (804)733-2308. The Planning Dept. is open from 8:30am to 5:00pm, Monday - Friday.

Reginald Tabor,
Director Department of Planning & Community Development



City of Petersburg

Development Impact Report

DATE:	December 27, 2021
ADDRESS:	3605, 3607 and 3625 Halifax Road – Tax Parcel #'s 096010003; 096010004; and 107020017.
PARCEL NUMBER:	See Above
ZONING:	R-1, Single-Family Residence District
ISSUE:	There is a need to assess the impact of proposed development
DESCRIPTION:	The applicant is requesting to rezone properties located at the above-referenced addresses to construct and operate a crematorium business. The applicant is also requesting a Special Use Permit to allow the proposed business operation which is located adjacent to the Petersburg Interstate Industrial Park. (Industrial Galvanizers- VA Inc.) A metal finisher.
STATUS:	Rezone from present zoning classification to the M-2, Heavy Industrial classification to be allowed to operate the proposed business on a portion of the 37.53 acres. Land currently vacant/wooded.

DEPARTMENT IMPACT INFORMATION

GENERAL IMPACT	NONE
BENEFITS	Potential residents and citizens in the Tri-Cities area will have an opportunity to utilize local services of the funeral/crematory business services without having to go through a third party, which could increase costs of doing business regarding their loved ones. The future development of this area will increase real estate tax revenue.
REVENUE	Will be produced from the construction of the crematory and job opportunities will be created. Tools and machinery tax.
COSTS	
RECOMMENDATION	To approve the request to rezone the subject property which has lied dormant, vacant for several years.
ATTACHMENTS	N/A

**Re: FYI: Developmental Impact Statement Review - Crematorium 3605, 3607 and 3625
Halifax Road - Timothy Banks, petitioner**

H, Samer <samer.hanna@vdh.virginia.gov>

Thu 12/30/2021 2:24 PM

To: Sandra Robinson <srobinson@petersburg-va.org>

Cc: Waldon, Toinette <toinette.waldon@vdh.virginia.gov>

CAUTION: External! - Do not open attachments or click links unless you know the content is safe.

Good afternoon Ms. Robinson

Thank you for your email. I hope that you are well and having a great holiday season.

VDH has No Comments or Concerns at this time.

Thank you once again. Happy New Year.

Samer Hanna

Environmental Health Specialist

Virginia Department of Health

Crater District Health Departments

301 Halifax Street

Petersburg, VA 23803-6335

Work: (804) 609-5780

On Thu, Dec 30, 2021 at 12:03 PM Sandra Robinson <srobinson@petersburg-va.org> wrote:

Good morning Mr. Hanna,

I hope all is well and that you've had a nice Holiday thus far. I inadvertently left you off the previous email notification but would like for you to provide any comments that you may have regarding this subject. If you don't have any concerns or input regarding the proposal, please return the form stating, "NO COMMENTS OR CONCERNS at this time". Thanking you in advance. Have a Wonderful and Safe New Year!

Sandra A. Robinson
Zoning Administrator
DD - 804-733-2309

This e-mail message and any attached files are for the sole use of the intended recipient(s) and may contain privileged, confidential or otherwise protected from disclosure information. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

RE: Departmental Impact Statement - 3605, 3607 and 3625 Halifax Road - Proposed Crematorium

Brittany Flowers <bflowers@petersburg-va.org>

Thu 12/30/2021 11:56 AM

To: Sandra Robinson <srobinson@petersburg-va.org>; Darryl Walker <dwalker@petersburg-va.org>; Nikesha Williams <nwilliams@petersburg-va.org>; John Hines <jhines@petersburg-va.org>; Jim Reid <jreid@petersburg-va.org>; Jeffrey Fleming <jfleming@petersburg-va.org>; Andrew J. Barnes <abarnes@petersburg-va.org>

NO COMMENTS OR CONCERNS at this time



Brittany C. Flowers

Commissioner of the Revenue

144 N Sycamore St.

Petersburg VA 23805

Phone 804.733.2317

Mobile 804.324.8016

Fax 804.508.6948

<http://www.petersburg-va.org/135/Commissioner-of-the-Revenue>

From: Sandra Robinson <srobinson@petersburg-va.org>

Sent: Thursday, December 30, 2021 11:15 AM

To: Darryl Walker <dwalker@petersburg-va.org>; Nikesha Williams <nwilliams@petersburg-va.org>; Brittany Flowers <bflowers@petersburg-va.org>; John Hines <jhines@petersburg-va.org>; Jim Reid <jreid@petersburg-va.org>; Jeffrey Fleming <jfleming@petersburg-va.org>; Andrew J. Barnes <abarnes@petersburg-va.org>

Subject: Departmental Impact Statement - 3605, 3607 and 3625 Halifax Road - Proposed Crematorium

Please find attached a Developmental Impact Statement form to be completed and returned to me in the Department of Planning and Community Development, by the close of business, Wednesday, January 5, 2022. If you don't have any concerns or input regarding the proposal, please return the form stating, "NO COMMENTS OR CONCERNS at this time". If in your opinion and based on the use proposed there needs to be any conditions added with respect to the use, please share that information with me to relay to the Planning Commission. If a recommendation to approve the request is favorable this proposal will be referred to the Development Review Team for review and comment to the business owner/developer after the City Council public hearing.

I thank you in advance for your anticipated responses.

Sandra A Robinson

Zoning Administrator

Planning/Community Development

RE: List of Funeral Homes and Crematoriums

Brittany Flowers <bflowers@petersburg-va.org>

Thu 12/30/2021 1:00 PM

To: Sandra Robinson <srobinson@petersburg-va.org>; Lokia Brooks <lbrooks@petersburg-va.org>

Bland Funeral Homes

JT Morriss & Son

J M Wilkerson

Tucker & Fisher

Joseph M. Johnson



Brittany C. Flowers

Commissioner of the Revenue

144 N Sycamore St.

Petersburg VA 23805

Phone 804.733.2317

Mobile 804.324.8016

Fax 804.508.6948

<http://www.petersburg-va.org/135/Commissioner-of-the-Revenue>

From: Sandra Robinson <srobinson@petersburg-va.org>

Sent: Thursday, December 30, 2021 12:53 PM

To: Brittany Flowers <bflowers@petersburg-va.org>; Lokia Brooks <lbrooks@petersburg-va.org>

Subject: List of Funeral Homes and Crematoriums

Hello,

I'm currently working on my Planning Commission agenda items, and I wanted to know if your office can pull a list of all the funeral home establishments/crematoriums located within the City of Petersburg. I would greatly appreciate it if you could, but if you can't I understand.

Thanks!

Sandra A Robinson

Zoning Administrator

Planning/Community Development

Phone 804-733-2309



CHECKLIST AND INSTRUCTIONS FOR CREMATORY REGISTRATION APPLICATION

At least 30 days prior to opening a crematory, any person intending to own or operate a crematory shall apply for registration with the Board of Funeral Directors and Embalmers. A crematory providing cremation services directly to the public shall also be licensed as a funeral service establishment or be a branch of a Virginia licensed establishment.

- ☐ APPLICATION – This application will not be considered until all sections have been completed. You may need to submit supporting documentation regarding your responses to the licensure questions. Please refer to the application for more information.
- ☐ FEE – All fees are non-refundable. Make check or money order payable to the Treasurer of Virginia.
Initial crematory registration with inspection is \$650.00 (\$250 registration fee & \$400 inspection fee)
Change of Crematory Manager is \$100.00
Change of Ownership with re-inspection is \$500.00
Change of Tradename is \$100
- ☐ MANAGER OF RECORD CERTIFICATION – Certification by the Cremation Association of North America (CANA), the International Cemetery, Cremation and Funeral Association (ICCF), or other certification approved by the Board is required for the Manager of Record. Please submit a copy of the certification.
- ☐ MANAGER OF RECORD OSHA-COMPLIANT TRAINING – Please submit a copy of your crematory certification training certificate for Occupational Safety and Health Administration (OSHA) compliant training on universal precautions and bloodborne pathogens.
- ☐ CERTIFICATION FOR RETORT OPERATORS– All persons who operate the retort in a crematory shall have certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCF); or other certification recognized by the Board. Persons receiving training toward certification to operate a retort shall be allowed to work under the supervision of an operator who holds certification for a period not to exceed six months. Please submit a copy of the documentation of certifications as listed above for persons listed on the application to operate the retort in the crematory.
- ☐ VIRGINIA STATE CORPORATION COMMISSION (SCC)- All Corporations, Limited Liability Companies, and Limited Partnerships must register with the Virginia State Corporation Commission (SCC), including any trade/fictitious names, prior to applying for licensure with the Virginia Board of Funeral Directors and Embalmers. For additional information, please contact the SCC at (804) 371-9733. Attach documentation. General Partnerships must attach recording data or a certificate of partnership issued by the Virginia State Corporation Commission. Business entities that are trading under a fictitious name(s), which are not corporations, must attach a copy of the certificate filed with the clerk of the court in the locality where business will be conducted.



Virginia Department of
Health Professions
Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300
Henrico, Virginia 23233
www.dhp.virginia.gov/funeral

(804) 367-4479 (Tel)
(804) 527-4413 (Fax)
Email:
fanbd@dhp.virginia.gov

CREMATORY REGISTRATION APPLICATION

MARK ONLY ONE BOX:

- ☐ Initial Crematory registration with inspection
- ☐ Change of Crematory Manager
Previous Manager's Name: _____
Change Effective Date (MM/DD/YY): _____
- ☐ Change of Ownerships with Re-inspection
- ☐ Change of Tradename

ESTABLISHMENT INFORMATION

OWNER'S FULL NAME			
ESTABLISHMENT NAME AND TRADE NAME			
ESTABLISHMENT MAILING ADDRESS	CITY	STATE	ZIP CODE
ESTABLISHMENT LOCATION ADDRESS	CITY	STATE	ZIP CODE
ESTABLISHMENT TELEPHONE NUMBER	ESTABLISHMENT EMAIL ADDRESS		

CHECK ONE BOX:

- ☐ CREMATORY IS OWNED BY A VIRGINIA LICENSED FUNERAL ESTABLISHMENT AND IS LOCATED ON THE SAME SITE
- ☐ CREMATORY IS **NOT** OWNED BY A VIRGINIA LICENSED FUNERAL ESTABLISHMENT AND OFFERS CREMATION TO FUNERAL ESTABLISHMENT ONLY
- ☐ CREMATORY IS OWNED BY A VIRGINIA LICENSED FUNERAL ESTABLISHMENT AND IS **NOT** LOCATED ON THE SAME SITE AND IS OFFERING FUNERAL SERVICES TO THE PUBLIC. **NOTE:** CREMATORY MUST ALSO BE LICENSED AS A FUNERAL SERVICE ESTABLISHMENT OR BE A BRANCH OF A VIRGINIA LICENSED ESTABLISHMENT. IN ADDITION TO CREMATORY REGISTRATION APPLICATION, A FUNERAL SERVICE ESTABLISHMENT APPLICATION MUST ALSO BE SUBMITTED.

TYPE OF BUSINESS (Select only one)

<input type="checkbox"/> SOLE PROPRIETORSHIP	<input type="checkbox"/> LIMITED PARTNERSHIP*	<input type="checkbox"/> GENERAL PARTNERSHIP**
<input type="checkbox"/> CORPORATION*	<input type="checkbox"/> LIMITED LIABILITY COMPANY*	<input type="checkbox"/> OTHER _____
Federal Employee Identification Number (FEIN) _____ - _____		

APPLICANTS DO NOT USE SPACES BELOW THIS LINE – FOR OFFICE USE ONLY

APPROVED BY _____

LICENSE NUMBER	PENDING NUMBER	BASE STATE	RECEIPT NUMBER
----------------	----------------	------------	----------------

IF ALSO LICENSED AS A FUNERAL ESTABLISHMENT, COMPLETE THE BELOW SECTION

ESTABLISHMENT OR BRANCH NAME		ESTABLISHMENT OR BRANCH LICENSE NUMBER	
ESTABLISHMENT OR BRANCH STREET ADDRESS		CITY	STATE ZIP CODE
FACILITY EMAIL ADDRESS		ESTABLISHMENT OR BRANCH PHONE NUMBER	
ESTABLISHMENT MANAGER'S NAME		MANAGER'S LICENSE NUMBER	
MANAGER'S EMAIL ADDRESS		MANAGER'S PHONE NUMBER	
MANAGER'S SIGNATURE			

CREMATORY MANAGER'S INFORMATION

MANAGER'S FIRST NAME	MANAGER'S MIDDLE NAME	MANAGER'S LAST NAME	
MANAGER'S LICENSE NUMBER (IF APPLICABLE)		MANAGER PHONE NUMBER	
HAS MANAGER HAD CREMATORY CERTIFICATION TRAINING? <input type="checkbox"/> YES <input type="checkbox"/> NO		HAS MANAGER HAD OSHA BLOODBORNE PATHOGEN CERTIFICATION TRAINING? <input type="checkbox"/> YES <input type="checkbox"/> NO	
STREET ADDRESS	CITY	STATE	ZIP CODE
EMAIL ADDRESS			

RETORT OPERATION – List all persons who operate the retort in the crematory and attach documentation of their certification(s).

FIRST NAME	MIDDLE NAME	LAST NAME
FIRST NAME	MIDDLE NAME	LAST NAME
FIRST NAME	MIDDLE NAME	LAST NAME

LICENSURE QUESTIONS

Any supporting documentation related to the questions below should be submitted to:
Virginia Board of Funeral Directors and Embalmers
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233

	YES	NO
1. Will this business offer or provide the care or preparation (including embalming) of dead human bodies?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will this business sell or provide funeral related goods and services, arrange and/or conduct funerals?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will this business offer services to the public?	<input type="checkbox"/>	<input type="checkbox"/>
4. Has a facility that you owned ever been denied a funeral service license? If yes, submit notices, orders, etc. from the regulatory authority authorized to take such actions.	<input type="checkbox"/>	<input type="checkbox"/>
5. Has a facility that you owned ever had any of the following disciplinary actions taken against its license to practice funeral services or any such actions pending, including but not limited to: suspension/revocation; probation; reprimand/cease and desist; monitored; monetary penalty? If yes, submit notices, orders, etc., from the regulatory authority authorized to take such actions.	<input type="checkbox"/>	<input type="checkbox"/>

AGREEMENT OF MANAGER OF RECORD

I agree to serve as the Manager of Record at the establishment named herein and assume the duties and responsibilities incumbent to the role as specified in the Regulations of the Virginia Board of Funeral Directors and Embalmers. By signing my name below, I acknowledge that I have read and understand the responsibilities of the Manager of Record and agree to perform those duties.

Signature of Manager of Record

Date

AFFIDAVIT OF OWNER

I certify that I have carefully read the laws and regulations related to the Virginia Board of Funeral Directors and Embalmers, which are available at <http://www.dhp.virginia.gov/funeral> and I fully understand that funds submitted as part of the application process shall not be refunded.

I certify by my signature below: I am the person applying for licensure/certification/registration and meet the qualifications required by Virginia law and regulations. Further, I certify the information provided on this application has been personally provided and reviewed by me, and that statements made on the application are true and complete. I understand that providing false or misleading information, as well as omitting information, in response to information required in this application or as part of the application process is considered falsification of the application and may be grounds for denial of or taking disciplinary action against an existing license/certificate/registration.

I agree to the above certification.

Signature of Owner

Date

ADJACENT PROPERTY OWNERS
3605, 3607 AND 3625 HALIFAX ROAD

REZONING/SUP

TIMOTHY & JANE BANKS

Industrial Galvanizers – VA INC

3535 Halifax Road

Petersburg, VA 23805

TP# 096010802; (M-2) Manufacturing Plant (8.34) of 29.826 Acres Petersburg Industrial Park

Boars Head Provisions CO INC

1819 Main St Ste 800

Sarasota, FL 34236-4865

TP# 096010801; (M-2) Manufacturing, Commercial & Industrial – 1950 Industry Pl Petersburg, VA 23805

Legal Acreage 33.231; 2090 Industry Pl Petersburg, VA 23805 Legal Acreage 13.283 (M-2) Manufacturing (Commercial/Industrial)

James Scott Reiter, Brian P Reiter & Naomi Reiter

7809 Halifax Rd

North Dinwiddie, VA 23805

TP# 107020018; Agricultural-Vacant 20-100 acres Legal Acreage 97.8/ 1701 Flank Road

Thomas A. Pride

4658 Old Princess Ann Rd

Virginia Beach, VA 23462

TP# 107020801; Agricultural-Vacant 20-100 acres Legal Acreage 36.4/ 3777 Halifax Road and TP# 107020002; 3641 Halifax Rd Legal Acreage 1.061 (220' X 210')

Karl K & Joseph K Stith

13010 S Crater Road

Petersburg, VA 23805

TP# 107010001; 6.201 Acres (.44 legal acreage) R-1, Single-Family Residential Improved/ 3632 Halifax Rd

Full Gospel Holy Temple Inc

P.O. Box 1984

Petersburg, VA 23805

TP#107020001; Exempt Religious/Residential -Vacant; 3635 Halifax Rd. Petersburg, VA 23805 (125' X 210')

Cont'd

Full Gospel Holy Temple Inc.

P.O. Box 1984

Petersburg, VA 23805

TP# 10702020; (R-1) Single-Family Exempt Religious-Vacant Land (125' X 210') 3637 Halifax Rd Petersburg, VA 23805





City of Petersburg

Department of Planning and Community Development

PROCEDURES FOR PETITION FOR REZONINGS OR SPECIAL USE PERMITS

1. Applicant files petition with the Petersburg Department of Planning and Community Development, City Hall, 135 N Union Street, Petersburg, Virginia 23803.
2. **The Filing fee for Petitions for Rezoning or Special Use Permits is \$1,500.** A Check or Money Order *made payable to the City of Petersburg* is to accompany the application.
3. A Plat of the property must also accompany the petition.
4. The Department of Planning and Community Development Staff will refer the petition to the Planning Commission to hold a public hearing and consideration the petition. Department of Planning and Community Development staff shall advertise the public hearing twice during a fourteen-day period, and the Planning Commission will hold a public hearing, and make a recommendation to the City Council regarding the petition.
5. The City Council schedules then advertises a public hearing regarding the petition.
6. The City Council holds a public hearing then considers the petition with the Planning Commission recommendation and renders a final decision to approve or disapprove the petition.

PLEASE NOTE: The rezoning or special use permit process may take up to three months.

PETITION FOR REZONING OR SPECIAL USE PERMIT

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

CASE NUMBER: 21-REZ-07 AND 21-SUP-07

APPLICANT: TIMOTHY & JANE BANKS

ADDRESS: _____

I, Timothy, Jane Banks hereby petition to rezone the following described properties
from zoning district B-1 / Agricultural to zoning district M-2

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

Operate a Crematorium

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

096010003 / 096010004 / 107020017

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

3605, 3625 and 3607 Halifax Rd
Petersburg VA. 23803

3. Approximate Area:

sq. ft.

.37, .53, 26 acres

4. Public Street Frontage:

204.89 ft.

5. A boundary plat of this property outlining the area to be rezoned must be attached to this petition.

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

N/A

7. Brief:

Said deed restrictions will expire on:

N/A

C. JUSTIFICATION FOR REZONING

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

1) The proposed rezoning will have minimal impact on surrounding property.

2) The proposed rezoning will allow for like use of surrounding property

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

The subject property is located next to Petersburg industrial park to the north and commercial property to the south.

Conforms with the City Futures land use plan

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

1) The crematorium will provide services to other local businesses who currently go outside city limits to obtain these services.

2) will create jobs

3

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

The subject property is located outside the city business district and is best suited for proposed use.

D. CERTIFICATION:

The undersigned applicant certifies that they:

- ✓ (a) are the owner, lessee or agent for (specified in writing)
 (b) possess a proprietary interest in (contract or option agreement)

the property(ies) identified within this PETITION FOR REZONING, and that the foregoing information and statements herein provided, and all other information herewith submitted, are in all respects true and correct to the best of their knowledge and belief.

Signed:

Timothy Banks Tim Banks

Mailing Address:

16501 Happy Hill Rd

South Chesterfield VA. 23831

Phone Number:

804 - 712 - 6819

Email Address:

banks, Tim 40 @ yahoo.com

APPROVED

City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION RECORD

Date Filed (with Planning Department):

Date of Planning Commission Public Hearing:

Planning Commission Action(s):

Date of City Council Hearing:

City Council Action(s):

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

BOARS Head Provisions Co. Inc.

1819 Main st. Ste 800

SARASOTA FL 34236

Industrial-Galvanizers. VA Inc

3535 Halifax Rd

Petersburg VA. 23805

Full Gospel Holy Temple Inc.

P.O. Box 1984

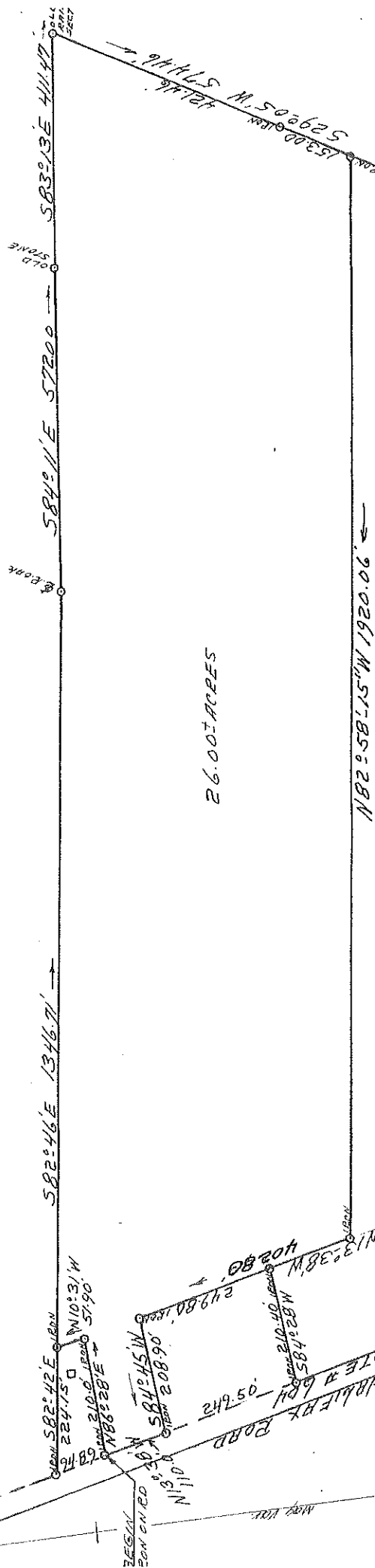
Petersburg VA. 23805

Thomas Peide

4658 Princess Ann Rd

Virginia Beach VA. 23462

A. STEWART



T.A. PRIDE
REMAINDER OF
TRACT

OLD
STONE

THE PARCEL OF LAND
SHOWN HEREON IS A PART
OF TRACT #3 OF THE
FRED VAXLEY TRACT

MAP
SHOWING A PARCEL OF LAND
SITUATED ROHOICDISTRICT
DINWIDDIE COUNTY VIRGINIA
OWNED BY AND SURVEYED FOR
T.A. PRIDE
SCALE: 1"=200' SEPT. 29, 1968
W. G. [Signature] CLS.
DINWIDDIE, VIRGINIA

DINWIDDIE CIRCUIT COURT CLERK'S OFFICE
LODGED
at [Signature] o'clock M.
OCT 2 1968
And with Certificate annexed, A. R. [Signature] Clerk
Page 1 of 8



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager
Tangela Innis, Deputy City Manager

FROM: Reginald Tabor

RE: **A Public Hearing and consideration of an Ordinance approving a petition for a Special Use Permit to allow for the construction of an office and operation of a crematorium business along a portion of the property addressed as 3605 Halifax Road, Parcel: 096010003, 3625 Halifax Road, Parcel: 096010004 and 3607 Halifax Road, Parcel: 107020017.**

PURPOSE: To hold a Public Hearing and consider an ordinance approving a petition for a Special Use Permit to allow for the construction of an office and operation of a crematorium business along a portion of the property addressed as 3605 Halifax Road, Parcel: 096010003, 3625 Halifax Road, Parcel: 096010004 and 3607 Halifax Road, Parcel: 107020017.

REASON: To comply with laws and procedures regarding Special Use Permits.

RECOMMENDATION: It is recommended that the City Council schedules a Public Hearing and adopts an ordinance approving a Special Use Permit for the property addressed as 3605, 3625 and 3607 Halifax Road.

BACKGROUND: The City of Petersburg received a petition from Timothy and Jane Banks, owners/lessee, or agent for a Special Use Permit to construct and operate a crematorium at property addressed as 3605, 3625 and 3607 Halifax Road, Petersburg, VA. The property is further identified as Tax Parcel ID's: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres.

The proposed SUP will allow the applicant to construct a Crematorium with a Special Use Permit. The subject property is currently vacant. The subject property is located near the Petersburg Interstate Industrial Park and immediately adjacent to Industrial Galvanizers, a metal finisher, Boar's Head Provisions, Inc., and Full Gospel Holy Temple, Inc. The Comprehensive Plan designates the property as Light Industrial use. The proposed use, Crematorium is identified in the Zoning Ordinance as an Objectionable Use, that is permitted within the M-2, Heavy Industrial District with a Special Use Permit.

Pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, a public hearing was held by the Planning Commission and subsequently by the City Council prior to consideration of the rezoning proposal and the public hearings were advertised, in accordance with applicable laws.

The Planning Commission voted to recommend approval of the petition for a Special Use Permit for the property located at 3605, 3607 and 3625 Halifax Road to permit the construction and operation of a crematorium.

COST TO CITY: N/A

BUDGETED ITEM: N/A

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

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor, Public Works, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: The City's Zoning Ordinance.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. ORDINANCE_SUP3605HalifaxRoad
2. 0120_2022PCStaffReportCrematorium

AN ORDINANCE APPROVING THE SPECIAL USE PERMIT (SUP) FOR THE PROPERTIES LOCATED AT 3605, 3607 AND 3625 HALIFAX ROAD TO PERMIT A CREMATORIUM WHICH IS A PERMITTED USE IN THE M-2, HEAVY INDUSTRIAL DISTRICT WITH A SPECIAL USE PERMIT.

WHEREAS, the City of Petersburg received a request from Timothy and Jane Banks, for a SUP for the property located at 3605, 3607 and 3625 Halifax Road, to construct and operate a crematorium, which is an objectionable use permitted M-2, Heavy Industrial District with a SUP; and

WHEREAS, the proposed SUP will allow the applicant to construct a Crematorium use with a Special Use Permit; and

WHEREAS, the subject property is 27 acres; and

WHEREAS, the subject property is currently vacant; and

WHEREAS, the subject property is located near the Petersburg Interstate Industrial Park and immediately adjacent to Industrial Galvanizers, a metal finisher, Boar's Head Provisions, Inc., and Full Gospel Holy Temple, Inc; and

WHEREAS, the Comprehensive Plan designates the property as Light Industrial use; and

WHEREAS, the proposed use, Crematorium is identified in the Zoning Ordinance as an Objectionable Use, that is permitted within the M-2, Heavy Industrial District with a Special Use Permit; and

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

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg approves the Special Use Permit for the property located at 3605, 3607 and 3625 Halifax Road to permit the construction and operation of a crematorium.



City of Petersburg

Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803
FAX 863-2772 TDD 733-8003

Memorandum

To: Chairwoman Tammy L. Alexander, and Members of the Planning Commission

From: Reginald Tabor, Director of Planning & Community Development
Sandra A. Robinson, Zoning Administrator

Date: December 29, 2021

Subject: REZ-2021-07; SUP-2021-07 Objectionable Use Review
Crematorium (Construction and Operation)
3605, 3607 and 3625 Halifax Road
TP # 096010003, 096010004 and 107020017

I. Statement of Fact

Per Article 18, "M-2", Heavy Industrial District Regulations, Section 3. Objectionable Uses, The following uses, or manufacture, compounding, processing, packaging or treatment of the following products, having accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance in the City of Petersburg or State of Virginia, be located in the "M-2" Heavy Industrial District, only after the location and nature of such use shall have been approved by the city council after public hearing. The planning commission shall review the plans and statements and shall not permit such buildings, structures, or uses until there has been shown that the public health, safety, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The planning commission, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety.

A public hearing has been scheduled regarding a request from Timothy and Jane Banks, owners/lessee, or agent to rezone property from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District to be permitted to construct an office/facility and operate a crematorium at property addressed as 3605, 3607 and 3625 Halifax Road, Petersburg, VA. The property is further identified as Tax Parcel ID's: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres. This request is for dual request to rezone the property and grant a Special Use Permit to allow for cremation/mortuary activity and services.

The applicants are requesting this rezoning to be allowed to provide a much-needed service to not only those funeral homes located within the City of Petersburg and Tri-Cities area, but also other local businesses who currently go outside the city limits to obtain crematorium services for their loved ones. Currently, there is one cremation company located within the City of Petersburg, at JT Morris & Son Funeral Home, located at 103 S Adams Street. Other funeral establishments without the ability to provide crematory services is Bland Funeral Home, 137 Harrison St, J M Wilkerson Funeral Establishment, Inc., 102 S Ave, Joseph M. Johnson & Son Funeral Home, 530 S Sycamore Street, however, use as a mortuary was reviewed and approved by the Board of Zoning Appeals on March 27, 2008. Tucker & Fisher Funeral Home, other funeral establishments within the Tri-Cities area are J.L. Dodson and Sons Funeral Establishment, 25824 Greensville Ave, Petersburg, VA 23803 (Dinwiddie County) Johnson Services Funeral and Cremations, McKenney, VA., Oris P. Jones Funeral Establishment, 11107 Doyle Blvd., McKenney, Virginia 23872, E. Alvin Small Funeral Homes & Crematory, 3935 S Crater Road Petersburg, VA. And 2033 Boulevard, Colonial Heights, VA just to name a few.

