



City of Petersburg Virginia

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April 5, 2022 - City Council Work Session

April 5, 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

Interim City Manager

Kenneth Miller

-
1. **Roll Call**
 2. **Prayer**
 3. **Pledge of Allegiance**
 4. **Determination of the Presence of a Quorum**
 5. **Approval of Consent Agenda (to include minutes of previous meetings):**
 - a. Minutes:
 - March 1, 2022 - City Council Work Session
 - March 1, 2022 - Special City Council Meeting
 - March 15, 2022 - Closed Session
 - March 15, 2022 - Regular City Council Meeting
 - March 24, 2022 - Closed Session
 - March 24, 2022 - Budget Workshop
 - b. A request to hold a public hearing on April 19, 2022, for the consideration of a ordinance by the City Council authorizing the City Manager to allow the City of Petersburg to be a member of the Virginia's Gateway Region Industrial Facilities Authority in collaboration and cooperation with the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the County of Prince George, the County of Surry, and the County of Sussex, to foster economic growth and development of the City of Petersburg and the region pursuant to section 15.2-6400 et seq. of the code of Virginia (the "Act")Virginia.
 - c. A request to hold a public hearing on April 19, 2022, for the consideration of a resolution by the City Council approving the issuance by the Petersburg Redevelopment and Housing Authority of its multifamily housing revenue bonds for the acquisition, construction, renovation, rehabilitation and equipping of the approximately 98-unit Dorsey Flats Apartments multifamily housing facility located in the City of Petersburg, Virginia.
 - d. A request to hold a public hearing on April 19 for the consideration of an ordinance authorizing the City Manager to adopt the amendment to the Real Estate Tax Abatement Program for Commercial and Industrial Businesses located within the Enterprise Zone that will allow them to qualify for Real Estate Tax Abatement for a period of Six (6) Years

- e. A request to schedule a public hearing on the consideration of an ordinance to amend and re-adopt Section 94-2 of the City Code pertaining to littering.
- f. A request to schedule a public hearing for April 19, 2022 for the purpose of considering a Resolution to authorize the City Attorney to proceed with condemnation of a portion of parcel 065-110004, 2793 South Crater Road.
- g. Schedule a Public Hearing, Second Reading, and Consideration of Adoption of An Ordinance to Amend and Readopt Section 2-31 of the Petersburg City Code Pertaining to Salaries of City Council and the Mayor
- h. A request to hold a public hearing on April 19, 2022, for the consideration of an ordinance of conveyance of easements to Dominion Energy Virginia in furtherance of the Park & Ride Project
- i. A request to schedule a public hearing on April 19, 2022, for the consideration of FY2021-2022 #2 Proposed Schools Operating Budget in the amount of \$1,611,079.77.
- j. A Request to schedule a public hearing for April 19, 2022 for consideration of an Ordinance to authorize the city to enter into a lease agreement of City-owned conserved property at 24909 Ferndale Road, Petersburg, VA 23803, to the Friends of the Lower Appomattox River (FOLAR).
- k. A Request to schedule a public hearing on April 19, 2022, for the consideration of the FY2022-2023 City of Petersburg Proposed All Funds Budget.
- l. A request to hold a public hearing on April 19, 2022, for the consideration of City Council to advertise a maximum tax rate of \$1.27 per \$100 of assessed value.
- m. A request to schedule a public hearing on April 19, 2022, on the consideration of an ordinance to amend and re-adopt 106-65 of the City of Code pertaining to the collection of delinquent real property taxes on properties where abatement expenses have been incurred.
- n. A request to schedule a public hearing and consideration of an ordinance authorizing the installation of a street mural at the intersection of W. Washington & Market Street (corner of the Petersburg Public Library).

6. Special Reports

- a. Presentation and Announcement of the Black History Essay Contest Winners
- b. ARPA Municipal Utility Relief Update
- c. Presentation on housing in the City of Petersburg

7. Monthly Reports

8. Finance and Budget Report

9. Capital Projects Update

10. Utilities

11. Streets

12. Facilities

13. Economic Development

- a. To provide the City Council an update on current Economic Development Projects

14. City Manager's Agenda

- a. Update from Police Department on Traffic

15. Business or reports from the Clerk

16. Business or reports from the City Attorney

17. Public Comments

18. Adjournment



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM:

RE: Minutes:
-March 1, 2022 - City Council Work Session
-March 1, 2022 - Special City Council Meeting
-March 15, 2022 - Closed Session
-March 15, 2022 - Regular City Council Meeting
-March 24, 2022 - Closed Session
-March 24, 2022 - Budget Workshop

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. March 1, 2022 Special City Council Meeting Minutes
2. March 15, 2022 Closed Session Meeting Minutes

3. March 1, 2022 Work Session City Council Meeting Minutes
4. March 15, 2022 - regular city council minutes
5. March 24, 2022 Closed Session Meeting Minutes
6. March 24, 2022 Special Meeting and Budget Workshop

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 AMENDING CHAPTER 46, ARTICLES III AND IV, SECTIONS 46-61 THROUGH 46-67 AND SECTIONS 46-91 THROUGH 46-98 OF THE 2000 CODE OF THE CITY OF PETERSBURG, AS AMENDED, SUCH AMENDMENTS CHANGING THE ELECTION WARD BOUNDARIES SINGLE PRECINCT BOUNDARIES, AND POLLING PLACES FOR THE CITY.