The subject site is located near the Petersburg Interstate Industrial Park and immediately adjacent to Industrial Galvanizers – VA Inc., a metal finisher, which the company performs coating for all types of structural steel products, located at 3535 Halifax Road. Boar's Head provisions Co. Inc, a meat-packing manufacturing facility, also located within the Petersburg Interstate Industrial Park at 1950 Industry Place. Located to the south of the site is Full Gospel Holy Temple Inc. at 3635 & 3637 Halifax Road. City Assessor records indicate the property as being vacant. Upon site visits to the proposed site staff has not seen any activity at the church.

II. Surrounding Conditions

The subject property, and all properties immediately adjacent to the proposed, vacant site, are zoned "M-2", Heavy Industrial District and are in the Petersburg Interstate Industrial Park, A-Agricultural and there are a few parcels zoned R-1, Single-Family Residential. The surrounding business uses include Triad Metals International, a steel fabrication facility, at 1951 Bessemer Rd., Infra-Metals Company- Virginia Division at 1900 Bessemer Rd, Allan Myers-Petersburg Asphalt Plant at 2020 Bessemer Rd and Allied Crawford Steel, 2021 Bessemer Road. The Boar's Head Provision, a processor and distribution facility for meat products is located to the Northeast along Bessemer Road and Collier Yard CSX railroad freight train assembly yard to the west.

III. Findings

- A. The 2011 Comprehensive Plan designates the subject property for Light Industrial usage.
- B. The current "M-2", Heavy Industrial zoning district classification and designation allows for many uses such as, warehousing, and distribution, research and/or testing labs and facilities by right contingent upon the approval of an Objectionable Use(s). The subject requests are not identified as a "use" within any of Section 2. Use Regulations under the M-2, Heavy Industrial or M-1, Light Industrial District classifications. The proposed facility could be technically permitted as an ancillary use of a funeral home establishment at a business/central commercial location (a zoning precedent has been set) if there were enough space to accommodate the use on the same lot or parcel of land, however, this is not the case in this instance. Funeral homes have traditionally been permitted in B-2, General Commercial, B-3, Central Commercial and now the R-B, Office-Apartment District within the City of Petersburg. It has been brought to staffs' attention that Joseph M. Johnson and Son Funeral Home has a crematorium within its facility located at 530 South Sycamore Street as an ancillary use to the funeral service business. Mortuary services/funeral home businesses have consistently been permitted as a service-oriented business activity and regarded as a use by right in the commercial zoning designations.
- C. The proposed project will create jobs and encourage the use of local construction labor and supplies, benefiting businesses. Increase of 3 or more workers to perform duties.
- D. It is not believed that the proposed location will be visible from any public road and the site is separated from the nearest residential neighborhood by approximately 800+/- feet.
- E. There will not be noise emissions from the equipment and if there are, it's expected to be low, and no change in noise is expected at the property boundaries.
- F. Applicant anticipates building out the property in the future to construct an office park but keeping much of the property buffered with the existing, heavy vegetation for others in need of a location to promote unconventional business uses in a private setting. Truck traffic is anticipated to be low. The building will be accessed by persons from funeral establishments, medical examiners, and the like to deliver the deceased for transitioning to ashes and for containment (urns). This process is considered minor addition to the truck traffic at the site and even smaller change relative to the truck traffic from the entire industrial area.
- G. It is the applicant's choice to locate the business activity to said property location as they have discussed the possibility of expanding the site to allow for other uses that would be permitted within an industrial park environment.
- H. Staff is unaware of any specific chemicals to be used through the cremation process and as such has required the applicant to obtain a Special Use Permit for review as would be required under item (8) cemetery; of Article 23, Section 4. Special Uses Enumerated.
- I. Should the applicant(s) receive a favorable approval from the City Council with respect to their application. The applicant shall be required to submit for review and approval a site plan showing the building location, parking, lighting, signage, and landscaping to be review by the DRT (Development Review Team) prior to the submission of a building permit application. (See Rendering attached to the application)

IV. Statement of Law

Article 18. "M-2", Heavy Industrial District Regulations

Section 1. Purpose

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "M-2" Heavy Industrial District. This district provides for industrial operations of all types, except that certain potentially hazardous industries are permitted only after public hearing and review, to assure protection of the public interest and surrounding property and persons.

Section 2. Use regulations. A building or premises shall be used only for the following purposes:

1. Any manufacturing, processing, storing, or distributing use permitted in the "M -1" Light Industrial District.
2. Dwellings for resident watchmen and caretakers employed on the premises.
3. Accessory farm dwellings, on a farm often (10) acres or more.
4. Farm, truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sales of products raised on the premises; but not including the raising for sale of birds, bees, rabbits, or other animals, fish or other creatures to such an extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors; and provided no retail or wholesale business office or store is permanently maintained on the premises;
5. The following uses and any similar industrial uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses permitted; and manufacture, compounding, processing, packaging, or treatment of the following products or similar products:

Chemicals, petroleum, coal, and allied products.

Adhesives.

Alcohol.

Bleaching products.

Bluing.

Calcimine.

Candle.

Cleaning and polishing preparations (non-soap) dressings and blackings.

Dyestuff.

Essential oils.

Exterminating agents and poisons.

Fertilizer (nonorganic)

Fuel briquettes.

Glue and size (vegetable).

Ink manufacture from primary raw materials (including colors and pigments);

Soap and soap products.

Section 3. Objectionable uses.

Chemicals, petroleum, coal, and allied products.

Acids and derivatives.

Acetylene, generation, and storage.

Ammonia.

Caustic soda.

Cellulose and cellulose storage.

Chlorine.

Coke oven products (including fuel gas).

Creosote.

Distillation, manufacture or refining of coal, tar asphalt, wood, and bones.

Explosives (including ammunition and fireworks) and explosives storage.

Fertilizer (organic); Fish oils and meal.

Glue, gelatin (animal);

Hydrogen and oxygen.

Lamp black, carbon black and bone black.

Nitrating of cotton or other materials.

Nitrates (manufactured or natural) of an explosive nature, storage.

Petroleum, gasoline, and lubricating oil.

Plastic materials and synthetic resins.

Potash.

Pyroxylin.

Rendering and storage of dead animals, offal, garbage, or waste products.

Turpentine and resin.

Section 3. Objectionable uses.

The following uses, or manufacture, compounding, processing, packaging or treatment of the following products, having accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance in the City of Petersburg or State of Virginia, be located in the "M-2" Heavy Industrial District, only after the location and nature of such use shall have been approved by the city council after public hearing. The planning commission shall review the plans and statements and shall not permit such buildings, structures, or uses until there has been shown that the public health, safety, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The planning commission, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety:

V. Recommendation

The Department of Planning & Community Development will withhold its recommendation until after the public hearing and the presentation by the petitioner(s).

VI. Exhibits

- 1) Tax Parcel Map Extract
- 2) Zoning Map Extract
- 3) Tax Assessor File Record
- 4) Applicants Petition w/Exhibits
- 5) Departmental Impact Statements
- 6) Reference Information/Questions

REFERENCE INFORMATION/QUESTIONS

Who can authorize a cremation in Virginia?

Medical Examiner

Medical Examiner/Coroner Authorization: For every cremation that occurs in the State of Virginia, a local Medical Examiner must certify and sign that your loved one is okay to cremate. The State of Virginia fee for the Medical Examiner Authorization is \$50.

How much is a crematory machine?

Cremation Systems normally delivers a Human retort and accessories, installs the equipment, fires the chamber, and trains your cremationists, for approximately \$135,000. Total cost for a suitable metal building and cremation equipment in most U.S.A markets is normally less than \$200,000. (As of April 27, 2021)

How much does it cost to cremate a person in Virginia?

A cremation can cost anywhere between \$1,200 to \$4,000. Cremation is typically around a third of the cost of a traditional funeral. There is no need for a casket, embalming, a burial vault, or a cemetery plot. Cremation can significantly reduce the expenses of a funeral.

Is it legal to scatter ashes in Virginia?

Is natural burial legal in Virginia? Is Home Burial Legal in Virginia?

There are no state laws in Virginia prohibiting home burial, but local governments may have rules governing private burials. Before burying a body on private property or establishing a family cemetery, one should check with the county, city, or town clerk for any zoning laws that you must follow.

What fuel is used in for cremation?

Crematories are most often heated by burners fueled by natural gas. LPG (propane/butane) or fuel oil may be used where natural gas is not available. These burners can range in power from 150 to 400 kilowatts (0.51 to 1.4 million British thermal units per hour).

What is the temperature of a crematorium?

The cremation then takes place in a specifically designed furnace, referred to as a cremation chamber or retort, and exposed to extreme temperatures – up to 1,800 degrees Fahrenheit – leaving behind only ashes.

How much ash is there after cremation?

Depending on the size of the body and the specific process used by the crematory, there are usually 3 to 9 pounds of remains.

Do they cremate multiple bodies at once?

No, all cremations are performed individually. In the United States, multiple-body cremation is illegal.

Definition:

Retort or also known as a cremation chamber is an industrial furnace designed to hold one body. Lined with fire-resistant bricks, the chamber can withstand temperatures up to 2,000 degrees. Modern cremation furnaces are automated and computerized, and they are fueled with natural gas, propane, or diesel. They must follow today's environmental and air quality standards.

A crematorium is usually the term for the facility that houses a cremation chamber or retort. There may be multiple chambers in a crematorium. A crematorium can be a part of a funeral home, a church, or it can be a stand-alone facility. Crematoriums are usually regulated by the state.

Direct Cremation

Direct cremation is a process where the remains are transferred directly to a cremation center without a funeral service beforehand. Because this approach eliminates the need for a funeral service and a casket purchase, it's often the cheapest type of cremation. Direct cremations typically don't allow for a viewing, visitation, or wake beforehand. Most families will schedule a memorial service later for friends and family to pay their respects.

Liquid Cremation

The process of alkaline hydrolysis is an alternative to flame cremation. The combination of the water, alkali, heat, and pressure causes a reaction that speeds up decomposition and leaves behind only bone fragments and a sterile liquid. The flameless process results in about 30% more remains than flame-based cremation, which may require a larger vessel. This process may take three to sixteen hours, depending on body mass and equipment. Many medical devices, including pacemakers, do not need to be removed before the process as they do with conventional flame-based cremation.

Green Cremation

Alkaline hydrolysis is considered a "green" alternative to burial. Once drained of remaining bone fragments, the resulting sterile solution can be recycled through the wastewater treatment system. Many environmentally conscious individuals are now opting for alkaline hydrolysis instead of the conventional procedure because of its environmental benefits. In addition to the ability to recycle the liquid byproduct, it is a green choice for several important reasons:

- Green cremation reduces more than 75% of a body's carbon footprint.
- The green process only consumes 1/8 of the amount of energy of conventional flame-based cremation.
- Because there is no flame, green cremation eliminates concerns regarding mercury emissions and reduces the use of fossil fuels and greenhouse gases.

Do you have clothes on when you're cremated?

Most crematories allow the bereaved the option of dressing their loved one prior to cremation (or having a funeral professional dress the body), although clothing choices must be completely combustible. This is especially the case when there is a viewing or other ceremony prior to cremation. For direct cremation with no viewing, the body is usually cremated in either a sheet or the clothing the deceased was wearing upon arrival.

Do they burn the coffin at a cremation?

Yes, the coffin (or whatever type of container selected to hold the body) is burned along with the body.

How Long Is the Process?

Cremation is considered more efficient than traditional burials and can be completed in a shorter amount of time following a death. Depending on factors like the size and weight of the body, the type of container holding the body, and the efficiency of the equipment installed, the actual cremation procedure usually takes between 2-3 hours for flame-based processes and up to 16 hours for liquid cremation. Keep in mind the crematory has its own policies on how long it can take to have the remains ready for the bereaved. Seven to ten days is not an unusual turnaround time, and it all depends on the individual facility's policies and procedures.

How Does Cremation Work?

Depending on your location and the services performed, cremation can range from \$1,000 – \$3,000 on the low end of the spectrum but can cost as much as \$6,000 – \$8,000. Having a traditional service beforehand can significantly increase your costs, particularly if there is a viewing or if a casket is needed.

Step 1. Identifying the Deceased

Identification regulations vary from state to state. The individual facility defines its specific procedures based on industry recommendations, but identification typically involves a family member confirming the identity. Upon confirmation, a metal ID tag is placed on the body, which will remain throughout the process and then be put with the remains for final verification.

Step 2. Authorizing the Procedure

The crematory must have official permission to move forward with the cremation. Most require that the person(s) making the final arrangements completes paperwork that authorizes the crematory to proceed. (Remember that each state has its own rules about who is legally allowed to make these decisions.) The paperwork also asks for information regarding the type of container the crematory should use and who will be responsible for picking up the remains.

Step 3. Preparing the Body

Preparing the body is something the individual facility can handle in its own way but usually involves cleaning and dressing. For typical cremation, the body is not embalmed unless the beneficiaries request this for a public viewing or other personal reason. Jewelry or other items are taken off for the loved ones to keep, except those requested to stay with the body, and medical devices and prosthetics that are mechanical or battery-operated are removed to avoid a reaction. Finally, the body is placed in a vessel that is combustible yet strong enough to hold the weight.

Step 4. Moving into the Cremation Chamber

The cremation then takes place in a specially designed furnace, referred to as a cremation chamber or retort, and exposed to extreme temperatures – up to 1,800 degrees Fahrenheit – leaving behind only ashes. Following the procedure, a cooling period is required before the remains can be handled.

Step 5. Finalizing the Remains

After cremation, the remains are inspected for any metal remnants left behind. This can be the result of items such as pins, screws, and joints the deceased had surgically placed during life. Metal is removed by hand or with strong magnets, and then it is often sent for recycling. The cremated remains are then ground down by a special processor into the final resulting ashes.

Step 6. Transferring the Ashes

Unless specified otherwise, the remains are placed in an urn (or another container) and returned to the family.

What are religious views on cremation?

The views on cremation are as varied as the religions themselves. For many years, Christianity was opposed to cremation, although the past century has seen a greater acceptance of the practice. Even within Christianity, though, the practice is met with vastly different opinion: The Eastern Orthodox Church forbids cremation outright, while the American Episcopal Church has incorporated columbaria (public displays of cremation urns) into many parishes. Likewise, Orthodox Judaism remains opposed to cremation, while Reform Judaism has begun to allow it. Muslims are expressly forbidden from having themselves cremated or even participating in another's cremation, while in contrast, Hinduism seems to encourage the practice.

Petersburg, Virginia

Parcel: 096010003

Summary

Owner Name	WILSON BEVERLY ET ALS	National Historic District:	
Owner Mailing Address	1132 ROME STREET PETERSBURG, VA 23803	Enterprise Zone:	
Property Use	200	Opportunity Zone:	
State Class:	1 Single Family Urban	VA Senate District:	16
Zoning:	R-1	Va House District:	63
Property Address	3605 HALIFAX RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.472	City Ward:	7
Legal Description:	.37ACRE	Polling Place:	Good Shepherd Baptist Church
Subdivision:		Primary Service Area:	E
Assessment Neighborhood Name:		Census Tract:	8111
Local Historic District:		Elementary School:	Walnut Hill
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):		Shed:	
Basement:		Total Rooms:	0
Attached Garage:		Bedrooms:	0
Detached Garage:		Full Baths:	0
Enclosed Porch:		Half Baths:	0
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	0%

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	7/7/2010	\$0	216/7577
	8/19/2004	\$0	2004/3649

Assessments

Valuation as of	01/01/2017	01/01/2018	01/01/2019	01/01/2020	01/01/2021
Effective for Billing:	07/01/2017	07/01/2018	07/01/2019	07/01/2020	07/01/2021
Reason					
Land Value	\$10,500	\$10,500	\$10,500	\$10,500	\$11,000
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$10,500	\$10,500	\$10,500	\$10,500	\$11,000

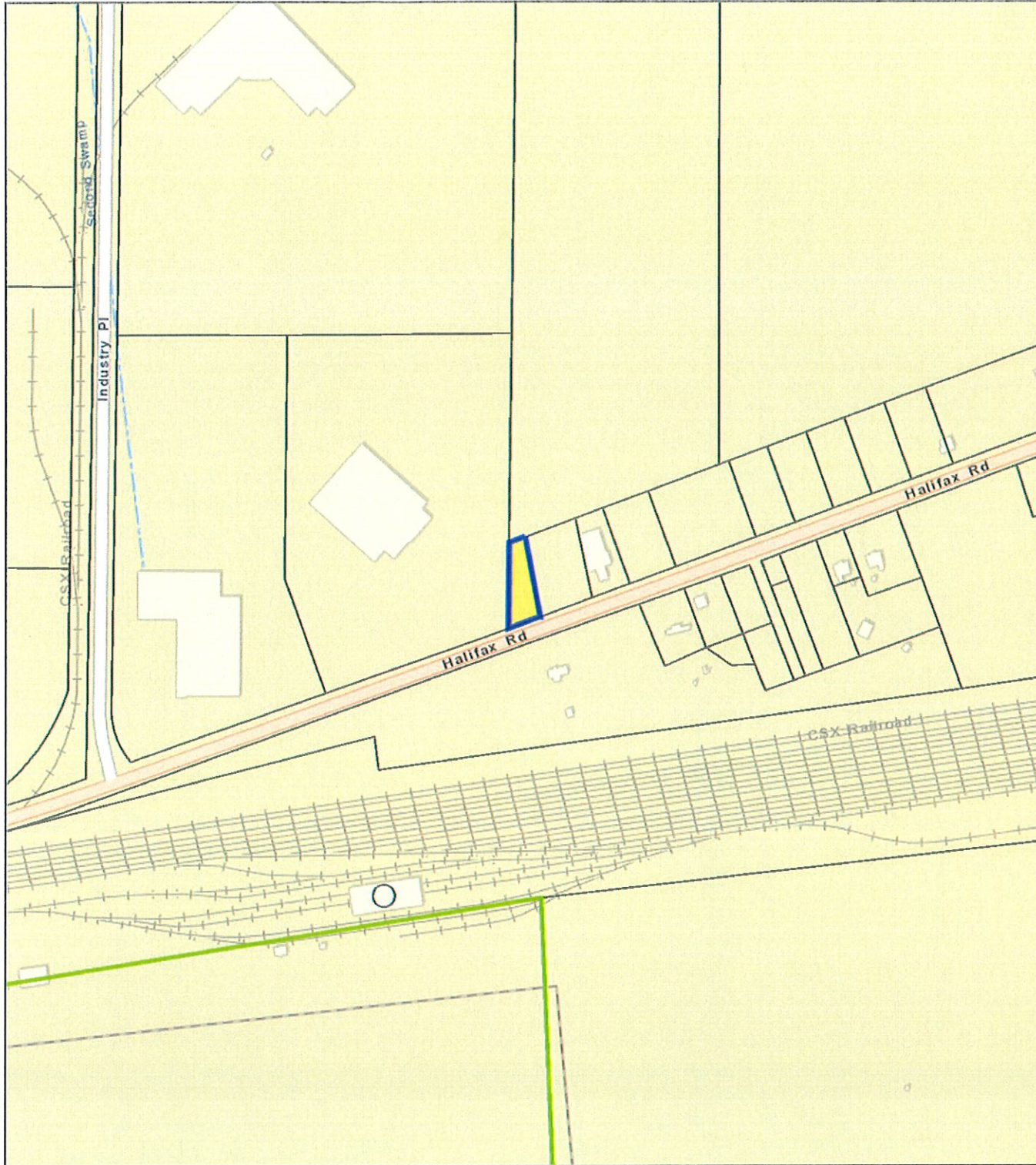
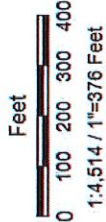
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 096010003

Date: 12/20/2021

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Petersburg, Virginia

Parcel: 107020017

Summary

Owner Name	WILDON BEVERLEY ET ALS	National Historic District:	
Owner Mailing Address	1132 ROME ST PETERSBURG, VA 23803	Enterprise Zone:	
Property Use	500	Opportunity Zone:	
State Class:	5 Agricultural 20 - 100 acres	VA Senate District:	16
Zoning:	A	Va House District:	63
Property Address	3607 HALIFAX RD Petersburg, VA	Congressional District:	4
Legal Acreage:	26	City Ward:	7
Legal Description:	26.0 ACRES	Polling Place:	Good Shepherd Baptist Church
Subdivision:		Primary Service Area:	E
Assessment Neighborhood Name:		Census Tract:	8111
Local Historic District:		Elementary School:	Walnut Hill
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):		Shed:	
Basement:		Total Rooms:	0
Attached Garage:		Bedrooms:	0
Detached Garage:		Full Baths:	0
Enclosed Porch:		Half Baths:	0
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	0%

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	7/7/2010	\$0	216/7577
	11/27/1996	\$0	635/291

Assessments

Valuation as of	01/01/2017	01/01/2018	01/01/2019	01/01/2020	01/01/2021
Effective for Billing:	07/01/2017	07/01/2018	07/01/2019	07/01/2020	07/01/2021
Reason					
Land Value	\$74,800	\$74,800	\$74,800	\$74,800	\$74,800
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$74,800	\$74,800	\$74,800	\$74,800	\$74,800

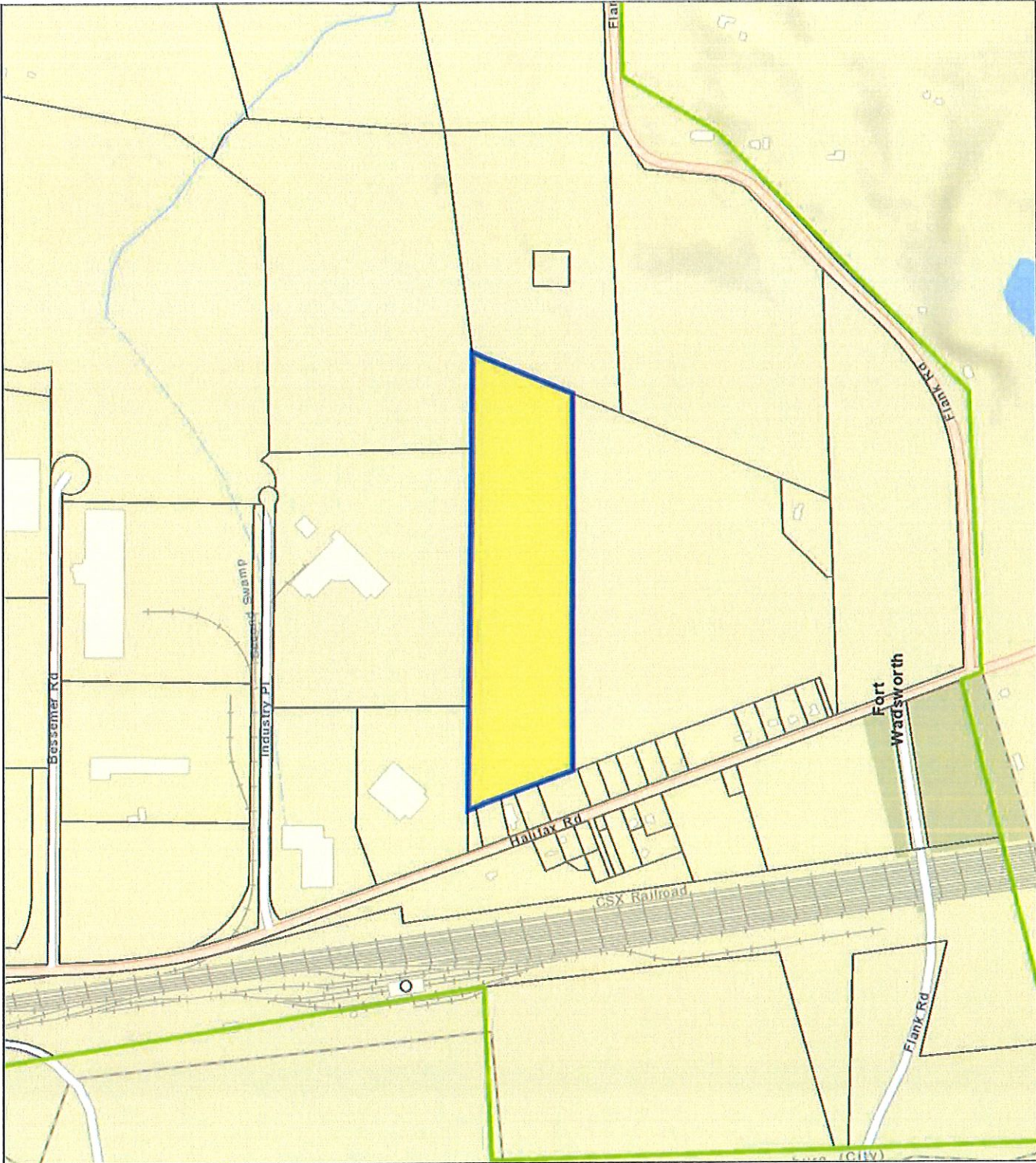
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

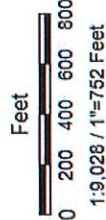
-  County Boundaries
-  Parcels



Parcel #: 107020017

Date: 12/20/2021

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Petersburg, Virginia

Parcel:

096010004

Summary

Owner Name	WILSON BEVERLY WILSON EDMUNDS WILSON BARNWELL	National Historic District:	
Owner Mailing Address	1132 ROME STREET PETERSBURG, VA 23803	Enterprise Zone:	
Property Use	200	Opportunity Zone:	
State Class:	1 Single Family Urban	VA Senate District:	16
Zoning:	R-1	Va House District:	63
Property Address	3625 HALIFAX RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.53	City Ward:	7
Legal Description:	.53 ACRES 110 X 210	Polling Place:	Good Shepherd Baptist Church
Subdivision:		Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8111
Local Historic District:		Elementary School:	Walnut Hill
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):		Shed:	
Basement:		Total Rooms:	0
Attached Garage:		Bedrooms:	0
Detached Garage:		Full Baths:	0
Enclosed Porch:		Half Baths:	0
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	0%

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	7/7/2010	\$0	216/7577
	12:00:00 AM	\$0	138/170

Assessments

Valuation as of	01/01/2017	01/01/2018	01/01/2019	01/01/2020	01/01/2021
Effective for Billing:	07/01/2017	07/01/2018	07/01/2019	07/01/2020	07/01/2021
Reason					
Land Value	\$10,500	\$10,500	\$10,500	\$10,500	\$11,000
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$10,500	\$10,500	\$10,500	\$10,500	\$11,000

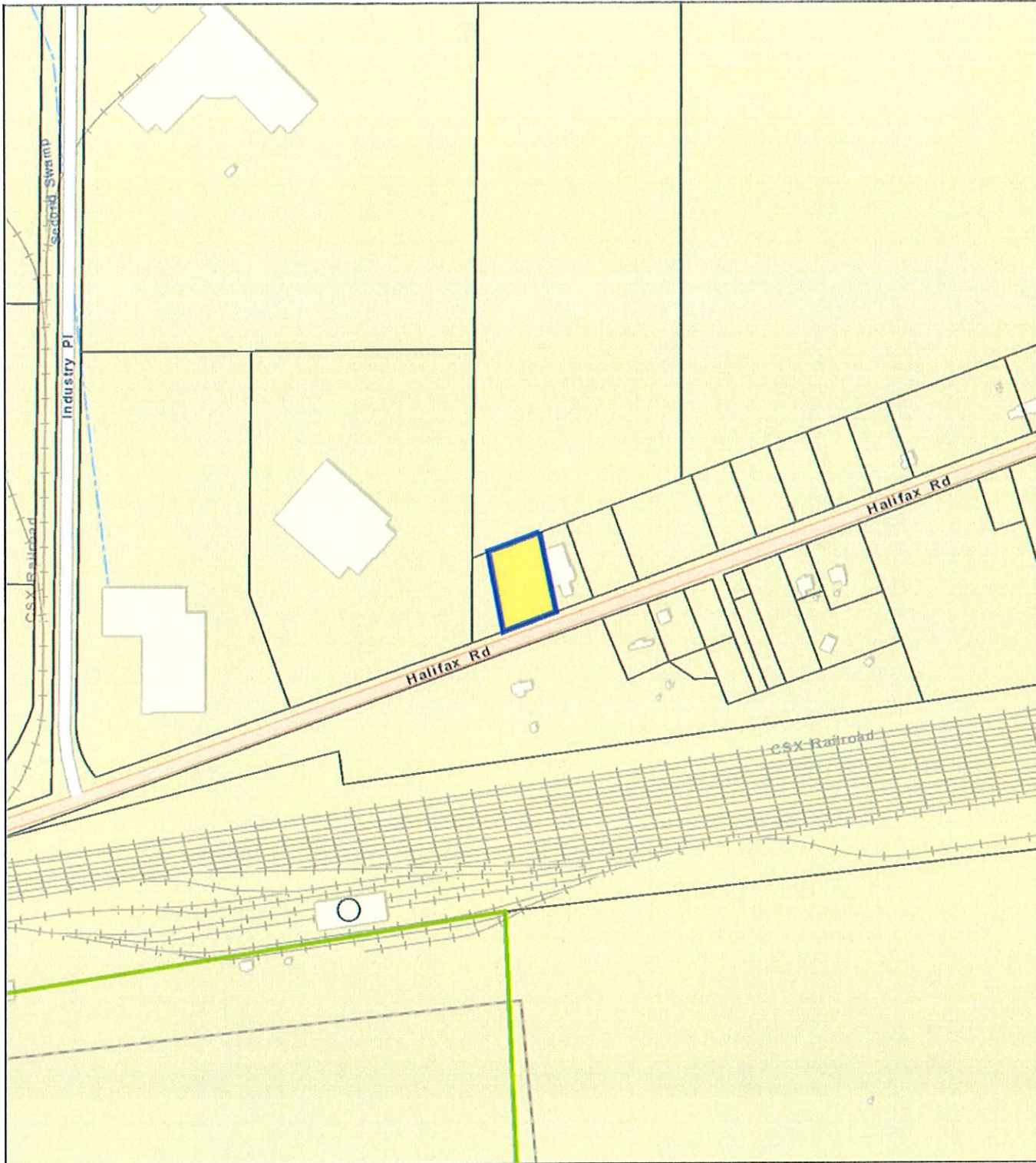
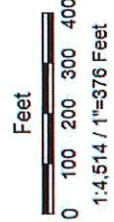
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 096010004

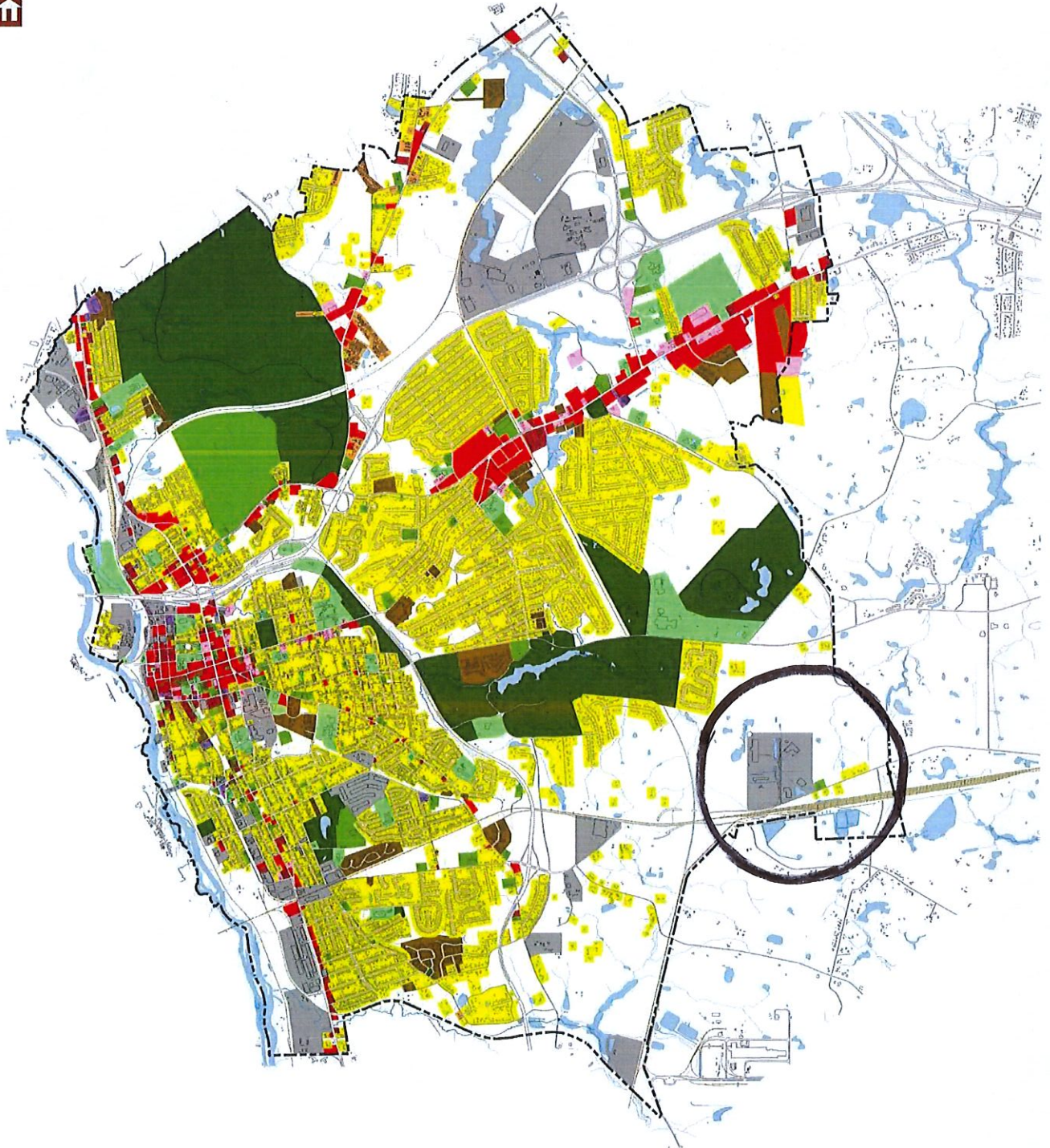
Date: 12/20/2021

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EXISTING LAND USE

COMPREHENSIVE PLAN

City of Petersburg, Virginia



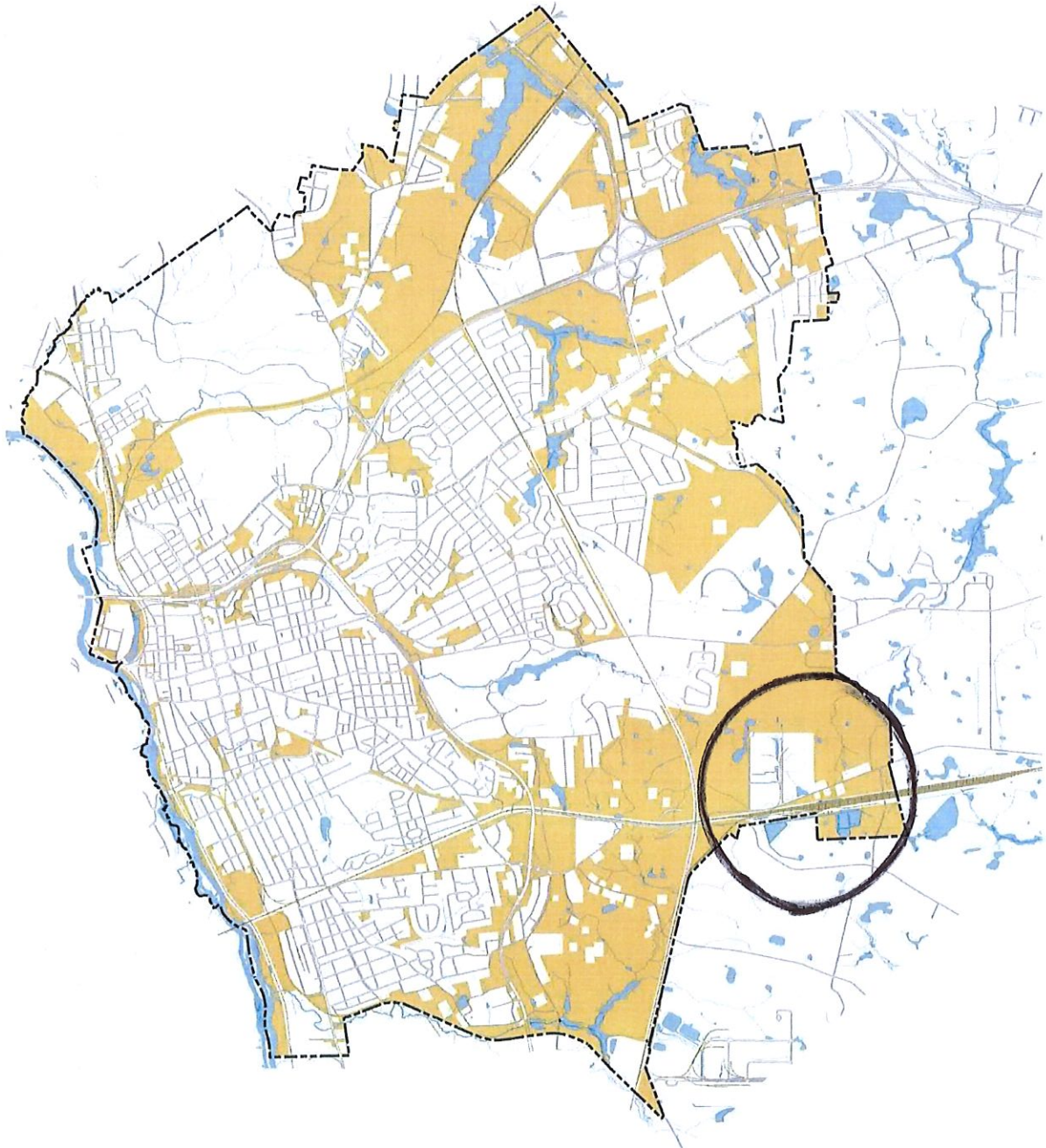
GRAPHIC SCALE IN FEET

MAY 20, 2008

K.W. Poore and Associates, Inc.
Community Development Consultants

VACANT LAND
COMPREHENSIVE PLAN
City of Petersburg, Virginia

LEGEND
--- CITY OF PETERSBURG CORPORATE LIMITS
■ VACANT LAND



NORTH
0 500 1000 1500 2000 2500 3000
GRAPHIC SCALE IN FEET
SEPTEMBER, 2008
K.W. Poore and Associates, Inc.
Community Development Consultants



City of Petersburg

Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803
FAX 863-2772 TDD 733-8003

Public Notice

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold public hearings on Thursday, January 6, 2022, beginning at 6:00 p.m. in the Petersburg Public Library located at 201 W. Washington Street, Petersburg, Virginia 23803.

21-REZ-04: Request by PBFL, LLC represented by C. Burton Cutright, to rezone property located at 1200 Harrison Creek Blvd, TP # 040030801, 1220 Harrison Creek Blvd, 1225 Harrison Creek Blvd and 1255 Harrison Creek Blvd, future identified as TP# 040030805, TP# 040030806, and TP# 040030807, from PUD with B-2, General Commercial District with conditions to PUD, with conditions. The proposed rezoning will allow the applicant to construct 52 single-family detached rental homes on 6.26+/- acres located along Harrison Creek Blvd between Route 460 and Acqua Luxury Apartments. This subject property is approximately 272,990.52 sq. ft. and has a public street frontage of approximately 261.06 feet.

21-SUP-06: A petition by Eldrika Whitaker, owner/operator of Barely Used Cars and Trucks, to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership or not located upon the same parcel as such new vehicle-dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1, zoning districts only, as provided under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (22). The proposed location is 2306 East Washington Street, Petersburg, VA., further identified as Tax Parcel 003030002. The subject property is within the B-2, General Commercial District.

21-REZ-07: A petition from Timothy and Jane Banks, owners/lessee, or agent to rezone property from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District to be permitted to construct and operate a crematorium at property addressed as 3605, 3625 and 3607 Halifax Road, Petersburg, VA. The property is further identified as Tax Parcel ID's: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres.

21-SUP-07: A petition from Timothy and Jane Banks, owners/lessee, or agent for a Special Use Permit to allow for the construction of an office and operation of a crematorium business along a portion of the property addressed as 3605, 3625 and 3607 Halifax Road, Petersburg, VA. The property is further identified as Tax Parcel ID's: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres. Such SUP to be provided under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (8).

21-CPA -01: A resolution recommending approval of amendments to the City's Comprehensive Plan to comply with the Chesapeake Bay Preservation Act.

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

A copy of the related material may be examined in the Department of Planning & Community Development in City Hall Room 304, telephone (804)733-2308. The Planning Dept. is open from 8:30am to 5:00pm, Monday - Friday.

Reginald Tabor,
Director Department of Planning & Community Development



City of Petersburg

Development Impact Report

DATE:	December 27, 2021
ADDRESS:	3605, 3607 and 3625 Halifax Road – Tax Parcel #'s 096010003; 096010004; and 107020017.
PARCEL NUMBER:	See Above
ZONING:	R-1, Single-Family Residence District
ISSUE:	There is a need to assess the impact of proposed development
DESCRIPTION:	The applicant is requesting to rezone properties located at the above-referenced addresses to construct and operate a crematorium business. The applicant is also requesting a Special Use Permit to allow the proposed business operation which is located adjacent to the Petersburg Interstate Industrial Park. (Industrial Galvanizers- VA Inc.) A metal finisher.
STATUS:	Rezone from present zoning classification to the M-2, Heavy Industrial classification to be allowed to operate the proposed business on a portion of the 37.53 acres. Land currently vacant/wooded.

DEPARTMENT IMPACT INFORMATION

GENERAL IMPACT	NONE
BENEFITS	Potential residents and citizens in the Tri-Cities area will have an opportunity to utilize local services of the funeral/crematory business services without having to go through a third party, which could increase costs of doing business regarding their loved ones. The future development of this area will increase real estate tax revenue.
REVENUE	Will be produced from the construction of the crematory and job opportunities will be created. Tools and machinery tax.
COSTS	
RECOMMENDATION	To approve the request to rezone the subject property which has lied dormant, vacant for several years.
ATTACHMENTS	N/A

**Re: FYI: Developmental Impact Statement Review - Crematorium 3605, 3607 and 3625
Halifax Road - Timothy Banks, petitioner**

H, Samer <samer.hanna@vdh.virginia.gov>

Thu 12/30/2021 2:24 PM

To: Sandra Robinson <srobinson@petersburg-va.org>

Cc: Waldon, Toinette <toinette.waldon@vdh.virginia.gov>

CAUTION: External! - Do not open attachments or click links unless you know the content is safe.

Good afternoon Ms. Robinson

Thank you for your email. I hope that you are well and having a great holiday season.

VDH has No Comments or Concerns at this time.

Thank you once again. Happy New Year.

Samer Hanna

Environmental Health Specialist

Virginia Department of Health

Crater District Health Departments

301 Halifax Street

Petersburg, VA 23803-6335

Work: (804) 609-5780

On Thu, Dec 30, 2021 at 12:03 PM Sandra Robinson <srobinson@petersburg-va.org> wrote:

Good morning Mr. Hanna,

I hope all is well and that you've had a nice Holiday thus far. I inadvertently left you off the previous email notification but would like for you to provide any comments that you may have regarding this subject. If you don't have any concerns or input regarding the proposal, please return the form stating, "NO COMMENTS OR CONCERNS at this time". Thanking you in advance. Have a Wonderful and Safe New Year!

Sandra A. Robinson
Zoning Administrator
DD - 804-733-2309

This e-mail message and any attached files are for the sole use of the intended recipient(s) and may contain privileged, confidential or otherwise protected from disclosure information. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

RE: Departmental Impact Statement - 3605, 3607 and 3625 Halifax Road - Proposed Crematorium

Brittany Flowers <bflowers@petersburg-va.org>

Thu 12/30/2021 11:56 AM

To: Sandra Robinson <srobinson@petersburg-va.org>; Darryl Walker <dwalker@petersburg-va.org>; Nikesha Williams <nwilliams@petersburg-va.org>; John Hines <jhines@petersburg-va.org>; Jim Reid <jreid@petersburg-va.org>; Jeffrey Fleming <jfleming@petersburg-va.org>; Andrew J. Barnes <abarnes@petersburg-va.org>

NO COMMENTS OR CONCERNS at this time



Brittany C. Flowers

Commissioner of the Revenue

144 N Sycamore St.

Petersburg VA 23805

Phone 804.733.2317

Mobile 804.324.8016

Fax 804.508.6948

<http://www.petersburg-va.org/135/Commissioner-of-the-Revenue>

From: Sandra Robinson <srobinson@petersburg-va.org>

Sent: Thursday, December 30, 2021 11:15 AM

To: Darryl Walker <dwalker@petersburg-va.org>; Nikesha Williams <nwilliams@petersburg-va.org>; Brittany Flowers <bflowers@petersburg-va.org>; John Hines <jhines@petersburg-va.org>; Jim Reid <jreid@petersburg-va.org>; Jeffrey Fleming <jfleming@petersburg-va.org>; Andrew J. Barnes <abarnes@petersburg-va.org>

Subject: Departmental Impact Statement - 3605, 3607 and 3625 Halifax Road - Proposed Crematorium

Please find attached a Developmental Impact Statement form to be completed and returned to me in the Department of Planning and Community Development, by the close of business, Wednesday, January 5, 2022. If you don't have any concerns or input regarding the proposal, please return the form stating, "NO COMMENTS OR CONCERNS at this time". If in your opinion and based on the use proposed there needs to be any conditions added with respect to the use, please share that information with me to relay to the Planning Commission. If a recommendation to approve the request is favorable this proposal will be referred to the Development Review Team for review and comment to the business owner/developer after the City Council public hearing.

I thank you in advance for your anticipated responses.

Sandra A Robinson

Zoning Administrator

Planning/Community Development

RE: List of Funeral Homes and Crematoriums

Brittany Flowers <bflowers@petersburg-va.org>

Thu 12/30/2021 1:00 PM

To: Sandra Robinson <srobinson@petersburg-va.org>; Lokia Brooks <lbrooks@petersburg-va.org>

Bland Funeral Homes

JT Morriss & Son

J M Wilkerson

Tucker & Fisher

Joseph M. Johnson



Brittany C. Flowers

Commissioner of the Revenue

144 N Sycamore St.

Petersburg VA 23805

Phone 804.733.2317

Mobile 804.324.8016

Fax 804.508.6948

<http://www.petersburg-va.org/135/Commissioner-of-the-Revenue>

From: Sandra Robinson <srobinson@petersburg-va.org>

Sent: Thursday, December 30, 2021 12:53 PM

To: Brittany Flowers <bflowers@petersburg-va.org>; Lokia Brooks <lbrooks@petersburg-va.org>

Subject: List of Funeral Homes and Crematoriums

Hello,

I'm currently working on my Planning Commission agenda items, and I wanted to know if your office can pull a list of all the funeral home establishments/crematoriums located within the City of Petersburg. I would greatly appreciate it if you could, but if you can't I understand.

Thanks!

Sandra A Robinson

Zoning Administrator

Planning/Community Development

Phone 804-733-2309



CHECKLIST AND INSTRUCTIONS FOR CREMATORY REGISTRATION APPLICATION

At least 30 days prior to opening a crematory, any person intending to own or operate a crematory shall apply for registration with the Board of Funeral Directors and Embalmers. A crematory providing cremation services directly to the public shall also be licensed as a funeral service establishment or be a branch of a Virginia licensed establishment.

- ☐ APPLICATION – This application will not be considered until all sections have been completed. You may need to submit supporting documentation regarding your responses to the licensure questions. Please refer to the application for more information.
- ☐ FEE – All fees are non-refundable. Make check or money order payable to the Treasurer of Virginia.
Initial crematory registration with inspection is \$650.00 (\$250 registration fee & \$400 inspection fee)
Change of Crematory Manager is \$100.00
Change of Ownership with re-inspection is \$500.00
Change of Tradename is \$100
- ☐ MANAGER OF RECORD CERTIFICATION – Certification by the Cremation Association of North America (CANA), the International Cemetery, Cremation and Funeral Association (ICCF), or other certification approved by the Board is required for the Manager of Record. Please submit a copy of the certification.
- ☐ MANAGER OF RECORD OSHA-COMPLIANT TRAINING – Please submit a copy of your crematory certification training certificate for Occupational Safety and Health Administration (OSHA) compliant training on universal precautions and bloodborne pathogens.
- ☐ CERTIFICATION FOR RETORT OPERATORS– All persons who operate the retort in a crematory shall have certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCF); or other certification recognized by the Board. Persons receiving training toward certification to operate a retort shall be allowed to work under the supervision of an operator who holds certification for a period not to exceed six months. Please submit a copy of the documentation of certifications as listed above for persons listed on the application to operate the retort in the crematory.
- ☐ VIRGINIA STATE CORPORATION COMMISSION (SCC)- All Corporations, Limited Liability Companies, and Limited Partnerships must register with the Virginia State Corporation Commission (SCC), including any trade/fictitious names, prior to applying for licensure with the Virginia Board of Funeral Directors and Embalmers. For additional information, please contact the SCC at (804) 371-9733. Attach documentation. General Partnerships must attach recording data or a certificate of partnership issued by the Virginia State Corporation Commission. Business entities that are trading under a fictitious name(s), which are not corporations, must attach a copy of the certificate filed with the clerk of the court in the locality where business will be conducted.



CREMATORY REGISTRATION APPLICATION

MARK ONLY ONE BOX:

- ☐ Initial Crematory registration with inspection
- ☐ Change of Crematory Manager
Previous Manager's Name: _____
Change Effective Date (MM/DD/YY): _____
- ☐ Change of Ownerships with Re-inspection
- ☐ Change of Tradename

ESTABLISHMENT INFORMATION

OWNER'S FULL NAME			
ESTABLISHMENT NAME AND TRADE NAME			
ESTABLISHMENT MAILING ADDRESS	CITY	STATE	ZIP CODE
ESTABLISHMENT LOCATION ADDRESS	CITY	STATE	ZIP CODE
ESTABLISHMENT TELEPHONE NUMBER	ESTABLISHMENT EMAIL ADDRESS		

CHECK ONE BOX:

- ☐ CREMATORY IS OWNED BY A VIRGINIA LICENSED FUNERAL ESTABLISHMENT AND IS LOCATED ON THE SAME SITE
- ☐ CREMATORY IS **NOT** OWNED BY A VIRGINIA LICENSED FUNERAL ESTABLISHMENT AND OFFERS CREMATION TO FUNERAL ESTABLISHMENT ONLY
- ☐ CREMATORY IS OWNED BY A VIRGINIA LICENSED FUNERAL ESTABLISHMENT AND IS **NOT** LOCATED ON THE SAME SITE AND IS OFFERING FUNERAL SERVICES TO THE PUBLIC. **NOTE:** CREMATORY MUST ALSO BE LICENSED AS A FUNERAL SERVICE ESTABLISHMENT OR BE A BRANCH OF A VIRGINIA LICENSED ESTABLISHMENT. IN ADDITION TO CREMATORY REGISTRATION APPLICATION, A FUNERAL SERVICE ESTABLISHMENT APPLICATION MUST ALSO BE SUBMITTED.

TYPE OF BUSINESS (Select only one)

<input type="checkbox"/> SOLE PROPRIETORSHIP	<input type="checkbox"/> LIMITED PARTNERSHIP*	<input type="checkbox"/> GENERAL PARTNERSHIP**
<input type="checkbox"/> CORPORATION*	<input type="checkbox"/> LIMITED LIABILITY COMPANY*	<input type="checkbox"/> OTHER _____
Federal Employee Identification Number (FEIN) _____ - _____		

APPLICANTS DO NOT USE SPACES BELOW THIS LINE – FOR OFFICE USE ONLY

APPROVED BY _____

LICENSE NUMBER	PENDING NUMBER	BASE STATE	RECEIPT NUMBER
----------------	----------------	------------	----------------

IF ALSO LICENSED AS A FUNERAL ESTABLISHMENT, COMPLETE THE BELOW SECTION

ESTABLISHMENT OR BRANCH NAME		ESTABLISHMENT OR BRANCH LICENSE NUMBER	
ESTABLISHMENT OR BRANCH STREET ADDRESS		CITY	STATE ZIP CODE
FACILITY EMAIL ADDRESS		ESTABLISHMENT OR BRANCH PHONE NUMBER	
ESTABLISHMENT MANAGER'S NAME		MANAGER'S LICENSE NUMBER	
MANAGER'S EMAIL ADDRESS		MANAGER'S PHONE NUMBER	
MANAGER'S SIGNATURE			

CREMATORY MANAGER'S INFORMATION

MANAGER'S FIRST NAME	MANAGER'S MIDDLE NAME	MANAGER'S LAST NAME	
MANAGER'S LICENSE NUMBER (IF APPLICABLE)		MANAGER PHONE NUMBER	
HAS MANAGER HAD CREMATORY CERTIFICATION TRAINING? <input type="checkbox"/> YES <input type="checkbox"/> NO		HAS MANAGER HAD OSHA BLOODBORNE PATHOGEN CERTIFICATION TRAINING? <input type="checkbox"/> YES <input type="checkbox"/> NO	
STREET ADDRESS	CITY	STATE	ZIP CODE
EMAIL ADDRESS			

RETORT OPERATION – List all persons who operate the retort in the crematory and attach documentation of their certification(s).

FIRST NAME	MIDDLE NAME	LAST NAME
FIRST NAME	MIDDLE NAME	LAST NAME
FIRST NAME	MIDDLE NAME	LAST NAME

LICENSURE QUESTIONS

Any supporting documentation related to the questions below should be submitted to:
Virginia Board of Funeral Directors and Embalmers
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233

	YES	NO
1. Will this business offer or provide the care or preparation (including embalming) of dead human bodies?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will this business sell or provide funeral related goods and services, arrange and/or conduct funerals?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will this business offer services to the public?	<input type="checkbox"/>	<input type="checkbox"/>
4. Has a facility that you owned ever been denied a funeral service license? If yes, submit notices, orders, etc. from the regulatory authority authorized to take such actions.	<input type="checkbox"/>	<input type="checkbox"/>
5. Has a facility that you owned ever had any of the following disciplinary actions taken against its license to practice funeral services or any such actions pending, including but not limited to: suspension/revocation; probation; reprimand/cease and desist; monitored; monetary penalty? If yes, submit notices, orders, etc., from the regulatory authority authorized to take such actions.	<input type="checkbox"/>	<input type="checkbox"/>

AGREEMENT OF MANAGER OF RECORD

I agree to serve as the Manager of Record at the establishment named herein and assume the duties and responsibilities incumbent to the role as specified in the Regulations of the Virginia Board of Funeral Directors and Embalmers. By signing my name below, I acknowledge that I have read and understand the responsibilities of the Manager of Record and agree to perform those duties.

Signature of Manager of Record

Date

AFFIDAVIT OF OWNER

I certify that I have carefully read the laws and regulations related to the Virginia Board of Funeral Directors and Embalmers, which are available at <http://www.dhp.virginia.gov/funeral> and I fully understand that funds submitted as part of the application process shall not be refunded.

I certify by my signature below: I am the person applying for licensure/certification/registration and meet the qualifications required by Virginia law and regulations. Further, I certify the information provided on this application has been personally provided and reviewed by me, and that statements made on the application are true and complete. I understand that providing false or misleading information, as well as omitting information, in response to information required in this application or as part of the application process is considered falsification of the application and may be grounds for denial of or taking disciplinary action against an existing license/certificate/registration.

I agree to the above certification.

Signature of Owner

Date

ADJACENT PROPERTY OWNERS
3605, 3607 AND 3625 HALIFAX ROAD

REZONING/SUP

TIMOTHY & JANE BANKS

Industrial Galvanizers – VA INC

3535 Halifax Road

Petersburg, VA 23805

TP# 096010802; (M-2) Manufacturing Plant (8.34) of 29.826 Acres Petersburg Industrial Park

Boars Head Provisions CO INC

1819 Main St Ste 800

Sarasota, FL 34236-4865

TP# 096010801; (M-2) Manufacturing, Commercial & Industrial – 1950 Industry Pl Petersburg, VA 23805

Legal Acreage 33.231; 2090 Industry Pl Petersburg, VA 23805 Legal Acreage 13.283 (M-2) Manufacturing (Commercial/Industrial)

James Scott Reiter, Brian P Reiter & Naomi Reiter

7809 Halifax Rd

North Dinwiddie, VA 23805

TP# 107020018; Agricultural-Vacant 20-100 acres Legal Acreage 97.8/ 1701 Flank Road

Thomas A. Pride

4658 Old Princess Ann Rd

Virginia Beach, VA 23462

TP# 107020801; Agricultural-Vacant 20-100 acres Legal Acreage 36.4/ 3777 Halifax Road and TP# 107020002; 3641 Halifax Rd Legal Acreage 1.061 (220' X 210')

Karl K & Joseph K Stith

13010 S Crater Road

Petersburg, VA 23805

TP# 107010001; 6.201 Acres (.44 legal acreage) R-1, Single-Family Residential Improved/ 3632 Halifax Rd

Full Gospel Holy Temple Inc

P.O. Box 1984

Petersburg, VA 23805

TP#107020001; Exempt Religious/Residential -Vacant; 3635 Halifax Rd. Petersburg, VA 23805 (125' X 210')

Cont'd

Full Gospel Holy Temple Inc.

P.O. Box 1984

Petersburg, VA 23805

TP# 10702020; (R-1) Single-Family Exempt Religious-Vacant Land (125' X 210') 3637 Halifax Rd Petersburg, VA 23805





City of Petersburg

Department of Planning and Community Development

PROCEDURES FOR PETITION FOR REZONINGS OR SPECIAL USE PERMITS

1. Applicant files petition with the Petersburg Department of Planning and Community Development, City Hall, 135 N Union Street, Petersburg, Virginia 23803.
2. **The Filing fee for Petitions for Rezoning or Special Use Permits is \$1,500.** A Check or Money Order *made payable to the City of Petersburg* is to accompany the application.
3. A Plat of the property must also accompany the petition.
4. The Department of Planning and Community Development Staff will refer the petition to the Planning Commission to hold a public hearing and consideration the petition. Department of Planning and Community Development staff shall advertise the public hearing twice during a fourteen-day period, and the Planning Commission will hold a public hearing, and make a recommendation to the City Council regarding the petition.
5. The City Council schedules then advertises a public hearing regarding the petition.
6. The City Council holds a public hearing then considers the petition with the Planning Commission recommendation and renders a final decision to approve or disapprove the petition.

PLEASE NOTE: The rezoning or special use permit process may take up to three months.

PETITION FOR REZONING OR SPECIAL USE PERMIT

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

CASE NUMBER: 21-REZ-07 AND 21-SUP-07

APPLICANT: TIMOTHY & JANE BANKS

ADDRESS: _____

I, Timothy, Jane Banks hereby petition to rezone the following described properties
from zoning district B-1 / Agricultural to zoning district M-2

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

Operate a Crematorium

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

096010003 / 096010004 / 107020017

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

3605, 3625 and 3607 Halifax Rd
Petersburg VA. 23803

3. Approximate Area:

sq. ft.

.37, .53, 26 acres

4. Public Street Frontage:

204.89 ft.

5. A boundary plat of this property outlining the area to be rezoned must be attached to this petition.

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

N/A

7. Brief:

Said deed restrictions will expire on:

N/A

C. JUSTIFICATION FOR REZONING

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

1) The proposed rezoning will have minimal impact on surrounding property.

2) The proposed rezoning will allow for like use of surrounding property

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

The subject property is located next to Petersburg industrial park to the north and commercial property to the south.

Conforms with the City Futures land use plan

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

1) The crematorium will provide services to other local businesses who currently go outside city limits to obtain these services.

2) will create jobs

3

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

The subject property is located outside the city business district and is best suited for proposed use.

D. CERTIFICATION:

The undersigned applicant certifies that they:

- ✓ (a) are the owner, lessee or agent for (specified in writing)
 (b) possess a proprietary interest in (contract or option agreement)

the property(ies) identified within this PETITION FOR REZONING, and that the foregoing information and statements herein provided, and all other information herewith submitted, are in all respects true and correct to the best of their knowledge and belief.