3. ADJOURNMENT:

City Council adjourned at 12:29 p.m.

Clerk of City Council

APPROVED:

Mayor

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, March 15, 2022, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:04 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 Administration:

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

2. CLOSED SESSION:

Mayor Parham stated, "I would like to entertain a motion from council to add the acquisition of real property for the closed session today."

Council Member Myers made a motion to add the acquisition of real property to the closed session. The motion was seconded by Council Member Hill. There was no discussion on the motion, which was approved on roll call vote.

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

- a. The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion pertaining to performance, assignment, and appointment of specific public employees of the City of Petersburg, specifically including but not limited to discussion of the performance, assignment, and appointment of specific public officer of the City of Petersburg; *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 Petersburg Circuit Court Case Record No.: CL21000495-00; and pursuant to §2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of acquisition of real property for public purpose or the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position of negotiation strategy of the public body, specifically included but not limited to the acquisition of real property.*

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

*Audio available upon request.

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

City Council entered closed session at 3:06 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 knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should so state prior to the vote indicating the substance for departure that in his or her judgment has taken place. This requires a roll call vote Mr. Mayor."

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

The motion was approved on roll call vote.

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

22-R-11 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 5:18 p.m.

Mayor Parham stated, "We conclude this closed session. We paused it for a little while because we have our Petersburg High School Crimson Wave Basketball Team in the house. A round of applause for our guys.)

Mayor Parham and Petersburg City Council presented the Varsity Basketball Team with a resolution for a great season.

Mayor Parham stated, "Thank you council. We have our closed session that we stopped. And I would like to entertain a motion to reconvene the closed session pursuant to §2.2-3711(A)(7) AND (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the City Attorney and legal consultation regarding the subject of specific legal matters; and pursuant to §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion pertaining to performance, assignment, and appointment of specific public employees of the City of Petersburg, specifically including but not limited to discussion of the performance, assignment, and appointment of specific public officer of the City of Petersburg."

Council Member Myers made a motion that the City Council go into closed session for the purposes noted. The motion was seconded by Vice Mayor Smith-Lee. There was no discussion on the motion, which was approved on roll call vote.

*Audio available upon request.

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

City Council entered closed session at 5:33 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 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 Council Member Cuthbert. There was no discussion on the motion.

The motion was approved on roll call vote.

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

22-R-12 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 6:58 p.m.

3. ADJOURNMENT:

City Council adjourned at 6:59 p.m.

Clerk of City Council

APPROVED:

Mayor

The work session meeting of the Petersburg City Council was held on Tuesday, March 1, 2022, in a virtual meeting. Mayor Parham called the meeting to order at 5:02 p.m.

1. ROLL CALL:

Present:

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 Charles H. Cuthbert, Jr. (arrived after roll call vote)
Council Member W. Howard Myers (arrived after roll call)

Present from City Council Administration:

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

2. PRAYER:

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

Council Member Hill led the council meeting in prayer.

3. PLEDGE OF ALLEGIANCE:

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

4. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum is present.

5. APPROVAL OF CONSENT AGENDA (TO INCLUDE MINUTES OF PREVIOUS MEETING/S):

- a. A request to schedule a public hearing to amend Sec. 106-14. – Permanent Board of Equalization.
- b. A request to schedule a public hearing and consideration of appropriating \$3,672,454.51 in Federal, State, and Local Fiscal Recovery Funds through the American Recovery Plan Act (ARPA) for COVID-19 Municipal Utility Assistance Program.
- c. A request to schedule a public hearing and consideration of an ordinance approving amendments to the Comprehensive Plan to Comply with the Chesapeake Bay Preservation Act.
- d. A request to schedule a public hearing and consideration of an ordinance approving an amendment to the City Code, Chapter 50. Environment, Article II. Noise
- e. A request to schedule a public hearing on March 8, 2022, for the consideration of an ordinance to authorize the acceptance of the conveyance of real property by AMPAC Fine Chemicals Virginia LLC.

Ms. Jackson stated, "Mayor Parham before you do that there is one additional item that Reggie sent over to be scheduled on the agenda for a public hearing. Gerrit if you have that item can you pull it up so that they are aware of it."