Signed:

Timothy Banks Tim Banks

Mailing Address:

16501 Happy Hill Rd

South Chesterfield VA. 23831

Phone Number:

804 - 712 - 6819

Email Address:

banks, Tim 40 @ yahoo.com

APPROVED

City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION RECORD

Date Filed (with Planning Department):

Date of Planning Commission Public Hearing:

Planning Commission Action(s):

Date of City Council Hearing:

City Council Action(s):

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

BOARS Head Provisions Co. Inc.

1819 Main st. Ste 800

SARASOTA FL 34236

Industrial-Galvanizers. VA Inc

3535 Halifax Rd

Petersburg VA. 23805

Full Gospel Holy Temple Inc.

P.O. Box 1984

Petersburg VA. 23805

Thomas Peide

4658 Princess Ann Rd

Virginia Beach VA. 23462

[illegible]

MAP
SHOWING A PARCEL OF LAND
SITUATED ROHOIC DISTRICT
DINWIDDIE COUNTY VIRGINIA
OWNED BY AND SURVEYED FOR
T. A. PRIDE
S.C. 1/16: 1" = 200' SEPT. 29, 1968
MADE BY J. L. G. L. S.
DINWIDDIE COUNTY VIRGINIA

158-1171
UNIONBEE CIRCUIT COURT CLERK'S OFFICE
LODGED
at 3:30 o'clock M.
OCT 2 1968
And with Certificate annexed, A. R.
Page 69 of 8



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager
Tangela Innis, Deputy City Manager

FROM: Reginald Tabor

RE: **A Public Hearing and consideration of an ordinance approving a petition for a Special Use Permit (SUP) to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership at 2306 East Washington Street, Parcel: 003030002.**

PURPOSE: To schedule a Public Hearing and consideration of an ordinance approving a petition for a Special Use Permit (SUP) to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership at 2306 East Washington Street, Parcel: 003030002.

REASON: To comply with laws and procedures regarding Special Use Permits.

RECOMMENDATION: It is recommended that the City Council schedules a Public Hearing and considers an ordinance approving a petition for a Special Use Permit to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership at 2306 East Washington Street, Parcel: 003030002.

BACKGROUND: The City of Petersburg received a petition from Eldrika Whitaker, owner/operator of Barely Used Cars and Trucks, for a Special Use Permit to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership or not located upon the same parcel as such new vehicle-dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1, zoning districts only, as provided under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (22). The proposed location is 2306 East Washington Street, Petersburg, VA., further identified as Tax Parcel 003030002. The subject property is within the B-2, General Commercial District.

The petition was considered by the Planning Commission, and the Planning Commission voted to approve a resolution recommending approval of the petition.

COST TO CITY: N/A

BUDGETED ITEM: N/A

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

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor, Public Works, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: The City's Zoning Ordinance.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. ORDINANCE_SUP2306EWashingtonSt
2. 0120_2022PlanningCommissionStaffReport_SUP_2306EWashingtonSt
3. 0315_2022FutureLandUse2306EWashingtonSt

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A STAND-ALONE USED VEHICLE
SALES BUSINESS AT 2306 E WASHINGTON STREET TAX PARCEL 003030002**

WHEREAS, the City of Petersburg received a petition from Eldrika Whitaker, owner/operator of Barely Used Cars and Trucks, for a Special Use Permit to establish and operate a stand-alone used vehicle sales business at 2306 East Washington Street, Petersburg, VA., further identified as Tax Parcel 003030002; and

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

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

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

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

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

NOW THEREFORE BE IT ORDAINED that City Council of the City of Petersburg does hereby Approve the petition from Eldrika Whitaker, owner/operator of Barely Used Cars and Trucks, for a Special Use Permit to establish and operate a stand-alone used vehicle sales business at 2306 East Washington Street, Petersburg, VA., further identified as Tax Parcel 003030002.



City of Petersburg

Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803
srobinson@petersburg-va.org

Memorandum

To: Chairwoman Tammy L. Alexander, and Members of the Planning Commission

From: Reginald Tabor, Director of Planning & Community Development
Sandra A. Robinson, Zoning Administrator

Date: December 28, 2021

Subject: Case 2021-SUP-06
2306 E Washington Street
Tax Parcel: 003030002

21-SUP-06: Request by Eldrika Whitaker, owner/operator of Barely Used Cars and Trucks, to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership or not located upon the same parcel as such new vehicle-dealership, if located upon parcels of less than one acre in area, such use can be permitted within the B-2, and M-1, zoning districts only, as provided under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (22). The proposed location is 2306 E Washington Street, Petersburg, VA., further identified as Tax Parcel # 003030002. The subject property is zoned B-2, General Commercial District. The property owner of record is Covenant Baptist Church, (Korean Mission Baptist Church) located directly next door to the subject property, but managed by 1st Choice Realty Group, Colonial Heights, Virginia. The Comprehensive Plan suggests this area is suitable for commercial uses.

I. Summary of Case

An application for a Special Use Permit was received from the applicant to request to use the property as a used car and truck dealership to sell, buy and trade automobiles. The property is located at the intersection of Mecklenburg and E Washington Streets and although the structure was built as a residence in the 1950's, its been used for commercial purposes since 1988/89. To date the last known use was as a Six (6) chair Barber & Beauty Shop. Prior to that the property had been used as a Variety/Thrift Shop, Landscape and Lawn Care business and a Real Estate office.

Article 19, Off-Street Parking Regulations, Section 6. Minimum Parking Spaces, item (2) of the zoning ordinance requires auto sales and services to include new and used car dealers: One (1) space per every two hundred (200) square feet of floor area and space to accommodate all other vehicles used and sold. Therefore, a space for each automobile on the lot. Each parking space shall be properly delineated (marked) to identify the space. Any parking lot having ten or more spaces must have at least one (1) handicapped space.

Per Article 19, Section 3. Design Standards. All off-street parking lots shall be surfaced with asphalt, concrete, or other impermeable surface to protect against potholes, erosion, and dust unless an

alternative surface is allowed by the city engineer to control stormwater runoff. All parking lots shall be bordered by a curb of asphalt, concrete, or other material acceptable to the city engineer. Entrances and exits for all parking facilities shall comply with existing ordinances of the city.

Tax Assessment records indicate the structure to be approximately 1077 square feet on the 1st floor, 464 sq. ft on the 2nd floor. There is also an accessory garage (20' X 30') located along the rear of the property which is 600 square feet.

II. Surrounding Conditions

The subject property is zoned B-2, General Commercial District, and all properties located along the north side and south side along E. Washington Street are zoned B-2. Properties located to the rear of the subject property along the Richmond Ave between Lakemont Drive, Nash St, Ash St, Henrico, and Courthouse Street are zoned R-2, Single-Family Residence District. Property addressed as 120 Mecklenburg Street directly across the street from the site is zoned B-2, General Commercial and further identified as Tax Parcel #004230007. This property is used as an automotive repair establishment and has been for over 30 years. Upon a site visit along the E Washington Street corridor there appears to be at least 8 various types of auto repair establishments to include active used car sells lots.

III. Findings

- A. The 2014 Comprehensive Plan designates the subject property for Commercial usage.
- B. The property is currently zoned under the "B-2", General Commercial district classification and permits the requested use contingent upon the approval of a Special Use Permit as outlined in Article 23, Supplementary Use Regulations – Special Uses, Section 4. Special Uses Enumerated # (22).
- C. The proposed use is currently being performed on adjacent properties, benefiting businesses and the community. There have been several special use permits granted over the past 10 years on properties being used for used car sells and other commercial activities along the East Washington St corridor some of which were permitted uses by right prior to being added under Article 23, Supplementary Use Regulations -Special Uses Section 4. Special uses enumerated.
- D. It is not believed that the proposed location will pose a burden to the existing neighborhood or property owners as the existing property owners and businesses have been operating in this capacity for more than 10 years.
- E. As of the preparation of this report, our office has received positive public input in support to the request to recommend approval.
- F. There is no inclusion of auto repairs included within the request, however, it would be remiss for staff to think that minor repairs will not take place at the property which includes the subject vehicles. Staff proposes that if approved the attached conditions should apply to the request.
- G. An approved landscape plan should be submitted and approved by the Planning Department staff to ensure that proper buffering of the neighboring residential areas will be protected and properly lit as to not producing glare onto the adjoining properties.
- H. Per Article 21, Sign Regulations. Section 9. Permitted Signs by Zoning District. Section 9.4. The maximum advertising display area for accessory or business signs in District B-2 shall not exceed one hundred fifty (150) square feet. There is an existing pole sign located on the property which is less than the stated 150 sq ft allowed. The existing pole sign is 25 sq ft and a sign height of 18' which is less than the maximum height permitted of 25'. Article 21. Sign Regulations, Section 6. Prohibited Signs. Section 6.7. All portable or nonstructural signs. 6.8. Roof signs.

IV. Statement of Law

Article 15, "B-2" General Commercial District was created to provide appropriate locations for all types of commercial and miscellaneous service activities, particularly along existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisance factors if dust, order, and noise associated with manufacturing.

For the applicant to be allowed to operate as a stand-alone used car business they will require the approval of the requested Special Use Permit.

Article 23 of the City of Petersburg Zoning Ordinance provides for the establishment of certain uses. Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, when found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures, and premises, shall be submitted to the planning commission. The commission shall hold a public hearing as provided in article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures or uses will have upon the surrounding territory, submit a recommendation to the City Council within thirty (30) days following said hearing. Following receipt of the commission's report, the City Council may permit such buildings, structures, or uses, where requested; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

V. Recommendation

The Department of Planning & Community Development will withhold its recommendation until after the public hearing and the presentation by the petitioner(s).

VI. Exhibits

- 1) Tax Parcel Map Extract
- 2) Zoning Map Extract
- 3) Tax Assessor File Record
- 4) Applicants Petition
- 5) Comments



City of Petersburg

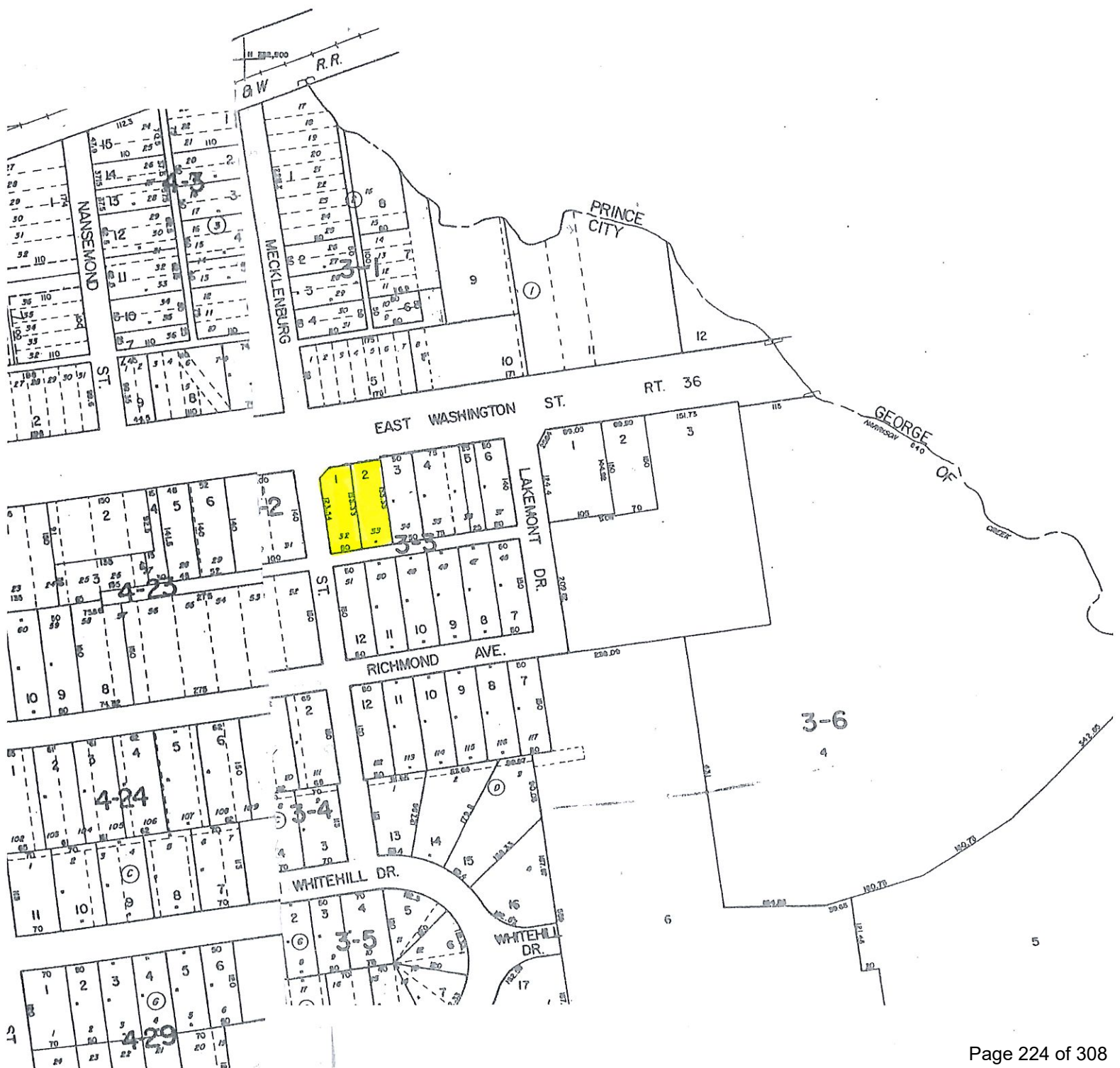
Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803
srobinson@petersburg-va.org

Conditions of Special Use Permit
Eldrika Whitaker
2306 East Washington Street
TP# 003030002

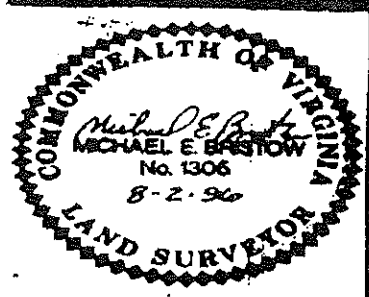
1. This Special Use Permit shall be issued to Eldrika Whitaker, owner operator of Barely Used Cars and Trucks, to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership or not located upon the same parcel as such new dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1, zoning districts only. The applicant shall be responsible for compliance with the Special Use Permit and attached conditions. This Special Use Permit shall not be transferable upon change in business ownership. Should the vehicle sales business discontinue for a period of one (1) year or more for any reason, the authorization of the discontinued use through this Special Use Permit shall terminate.
2. Vehicles for servicing shall not be parked, stored, or displayed on the right-of-way of any adjacent street or along East Washington Street.
3. Any vehicle not capable of operation or which does not bear a valid registration or current Virginia Inspection Sticker shall not be stored on the subject property/parcel. All vehicles displayed for sale shall have appropriate supporting documentation that such vehicle is legally possessed by the auto sales business as a vehicle available for sale.
4. In no case shall it be deemed permissible for the subject business, or businesses with which the subject business may share a location, to operate a scrap or junkyard. No outside storage of vehicle components, plastic materials, glass, used or waste tires is permitted.
5. A lighting plan shall be required for submission to and approval by the Department of Planning/CD. Such plan should specifically indicate measures to prevent glare on adjoining properties. Signage not to exceed One Hundred Fifty (150) square feet in area. Portable signs are prohibited.

6. The applicant shall submit a site plan designating off-street parking spaces in accordance with the regulations of the Zoning Ordinance, Article 19, with surfacing and ingress and egress driveways. Parking spaces shall be designated with appropriate markings for customer parking. Customer designated spaces shall not be used for the display of vehicles for sale. All cars for sale shall be in a designated parking space.
7. Notwithstanding the issuance of any business licenses or permits by the City of Petersburg, the operation of any business or activity on the premises shall follow the zoning ordinance of the City.
8. The applicant shall ensure that the parking area in addition to adjacent parcels to include sidewalks if applicable, are “policed” at the end of business each day of operation, to provide for the removal of litter, broken glass, discarded paper or other waste daily when the business is in operation.
9. Trash and garbage generated from the business shall be stored in an appropriate manner, in containers screened from public view. Trash containers shall not generate objectionable odor levels.
10. Other requirements may be imposed as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.



NOTE: THIS LOT APPEARS TO BE IN F.I.R.A. FLOOD ZONE "C" AS SHOWN ON F.I.R.A. COMMUNITY MAP, 510112-0002-B

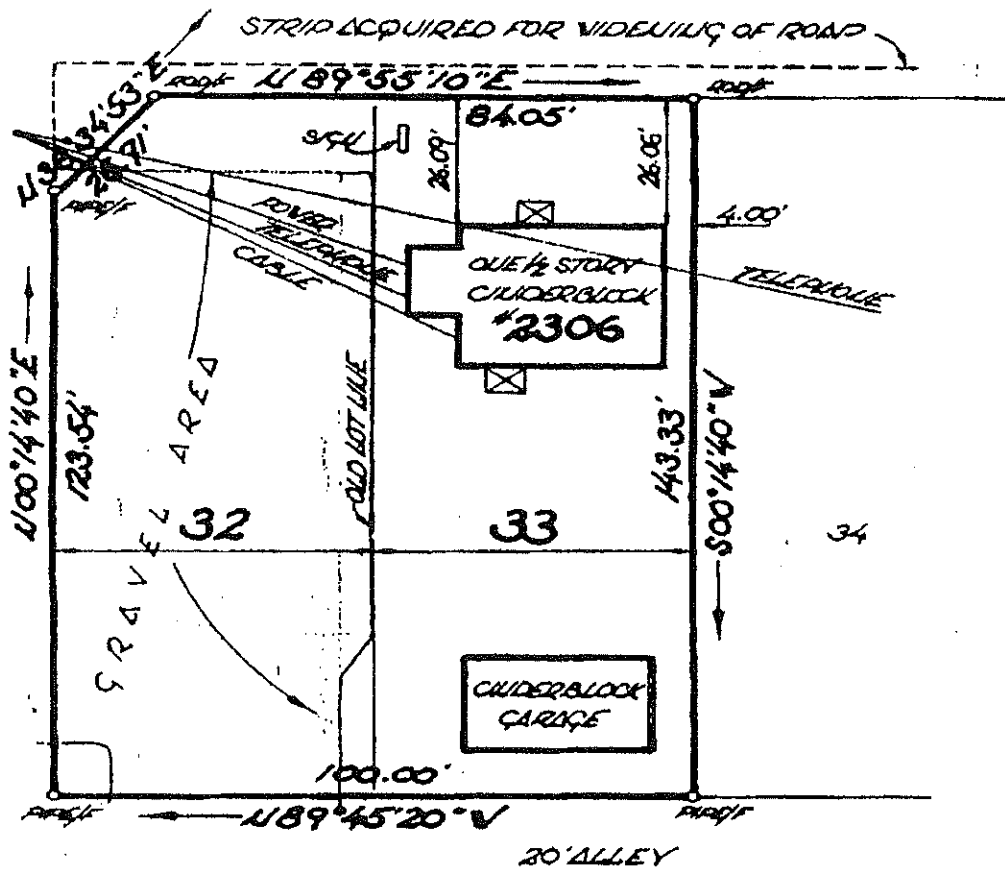
This is to certify that on 8-2-96 I made an accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon.
Michael E. Bastow



FAIR VIEW OF WHITE HILL FARM
GEORGE E. PRIDE, SURVEYOR 18 OCTOBER 1915

NECKLEBURG STREET
(FORMERLY LEE STREET)

EAST WASHINGTON STREET
(FORMERLY CITY POINT ROAD)



PLAT OF
A PART OF LOT 32 / 33
"FAIR VIEW" OF WHITE HILL FARM
PETERSBURG, VIRGINIA

The Survey is subject to any easement of record and other pertinent facts which a title search might disclose.



NOTE: THIS PLAT PREPARED FOR THE EXCLUSIVE USE OF CONVEYANCE TO
SHERMAN L. GREENWOOD, SR.

HARVEY L. PARKS, INC.
4508 W. HUNDRED RD.
CHESTER, VA.
748-8841 748-0515

DATE: 1/AUGUST 1996 SCALE: 1" = 30'

DRAWN BY: JTS

CHECKED BY: VEC

F.B.K. 50 PG. 23 41

Client James Bland

Property Address 2306 East Washington Street

City Petersburg

County

N/A

State

VA

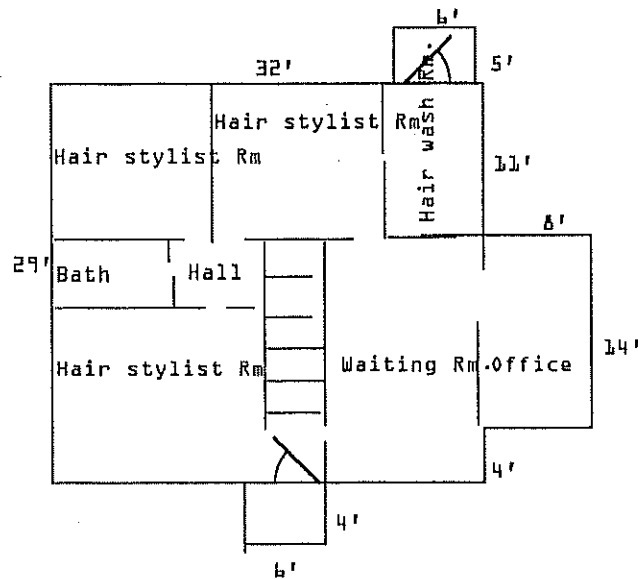
Zip Code

23803

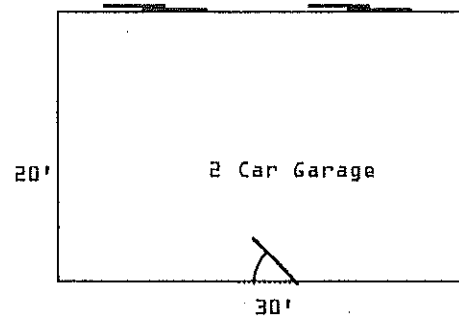
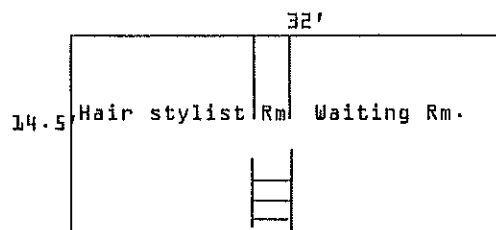
Building Oasis Hair Gallery

1 1/2 Story Masonry Building

First Floor



Second Floor



DIMENSIONS: First Floor: 29' x 32' = 928 s.f.

8' x 14' = 112 s.f.

2 nd Floor 14.5' x 32' = 464 s.f.

Total 1,504 s.f.





Petersburg, Virginia

Parcel: 003030002

Summary

Owner Name	COVENANT BAPTIST CHRUCH	National Historic District:	
Owner Mailing Address	2320 E WASHINGTON ST PETERSBURG, VA 23803	Enterprise Zone:	
Property Use	460	Opportunity Zone:	51730810100
State Class:	8 Exempt Religious	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	2306 WASHINGTON ST Petersburg, VA	Congressional Disrict:	4
Legal Acreage:	.321	City Ward:	1
Legal Description:	PT LTS 32-33 FAIRVIEW WHITEHILL FARM	Polling Place:	Blandford Academy
Subdivision:	Fairview Whitehill Farm	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8101
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	1,084	Shed:	
Basement:		Total Rooms:	0
Attached Garage:		Bedrooms:	0
Detached Garage:		Full Baths:	1
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	100%

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
GERARD,KYE C	3/26/2021	\$120,000	2021/0923
	4/12/2007	\$110,700	2007/2099

Assessments

Valuation as of	01/01/2017	01/01/2018	01/01/2019	01/01/2020	01/01/2021
Effective for Billing:	07/01/2017	07/01/2018	07/01/2019	07/01/2020	07/01/2021
Reason					
Land Value	\$63,000	\$63,000	\$63,000	\$63,000	\$63,000
Improvement Value	\$41,500	\$41,500	\$41,500	\$41,500	\$41,500
Total Value	\$104,500	\$104,500	\$104,500	\$104,500	\$104,500

Property Tax (Coming Soon)

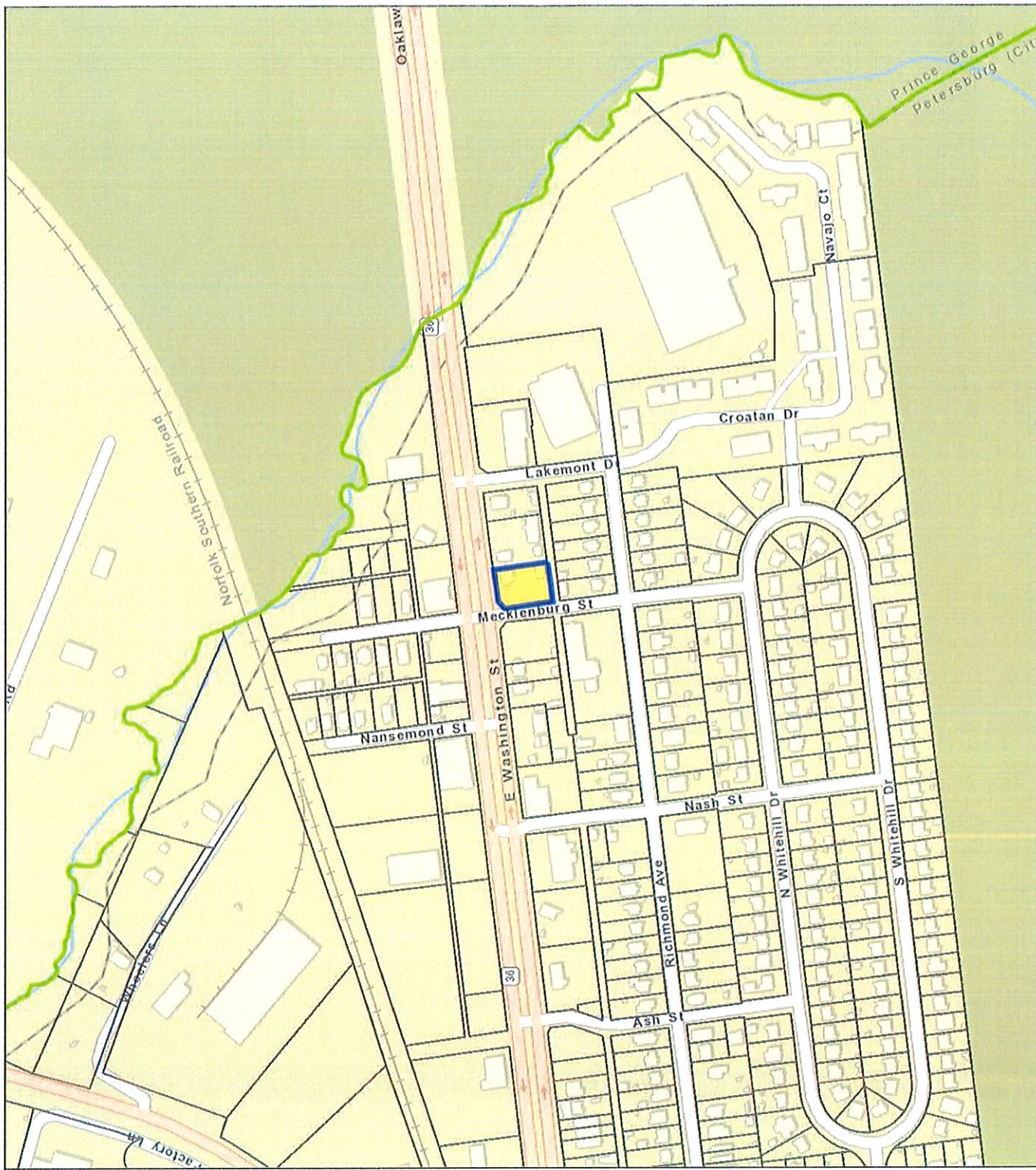
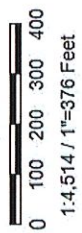
DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

Petersburg, Virginia

Legend

- County Boundaries
- Parcels

Feet



Parcel #: 003030002

Date: 12/29/2021

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.

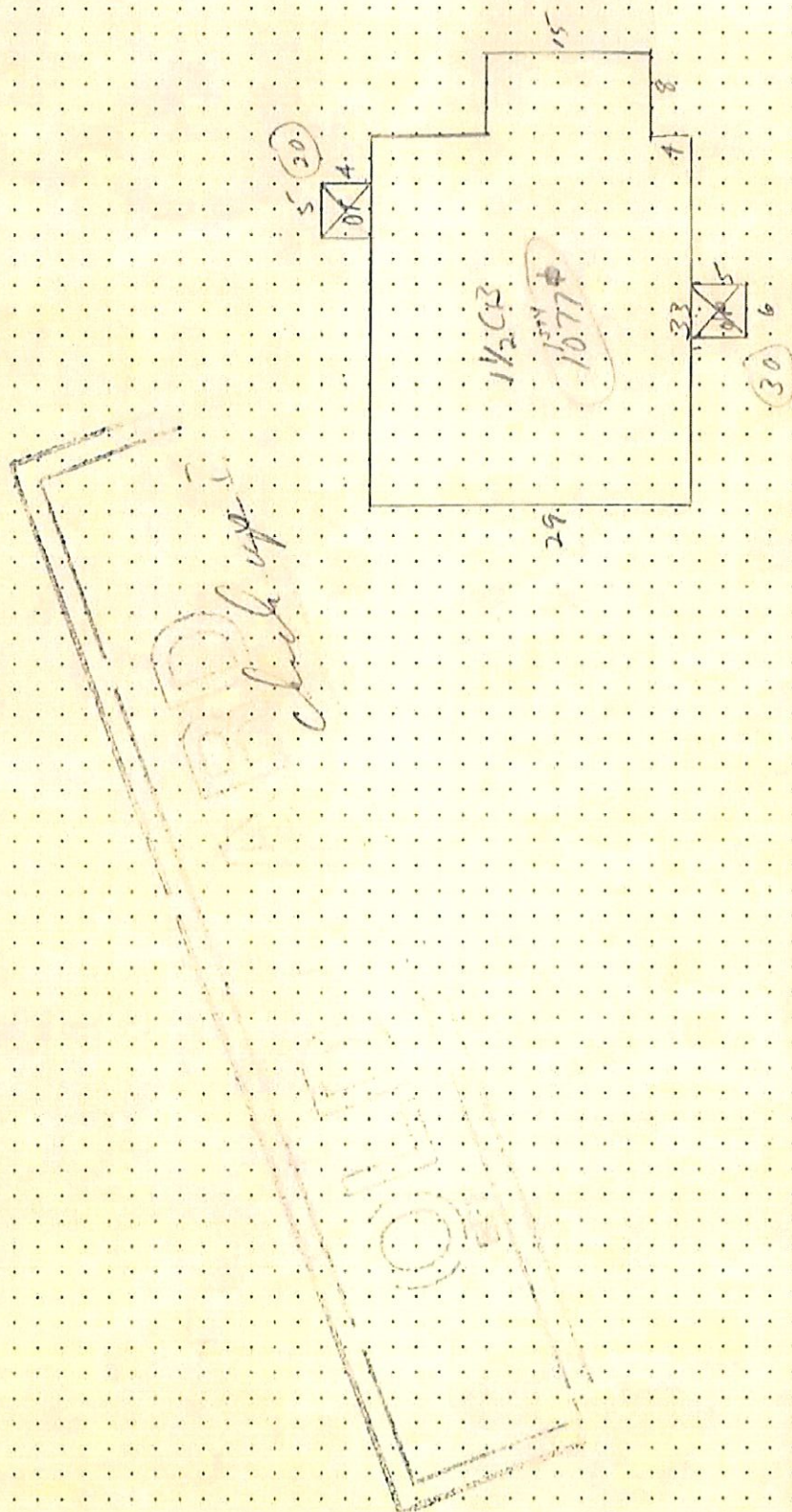
2306 E Washington St



OWNER OF RECORD			DATE RECORDED	DEED OR WILL BOOK	CONSIDERATION	MAP #:	003-03-002	
MORRIS, MICHAEL DEIARICCI, P V			5-24-85	414-249	\$ 4000 (1/2 ac)	LEGAL:	2306 E WASHINGTON ST PT LT 32 & 33 FAIRVIEW WHITE- HILL FARM	
Morris, Michael D.			9-15-89	467-533	\$ 33,750 5 2 Parcels *			
Bogue, John C.			11-9-92	503-279	\$80,000 **2 Parcels			
Greenwood, Sherman L., Sr.			8/9/96	558-210	\$ 59,000 *** 2 Parcels Foreclosure	ZONING:	B2	
First Colonial Bank			6/5/00	639-74	\$ 35,000 Foreclosure	FRONTAGE:	100	
YEAR	LAND VALUE	BUILDING VALUE	TOTAL VALUE	REMARKS				USE CODE:
8/89	26,600	14,500	41,100					420
9/91	28000	15200	43,200					DEPTH:
92	28000	15200	43200					140
95	28800	15600	44400					ACREAGE:
2000	42000	22900	64900	7-1-00 Combined # 3-3-1				032
BUILDING DESCRIPTION								
OCCUPANCY: <input type="checkbox"/> S. FAMILY <input type="checkbox"/> DUPLEX <input type="checkbox"/> M-FAMILY <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUST.								
STORY TYPE: <input type="checkbox"/> 1 STORY <input checked="" type="checkbox"/> 1 1/2 STORY <input type="checkbox"/> 2 STORY								
EXTERIOR WALL: <input type="checkbox"/> W. SIDING <input checked="" type="checkbox"/> C. BLK. <input type="checkbox"/> BRICK <input type="checkbox"/> ALUM. <input type="checkbox"/> METAL								
ROOF: <input checked="" type="checkbox"/> COMPOS. SHINGLE <input type="checkbox"/> METAL YR. BLT. 1950 <input type="checkbox"/> SLATE								
ROOMS: 6 BEDROOMS: 2 BATHS: 1								
HEAT: <input checked="" type="checkbox"/> FHA <input type="checkbox"/> EBB <input type="checkbox"/> HEAT PUMP <input type="checkbox"/> RAD. <input type="checkbox"/> F. FURN.								
% A/C: 0 BASEMENT: 0 FP: 0								

11/6/92 - Randy - 2200 - Correct 5/4/93, No. 10-1
* 3-3-1 ***

3-3-1



NOTES:

GROSS AREA:

Garage 20x30 = 600

SITE DESCRIPTION

Site Size 6,521 S.F. Environmental Problems Observed or Known To Appraiser YES ☐ NO ☒

Site Dimensions 84.05' x 25.65' x 123.54' x 100' x 143.33'

Street Frontage 84.05' along the south side of E. Washington St. & 149.19' along the east side of Mecklenburg St.

	Ex	Gd	Av	Fr	Pr	Type	Pub	Pvt	Topography:	Level	Mod Slope	Steep Slope
Access	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Asphalt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	At Grade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Street Frontage	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	None	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Below Grade	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shape	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vapor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Corner Lot	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Functional Utility	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Public	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Undergrd Utilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Visibility	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Natural	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Railroad Access	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Earthquake Zone	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drainage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flood Zone Code	<u>500 yr.</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Adequacy of Utilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Map #	<u>510112 0002 B</u>	Date	<u>3/16/81</u>
Traffic Pattern	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	None	<input type="checkbox"/>	<input type="checkbox"/>				

Easements Usual P.U.E., Appraiser did not perform a title search and cannot attest to any easement of record.

Encroachments None observed.

Analysis / Comments: The subject's site size is adequate for it's area. It is located on the south side of E. Washington St. at the corner of Mecklenburg St. No apparent adverse easements, encroachments, special assessments, slide areas, etc. was observed on day of inspection.

IMPROVEMENTS DESCRIPTION

Property Type	Commercial	Construction Type	Masonry	# Buildings	1	# Stories	1.5
Building	1	First	1,040 s.f.	1,040 s.f.	Office	1,504 s.f.	100
	1	Second	464 s.f.	464 s.f.	Retail		0
					Warehouse		0
					Manufacturing		0
					Distribution		0
					Research / Development		0
Total			1,504	1,504			
*Usable Area	<input type="checkbox"/>	Rentable Area	<input checked="" type="checkbox"/>				
Year Built	1950	Building Efficiency Ratio	100.0 %	Parking	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Industrial Only	
Effective Age	25 yr	Economic Life	60 yrs.	On Site	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	# Overhead Doors	<u>N.A.</u>
Remaining Economic Life			35	Adequacy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Floor Height	
Repairs Needed	None observed.			Covered	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ceiling Height	
				Parking Garage	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Column Spacing	
				Paved	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	FT x	
Cost of Repairs	\$ 0.			Number of Spaces	12	Railroad Spur	
Floor Area Ratio	23.1	% Ground Coverage Ratio	15.9 %	Spaces / 1000SFBA	0.13	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Building Description	Improvement Rating	Ex	Gd	Av	Fr	Pr
Foundation	Concrete block / Average	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frame	Wood	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floor / Cover	Carpet	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ceiling	Drywall / Fans	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exterior Walls	Stone blocks / Concrete blocks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interior Partitions	Wood / Sheetrock	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roof Cover	Composition shingle	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plumbing	6 fixtures plus 1 rough in	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heating	New oil forced air	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Conditioning	Central	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electrical	200 amp service	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elevators	None	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parking	11 regular spaces, 1 handicapped	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Insulation	Ceiling and walls	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sprinkler	None	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roof Support	Trussels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appeal / Appearance		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floor Plan / Design		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Construction Quality		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exterior Condition		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interior Condition		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roof Cover		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plumbing		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heating		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Conditioning		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electrical		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elevators		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parking Area		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Insulation		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sprinkler		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscaping		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Analysis / Comments: The subject has been remodeled, painted, new roof, new wiring, new heating and air conditioning systems and new paved parking area.

HIGHEST AND BEST USE

Highest and Best Use (As Currently Improved) The subject's highest and best use as improved is commercial office use.

Analysis / Comments: The subject's existing use as a beauty salon is a good commercial use for this area.



City of Petersburg

Department of Planning and Community Development

PROCEDURES FOR PETITION FOR REZONINGS OR SPECIAL USE PERMITS

1. Applicant files petition with the Petersburg Department of Planning and Community Development, City Hall, 135 N Union Street, Petersburg, Virginia 23803.
2. **The Filing fee for Petitions for Rezoning or Special Use Permits is \$1,500.** A Check or Money Order *made payable to the City of Petersburg* is to accompany the application.
3. A Plat of the property must also accompany the petition.
4. The Department of Planning and Community Development Staff will refer the petition to the Planning Commission to hold a public hearing and consideration the petition. Department of Planning and Community Development staff shall advertise the public hearing twice during a fourteen-day period, and the Planning Commission will hold a public hearing, and make a recommendation to the City Council regarding the petition.
5. The City Council schedules then advertises a public hearing regarding the petition.
6. The City Council holds a public hearing then considers the petition with the Planning Commission recommendation and renders a final decision to approve or disapprove the petition.

PLEASE NOTE: The rezoning or special use permit process may take up to three months.

PETITION FOR REZONING OR SPECIAL USE PERMIT

CASE NUMBER: _____

APPLICANT: Eldrika Whitaker

ADDRESS: 2306 E Washington Street
Petersburg, VA 23803

I, Eldrika Whitaker hereby petition to rezone the following described properties
from zoning district B-2 requesting special use permit to zoning district _____

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

Used car and truck lot for dealership to sell, buy and trade
vehicles.

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

003-030002

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

2306 E Washington Street
Petersburg, VA 23803

3. Approximate Area:

1077 sq. ft. 0.321 acres

4. Public Street Frontage: mainly land
ft.

5. A boundary plat of this property outlining the area to be rezoned must be attached to this petition.

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

7. Brief:

Said deed restrictions will expire on: _____

C. JUSTIFICATION FOR REZONING

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

The proposed zoning change offers advancement in economic opportunity through offering reliable transportation to the residents of Petersburg, VA. The land use fits the need the market demand to have an established business where land ~~is not used~~ will ~~be preserved~~ be preserved, maintained and routinely in use, and the negative implications of abandoned properties will be eradicated due to occupancy.

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

The material impact of the proposed rezoning will not be detrimental to the public welfare of the City nor to the adjacent property owner(s) or properties located within the nearby vicinity because occupants and customers will adhere to all established city or finances, regulations and business operating protocols that align with safety and health, good use of public land, and the positive welfare of the City.

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

Re-examining the use of the land for alternative use other than its transitional objective offers a plethora of benefits to the City of Petersburg to include preservation of land while creating a future, fueling the economic system to offer more opportunities to the public, enhance the public realm and provide a well established foundation for new connections and networking to the business sector of Petersburg. Transportation dealers often afford incoming traffic from many diverse areas as customers come to take inventory and interest in the products. This benefit will draw in people from all walks of life, transforming underutilized building use by promoting a more vibrant and growing economy for the city.

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

Due to the economic changes, after continuous research, facts have been gathered that demonstrate limited to no availability of suitable affordable lands and markets for the requested use in any other district. This property, after consultation with owner, provides incentive to meet economic development objectives such as job creation and means to get to employment and sustain ~~affordable housing and markets for the low income population and other district. This property, rather~~ daily living for the public, offers the opportunity of innovation to spur a market of transportation and business that will support increased use of the land and bring increased diversity to the area and conduct infrastructure improvements that benefits the business, its partners, and most importantly the overall public.

D. CERTIFICATION:

The undersigned applicant certifies that they:

EW ✓(a) are the owner, lessee or agent for (specified in writing)

EW ✓(b) possess a proprietary interest in (contract or option agreement)

the property(ies) identified within this PETITION FOR REZONING, and that the foregoing information and statements herein provided, and all other information herewith submitted, are in all respects true and correct to the best of their knowledge and belief.

Signed:



Mailing Address:

422 Chipper Way
Henrico, VA 23075

Phone Number:

804-868-9683

Email Address:

Barely used Cars and trucks@gmail.com

APPROVED

City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION RECORD

Date Filed (with Planning Department):

Date of Planning Commission Public Hearing:

Planning Commission Action(s):

Date of City Council Hearing:

City Council Action(s):

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S) _____

Address(es)[illegible]

ADJACENT PROPERTY OWNERS

2306 E. WASHINGTON STREET

SPECIAL USE PERMIT

Korean Mission Baptist Church Trustees

2310 E Washington Street

Petersburg, Virginia 23803

Tax Parcel # 003030003 (B-2) 2310 E Washington Street – Church and 2320 E Washington Street

TP# 003030006 – (B-2) Church Property Exempt (house)

Juan A. Concepcion

3901 Cambridge Pl

Hopewell, Virginia 23860

TP# 003020001 (B-2); 2232 E Washington Street – Vacant and

TP# 004230006 (B-2) Residence – 2230 E Washington Street

Maxine Newton

100 Swift Creek Ln

Colonial Heights, Virginia 23834

TP# 004230007 (B-2); 120 Mecklenburg Street – Auto Repair

Edwin Mejia

2303 Richmond Ave

Petersburg, Virginia 23803

TP# 003030012 (R-2); 2303 Richmond Ave – Single-Family

Leon A Pulliam

2307 Richmond Ave

Petersburg, Virginia 23803

TP# 003030011; 2307 Richmond Ave (R-2) – Single-Family

Yvette R & Jonathan Ingram

6109 Derwent Road

Richmond, VA. 23225

TP# 003030010 (R-2) Single-Family - 2311 Richmond Ave

Young K Bang & Ok B Bang

13004 Rockridge Rd

Chester, VA 23831-4653

TP# 003010010 (B-2) Auto Repair/Car Wash – 2315 E Washington Street

J Suk Kim & Kim Myong Soon

301 Beacon Ridge Ln #609

Hopewell, VA. 23860

TP# 003010011; (B-2) Retail Establishment – 2335 E Washington Street

Longitude Properties LLC

6911 Old Creek Ct

Chesterfield, VA. 23232

TP# 003010005; (B-2) Retail Establishment (Printing & Supplies/Carry-out Restaurant - 2301 E Washington Street

Newton L. & Joyce B. Clements

1648 Hickory Hill Rd

Petersburg, VA. 23803

TP# 004030007; (B-2) Used Car Lot/Retail – 2243 E Washington Street

Thaer Thapet Nassar

1003 Bland Ave

Hopewell, VA. 23860

TP# 004030008; (B-2), Retail /Residential (3) – 2237 E Washington Street

Daryll L. Johnson Sr.

P.O. Box 5121

Fort Lee, VA. 23801

TP# 004230005; (B-2) Restaurant/Retail – 2226 E Washington Street



1st Choice Realty Group

November 2, 2021

To Whom it May Concern:

Owners of property located at 2306 E. Washington St. in Petersburg Va. agree that the property can be used for the sale of pre-owned vehicles.

Sincerely,

Kathie Braswell

Property Manager

1st Choice Realty Group
2306 Blvd, Suite E • Colonial Heights, VA 23834
Office: (804) 520-9755 • Fax: (804) 520-9759



City of Petersburg

Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803
FAX 863-2772 TDD 733-8003

Public Notice

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold public hearings on Thursday, January 6, 2022, beginning at 6:00 p.m. in the Petersburg Public Library located at 201 W. Washington Street, Petersburg, Virginia 23803.

21-REZ-04: Request by PBFL, LLC represented by C. Burton Cutright, to rezone property located at 1200 Harrison Creek Blvd, TP # 040030801, 1220 Harrison Creek Blvd, 1225 Harrison Creek Blvd and 1255 Harrison Creek Blvd, future identified as TP# 040030805, TP# 040030806, and TP# 040030807, from PUD with B-2, General Commercial District with conditions to PUD, with conditions. The proposed rezoning will allow the applicant to construct 52 single-family detached rental homes on 6.26+/- acres located along Harrison Creek Blvd between Route 460 and Acqua Luxury Apartments. This subject property is approximately 272,990.52 sq. ft. and has a public street frontage of approximately 261.06 feet.

21-SUP-06: A petition by Eldrika Whitaker, owner/operator of Barely Used Cars and Trucks, to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership or not located upon the same parcel as such new vehicle-dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1, zoning districts only, as provided under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (22). The proposed location is 2306 East Washington Street, Petersburg, VA., further identified as Tax Parcel 003030002. The subject property is within the B-2, General Commercial District.

21-REZ-07: A petition from Timothy and Jane Banks, owners/lessee, or agent to rezone property from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District to be permitted to construct and operate a crematorium at property addressed as 3605, 3625 and 3607 Halifax Road, Petersburg, VA. The property is further identified as Tax Parcel ID's: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres.

21-SUP-07: A petition from Timothy and Jane Banks, owners/lessee, or agent for a Special Use Permit to allow for the construction of an office and operation of a crematorium business along a portion of the property addressed as 3605, 3625 and 3607 Halifax Road, Petersburg, VA. The property is further identified as Tax Parcel ID's: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres. Such SUP to be provided under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (8).

21-CPA -01: A resolution recommending approval of amendments to the City's Comprehensive Plan to comply with the Chesapeake Bay Preservation Act.



Brittany C. Flowers

Commissioner of the Revenue

144 N Sycamore St.

Petersburg VA 23805

Phone 804.733.2317

Mobile 804.324.8016

Fax 804.508.6948

<http://www.petersburg-va.org/135/Commissioner-of-the-Revenue>

From: Sandra Robinson <srobinson@petersburg-va.org>

Sent: Thursday, December 30, 2021 1:05 PM

To: Brittany Flowers <bflowers@petersburg-va.org>; Lakia Brooks <lbrooks@petersburg-va.org>

Subject: Re: List of Funeral Homes and Crematoriums

Oh, my goodness, now that was faster than the speed of lighting. Can I request one of those for used car lots along E Washington Street. I know... I'm pushing it. LOL!

Sandra

From: Brittany Flowers <bflowers@petersburg-va.org>

Sent: Thursday, December 30, 2021 1:00 PM

To: Sandra Robinson <srobinson@petersburg-va.org>; Lakia Brooks <lbrooks@petersburg-va.org>

Subject: RE: List of Funeral Homes and Crematoriums

Bland Funeral Homes

JT Morriss & Son

J M Wilkerson

Tucker & Fisher

Joseph M. Johnson



Brittany C. Flowers

Commissioner of the Revenue

144 N Sycamore St.

Petersburg VA 23805



City of Petersburg

Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803
FAX 863-2772 TDD 733-8003

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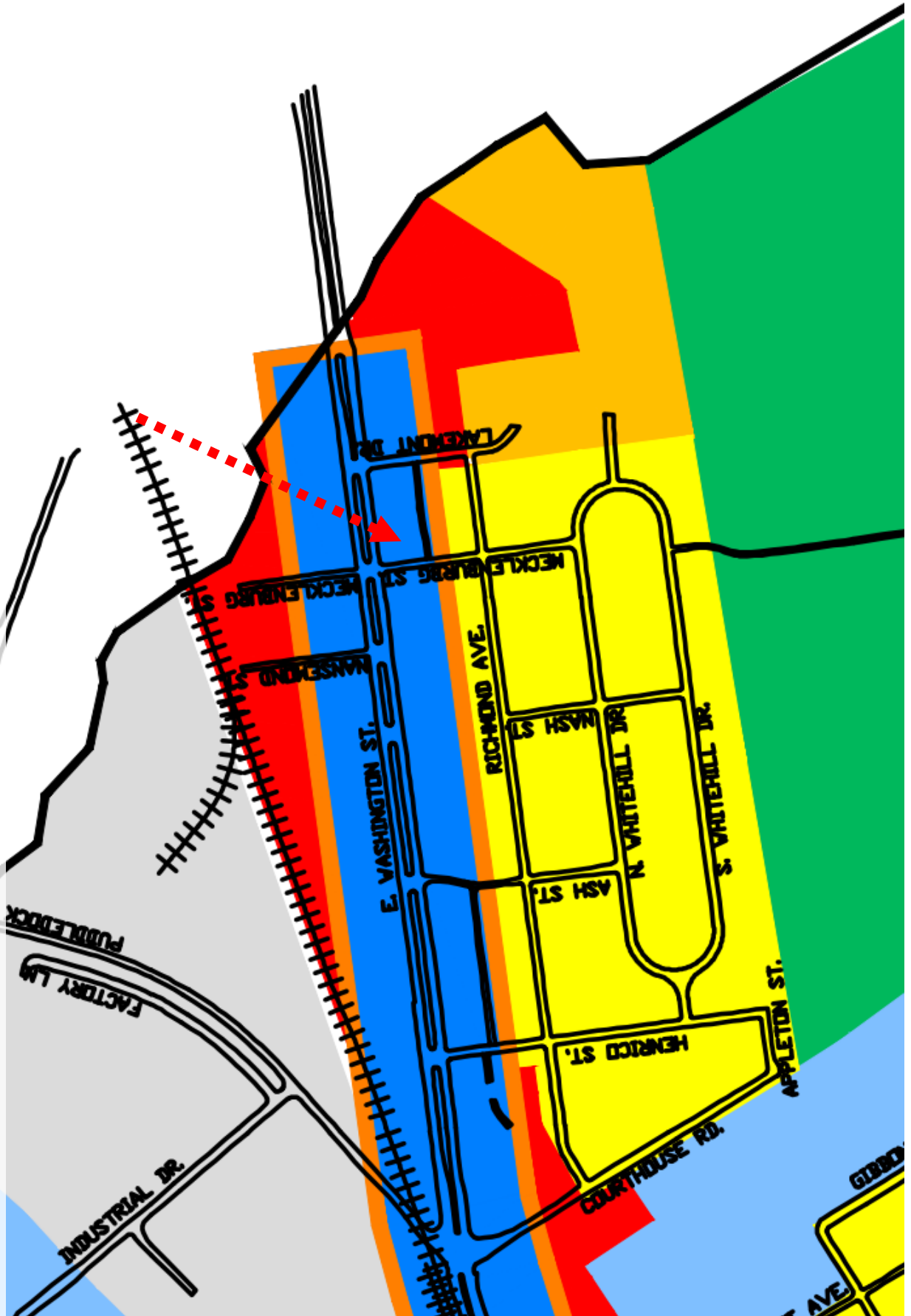
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21-CPA -01: A resolution recommending approval of amendments to the City's Comprehensive Plan to comply with the Chesapeake Bay Preservation Act.

Future Land Use – East 36 Development Corridor

2306 E Washington Street





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager
Tangela Innis, Deputy City Manager

FROM: Reginald Tabor

RE: **A Public Hearing and consideration of an Ordinance approving an amendment to the City Code, Chapter 50. Environment, Article II. Noise.**

PURPOSE: To hold a Public Hearing and consider approval of amendments to the City Code Noise section.

REASON: To comply with applicable procedures and laws regarding the consideration of amendments to the City Code.

RECOMMENDATION: It is recommended that the City Council holds a Public Hearing and considers adoption of an ordinance amending the City Code section regarding Noise.

BACKGROUND: The City Council of the City of Petersburg has requested that the Planning Commission consider and provide a recommendation regarding an amendment to the City Code Noise section.

The request follows complaints and concerns regarding noise from restaurant uses especially in the City's downtown area.

Regulations of noise are defined in the City Code Chapter 50. Environment, Article II. Noise and not the City's Zoning Ordinance, however the City Code does specify permitted noise levels by zoning district.

Previously the Planning Commission adopted a resolution recommending adding indoor and outdoor decibel levels. The Planning Commission also adopted a resolution recommending amendments to the Code.

Current City Code

Sec. 50-31. - Declaration of policy. (Why)

It is hereby declared to be the public policy of the city to protect its citizens against excessive noise which is detrimental to life, health and enjoyment of property. In order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the city, the standards in this article relating to noise are hereby adopted.

(Code 1981, § 19-1; Ord. No. 14-100, 10-21-2014)

Sec. 50-32. - Definitions. (What)

For purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Noise means any steady-rate or impulsive sound occurring on either a continuous or intermittent basis that disturbs persons or that causes or tends to cause an adverse effect on humans.

Sec. 50-32. - Definitions. (When)

For purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Daytime means the local time of day between the hours of 7:00 a.m. and 10:00 p.m. weekdays and from 9:00 a.m. to 10:00 p.m. on Saturdays, Sundays and legal holidays observed by city government unless otherwise specified.

Nighttime means those times excluded from the definition of daytime

Sec. 50-36. - Maximum permissible sound levels generally. (How – Measurement)

(a) In addition to, and not in limitation of the specific prohibitions of sections 50-33, 50-34, and 50-35, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels established in this section is hereby prohibited.

When noise emanates from private property, such levels shall be measured at the property boundary of the sound source, at any point on public property, or at any point within any other property affected by the noise.

When noise emanates from public property including street rights-of-way, such levels shall be measured at any point on public property or at any point within any other property affected by the noise.

When a noise source can be identified and its noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.

Sec. 50-37. - Penalty and enforcement. (How – Enforcement)

(a) If it is determined that a noise in violation of this chapter exists at a fixed location, the following procedures shall be followed:

(1) A written or verbal warning shall be issued by the chief of police, or his or her designee to the person(s), corporation, firm or association, responsible for the event causing the noise disturbance.

(2) If the noise disturbance persists for more than five minutes following the issuance of a written or verbal warning, the chief of police, or his or her designee, shall proceed to charge the person responsible for the event causing the noise disturbance.

(b) No person shall be charged with a violation of the provisions of this section unless a violation is committed in the presence of the chief of police, or his or her designee.

(c) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant or resident physically present on the property where the violation is occurring is rebuttably presumed to responsible for the noise violation.

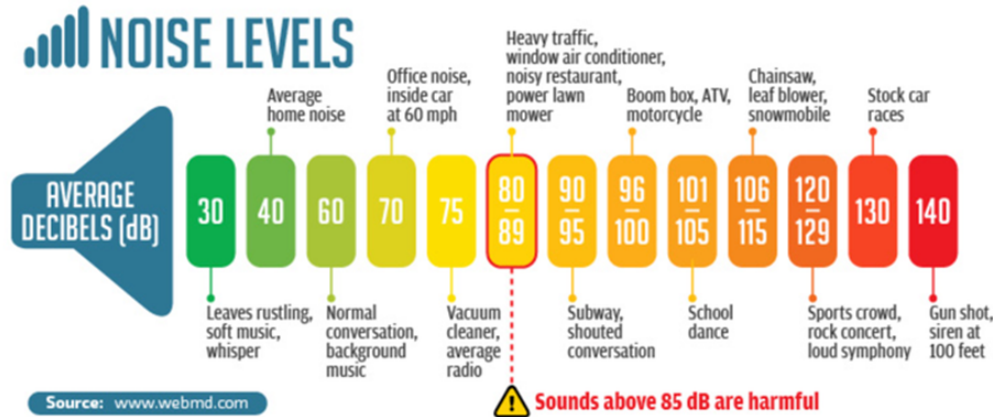
(d) Any person who violates any provision of this article shall be deemed to be guilty of a class 4 misdemeanor for a first offense and a class 3 misdemeanor for each subsequent offense.

(Ord. No. 14-100, 10-21-2014)

Sec. 50-36. - Maximum permissible sound levels generally. (Where and How Much)

ZONING DISTRICT CLASSIFICATION	MAXIMUM DBA INSIDE	
	Daytime 7 a.m. – 10 p.m.	Nighttime 10 p.m. – 7 a.m.
AGRICULTURAL	65	55
RESIDENTIAL	65	55
R/B	70	60
PLANNED UNIT DEVELOPMENT	70	60
MIXED USE DISTRICT	75	65
BUSINESS	75	65
INDUSTRIAL	79	72

Noise Level Comparisons



Planning Commission Committee

During the February 3, 2022 Planning Commission meeting, the Planning Commission established a committee to review the ordinance and develop recommendations for the Planning Commission to consider.

The Committee met on February 28, 2022 with the City Manager, the Chief of Police, the Zoning Administrator and the Director of Planning and Community Development to discuss the City Code section regarding Noise.

1. The Committee considered the Noise Ordinance in Staunton, Virginia.

<https://www.stauntondowntown.org/noise-ordinance-q-a/>

Staunton Ordinance Summary

- It establishes an Entertainment Area that includes exceptions to the permitted noise decibel levels.
- It establishes 80 dBA as measured at any point 50 feet perpendicular to the apparent property boundary as a limit.
- It prohibits noise beyond the interior of businesses in the entertainment area during the period beginning 11:30 p.m. local time and ending 9:00 a.m.
- It defines the boundaries of the entertainment area.
- It defines musical entertainment.

2. The Committee reviewed the decibel levels in other jurisdictions, as provided by Commissioner Hairston:

Orlando		Washington		Staunton		Wilmington, NC	
Day	Night	Day	Night	Day	Night	Day	Night
75	70	80	75	80	75	75	70

Planning Commission Committee Recommendations

During the Committee Meeting, the following recommendations were identified:

1. Police Department Officers should use calibrated Sound Meters to determine sound levels prior to issuing code violation notices related to noise.
2. Noise levels in the City Code should be enforced.
3. Definition of an Entertainment District with appropriate sound levels should be part of the Downtown Master Plan process.

Other Considerations

1. Noise should be measured 50 Feet (30 or 35 would be across the street) from the property line of the Noise Source.
2. A City-wide maximum noise level could be considered such as 75 dBA daytime and 65 dBA night.
3. Amendments to the daytime and nighttime hours could be considered:

From 7:00 a.m. to 10:00 p.m. daytime (current)

To 7:00 a.m. to 10:00 p.m. daytime Monday through Friday

9:00 a.m. to 11:00 p.m. daytime on Saturday and Sunday

9:00 a.m. to 11:00 p.m. daytime Friday through Sunday

9:00 a.m. to 11:00 p.m. daytime Thursday through Sunday

4. Sec. 50-33. - Specific prohibitions.

It shall be unlawful to produce noise that exceeds the maximum permissible sound levels defined in Sec. 50-36. - Maximum permissible sound levels generally. Provided however, that the prohibitions of this section shall not apply to emergency work to provide public facilities or utilities, or to remove debris, when necessary to protect the public health or safety.