*Audio available upon request.

Mayor Parham stated, "Okay. This will be item 'f', which is a public hearing in consideration of an ordinance amending the zoning of the property addressed as 801 South Adams Street, Tax Parcel ID 031-300002, from R-B, Office-Apartment District to MXD-3, Mixed Use District. And I believe that concludes all the items for the consent agenda."

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

6. SPECIAL REPORTS:

Mayor Parham stated, "Having ten reports, let's try to keep them under ten minutes. Gerrit, if you can put the clock on."

Council Member Hill stated, "I think five minutes, Mr. Mayor. If it is something that they are just going to be reading from we can read it ourselves. Maybe they can give us the highlights."

There was discussion among council members on time.

a. Report and discussion on "A Plan to Address Homeless."

Council Member Wilson-Smith gave PowerPoint presentation on homeless.

Key points:

- City has potential access to a place on state property where the city can possibly house homelessness.
- Petersburg should not be the one to finance all the homeless people from the all the regions.
- Have an idea of regional concept to house homeless population on the grounds of the former Southside Virginia Training Center. They have cottages that have three to four bedrooms to each with bathrooms.
- Issue is with evictions, and this is what the study referred to.
- There is a plan in place called the "Humanities Bill".
- The Anti-Poverty Commission went to the site along with Social Workers to view the site.

Council Member Wilson-Smith stated, "Before I close, I want to as please Mayor Parham, at the work session in April, if you can get with Genevieve Lohr. There are some housing people within city who are working on the housing issue. They would like to come before us to do a presentation. So, I am asking if they can please come on April 5th, at the first meeting in April. Thank you."

Mayor Parham stated, "Absolutely, you can do that. But I have seen the proposal and I have been in meetings with you. I 100% am in support of this idea because it only makes sense. And I would like to see how soon we can get something adopted at the next council meeting to get this moving."

Council Member Wilson-Smith stated, "To adopt the bill or plan?"

Mayor Parham stated, "The bill."

Council Member Wilson-Smith stated, "I was told that I need to get a legislative workup on the bill. So, I guess it has to be put in terms of legislative jargon. Maybe Mr. Williams can help with that. I am not sure."

*Audio available upon request.

Mayor Parham asked Mr. Williams to chime in.

Mr. Williams stated, "Yes. I can take care of that for you. If you give me the word form, I will put it in the format that it needs to be in."

Council Member Wilson-Smith stated, "I can do that. You will have it tomorrow. Thank you."

There was discussion among city council members.

Mayor Parham stated, "Thank you Council Member Wilson-Smith for the presentation."

b. Presentation by PHOPs on Tactical Urbanism (Street Murals)

Fancie Terrell, Department of Population Health Services, gave a PowerPoint presentation on tactical urbanism.

Key points:

- Present to address some of the issue that pedestrians and pedalcyclist experience in Petersburg.
- Learned that traffic fatalities have increased by 7% since 2019. Drivers that remain engaged in the road are more likely to engage in speeding and the failure to wear seatbelts and use of drugs and alcohol.
- Tactical urbanism is a short-term action with a low cost and scalable intervention to catalyze long-term change.
- Street murals help support slow traffic and protect pedestrians within the city.
- First area of focus is West Washington Street and Market Street.
- Second area of focus is Halifax and Harding Street.
- Singling out these areas are an excellent to start this project.
- Objectives:
 1. Community and Level 1 Decision Maker Engagement– April 2022
 2. Project Design Completed by May 2022
 3. Engage Decision Makers for Final Design Consideration – June 2022
 4. Project Installation between June – September 2022
- Asking for authorization by City Council to install a street mural at the intersection of W. Washington and Market Street (corner of Petersburg Public Library) by September 2022.

There was discussion among City Council and presenters.

c. iWorq Software Presentation – Neighborhood Services.

Nikesha Williams, Director of Neighborhood Services, presented a live presentation on using iWorq.

d. Presentation of the ARB's Activities in 2021.

Kate Sangregorio, Preservation Planner, presented a brief update on Architectural Review Board activities.

Key points:

- The current board members are Larry Murphy (Chairman), Dino Lunsford (Vice Chairman), Celeste Wynn, Bill Hartsock, Joe Battiston, Terry Ammons and Louis Malon.
- The functions are to promote the general welfare of the city by preserving and protecting the

*Audio available upon request.

old, historic, or architectural significant buildings.