Planning Commission Recommendations

During the March 3, 2022 Planning Commission Meeting, the Commission considered the information and recommendations provided by the Commission Committee.

Members of the Planning Commission expressed concern about the complexity of the current ordinance with different hours for different sources of noise.

Members of the Planning Commission expressed concern that enforcement may be hampered if the Enforcement Officer is not aware of the zone in which the noise is being created or heard, or what the specified maximum dBA level for the zones may be.

Members of the Planning Commission expressed concern that noise levels City-wide may not be appropriate for the downtown area.

The Planning Commission voted to recommend the following to the City Manager:

1. Amend the definition of Daytime Hours from 7:00 a.m. - 10:00 p.m. to 7:00 a.m. - 11:00 p.m.
2. Amend the Maximum dBA levels from levels based on zone to 75 dBA daytime and 65 dBA nighttime City-wide for all Zoning Districts. Exemptions would remain as defined in the current ordinance.
3. Creation of a downtown Entertainment District Overlay with appropriate noise levels during the Downtown Master Plan process.
4. Amend the Code in conformance with (Attachment A).

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 11/16/2021

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Police, Fire

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: City Code

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. AN ORDINANCE AMENDING THE PETERSBURG CITY CODE NOISE SECTION
2. 0315_2022CityCodeNoiseSectionAmendmentsPCRecommendations
3. 0228_2022CommitteeMeeting

AN ORDINANCE AMENDING THE PETERSBURG CITY CODE NOISE SECTION

WHEREAS, the City Council of the City of Petersburg requested that the Planning Commission consider and provide a recommendation regarding an amendment to the City Code Noise section; and

WHEREAS, the request follows complaints and concerns regarding noise from restaurant uses especially in the City's downtown area; and

WHEREAS, regulations of noise are defined in the City Code Chapter 50. Environment, Article II. Noise and not the City's Zoning Ordinance, however the City Code does specify permitted noise levels by zoning district; and

WHEREAS, a policy declaration in the Code Section 50-31 states, "It is hereby declared to be the public policy of the city to protect its citizens against excessive noise which is detrimental to life, health and enjoyment of property. In order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the city, the standards in this article relating to noise are hereby adopted."; and

WHEREAS, the City Code was substantially revised with the adoption of 14-Ord-100 on October 21, 2014, and adopted Amendments included: Adding terms under definitions, Removing the Violations of article and Measurement Procedures sections, changing the title of the Loud Noises Prohibited to Specific Prohibitions, replacing the Exemptions section, Animals, Maximum permissible sound levels and prohibitions sections, and adding to the Penalties and Enforcement Section; and

WHEREAS, the Planning Commission established a Committee to provide recommendations for the Commission to consider recommending to the City Council; and

WHEREAS, during the Committee Meeting, the following recommendations were identified:

1. Police Department Officers should use calibrated Sound Meters to determine sound levels prior to issuing code violation notices related to noise.
2. Noise levels in the City Code should be enforced.
3. Definition of an Entertainment District with appropriate sound levels should be part of the Downtown Master Plan process.

WHEREAS, during the March 3, 2022 Planning Commission Meeting, the Commission considered the information and recommendations provided by the Commission Committee; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of the Zoning Ordinance Text Amendments, and the public hearing was advertised, in accordance with applicable laws.

WHEREAS, the Planning Commission voted to recommend the following to the City Council:

1. Amend the definition of Daytime Hours from 7:00 a.m. - 10:00 p.m. to 7:00 a.m. - 11:00 p.m.
2. Amend the Maximum dBA levels from levels based on zone to 75 dBA daytime and 65 dBA nighttime City-wide for all Zoning Districts. Exemptions would remain as defined in the current ordinance.
3. Creation of a downtown Entertainment District Overlay with appropriate noise levels during the Downtown Master Plan process.
4. Amend the Code in conformance with (Attachment A).

NOW THEREFORE BE IT ORDAINED that City Council of the City of Petersburg does hereby Approve amending City Code Text Amendment regarding noise, consistent with the attached (Exhibit A).

EXHIBIT A
PART II - CODE
Chapter 50 - ENVIRONMENT
ARTICLE II. NOISE

Formatted: Font: 14 pt

ARTICLE II. NOISE¹

Sec. 50-31. Declaration of policy.

It is hereby declared to be the public policy of the city to protect its citizens against excessive noise which is detrimental to life, health and enjoyment of property. In order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the city, the standards in this article relating to noise are hereby adopted. (Code 1981, § 19-1; Ord. No. 14-100, 10-21-2014)

Sec. 50-32. Definitions.

For purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

A-weighted decibel means the sound level, in decibels, measured with a sound level meter using the A-weighting network or scale as specified in the ANSI S1.4-1983 (specifications for sound level meters). The level so read shall be postscripted dB(A) or dBA.

ANSI means The American National Standards Institute, Inc., New York, New York.

Daytime means the local time of day between the hours of 7:00 a.m. and ~~11:00 p.m.~~ *daily+.*

Deleted: 0

Decibel means a unit that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base ten of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; abbreviated dB.

Deleted: weekdays and from 9:00 a.m. to 10:00 p.m. on Saturdays, Sundays and legal holidays observed by city government unless otherwise specified

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Industrial is given the same meaning as defined by the zoning ordinance.

Motor vehicle means every vehicle defined as a motor vehicle by § 46.2-100 of the Code of Virginia, 1950, as amended.

Multi-family dwelling means a building designed for, or occupied exclusively, by three or more families living independently of each other.

Nighttime means those times excluded from the definition of daytime

Noise means any steady-rate or impulsive sound occurring on either a continuous or intermittent basis that disturbs persons or that causes or tends to cause an adverse effect on humans.

¹Cross reference(s)—Noise in parks, § 78-63.

Person means any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successors, representative, agent or agency thereof.

Residential area is given the same meaning as defined by the zoning ordinance.

Residential dwelling means a building or portion thereof designed or intended to be occupied as living quarters by one or more persons and including permanent provisions for living, sleeping, eating, cooking and sanitation.

Residential property line means an imaginary line along the ground surface and its vertical extension, which separates the real property owned, leased or otherwise controlled by one person from that owned, leased or otherwise controlled by another person, but not including intra-building real property divisions.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Urban mixed use means a district that includes commercial, industrial, institutional and residential uses, such as B-2, B-3, RB, MXD-1 and MXD-2, as defined by the zoning ordinance.

Zoning district classification means the designation of land use classification contained in the zoning ordinance.

(Code 1981, § 19-3; Ord. No. 14-100, 10-21-2014)

Editor's note(s)—The zoning ordinance is on file in the office of the clerk of the council.

Cross reference(s)—Definitions generally, § 1-2.

Sec. 50-33. Specific prohibitions.

It shall be unlawful for any person to produce noise that exceeds 75 dBA during the daytime and 65dBA during the nighttime.



Provided however, that the prohibitions of this section shall not apply to emergency work to provide public facilities or utilities, or to remove debris, when necessary to protect the public health or safety.

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-33 and enacted a new section as set out herein. The former § 50-33 pertained to violations of article and derived from § 19-2 of the 1981 Code.

Sec. 50-34. Exemptions.

This provision shall not apply to:

- (a) Noise generated in connection with the business being performed in an industrial area;
- (b) Locomotives and other railroad equipment, and aircraft;
- (c) Sound emanating from any area permitted by the Virginia Department of Mines, Minerals and Energy or any division thereof;
- (d) Police, fire, ambulance or emergency vehicle sirens;
- (e) Sounds created when responding to emergencies, including emergency utility repairs;

Deleted:

Deleted: (a) To use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical

Deleted: instrument, loudspeaker, sound amplifier or machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is heard between 11:00 p.m. and 7:00 a.m.: ¶
(1) Inside the confines of the residential dwelling, house or multi-family dwelling of another person; or ¶
(2) At 50 or more feet from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events. ¶
(b) To allow noise between the hours of 10:00 p.m. and 7:00 a.m. that is heard either inside the confines of the residential dwelling, house or multi-family dwelling of another person or at 50 or more feet when the noise is made by one or more persons. ¶
(c) To operate, install, have, or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tapes or voice in such manner that it is heard on any public sidewalk or street unless it is used only intermittently for announcing or paging an individual or unless it signals the ringing of a telephone, danger from smoke, a fire or a burglary or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning. ¶
(d) Using any instrument, whistle, drum or bell or making any other unnecessary noise for the purpose of advertising, announcing, or otherwise calling attention to any goods, wares, merchandise, or to any show, entertainment, or event. The provisions of this section shall not be construed to prohibit the selling by verbally announcing the sale of merchandise, food, or beverage at licensed sporting events, parades, fairs, circuses or other similarly licensed public entertainment events. ¶
(e) To play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is heard from outside the motor vehicle at a distance of 50 feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices. ¶
(f) To create noise heard in residential areas in connection with the loading or unloading of refuse, waste or recycling collection vehicles between the hours of 10:00 p.m. and 7:00 a.m., except those areas zoned for urban mixed use, when the sound or noise is

-
- (f) Motor vehicles and trucks traveling on roads;
 - (g) Heat pumps and/or air conditioners on residential properties;
 - (h) Backup generators running during power outages;
 - (i) Public transportation facilities;
 - (j) Burglar, fire or other alarms tests between 7:00 a.m. and 9:00 p.m.;
 - (k) Band performances or practices, athletic matches or practices and other such activities on school or recreational grounds between 7:00 a.m. to 11:00 p.m.;
 - (l) Religious services, religious events or religious activities, including, but not limited to music, bells, chimes and organs which are a part of such religious activity between the hours of 7:00 a.m. to 11:00 p.m.;
 - (m) Sound amplifying equipment used at public parks or recreation fields provided the operation of such equipment has been approved by the department of parks and leisure services;
 - (n) Activities for which the regulation of noise has been preempted by federal law;
 - (o) Parades, fireworks or other special events or activities for which a permit has been issued by the city, within such hours as may be imposed as a condition for the issuance of the permit.

(Code 1981, § 19-7; Ord. No. 14-100, 10-21-2014)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-980.

Sec. 50-35. Animals.

It shall be unlawful for any person to [allow an] animal or bird except farm animals in agricultural districts to create noise or intense barking that is plainly audible at least once a minute for ten consecutive minutes:

- (1) Inside the confines of the residential dwelling, house or multi-family dwelling of another; or
- (2) At 50 or more feet from the animal or bird.

For purposes of this chapter, the animal or bird noise shall not be deemed a noise disturbance if a person is trespassing or threatening to trespass upon private party in or upon which the animal or bird is situated, or is using any other means to tease or provide the animal or bird. This provision shall not apply to public zoos, licensed animals parks or licensed veterinarian facilities.

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-35 and enacted a new section as set out herein. The former § 50-35 pertained to measurement procedures and derived from § 19-6 of the 1981 Code.

Sec. 50-36. Maximum permissible sound levels generally.

- (a) In addition to, and not in limitation of the specific prohibitions of sections 50-33, 50-34, and 50-35, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels ~~is hereby prohibited~~. When noise emanates from private property, such levels shall be measured at the property boundary of the sound source, at any point on public property, or at any point within any other property affected by the noise. When noise emanates from public property including street rights-of-way,

Deleted: established in this section

such levels shall be measured at any point on public property or at any point within any other property affected by the noise.

Deleted: When a noise source can be identified and its noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.

Deleted: MAXIMUM PERMISSIBLE
SOUND PRESSURE LEVELS ¶
Zoning District

- (b) Measurements in multi-family dwellings. In a structure used as a multi-family dwelling, the measurements to determine such sound levels shall be taken from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the owner or tenant in possession and control thereof. Such measurement shall be taken at a point at least four feet from the wall, ceiling or floor nearest the noise source, with doors to the receiving area closed and windows in the normal position for the season.
- (c) Any person, with lawfully obtained permits, who during the daytime operates or causes to be operated any equipment used in the construction, repair, alteration, or demolition work on buildings, structures, alleys or appurtenances thereto in the outdoors shall not be subject to the levels enumerated in subsection (a) of this section.
- (d) Persons performing construction of public projects, repair or maintenance work for such projects or persons performing work for private or public utilities for the repair of facilities or restoration of services shall not be subject to the levels enumerated in subsection (a) of this section.

(Code 1981, § 19-4; Ord. No. 14-100, 10-21-2014)

Sec. 50-37. Penalty and enforcement.

- (a) If it is determined that a noise in violation of this chapter exists at a fixed location, the following procedures shall be followed:
 - (1) A written or verbal warning shall be issued by the chief of police, or his or her designee to the person(s), corporation, firm or association, responsible for the event causing the noise disturbance.
 - (2) If the noise disturbance persists for more than five minutes following the issuance of a written or verbal warning, the chief of police, or his or her designee, shall proceed to charge the person responsible for the event causing the noise disturbance.
- (b) No person shall be charged with a violation of the provisions of this section unless a violation is committed in the presence of the chief of police, or his or her designee.
- (c) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant or resident physically present on the property where the violation is occurring is rebuttably presumed to be responsible for the noise violation.
- (d) Any person who violates any provision of this article shall be deemed to be guilty of a class 4 misdemeanor for a first offense and a class 3 misdemeanor for each subsequent offense.

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-37 and enacted a new section as set out herein. The former § 50-37 pertained to prohibitions generally and derived from § 19-5 of the 1981 Code.

Sec. 50-38. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this article.

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-38 and enacted a new section as set out herein. The former § 50-38 pertained to animals and derived from § 19-5.1 of the 1981 Code.

Secs. 50-39—50-60. Reserved.



City of Petersburg Planning Commission

Report

DATE: March 3, 2022

TO: Planning Commission

FROM: Reginald Tabor, Director, Department of Planning and Community Development

Re: **A REPORT REGARDING AMENDMENTS TO THE CITY CODE
CHAPTER 50. ENVIRONMENT ARTICLE II. NOISE.**

PURPOSE: To consider recommending an amendment to the City Code Chapter 50. Environment, Article II. Noise.

BACKGROUND: The City Council of the City of Petersburg has requested that the Planning Commission consider and provide a recommendation regarding an amendment to the City Code Noise section.

The request follows complaints and concerns regarding noise from restaurant uses especially in the City's downtown area.

Regulations of noise are defined in the City Code Chapter 50. Environment, Article II. Noise and not the City's Zoning Ordinance, however the City Code does specify permitted noise levels by zoning district.

Previously the Planning Commission adopted a resolution recommending adding indoor and outdoor decibel levels. The Planning Commission also adopted a resolution recommending amendments to the Code.

Current City Code

Why

- **Sec. 50-31. - Declaration of policy.**

It is hereby declared to be the public policy of the city to protect its citizens against excessive **noise** which is detrimental to life, health and enjoyment of property. In order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the city, the standards in this article relating to **noise** are hereby adopted.

(Code 1981, § 19-1; Ord. No. 14-100, 10-21-2014)

What

Sec. 50-32. - Definitions.

For purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Noise means any steady-rate or impulsive sound occurring on either a continuous or intermittent basis that disturbs persons or that causes or tends to cause an adverse effect on humans.

When

Sec. 50-32. - Definitions.

For purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Daytime means the local time of day between the hours of 7:00 a.m. and 10:00 p.m. weekdays and from 9:00 a.m. to 10:00 p.m. on Saturdays, Sundays and legal holidays observed by city government unless otherwise specified.

Nighttime means those times excluded from the definition of daytime

How (Measurement)

City of Petersburg Code Sec. 50-36. - Maximum permissible sound levels generally.

- (a) In addition to, and not in limitation of the specific prohibitions of sections 50-33, 50-34, and 50-35, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels established in this section is hereby prohibited.

When noise emanates from private property, such levels shall be **measured at the property boundary of the sound source, at any point on public property, or at any point within any other property affected by the noise.**

When noise **emanates from public property** including street rights-of-way, such **levels shall be measured at any point on public property or at any point within any other property affected by the noise.**

When a noise source can be identified and its **noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.**

How (Enforcement)

Sec. 50-37. - Penalty and enforcement.

- (a) If it is determined that a noise in violation of this chapter exists at a fixed location, the following procedures shall be followed:
 - (1) A written or verbal warning shall be issued by the chief of police, or his or her designee to the person(s), corporation, firm or association, responsible for the event causing the noise disturbance.
 - (2) If the noise disturbance persists for more than five minutes following the issuance of a written or verbal warning, the chief of police, or his or her designee, shall proceed to charge the person responsible for the event causing the noise disturbance.
- (b) No person shall be charged with a violation of the provisions of this section unless a violation is committed in the presence of the chief of police, or his or her designee.
- (c) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant or resident physically present on the property where the violation is occurring is rebuttably presumed to responsible for the noise violation.
- (d) Any person who violates any provision of this article shall be deemed to be guilty of a class 4 misdemeanor for a first offense and a class 3 misdemeanor for each subsequent offense.

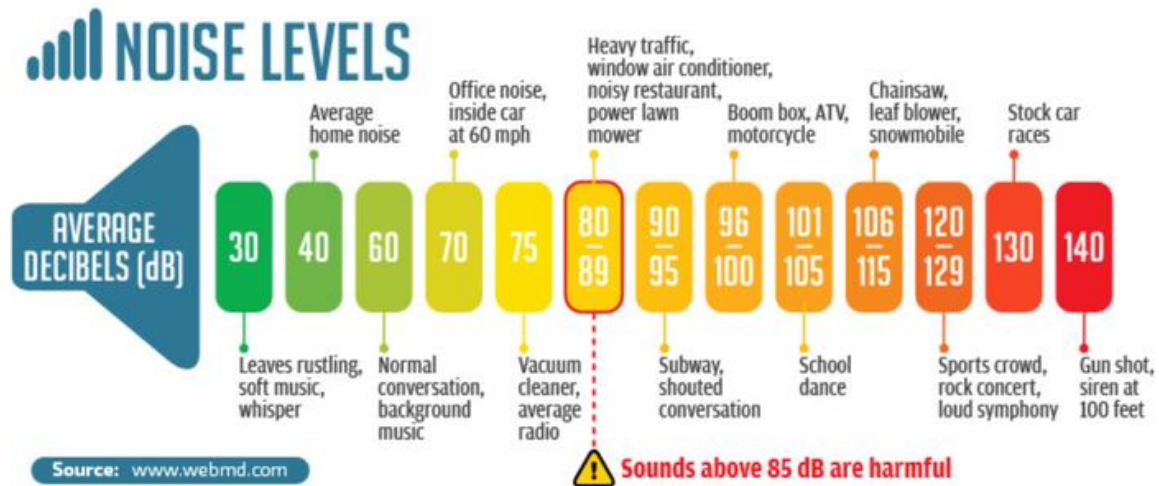
(Ord. No. 14-100, 10-21-2014)

Where and How Much

Following are the maximum permitted decibel levels in the City Code Sec. 50-36. - Maximum permissible sound levels generally.

ZONING DISTRICT CLASSIFICATION	MAXIMUM DBA INSIDE	
	Daytime 7 a.m. – 10 p.m.	Nighttime 10 p.m. – 7 a.m.
AGRICULTURAL	65	55
RESIDENTIAL	65	55
R/B	70	60
PLANNED UNIT DEVELOPMENT	70	60
MIXED USE DISTRICT	75	65
BUSINESS	75	65
INDUSTRIAL	79	72

Noise Level Comparisons



Noise Source	Decibel Level	Comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Power mower (96 dB); motorcycle at 25 ft (90 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

Source: <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm>

Planning Commission Committee

During the February 3, 2022 Planning Commission meeting, the Planning Commission established a committee to review the ordinance and develop recommendations for the Planning Commission to consider.

The Committee met February 28, 2022 with the City Manager, the Chief of Police, the Zoning Administrator and the Director of Planning and Community Development to discuss the City Code section regarding Noise.

1. The Committee considered the Noise Ordinance in Staunton, Virginia.

<https://www.stauntondowntown.org/noise-ordinance-q-a/>

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 8.25.190 Entertainment area exception, of Article I, In General, of Chapter 8.25, Noise, of Title 8, Health and Safety, of the Staunton Code be

8.25.190 Entertainment area exception.

- (1) The foregoing sections notwithstanding, musical entertainment may be provided by businesses situated in the central business district as described herein. In such cases, the level of noise created by or from the musical entertainment shall not exceed 80 dBA as measured at any point 50 feet perpendicular to the apparent property boundary of the property from which the noise emanates; and, notwithstanding the foregoing, during the period beginning 11:30 p.m. local time and ending 9:00 a.m. local time, such noise shall not occur or extend beyond the interior of such businesses. "Musical entertainment" as used herein shall mean music made by what are commonly known as musical instruments, recordings of music, choral or vocal singings sponsored or provided by the business wherefrom the noise emanates.
- (2) The central business district as used herein is described as: Beginning at the intersection of Coalter Street and Frederick Street, thence with Frederick Street, west, to its intersection with Lewis Street, thence with Lewis Street, south, crossing Middlebrook Avenue to the C&O Railroad right-of-way, thence with the C&O right-of-way, east, to Coalter Street, thence with Coalter Street, north, to its intersection with Frederick Street, the point of beginning.
- (3) The musical entertainment, subject hereof, is exempt from the provisions of SCC 8.25.080, 8.25.100, 8.25.110, and 8.25.160, except as provided in subsection (1) of this section.

In all other respects, the provisions of Section 8.25.190, Entertainment area exception, of Article I, In General, of Chapter 8.25, Noise, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: March 22, 2012 Adopted: March 22, 2012 Effective Date: March 22, 2012

Staunton Ordinance Summary

- It establishes an Entertainment Area that includes exceptions to the permitted noise decibel levels.
- It establishes 80 dBA as measured at any point 50 feet perpendicular to the apparent property boundary as a limit.
- It prohibits noise beyond the interior of businesses in the entertainment area during the period beginning 11:30 p.m. local time and ending 9:00 a.m.
- It defines the boundaries of the entertainment area.
- It defines musical entertainment.

2. The Committee reviewed the decibel levels in other jurisdictions, as provided by Commissioner Hairston:

Orlando		Washington		Staunton		Wilmington, NC	
Day	Night	Day	Night	Day	Night	Day	Night
75	70	80	75	80	75	75	70

Recommendations

During the Committee Meeting, the following recommendations were identified:

1. Police Department Officers should use calibrated Sound Meters to determine sound levels prior to issuing code violation notices related to noise.
2. Noise levels in the City Code should be enforced.
3. Definition of an Entertainment District with appropriate sound levels should be part of the Downtown Master Plan process.

Other Considerations

1. Noise should be measured 50 Feet (30 or 35 would be across the street) from the property line of the Noise Source.
2. A City-wide maximum noise level could be considered such as 75 dBA daytime and 65 dBA night.
3. Amendments to the daytime and nighttime hours could be considered:
From 7:00 a.m. to 10:00 p.m. daytime (current)
To 7:00 a.m. to 10:00 p.m. daytime Monday through Friday
9:00 a.m. to 11:00 p.m. daytime on Saturday and Sunday
9:00 a.m. to 11:00 p.m. daytime Friday through Sunday
9:00 a.m. to 11:00 p.m. daytime Thursday through Sunday
4. Sec. 50-33. - Specific prohibitions.
It shall be unlawful to produce noise that exceeds the maximum permissible sound levels defined in Sec. 50-36. - Maximum permissible sound levels generally. Provided however, that the prohibitions of this section shall not apply to emergency work to provide public facilities or utilities, or to remove debris, when necessary to protect the public health or safety.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager

FROM: Nykesha Jackson

RE: Consideration of re/appointments to the Planning Commission.

PURPOSE: To consider re/appointments to the Planning Commission.

REASON: The term of one member term expired and there are two vacancies.

RECOMMENDATION: Recommend Council make re/appointments to the Planning Commission.

BACKGROUND: The Planning Commission consists of a 4 at-large members and 7 members appointed by City Council.

The duties if the Board include, but are not limited to, the following: Promote the orderly development of the City and its environs; serves primarily in an advisory capacity to the City Council in matters pertaining to land use, future development, and capital improvements.

COST TO CITY: None

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 5/19/2020

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Planning Commission 2022

2022 Boards and Commissions

PLANNING COMMISSION					
Number of members: 9					
TERMS	APPOINTMENTS	WARDS	NEW APPLICANTS		WARDS
5/19/2020 - 09/30/24	Tammy L. Alexander, 110 Liberty Street	Ward 5	Crystal Johnson, 816 Cameron Street		Ward 1
04/28/2020-09/30/2024	Marie Vargo, 410 Grove Avenue	Ward 4	Elizabeth M. McCormack, 1566 Brandon Avenue		Ward 3
09/15/20 - 09/30/2024	Candace Taylor, 828 Tuckahoe Street	Ward 3	Gerry Rawlinson, 1749 S. Sycamore Street		Ward 3
02/02/2020 - 09/30/24	Thomas S. Hairston, 1201 Halifax Street	Ward 6	Belinda Baugh, 3650 Beechwood Drive		
11/14/06 - 09/30/10		Ward 1	Jessica Pope, 2332 Nelson Ct		Ward 7
02/02/2020 - 09/30/24	James Norman, 3201 Hastings Road	Ward 7	Chiana Adaku, 1200 Harrison Creek Blvd		Ward 1
05/19/2020 - 09/30/24	Fenton Bland, 1840 South Westchester	Ward 2			
04/28/2020-09/30/2024	Michael Edwards, 409 Grove Avenue	At-Large			
02/02/2020 - 09/30/24	William Irvin, 26 Perry Street	At-Large			
			Nine (9) voting members, one from each of the seven (7) wards and two (2) at large appointed by the City Council; Two (2) non-voting members, Director of Planning, Director of Public Works, ex officio members.		
AUTHORITY:					
Code of Virginia, Title 15.1, Chapter 11; City Code, Section 2-156					
MEETING DATE AND TIME: Monthly, first Wednesday, 6pm at the Petersburg Public Library.					
			TERMS:		
			Four (4) years		
STAFF LIAISON:					
Reginald Tabor, Interim Director of Planning and Community Development (804)733-2312					
135 North Union Street					
Petersburg, VA 23803					



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager

FROM: Anthony Williams

RE: **Consideration of a motion to authorize and direct that the humanities bill proposal be forwarded to the Virginia General Assembly for Consideration.**

PURPOSE: Motion to authorize and direct that the Humanities Bill be forwarded to the Virginia General Assembly for consideration.

REASON: Motion to authorize and direct that the Humanities Bill be forwarded to the Virginia General Assembly for consideration.

RECOMMENDATION: Approve Motion.

BACKGROUND: At the March 1, 2022 Work Session, Councilwoman Treska Wilson-Smith presented a Humanities Bill proposal to City Council in an effort to address concerns regarding the homeless and those in need of public assistance. This Motion would authorize that the Humanities Bill requesting certain revisions to the Code of Virginia be sent to the Virginia General Assembly on behalf of City Council for consideration.

COST TO CITY: 0

BUDGETED ITEM: N/A

REVENUE TO CITY: UNK

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Department of Social Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Humanities Bill 3-2
2. A Plan to Address Homeless

Name of Bill: **The Humanities Bill**

Findings: Whereas currently there is not a system in place to **PREVENT** homelessness and
Whereas, Virginia has some of the highest eviction rates and
Whereas, Petersburg, according to the report by Princeton University is among the highest eviction rate in the state and
Whereas Petersburg, is number 133 out of 133 cities in Virginia with the poorest health status which can be attributed to by homelessness and
Whereas, people are often evicted without a clue as to where to go and
Whereas, persons involved in an eviction can actually be sick or disabled and
Whereas, when families are evicted they are relocating to area hotels and motels and
Whereas, homelessness affects the education of the children within the localities and
Whereas the threat of eviction is a sign of an unidentified problem in the household and
Whereas, evictions is the silent cry for help and
Whereas there are no means to bring the Department of Social Services into the those homes with problems and
It is the request that there be some interventive methods to assure that these things not occur without first consulting Social Services and giving them 30 days to assist that person/family in need.

Upon enactment of this law, where there are children (anyone under 18 unless that dependent child is in college or disabled) or elderly persons (70+ years) residing in a home, no landlord shall be able to evict without first, consulting the department of Social Services and giving that department at least 30 days to find a means to assist the family.

Treska Wilson-Smith
1151 Normandale Ave. East
Petersburg, Virginia 23803
(804) 720-9520 (c)
Treskaw@aol.com

Factual History/Example:

Example I:

I was driving home from work when I saw the sheriff's office putting a person's belongings out on the street. There was a crib and a high chair. Items were thrown all over the sidewalk as the neighbors and passerbys decided to get whatever they wanted.. The items looked well kept. The furniture appeared to be in good condition. The baby clothes and diapers were put out as well. I had to wonder if when the person came home, what would she do? Where would the child sleep during the night? I asked myself, how old is the baby? How many more children did she have? What state of mind would she have been in when she arrived and saw this? Where would she and her family go?

At this point, the person has lost her belongings, lost her dignity, has no place to take her child(ren). The city has to clean up the property as it is on the city sidewalks at a cost and according the Princeton report, females with children who go through this, find themselves in severe depression. This comes at a cost to the Social Services Department and to the local Mental Health agency.

Example II:

A woman had her grandson living with her. He was on a machine that he had to use every 4 hours for Asthma. Once while on the machine, the electricity went off. The grandmother called and was told that her check had bounced. “But I paid in cash, how could that be?” asked the lady. After being put on hold, the receptionist told her that this was a check from a couple of months ago. She further told her that she had made a mistake and that she would send someone to turn the services back on. The grandmother said that a stop payment was put on that check because they said that they never got it.”

To put it in a nutshell, they turned the electricity back on, but just suppose it was oxygen that the person was on. Suppose it was an elderly person who needed oxygen to stay alive.

No life supporting utility company should ever be able to come in and do that to anyone.

Example III:

An elderly couple, 88 and 90, actually forgot to pay their rent. They had no children and there was no one to look in on them. When the eviction notice came to them, they did nothing. It was not until eviction day when a neighbor noticed their belongings being put out on the street did help arrive.

Why this I needed:

There are several problems going on within the homes of many, like the elderly couple or the woman with the child. People must go to Social Services to get help and are reluctant to do so. Social Services does not operate on the premise of what they see but request only. Although some things are evident, people on the street corners homeless, people being evicted with or without children, and unless these individuals have been to the department of Social Services to request the help, they won't get it. This needs to be turned around.

The Process

The Role of Social Services: The courts would have a special day which addresses evictions. For all eviction cases, there will be a

Social Worker in the court with the landlord and the client. This will be the first contact with the client and the landlord. They are allowed to talk to the parties prior to the hearing and if it cannot be handled in court, then all parties will go on with the hearing. After the hearing, the social worker has 30 days to either help the family come up with the funds or to find them another place to live, especially if there are children or elderly people in the house. Perhaps there are services available that the family qualifies for. *Please note that there are many things that could be going on in the household that is prohibiting the family from making their payments. It could be drugs and if so, should the child be there? It could be that grandma gets a monthly pension and someone else is taking that. It could be that the mother lost her husband over 3 months ago and fell into such a depression that she could not concentrate on doing anything. The children might have to be removed from the home for a while.* There are a lot of problems that social services could assist with but, usually does not know exist. This bill gives them access to find out what is going on.

The Social Worker will either find a way to help them to stay where they are or to help them to find a residence elsewhere. Assistance with where to go will be given at that time.

A Plan to Address Homelessness



By Treska Yasmine Wilson-Smith, City Councilwoman


What is the official definition of homelessness?

There is more than one “official” definition of homelessness. Health centers funded by the U.S. Department of Health and Human Services (HHS) use the following:

A homeless individual is defined in section 330(h)(5)(A) as “an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility (e.g., shelters) that provides temporary living accommodations, and an individual who is a resident in transitional housing.” A homeless person is an individual without permanent housing who may live on the streets; stay in a shelter, mission, single room occupancy facilities, abandoned building or vehicle; or in any other unstable or non-permanent situation. [Section 330 of the Public Health Service Act (42 U.S.C., 254b)]

An individual may be considered to be homeless if that person is “doubled up,” a term that refers to a situation where individuals are unable to maintain their housing situation and are forced to stay with a series of friends and/or extended family members. In addition, previously homeless individuals who are to be released from a prison or a hospital may be considered homeless if they do not have a stable housing situation to which they can return. A recognition of the instability of an individual’s living arrangements is critical to the definition of homelessness. (HRSA/Bureau of Primary Health Care, Program Assistance Letter 99-12, Health Care for the Homeless Principles of Practice)

Programs funded by the U.S. Department of Housing and Urban Development (HUD) use a different, more limited definition of homelessness [found in the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (P.L. 111-22, Section 1003)].

- 
- An individual who lacks a fixed, regular, and adequate nighttime residence;
 - An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
 - An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;
 - An individual or family who will imminently lose their housing [as evidenced by a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days, having a primary nighttime residence that is

a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days, or credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause]; has no subsequent residence identified; and lacks the resources or support networks needed to obtain other permanent housing; and

- Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who have experienced a long-term period without living independently in permanent housing, have experienced persistent instability as measured by frequent moves over such period, and can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

VOL State Community College, 2021.



A Look at the Current 'Fixed' Situation

In Petersburg, the assistance the homeless population gets is a room at a local hotel. A most recent story on channel 12 news clearly shows that this is not the answer. It is a temporary fix. The report of Dec. 8, 2021 indicates that there are at least 17 hotels and motels which qualify as 'temporary' stays for the homeless. However according to the report, the conditions of these hotels is very poor.

Several organizations assist in paying for hotel rooms, people take food to feed the children, money is collected to help people have a stay off of the street. This is a fix and not a solution. When funds are depleted, where do people go and what has taken place to help people to learn to help themselves? Funding hotel rooms is **NOT** the answer to the situation.

- 1.) People are evicted for various reasons. They have no money, their credit reports are bad via of the eviction and they need shelter immediately. The hotels/motels provide that, without question.
- 2.) If a person is evicted, it lends itself to a greater problem and that is the reason why the eviction. It indicates a fall from grace as the person apparently once had a home, once could afford a place to live, once was doing well enough to not be on the streets and yet find themselves without shelter.
 - a. This is due to drug or substance abuse
 - b. The loss of a job
 - c. Illness and the inability to work
 - d. Mental issues
 - e. Problems within the family, the loss of a child or spouse
 - f. Emergencies {Fire, Water damage, Mold, etc.}

Once we look at the reasons why people are homeless, then we can best understand how to help with the situation. We must also understand the effects of the homeless population on the locality as a whole. The most recent study done by Princeton University indicated that for single females, the depression associated with being evicted leads to depression so severe that intervention is needed. That intervention equates to a cost to social services and to the local mental health agency (s).

At what point do we decide that we need to do more than to simply put people in the hotel. How does this help in the long run of things? When the money runs out, how are those same people kept off the streets? The answer is in the development of a plan



a plan, a plan which allows those same individuals to be seen as individuals with a unique individual set of problems.

The Plan


(The Humanities Bill)

First of all, we must establish a day for eviction court within the local court system. On that particular day, the courts would hear all eviction cases and act accordingly. The difference is that within the court system is a Social Worker whose job is to work with that family or person. The Social Worker is to assist the family in establishing a residence elsewhere or to work something out with the current landlord so that the person could stay. (This is spelled out in the Humanities Bill)

This is contingent on an agreement with the tenant to accept the help. If not, then the process goes on as stipulated prior to this assistance and assistance otherwise is not available to them via the locality. If a person has children in the household and does not accept the help, then Child Protective Services is called in.

We must understand that CPS is brought in because they must protect the children in the locality from sexual predators, which the hotels will sometimes house. Families do not know which hotels or motels house this population so they are subject to putting their children at risk of living next door to these individuals. In addition, the individuals who are sex offenders and are not supposed to be within a certain distance of children, are at risk of violating their probation or breaking the law through no fault of their own.

After the Social Worker has secured suitable housing for the family, then s/he must work with the family to look at and assist with development of a plan which does the following:

- 
- A. Look at how the family got in this position (was it drugs, loss of a job, etc.)
 - B. Develop a plan to get out of the situation (share meeting dates for NA, AA, etc. Help to find a job, assist with learning job skills, etc)
 - C. Develop a plan to stay out of the situation (develop some goals and a time line to reach those goals.)

HOMELESS STUDENTS ARE ...

2

TIMES AS LIKELY AS THEIR HOUSED PEERS TO
SCORE POORLY ON STANDARDIZED TESTS IN
MATH AND READING.

3

TIMES MORE LIKELY TO BE PLACED IN
SPECIAL EDUCATION PROGRAMS.

4

TIMES MORE LIKELY TO DROP
OUT OF SCHOOL.

8 TO 9

TIMES MORE LIKELY TO
REPEAT GRADES.

SOURCES

Homes for the Homeless,
Access to Success:
Educational Needs of Homeless
Children and Families, 1993,
and
National Center on Family Homelessness,
"Homeless Children: America's
New Outcasts," 1999.



SCENARIO

John James and his wife, Paulette have 3 children....2 school age little girls and 1 toddler (boy). Paulette, a 30 year old has been diagnosed with breast cancer and the medical bills are consuming everything that the father manages to earn. . In addition, John has missed a lot of time from work in order to take his wife to chemo and other medical appointments. The car has broken down because of the wear and tear of the appointments and other things, so whatever money is available, it must fix the car. The children need clothes, they need school supplies and they have to have help with child care for the toddler. Needless to say, they get behind on their rent and other bills. They end up in eviction court. In following the Humanities Bill, they are assigned a Social Worker to work with them and she mediates an in person meeting between them and the landlord, to work out a plan for the family to stay. If that does not work, then she searches to figure out someplace for the family to go. The father suggest a hotel, but, upon research and discussion with CPS, every hotel/motel has the sex offenders in it and some are not fit for a woman in such condition.

After finding placement, then the Social Worker and the family sit down and establish some goals and objectives....to include but not limited to the following:

Talking to the employer to see if John can work flex hours. Can he come in late on the days his wife has chemo? Can he work on weekends to complete his work for the week? Can he be trained for another job at that site? How can he improve his job skills and get prepared for assistance. Does Dad need more education? Does he need to get his GED?

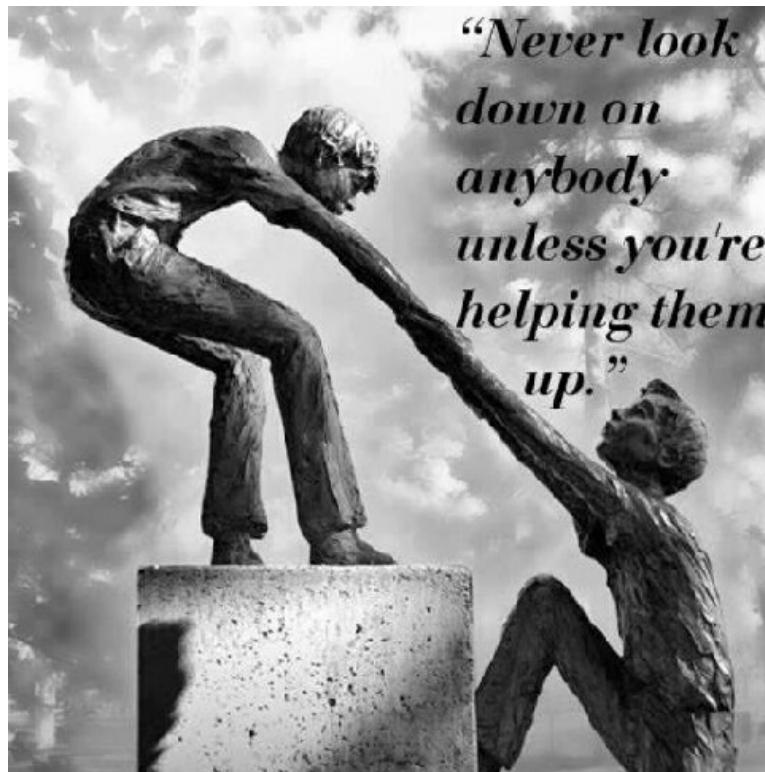
Is there a program which can help Paulette get to the hospital for Chemo without John taking off to do so and if so, who can keep the toddler while she goes to the appointment?

Is this family eligible for assistance from Social Services and if so what assistance can they get, such as utility billing for heat and other things? If so, the money they save on those services can go toward back rent.

How are the children coping with all of this. Can someone from the mental health segment come in and help. The kids see their mother being sick, they see their father struggling and yet, no one sees the turmoil they are in. A Social Worker knows how to assist with getting these kids the help they need.

This scenario shows the result of and the involvement of the Social Worker at the point of evictions and it helps the individuals to not get in this situation again. This is a true help. It is not a band aid. It is not a 'feel good' effort to assist people to simply get off of the street.

We must stop feeding into making the situations worse by not actually helping people to help themselves.



Part II – A Place to Go

In order for this plan to work, there must be a designated place for the population. Fortunately, for the city of Petersburg and its surroundings there is a place which is located in Dinwiddie with a Petersburg address. This property is actually owned by the state of Virginia. If this plan could be adopted by the region and the members of the region shared the cost, it would be beneficial to us all.

The property has several building which can assist with this plan. The building or complex are on the grounds of the former Southside Virginia Training Center. The buildings are:

1. Cottages 12-38, are actual apartments with the following amenities:
 - a. 2-4 bedrooms with built in dressers and closets.
 - b. A kitchen with a refrigerator and stove.

- c. A large living room
 - d. A dining area or a den, depending on the family
 - e. 2 full baths, a double sink, a tub and a shower
 - f. All buildings are handicapped accessible
 - g. Each has an address, a front and back door and a yard for children.
2. Dorm 40 serves as an administration office for the cottage area and is located in that area. It has office space and conference rooms.
3. Building 125. This building is broken into 4 wings. Each wing is divided into two different sections. Each section has 4 bedrooms, 1 bedroom with 8 beds, the second bedroom with 6 beds, the third bedroom with 4 and the last bedroom with 1. That is room for 19 homeless single people. 2 wings for the male population and 2 wings for the female population. Each wing also has the following:
- a. A kitchen and dining area
 - b. A recreation area
 - c. A medical area
 - d. Office space for the social workers and director.
3. Building 124 – This building is designed to be used for job training as it has several wings and classroom spaces. It can be developed to assist in job training and/or workforce development. It helps to assure that when people leave the facility, they leave with the training needed to secure a job and to keep it.

Conclusion

A Review of the goals:

- a. To eradicate homelessness
- b. To help people to become home owners
- c. To assist citizens to become productive members of society

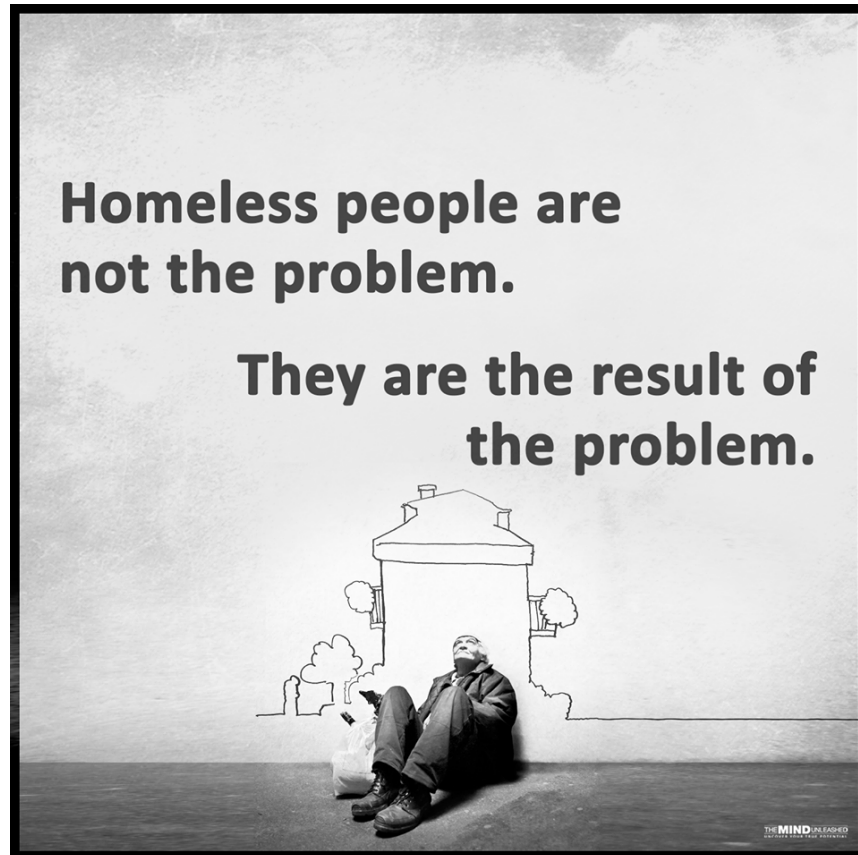
A Review of the plans to reach the goals:

- a. To stop the evictions by adding a layer of mediation via the social worker and the Humanities Bill.
- b. To establish an area where citizens facing homelessness can start all over again and get the help they need.
- c. To provide job training, financial education, etc. and whatever other education that is needed to get each and every person back to their catchment area.

- d. To protect the children in the process by providing a safe environment
- e. To help a family keep their possessions by not putting their belongings on the street and moving instead.

Objectives:

- a. To help people by teaching them to help themselves
- b. To help people by helping them to help themselves
- c. To promote home ownership through education, etc.



Not everyone who's homeless is a drug-addict or in need of mental health care. Some are normal people who've been knocked down, and it can happen to you too. Not all of us made bad life choices. – Sherrilyn Kenyon



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: March 15, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager

FROM: Anthony Williams

RE: **Consideration of a resolution to approve revisions to Article V, Vii, and VII of the City's Personnel Policy.**

PURPOSE: The attached Personnel Policy Revisions are proposed in an effort to address issues with the City's current disciplinary and grievance processes.

REASON: The attached Personnel Policy Revisions are proposed in an effort to address issues with the City's current disciplinary and grievance processes.

RECOMMENDATION: ADOPT RESOLUTION

BACKGROUND: The attached Personnel Policy Revisions are proposed in an effort to address issues with the City's current disciplinary and grievance processes.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: UNK

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: ALL

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Amends existing Personnel Policy.

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. resolution PERSONNEL policy

2. ARTICLE VIII
3. ARTICLE VII
4. ARTICLE V

RESOLUTION TO AMEND AND RE-ADOPT ARTICLES V, VII, AND VIII OF THE CITY OF PETERSBURG PERSONNEL POLICIES AND PROCEDURES MANUAL PERTAINING TO DISCIPLINARY MATTERS, GRIEVANCE AND APPEAL PROCEDURES

WHEREAS, City Council has previously approved and adopted the City of Petersburg Personnel Policies which includes Article V on Disciplinary Actions; and

WHEREAS, Section 15.2-1506 of the Code of Virginia requires localities having more than 15 employees to have a grievance procedure for its employees; and

WHEREAS, Section 15.2-1507 of the Code of Virginia sets forth the minimum requirements of such grievance procedure and requires certification of compliance with said requirements to be filed with the Clerk of Court upon adoption; and

WHEREAS, the City's Grievance and Appeal Procedures are contained in Articles VII, and VIII of the City's Personnel Policies and Procedures Manual; and

WHEREAS, the attached revisions to Article VII (**Exhibit A**) are recommended in an effort to correct certain deficiencies that exist in the current Policy; and

WHEREAS, it is the belief of Council that the amendment and re-adoption of Articles V, VII and VIII is in the best interests of the City.

NOW therefore be it RESOLVED, that Articles V, VII, and VIII of the City of Petersburg Personnel Policies and Procedures Manual is hereby amended and re-adopted as described in the attached (**Exhibit A**); and



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – March 2014

Issued – August 2015

ARTICLE VIII GRIEVANCE HEARING PANEL

8.1 Panel Hearing

At the conclusion of the Management Steps of the Grievance process, if an employee thereafter requests to proceed to a Panel Hearing, the Human Resources Director shall, within not more than three days, submit a complete copy of the grievance record including copies of all exhibits and other supporting documents, all documents and materials collected during the disciplinary process, and the employee's personnel record to the Office of the City Attorney along with a request for review and representation of the City in the Grievance Panel Proceeding.

This policy shall apply to all classified personnel, except Department Heads, the City Attorney, and Assistant City Attorneys, and including employees of the local Social Services Department. Any complaint by a Department Head should be discussed directly with the City Manager. The City Manager shall make the final determination. Any complaint from an Assistant City Attorney or other employee of the Office of the City Attorney should be discussed directly with the City Attorney who shall make the final determination.

The Human Resources Department shall be responsible for securing a location for the grievance, for ensuring that panelists are properly appointed and notified in accordance with this policy, and ensure that the panelists receive all documentation necessary for their review of the grievance in accordance with this Policy.

- (1) The grievance panel shall consist of three members: one member selected by the grievant, one member selected by the Department Head and the third panel member selected by the other two panel members. Within five (5) work days, the two panel members shall select the third panel member. If the two panel members cannot agree on the selection of a third member an appointment will be made by the Chief Judge of Petersburg Circuit Court. The third person shall be the chairperson of the panel. All grievance panel selections are subject to confirmation by the Director of Human Resources for consistency with the requirements of this Policy.
- (2) To einsure an impartial panel, such panel shall not be composed of any person having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance nor a partner, associate, employee or co-employee of such an attorney shall serve as a panel member.
- (3) Witnesses may not be compelled to participate in the grievance process against their will. Each party is responsible for notifying and securing the appearance of any witness that they wish to call. Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representatives at the panel hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the panel without being in violation of the provisions of § 54.1-3904, 1950 Code of Virginia, as amended. The decision of the panel shall be final and binding and shall be consistent with provisions of law and written policy.
- (4) Procedural Challenges: The question of whether the relief granted by a panel is consistent with written policy shall be determined by the City Manager, or his or her designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance



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(this does not include ~~standard~~~~mere~~ participation in the grievance ~~or disciplinary~~ process in

his/her capacity as City Manager), in which case the decision shall be made by' the Petersburg Commonwealth's Attorney. Administrative determinations regarding procedural challenges shall be final and non-appealable. Such challenges shall be submitted in writing to the City Manager with a copy to the Human Resources Director and City Attorney within ten (10) days of the final Panel Decision.

~~(4)~~_____

- (5) Either party may petition the Petersburg Circuit Court for an order requiring implementation of the panel decision.

(6) Rules for Panel Hearings

- a. The panel does not have authority to formulate City policies, procedures, regulations or rules or to alter existing City policies, procedures, regulations or rules;
- b. The panel has the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private;
- ~~e.~~ At least ten (10) days prior to the Panel Hearing, the City and Grievant shall exchange their list of witnesses, and exhibits, and written summary of their respective positions along with any documents or other records that they intend to present at the hearing. The City and Grievant shall at that time also submit all of the foregoing to the Panel.

~~c.~~_____

- ~~d.~~_____ ~~d.~~ The panel has the authority to determine the admissibility of evidence without regard to the ~~r~~rules of evidence, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;

~~d.~~_____

- ~~e.~~_____ All evidence shall be presented in the presence of the panel and the parties, except by mutual consent of the parties or as otherwise stated in this Policy;

~~e.~~_____

- ~~f.~~ ~~g.~~ The majority decision of the panel, acting within the scope of its authority, shall be final, subject to _____ existing policies, procedures and law~~;~~



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~~g.~~ ~~h.~~ ~~f.~~ The panelists shall prepare a written decision which shall be in be provided within five (5) work days to all parties; and

~~h.~~ ~~i.~~ While all participants are expected to maintain formal decorum, the Panel may, in its discretion, proceed in less formal manner than courts or other judicial proceedings may otherwise require.

8.2 Conduct of the Hearings – The Grievant bears the burden of proof in grievance proceedings, and in order to prevail, must establish by a preponderance of the evidence that the discipline imposed or the complaining action was excessive or unwarranted. Accordingly, unless otherwise agreed by the parties, in disciplinary matters the Grievant presents their evidence first.

Accordingly, the hearing format is as follows:

- (1) The Chair shall be responsible for ensuring the hearing is conducted in an orderly, fair

and equitable fashion pursuant to the provisions of the grievance procedure and that all decisions are made by the panel as a whole. The Chair shall have the authority to limit the introduction of redundant and repetitive evidence.

~~(2) For grievances challenging a disciplinary action by the City, the City shall present their case to the panel first. For grievances that are not based upon a challenge to a disciplinary action, the Grievant shall present their case to the panel first.~~

~~(2) Opening statements shall be permitted with the Grievant presenting first. After the opening statements, the Grievant shall present their evidence and call witnesses first.~~

~~(3)~~

~~(3)~~(4) All witnesses may be examined and cross-examined. The Panel may question any witness at the conclusion of the questioning by both parties.

~~(4)~~(5) Closing statements by the parties is permissible with the Grievant going first.

~~(5)~~(6) Each party shall be given full and equal opportunity to present all relevant and material evidence.

~~(6)~~(7) Prior to the hearing, any matter requiring the attention of the panel shall be communicated through the Department of Human Resources. The Department of Human Resources will serve as the liaison between the parties and the panel and provide any needed communication between the parties and the panel.

~~(7)~~(8) The panel hearing ~~is normally recorded, however, it is not required.~~ shall be recorded, and the City may at its sole discretion, have a transcript of the proceeding prepared by a Court reporter or other means.

8.3 Cost of Representation – The grievant shall bear any and all cost involved in employing representation or in preparing or presenting his or her case. The Panel has no authority to award legal fees or punitive damage.



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8.4 Remedies – The Panel authority is as follows:

- (1) The panel may uphold, reverse, or modify the action being grieved by imposing a lesser disciplinary action and in appropriate circumstances, award back pay in the amount that is equitable.
- (2) Back pay shall not exceed pay for time actually lost due to suspension or dismissal.
- (3) The panel does not have the authority to formulate or alter City policies or procedures.
- (4) The panel does not have the authority to grant greater relief than that which the grievant has requested on the grievance form.
- (5) The panel does not have the authority to award the payment of damages or attorney's fees or costs.

8.5 Panel Decisions – After the hearing the panel is to deliberate on the evidence presented and arrive at a decision. No other individual other than the panel members may be present during the panel's deliberations. The panel may decide to deliberate at the conclusion of the hearing or may decide to reconvene at a later date and time. However, all panel members must participate in the deliberations.

- (1) The decision of the panel is to be rendered within five (5) work days following the conclusion of the panel hearing. Cases must be decided on the substance of the issues presented and not on compliance matters occurring before or during the hearing.
- (2) The decision is made by a majority vote of the panel voting as a whole and is recorded on Grievance Form B. The issue statement on Form B should be as complete and detailed as possible. Each panel member must review and sign the form. The panel Chair shall inform the Director of Human Resources of its decision, in writing. The Director of Human Resources will send the panel decision to the grievant, grievant's attorney, Department Head, (City Attorney if representing the City) and the City Manager within five (5) work days from receipt of such decision.
- (3) The majority decision of the Panel, acting within its scope of authority shall be final and binding and shall be consistent with the provisions of law and written policy.
- (4) Either party may petition the City of Petersburg Circuit Court for an order requiring implementation of the official Panel decision.



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Dated – March 2014

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ARTICLE VII GRIEVANCE AND APPEAL PROCEDURES

- 7.1 **Policy**- The City of Petersburg desires to resolve employee grievances fairly and promptly. Employees are encouraged to freely discuss their concerns with immediate supervisors and upper management levels when disagreement or dissatisfactions arise. A copy of the grievance procedure shall be made available to all City employees and each employee shall be assured that the filing of a grievance will have no adverse effect on his or her employment status.
- 7.2 **Purpose** - The purpose is to establish an objective and fair procedure to resolve a complaint or a dispute of an employee concerning his or her employment with the City of Petersburg. All problems, complaints or disputes, even of a minor nature should be resolved.
- 7.3 **Applicability** - All non-probationary permanent full-time and permanent part-time employees, including employees of the Department of Social Services of the City of Petersburg shall be covered under this policy. The following shall be deemed to be in the "excepted category" and excluded from the application of this grievance policy except those listed as follows:
- a. ~~a~~ — Appointees of elected groups or individuals;
 - b. ~~b~~ — Department Heads;
 - c. ~~c~~ — Deputies and executive assistants to the City Manager;
 - d. ~~d~~ — Police staff who have elected to use the Procedural Guarantees procedures provided by State law;
 - e. ~~e~~ — Employees of constitutional officers ~~who shall, where applicable, follow the State's grievance procedure;~~
 - f. ~~f~~ — Employees who serve at the pleasure of the City Attorney excluded in accordance with 2-192 of the City Code.
 - f.g. Members of the unclassified service. Any employee who moves from a position in the classified service to a position in the unclassified service shall automatically lose all rights to the grievance and appeal process;
 - g.h. ~~g-h~~ — Any employee who elects to pursue his or her grievance or complaint by any other existing lawfully permitted procedure in the resolution of their grievance.

The ~~Director of Human Resources~~ City Manager or designee shall be responsible determining the officers and employees excluded from the grievance procedure and shall be responsible for maintaining an up-to-date list of the affected positions.

- 7.4 **Definition of Grievance** - A grievance shall be defined as a complaint or dispute by an employee relating to his or her employment, including but not necessarily limited to:
- ~~a~~ — ~~Disciplinary actions, including dismissals (whenever resulting from formal discipline or unsatisfactory job performance) written reprimand, disciplinary demotion and suspension;~~
 - a. — The proper application of personnel policies, procedures, rules, regulations, ordinances and statutes;
 - b. — Acts of retaliation as the result of utilization of the grievance procedure or participation in the grievance of another City employee;
 - d. — Complaints of discrimination on the basis of race, color, creed, political affiliation, age, disability, national origin or sex; and
 - ~~e~~ — ~~Acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States, the General Assembly of the Commonwealth, or the~~



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City Council

- A. Disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance;
- B. The application of personnel policies, procedures, rules, and regulations, including the application of policies involving the contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations
- C. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, sex, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, or status as a veteran; and
- D. Acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause D, there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

Management Responsibilities ~~— Management shall retain~~ The City retains the exclusive right to manage the affairs and operations of City government. Accordingly, the following complaints are nongrievable under this procedure:

- a. Establishment and revision of wages or salaries, position classification or general benefits;
- b. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;
- c. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations, and personnel actions in conformance therewith;
- d. Failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly;
- e. The methods, means and personnel by which work activities are to be carried on;
- f. Except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force or job abolition;
- g. The hiring, promotion, transfer, assignment and retention of employees within the City; and
- h. The relief of employees from duties of the City in emergencies.

In any grievance brought under the exception in f, the action shall be upheld upon a showing by the City that: (i) there was a valid business reason for the action, and (ii) the employee was notified of such reason in writing prior to the effective date of the action.



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- 7.5 Determination of Grievability** - Decisions regarding grievability and access to the procedure shall be made by the City Manager or designee at any time prior to the panel hearing, at the request of the Department Head or grievant or within ten (10) calendar days of the request. The Department of Human Resources may initiate a determination of grievability at any step. For purposes of these Policies, grievability shall mean whether or not a complaint qualifies, at any step in the grievance process, for a hearing. A copy of the ruling shall be sent to the grievant and the Department Head or designee. If the grievance is determined to be non-grievable by the City Manager, the grievance process is concluded unless a timely appeal is filed.
- a. Decisions of the City Manager may be appealed to the Petersburg Circuit Court for a hearing on the issue of whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the City Manager shall be instituted by the grievant by filing a notice of appeal with the City Manager within ten (10) calendar days from the date of receipt of the decision and giving a copy thereof to all other parties.
 - b. Within ten (10) calendar days thereafter, the City Manager shall transmit to the Clerk of the Court to which the appeal is taken: a copy of the decision of the City Manager, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The failure of the City Manager to transmit the record shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the City Manager to transmit the record on or before a certain date.
 - c. Within thirty (30) days of receipt of such records by the Clerk, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the City Manager and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice require. The Court may affirm the decision of the City Manager or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the Court is final and not appealable.
- 7.6 Compliance** - After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) work days of the receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the City Manager.
- The City Manager, at his or her option, may require a clear written explanation of the basis for just cause extensions or exceptions. The City Manager shall determine compliance issues. ~~Compliance determinations made by the City Manager shall be subject to judicial review by filing petition with the Circuit Court within thirty (30) days of the compliance determination.~~
- This procedure is provided as a means for employees to resolve problems and complaints without the cost often associated with legal counsel. However, if an employee using the procedure would feel more comfortable in having such support, the employee shall be responsible for related expenses.
- 7.7 Standard/Burden of Proof** – The grievant ~~must prove~~ **bears the burden of establishing** by ~~the greater weight~~ **preponderance** of the evidence that the discipline imposed or the complaining action was excessive or unwarranted. All parties are to be afforded an equal opportunity for presentation of their evidence.
- 7.8 Grievance Procedure** - Most employee concerns or complaints can be resolved informally through communication between employee and supervisor. Accordingly, employees are encouraged to take their complaints to their immediate



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supervisor and then to upper-management levels to seek a solution. Employees are also encouraged to pursue grievable issues through the grievance procedure and supervisors are to assist them in this process.

- Step 1. The employee shall identify the grievance verbally to the immediate supervisor in an informal face-to-face meeting within thirty (30) calendar days after the event or action which is the basis for the grievance.

The supervisor shall give a verbal response to the employee within five (5) work days following the meeting. If a resolution is not reached at this point, the employee shall submit to the supervisor on the Grievance Form, the nature of the grievance ~~and~~; the specific relief requested, and the date of submission of the Grievance Form within five (5) work days following the date of receipt of the verbal response. Any grievance not complying with the foregoing submission requirements shall not be considered.

The supervisor, in turn, shall give the employee a written response on the Grievance Form within five (5) work days.

*Any Police Officer choosing to proceed under the provisions of Code of Virginia §9.1-500 et. seq. or Firefighter/EMT choosing to proceed under Code of Virginia §9.1-300 et. seq., or Correctional Officer choosing to proceed under Code of Virginia §9.1-508 et. seq., shall, in addition to submitting any department required documentation, so indicate on the Grievance Form in Step 1 of the Grievance Process. Such election shall supersede and waive further rights to proceed under the City's Grievance Process described in the remainder of this Policy.

~~The supervisor, in turn, shall give the employee a written response on the Grievance Form within five (5) work days.~~

- Step 2. If the grievance is not resolved at the first step, the employee should indicate on the Grievance Form the desire to have the grievance advanced to the next step within five (5) work days following the supervisor's written response.

The grievant shall forward a copy of the grievance form to the Department Head and a copy to the Department of Human Resources accompanied with all supporting documentation and the decision of the supervisor.

A meeting to review the grievance shall be held between the employee and the Department Head within five (5) work days after receipt of the grievance. The time limit between the second step submission and the second meeting may be extended by mutual agreement. A second step written reply to the grievance shall be provided to the employee within five (5) work days after the second step meeting.

- Step 3. If a satisfactory resolution is not reached at the second step, the employee may so indicate on the Grievance Form and submit the grievance to the City Manager within five (5) work days with a copy to the Department of Human Resources accompanied with all supporting documentation.

A meeting to discuss the grievance shall be held between the City Manager and the grievant within five (5) work days after the receipt of the grievance. The time between the third step submission and the third step meeting may be extended by mutual agreement. The employee may have a representative of his or her choice present at the third step meeting.



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If the grievant is represented by legal counsel, the City Manager may also have legal counsel present. The City Manager shall render a written reply to the grievance within five (5) work days following the third step meeting.

Step 4. Appeal to the Panel. If a grievance is not settled in Step 3, the grievant may proceed to a hearing before an impartial panel. A written request for a panel hearing must be submitted to the City Manager within seven (7) work days of the receipt of the third step reply with a copy to the Department of Human Resources.

7.9 Representation During the Grievance Management Steps – With the exception of the of the final management step (Step 3), the only persons who may be present in the management step meetings are the grievant, the appropriate City official at the level which the grievant is being heard, a representative from the Department of Human Resources if requested and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony.

Employees who are necessary participants at a grievance hearing shall not lose any pay for the time necessarily lost from their jobs and will not be charged leave because of their attendance at such hearings. During the management steps the grievance shall not be recorded and recording devices are not permitted in the room in which a grievance hearing is being heard.



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ARTICLE V DISCIPLINARY ACTIONS, DEMOTIONS, DISMISSALS AND SEPARATIONS

- 5.1 Policy** - Whenever the performance, work habits or personal conduct of an employee becomes unsatisfactory his or her supervisor shall inform him or her promptly of such deficiency and give him or her counsel and assistance. Upon a determination by the supervisor to initiate Disciplinary Action in accordance with this Article, the supervisor shall complete and submit a Pre-Disciplinary Hearing Form. The City shall follow a policy of progressive discipline, however, the severity of the offense may justify action outside of the standard progression. In such case, the supervisor must provide justification for their decision to recommend action outside of the standard progression. Discipline should be appropriate to the seriousness of the incident. A specific incident may justify severe disciplinary action without delay upon the first offense.

Each employee is expected to comply with instructions, established policies, procedures, rules and regulations, and accepted standards of personal conduct. If an employee's performance of duty or personal conduct is unsatisfactory because of neglect or failure to comply with these requirements, appropriate disciplinary action shall be taken pursuant to these Rules.

- 5.2 Grounds** - No disciplinary action shall be taken without reasonable grounds, or cause for such action. By way of illustration, but not limitation, the following shall constitute reasonable grounds for discipline:

- (1) Unsatisfactory attendance or tardiness. Misuse or abuse of sick leave.
- (2) Abuse or misuse of City time, such as:
 - a. Unauthorized time away from work area or
 - b. Failure to notify the supervisor promptly of completion of assigned work.
- (3) Use of obscene or abusive language.
- (4) Receipt of a moving traffic violation while using a City or other public use vehicles.
- (5) Inadequate or unsatisfactory job performance. Incompetence, unwillingness or failure to render satisfactory service to the Department Head or designee.
- (6) Violation of safety rules, policies or regulations.
- (7) Insubordination or failure to follow supervisor's instructions, or to perform assigned work or otherwise comply with applicable established written policy.
- (8) Reporting to work when under the influence of or when ability is impaired by alcohol or the unlawful use of controlled substances.
- (9) Leaving the work site without permission during working hours.
- (10) Failure to report to work without proper notice to supervisor. Failure to report to work due to arrest or incarceration.
- (11) Unauthorized use or misuse of City property or records.
- (12) Absence or leave in excess of three working days without appropriate notice, or without satisfactory explanation.
- (13) Use of alcohol or unlawful use or possession of controlled substances while on the job.
- (14) Material falsification of any City records, such as, but not limited to: vouchers, reports, insurance claims, time records, leave records; or other official City documents; or employment application.
- (15) Willfully or negligently damaging or defacing City records or equipment or City or employee property.
- (16) Theft or unauthorized removal of City records, equipment, or City employee property.
- (17) Commit or threat to commit an act of violence or fighting in the workplace.
- (18) Violation of the City's Substance Abuse Policy or [Sexual Harassment Policy](#), [Anti- Harassment and Anti- Discrimination Administrative Regulations](#)
- (19) Sleeping during scheduled work hours (except by departmental policy for Fire personnel on 24 hour tours).
- (20) Participating in any kind of work slowdown, sit-down, or similar concerted interference with City operations.
- (21) Unauthorized possession of firearms, dangerous weapons or explosives.



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- (22) Criminal violations other than minor traffic violations occurring on the job or off the job which are related to job performance and are of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the department's duties to the public or to other City employees.
- (23) Operating a City vehicle without a valid operator's permit or without authorization.
- (24) Violation of the City's Administrative Regulations, Personnel Policies & Procedures or Department Standard Operating Procedures (SOPs).
- (25) Conduct unbecoming an employee of the City, tending to bring the City service into disrepute.

5.1 **Types of Discipline** - The disciplinary measures normally available to Department Heads and their delegated subordinates shall be: (1) verbal reprimand, (2) written reprimand, (3) suspension, (4) disciplinary demotion and (5) dismissal. Upon a determination to initiate disciplinary action, the Department Head or designee shall conduct a Pre-Disciplinary Hearing with the employee advising them of allegations against them; the possibility of disciplinary action; and affording them an opportunity to respond. The Department Head or designee shall complete the Pre-Disciplinary Hearing Form and submit it to the is required to consult with the Director ~~department~~ of Human Resources for approval before initiating any demotion, and suspension (more than 5 working days) or dismissal. The Pre-Disciplinary Hearing Form shall include or be accompanied by the Department's recommended disciplinary action to be taken. Prior to initiating any disciplinary action in excess of a Written Reprimand, the Director of Human Resources shall consult with the City Attorney by submitting to him a copy of the Pre-Disciplinary Action form and any other relevant documentation review. After receiving such consultation the Human Resources Director shall consult with the City Manager designee of the City Manager prior to authorizing discipline. The Department Head or designee is advised that justification for any action taken is their sole responsibility. All relevant documentation supporting the proposed discipline including but not limited to witness names and statements; photographs and recordings; and other records should be submitted along with the Pre-Disciplinary Hearing Form. Unless otherwise noted in these Policies, all discipline becomes effective on the date designated by the Department Head or designee after approval in accordance with the foregoing.

5.15.2 **Documentation** - All disciplinary actions shall be reduced to writing (except a verbal reprimand), with copies placed in the employee's official personnel file in the Department of Human Resources.

- (1) **Notice to Employee** - Prior to suspension, disciplinary demotion or dismissal of an employee, he or she shall be notified in writing of the reasons for the specific charges, violations, or infractions. This writing shall be in the form of the Pre-Disciplinary Hearing Form as described in this Policy. The employee shall have an opportunity to respond to the allegations identified on the Pre Disciplinary Hearing Form in writing prior to the Pre-disciplinary Conference.

Upon completion of the Pre Disciplinary Hearing Form and providing the employee an opportunity to provide a written response to the allegations, the Department Head shall consult with the Human Resources Director, and shall work with the Human Resources Director in conducting an investigation regarding the allegations.

- (1) Witness statements shall be recorded or in writing and signed by any witnesses or persons having knowledge of the events giving rise to the allegations. All evidence, including witness statements, photographs and other tangible materials relating to the alleged violations shall be collected by the Department Head and provided to the Human Resources Director.
- (2) **Pre-disciplinary Conference** - Prior to implementing discipline, -suspension, disciplinary demotion, or dismissal the Department Head or designee shall provide the employee with an opportunity for a pre-disciplinary conference. For suspension, disciplinary demotion, or dismissal, the employee shall be provided a minimum of five (5) calendar days to prepare for the conference.



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- a. During the conference, the employee shall be given an opportunity to respond to the specific charges, violations, or infractions that form the grounds for the proposed disciplinary action as stated in the written notice previously provided to the employee. The employee may call upon witnesses or provide evidence in support of his defense against the allegations being made against him. Any documentation or evidence provided by the employee shall be collected by the Department Head and provided to the Human Resources Director along with the documentation identified in Section 5.2(1).
 - b. The Department Head or designee may interview other persons who may have direct knowledge of the situation based on information provided by the employee. Interviews shall take place separate from the pre-disciplinary conference.
 - c. The Department Head or designee may review documents as part of the pre-disciplinary conference process to include but not limited to video and audio tapes and printouts from electronic media (GPS, cell phones, etc.). These materials shall be provided to the HR Director along with the documentation identified in Section 5.2(1).
 - d. The pre-disciplinary conference shall only include the Department Head or designee, other city officials deemed necessary by the Department Head or designee and the employee. No attorney or other representative personnel for the City or employee shall be permitted in the Pre-disciplinary conference.
 - e. At the request of either party, Human Resources may shall attend for policy interpretation, but shall not be considered representative of either party.
 - f. The Department Head shall prepare a Memorandum summarizing the Pre Disciplinary Hearing Conference and provide a copy of it to the HR Director along with the documentation identified in Section 5.2(1). This Memorandum shall include the Department Head's recommendation of what discipline (if any) should be imposed. Except as expressly provided in this Policy, Neither party is allowed to record the proceedings or bring any recording devices to the Pre Disciplinary eConference.
- (3) **Employee status during an investigation and or disciplinary review** - Pending the resolution of an investigation or disciplinary review, and upon approval of the City Manager, the Department Head or designee may shall place the employee on leave with ~~out~~ pay if any of the following occur:
- a. The employee's presence may impede the investigation or is determined to be a threat to the City, his or her _____ supervisor or fellow employees or city property or equipment.
 - b. The employee is alleged to be in violation of the City's Substance Abuse Policy.
 - c. There are allegations of workplace violence, unlawful harassment, unlawful discrimination or retaliation.
 - d. The employee is part of an external investigation and his or her presence is determined to be a threat to the City, his or her supervisor or fellow employees. .

Notwithstanding the aforementioned categories, nothing herein shall limit the Director of Human Resources or designee's discretion to recommend to the City Manager ~~placing~~ any employee on leave with ~~out~~ or without pay or administrative leave or allow the employee to remain in his or her position or a modified position pending disciplinary actions or the completion of an investigation.



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~~(4)~~ (4) **Employee Status for Alleged Criminal Conduct** - Pending the resolution of any alleged criminal conduct the Department Head or designee shall place the employee on leave without ~~out~~ pay if any of the following occur:

- a. The employee is formally charged with a criminal offense and is incarcerated (The employee may also be subject to unauthorized absence [Z time] and thus be in violation of Personnel Policies.)
- b. The employee's ability to perform his or her job is impacted.
- c. The investigation is hampered by the employee's presence at work.
- d. There is a risk to the city or interference with the city's ability to conduct business.
- e. There are allegations of theft, fraud, or embezzlement of City property or services (this shall include property leased to the City or otherwise in the possession of the City).
- f. The employee is charged with a misdemeanor crime involving marijuana, drug paraphernalia or any controlled substance.
- g. The employee is charged with any felony crime.

Notwithstanding the aforementioned categories, nothing herein shall limit the City Manager or designee's discretion to allow the employee the use of vacation leave or to authorize administrative leave pending disciplinary action or pending the legal adjudication process upon written request by the employee. Nor shall anything limit the authority of the City to proceed with disciplinary action prior to the outcome of criminal proceedings if it is determined that the employee's conduct notwithstanding the criminal allegations warrant such action.

The approval of the ~~Director of Human Resources~~ City Manager or designee is required for administrative leave or leave with or without pay exceeding five (5) working days unless authorized by the City Manager or designee for the time exceeding the five (5) working days (56 hour Shift Fire Personnel shall be eligible for up to three (3) working days).

~~Leave without pay due to alleged criminal conduct may not exceed sixty (60) days. Regardless of the status of any criminal investigation or process the Appointing Authority or designee may initiate disciplinary charges against the employee under these Policies at any time, up to and including termination based upon the facts of evidence of conduct that prompted the criminal investigation or process.~~

~~(4) **Review and Approval** – For all disciplinary action identified in Sections 5.7 through 5.9 (Suspension, Demotion, or Dismissal), the information collected by the Department Head and provided to the HR Director consisting of the Pre Disciplinary Hearing Form, the documentation and materials collected in Sections 5.2(1) and (2) including the Memorandum summarizing the Pre Disciplinary Hearing shall be assembled and copies shall be provided to the City Attorney along with an HR Routing Sheet (Appendix B). As required by the Fair Labor Standards Act, exempt employees shall be placed in leave without~~

~~(5)~~

Communication and documents forwarded to and received from the City Attorney may be protected as confidential attorney-client privileged material or attorney work product. The City Attorney shall review the documentation and materials to ensure compliance with applicable law and policy. The City Attorney shall consult with the HR Director and Department Head and provide any comments or recommendations regarding the proposed disciplinary action. The City Attorney may recommend approval, modification, or rejection of the proposed discipline, or he may recommend additional investigation.

Such comments or recommendations shall be included on the HR Routing Sheet and these materials including the HR Routing Sheet shall thereafter be forwarded to the City Manager for review and approval. The City Manager may approve, modify, or reject the recommended disciplinary action, or require additional investigation.



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No disciplinary action identified in Sections 5.7 through 5.9 shall be imposed by the City without compliance with this Section.

For disciplinary actions identified in Sections 5.5 and 5.6 (Verbal and Written Reprimands) the Department Head shall comply with Sections 5.1 and 5.2(a) through (e) – City Attorney review and City Manager approval is not required for these actions, but copies of any such action taken should be provided to the City Manager and City Attorney for informational purposes.

~~pay in increments of a full work day if the behavior of the employee constitutes serious workplace misconduct as indicated above or as determined by the Director of Human Resources. If the conduct of the exempt employee does not fall in one of the aforementioned categories, that exempt employee shall be placed in leave without pay in increments of full work weeks.~~

~~(5)(6) **Employee Record of Action** - Following any pre-disciplinary conference, and prior to implementation of discipline, the employee shall receive in writing, within five (5) working days, the findings of the pre-disciplinary conference. Upon receipt of such findings, the employee may, within five (5) working days, within five (5) working days, submit a written correspondence for inclusion in the record. The pendency of such correspondence shall not delay implementation of disciplinary action.~~

~~(6) **Department Disciplinary Recommendation** – Each disciplinary action that requires the approval of the Director of Human Resources or designee shall be supported in writing by a memorandum endorsed by the Department Head or designee and forwarded to the Director of Human Resources or designee within five (5) working days of the pre-disciplinary conference. All supporting documents shall accompany the agency disciplinary recommendation.~~

- 5.5 Verbal Reprimand** - As a disciplinary action a discussion between the supervisor and the employee wherein employee is advised and cautioned with reference to unsatisfactory work performance or misconduct. ~~A verbal reprimand does not require written notice to the employee.~~
- 5.6 Written Reprimand** - An employee may be reprimanded by any one of his or her supervisors. Each such reprimand shall be confirmed in writing from the person imposing the reprimand on the employee, with a copy being placed in the employee's personnel file in the Department of Human Resources, delivered to the employee and sent to the Department Head or designee. This writing shall provide reasons for the reprimand and specific examples of violations, infractions, performance issues or personal conduct. The employee may attach written correspondence for inclusion in the record within five (5) working days of receipt of a written reprimand.
- 5.7 Suspension** - As a disciplinary measure, the Department Head or designee may suspend an employee for such period of time as may be reasonable and appropriate under the circumstances. All suspensions shall be



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deemed disciplinary actions and shall be without pay. ~~The Department Head or designee is required to consult with the Department of Human Resources before initiating any suspension of more than five (5) working days (56 hour Shift Fire Personnel shall be eligible for up to three (3) working days).~~

~~The Department Head or designee shall provide written notice of a pre-disciplinary conference to the employee. The suspension becomes effective on the date approved by the Department Head or designee after completion of the pre-disciplinary conference and associated timeframes.~~

~~The Director of Human Resources or designee shall be responsible for approving, revising or denying any suspension that exceeds five (5) working days.~~

~~As required by the Fair Labor Standards Act, non-exempt employees shall be suspended in hourly increments. Exempt employees shall be suspended in weekly increments; however, if the behavior of an exempt employee constitutes serious workplace misconduct as noted above in Personnel Rule 5.2 and 5.4 or as determined by the Director of Human Resources or designee, the exempt employee shall be suspended in increments of a full work day.~~

- 5.8 Disciplinary Demotion** - As a disciplinary measure, the Department Head or designee may recommend that an employee be demoted to a lower classification. Before such action is effective, the Department Head or designee shall investigate the circumstances, shall provide the employee with a pre-disciplinary conference and written notice of his or her recommendation. ~~The Department Head or designee is required to consult with the Department of Human Resources before initiating any demotion.~~ A Disciplinary Demotion is considered to be discipline in excess of a Written Reprimand and must comply with the approval requirements described in this Policy.

The salary of an employee demoted for cause shall be reduced ~~by the Department Head or designee~~ at least 5% in the new pay range, not to exceed the maximum salary of the new pay range.

A disciplinary demotion shall require completion of an adjustment period for the new position not to exceed ninety (90) days without authorization by the City Manager. An employee, who cannot successfully complete the adjustment period following a disciplinary demotion, shall be dismissed from the City's service.

- 5.9 Dismissal** - Before an employee may be dismissed he or she shall be informed in writing of the reasons for his or her proposed dismissal and be given an opportunity for a pre-disciplinary conference and shall be conducted by the Department Head or designee. ~~The Department Head or designee is required to consult with the Department of Human Resources before initiating any dismissal.~~

Department Heads may be involuntarily separated for performance or disciplinary reasons in accordance with these Policies. Probationary employees and employees who serve at the will of the City, shall be dismissed in accordance with Rule 3.16.

- 5.10 Forfeiture** - Any officer, appointee of the council or employee of the City who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude or any felony or any misdemeanor involving possession of marijuana or any controlled substances may forfeit his or her office or employment. The employee shall lose all rights of employment and future employment with the City service, and the employee shall have no right of appeal. Prior to the Department Head or designee initiating a determination of forfeiture, a review by the City Attorney's Office is required.

- 5.11 Separation from City Service** - For the purpose of these Policies, the separation of one's status as an employee of the City shall be referred as a separation. The types of separation shall include ~~but~~ are not



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limited to the following: (1) resignation, (2) disability retirement, (3) retirement, (4) reduction-in-force, (5) job abolishment (6) disciplinary dismissal, (7) forfeiture, (8) failure to return to work after the exhaustion of authorized leave, (9) disability separation, ~~and (10) death;~~ and (11) job abandonment.

Date and Notice of Separation - An employee's official date of separation is typically his or her last day in active pay status. If an employee is on approved sick leave, worker's compensation, or leave without pay when separated, the effective date of separation will be the actual date of separation designated by the employee and approved by the Department Head or designee and not necessarily the last day in active pay status. Notice of the effective date and the reasons for every separation shall be reported in writing by the Department Head or designee to the Department of Human Resources.

- (1) **Resignation** - An employee may leave the City service voluntarily. When such action takes the form of a written resignation, a copy shall be forwarded to the Department of Human Resources. If it is determined that a reported resignation was not voluntary, the Department Head or designee shall treat the separation as a dismissal under these Policies and notify the employee of his or her rights. An employee may withdraw his or her resignation before the effective date with the approval of the Department Head or designee. Where written resignation is not obtained, the Department Head or designee shall notify the employee in writing that his or her verbal resignation is accepted and forward a copy to the Department of Human Resources.
- (2) **Disability Retirement** - If an employee qualifies under the rules of the Virginia Retirement System, he or she may apply for disability retirement. Persons retiring under this Policy shall be considered as voluntarily separating from the City service.
- (3) **Retirement** - Whenever an employee meets the conditions set forth in the Virginia Retirement System Regulations, he or she may elect to retire and receive all benefits earned under the Retirement Plan. Persons retiring under this Policy shall be considered as voluntarily separating from the City service.
- (4) **Reduction in Force** - The involuntary separation of an employee from a position if it has been determined that positions will no longer be required or that funds will not support certain positions.
- (5) **Job Abolishment**- The elimination of a classification due primarily to considerations of efficiency and effectiveness. Affected employees shall be governed by the reduction-in-force provisions.
- (6) **Disciplinary Dismissal** - Each employee is expected to comply with instructions, established policies, procedures, rules and regulations, and accepted standards of conduct. If an employee's performance of duty or inappropriate conduct is unsatisfactory because of neglect or failure to comply with these requirements, appropriate disciplinary action shall be taken pursuant to these Policies leading up to and including dismissal.
- (7) **Forfeiture** - Any officer, appointee of the council or employee of the City who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude, or any felony, or any misdemeanor involving possession of marijuana or any controlled substances may forfeit his or her office or employment.
- (8) **Failure to return to work after the exhaustion of authorized leave** – An employee who is considered on an unauthorized absence for three (3) consecutive work days or in the Fire Department (for members who work 24 hour duty tours) two (2) consecutive tours twenty-four (24) hour tours, shall be dismissed.
- (9) **Disability Placement/Separation** - Upon supported and certified medical evidence, an employee may be separated for service or non-service related disability when he or she cannot perform the required duties because of physical or mental impairment without reasonable accommodation as defined by the American Disabilities Act as amended. Employees shall be given a fifteen (15) calendar days written notice prior to the separation date.



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- (10) Death - Separation shall be effective as of the date of death. Each Department Head or designee shall establish and maintain within his or her agency appropriate procedures to be followed in the event of any employee's death while on duty. Notwithstanding a person who deceases while at work will be paid for the full-day.

(11) Job Abandonment – where an employee is on unauthorized absence for more than three (3) consecutive working days and fails to report to their supervisor the reason for the absence in advance, they may be deemed to have abandoned their employment with the City and shall forfeit grievance rights. An employee who produces adequate justification for the absence and failure to report to his supervisor may be reinstated upon such determination having been made by the City Manager.

5.12 Reduction-In-Force - A Reduction in Force (RIF) occurs when changing priorities, budgetary constraints, or other business conditions require abolishment of positions as determined by the City Manager or designee. And approved by City Council. A RIF can also occur when a classification changes so significantly that the employee is no longer able to perform the required duties.

- (1) Selection for RIF - If a reduction in force is necessary, such employees shall be released in accordance with these Rules in the following order:
- a. Non-Provisional status employees performing the same work must be terminated before any employee with a probationary or tenured appointment, provided that a probationary or tenured employee can perform the temporary employee's tasks.
 - b. Probationary status employees performing the same work must be terminated before any employee with a tenured appointment, provided that a tenured employee can perform the probationary status employee's tasks.
 - c. Tenured status employee is based on the following factors (factors are not in priority order):
 - (i) Which positions are most vital to the department in the delivery of service.
 - (ii) Relative skills, knowledge and productivity of employees.
 - (iii) Performance evaluation rating.
 - (iv) Length of continuous City service.
- (2) Placement Options - The Department of Human Resources will review all vacant positions to identify valid vacancies that can be used as placement options during the RIF. All final placements are at the discretion of the City Manager, with due consideration to the factors within this policy. In order to be considered for placement, the employee must be performing at the "satisfactory" performance level in accordance with the evaluation system. The options considered for placement will be based on the following order:
- a. Same Classifications Specification vacancies -
 - (i) Transfer to a vacant position in the same classification specification in the employee's current agency.
 - (ii) Transfer to a vacant position in the same classification specification in another city agency.
 - (iii) If based upon the above-defined-criteria for placement, the status of two or more tenured employee's is identical, the order of transfer, demotion or layoff, shall be determined by the Director of Human Resources or designee through a computerized random selection process.



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- b. Lower level vacancies (alternative placements to a lower classification)
 - (i) Demoted to a vacant position in a lower classification specification in the employee's current agency.
 - (ii) Demoted to a vacant position in a lower classification specification in another city agency. If

based upon the above-defined-criteria for placement, the status of two or more tenured status employees is identical, the order of transfer, demotion or layoff, shall be determined by the Director of Human Resources or designee through a computerized random selection process.

- (iii) An employee demoted due to reduction-in-force shall have his or her salary governed by the City's Pay Plan. In no event shall the demoted employee's salary exceed the maximum amount of the new pay range.

If a placement option is identified, the Department of Human Resources shall notify the employee in writing that a placement is being offered with a reasonable deadline by which the employee must respond. Employees who do not accept an offered placement by the date specified in the written offer shall be deemed separated on the date they declined the offer or if no response, on the date of the deadline in which to respond.

- (1) Exceptions - When a Department Head or designee determines that a certain employee who holds tenured status is essential to the efficient operation of the agency in which he or she is employed because of special skills, knowledge or abilities and wishes to retain such employee, the Department Head or designee shall file with the Director of Human Resources or designee a request in writing setting forth, in detail, the specific skills, knowledge and abilities possessed by the employee and the reasons why such employee is essential to the effective operation of the agency. If the Director of Human Resources or designee approves the request, such employee may be retained.
- (4) Lay-off/Termination - If after all the above steps have been exhausted and tenured status employees are to be laid off/terminated, such employees shall receive fifteen (15) calendar days written notice prior to the effective termination date.

An employee who may be in the process of another administrative procedure (i.e. grievance, EEO complaint, disciplinary action, etc.) is still covered under the reduction in force procedure. If such employee is laid off, he or she will be entitled to continue to pursue the other administrative procedure if he or she so chooses. However, it will be done in the status resulting from the effect of the reduction in force policy and it will not change the impact of the layoff.

5.13 Reinstatement - Reinstatement status applies only to those tenured status employees who have (1) resigned in good standing, (2) apply for reinstatement within thirty (30) calendar days of the date of their separation, (3) their position having remained unfilled, and (4) now meet the minimum qualifications for the position, and then only if such reinstatement is approved by both the Department Head or designee and the Director of Human Resources or designee. Seniority for employees reinstated shall be computed from the original date of employment.

- (1) Pay of Reinstated Employees - Upon reinstatement, an employee's pay, employment date and all benefits shall remain unchanged and be restored.



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**PRE-DISCIPLINARY HEARING FORM PER PETERSBURG
PERSONNEL POLICY ARTICLE V**

The purpose of a pre-disciplinary hearing is to inform the employee of the alleged violations, provide an opportunity to respond, and advise the employee of possible disciplinary action. Please complete the form below following a meeting with the employee and submit it to the Human Resources Director to be used in support of any investigation.

<u>Employee:</u>	<u>Title:</u>
<u>Supervisor:</u>	<u>Title:</u>
<u>Department:</u>	
<u>Alleged violations including dates, locations, and relevant policy citations:</u>	
<u>Narrative including dates and times:</u>	
<u>Employee explanation:</u>	
<u>Supervisor (print):</u>	
<u>Signature:</u>	<u>Date:</u>



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**DEPARTMENT OF HUMAN RESOURCES
SIGNATURE ROUTING COVER SHEET**

Document(s): disciplinary documents for: [INSERT EMPLOYEE NAME, POSITION, AND DATE OF HIRE]

Requested by: [INSERT DEPARTMENT HEAD NAME AND SIGN] _____

Date: [INSERT DATE]

I acknowledge that I have read the attached document(s) and concur with the proposed action unless otherwise stated on this form.

Human Resources Director

Date

City Attorney

Date

City Manager

Date