- Also, to review exterior alteration visible from public right-of-way to ensure that any changes keep the historical character of the building and area.
- A Certificate of Appropriateness (COA) is required prior to the erection, construction, alteration, or restoration of the exterior of any building or structure, including signs, or part thereof, within a historic area.
- Some minor alterations can be approved administratively by staff, such as in-kind repairs, paint, and signs.
- Bigger projects, like full renovations, large scale replacements of materials, additions, and new constructions are reviewed by the ARB.
- Bigger projects, like full renovations, large scale replacement of materials, additions, and new construction are reviewed by the ARB.
- Meetings are once a month on the second Wednesday of the month. Applications are due in their entirety 2 weeks prior and there is no fee.
- In 2021, 112 applications were reviewed in total. There were 33 approved by Preservation Planner, 56 approved by ARB and four applications for discussion. There were 13 that were denied and eight were deferred.
- In January 2022, seven applications were reviewed and four were approved. There were two applications that were denied and two were deferred.

Council Member Cuthbert stated, "Is the residential community of Pocahontas in a local historic district?"

Ms. Sangregorio stated, "No. It is in a state and national historic district."

Council Member Cuthbert stated, "But that yields no protection over demolition except of the demolition is funded by federal dollars. Is that correct?"

Ms. Sangregorio stated, "That is correct."

Council Member Cuthbert stated, "Is the triangle by Halifax Street and Harrison Street and South Avenue and the buildings that remain facing that triangle, is that area in a local historic district?"

Ms. Sangregorio stated, "It is not. It is also in a state and national historic district."

Council Member Cuthbert stated, "Is that one of the factors that led to us losing the Realta?"

Ms. Sangregorio stated, "I believe that was established as a state and national historic district maybe two or three years ago. In most cases, demolition if the building becomes a public safety habit. That overrides our board requirements. Public safety has to come first. It might not have or may have. It is hard to say."

Council Member Cuthbert stated, "But in any event, no Certificate of Appropriateness was required before the bulldozers moved in demolished the Realta. And that is because this area that we are talking about is not in a local historic district. Or was not at the time and even is not now. Correct?"

Ms. Sangregorio stated, "It is hard to say. In some cases, demolition is needed. But the Architectural Review Board might have put a slow down to it."

Council Member Cuthbert stated, "Are there any local historic districts in the historic Blandford Community about in which we heard a lot fairly recently?"

*Audio available upon request.

Ms. Sangregorio stated, "No."

Council Member Cuthbert stated, "Are these three areas important to African American History and more broadly to the history of Petersburg."

Ms. Sangregorio stated, "Yes. Absolutely."

Council Member Cuthbert stated, "Why do you say absolutely?"

Ms. Sangregorio stated, "Pocohontas Island is one of the first and oldest and largest African American communities that started even before the Civil War. Halifax Triangle was a huge center for business for the African American community. Blandford, I know, Martin Luther King, went canvassing to get residents to register to vote at one point. So, there are significant areas in the city."

Council Member Cuthbert stated, "Why are these three areas that are important to African American History, more broadly, Petersburg history, why are they not in a local historical district?"

Ms. Sangregorio stated, "That is established by City Council. So, if there is a push from citizens, city council and staff to make it so, then it is possible to include them. I will note that I am not entirely sure about the Blandford neighborhood. Because it is certainly significant however it does not contain as much integrity as some of the other neighborhoods. That is to say that when Washington Street and Wythe Street cut through the area it changed it drastically from when it was just a neighborhood. So, now it has gas stations and a big stretch of roadway cutting through it. It sort of disrupts the continuity of the houses."

Council Member Cuthbert stated, "I understand but we have got some reminiscence of 19th century architecture surviving in the historic Blandford area. Isn't that true?"

Ms. Sangregorio stated, "Yes."

Council Member Cuthbert stated, "I think that maybe the greatest concentration is along Taylor Street. Is that the case?"

Ms. Sangregorio stated, "I am not entirely sure to be honest."

Council Member Cuthbert stated, "Okay that is fine. Let me turn to the possibility of creating local historical districts in these three important areas. I sense that, and this is just my sense, but my sense is that one reason for some reluctance is that the cost of making improvements to existing structures in those areas would be higher if they were in a local historic district. Have you heard anything along those lines Ms. Sangregorio?"

Ms. Sangregorio stated, "Yeah. One concern that I would have in making areas like that a local historic district is that it is cost prohibited to renovate those houses. We are running into that problem along Liberty Street and Harrison Street where some of the owners are more low income and have trouble affording to replace their windows. It is very expensive. There is the possibility of something called a conservation overlay district, which I tried to do some research on. And unfortunately, I have not had a lot of time. But that would regulate bigger projects in the area, like demolition and new constructions versus getting into the nitty gritty details of windows, sidings, and such. So, that might be helpful in the cases of Pocohontas Island and Halifax Triangle when investments do come into that area."

Mayor Parham stated, "I would like to ask a question. Council Member Cuthbert, what is the sentiment? Because I know that you represent that Ward 4 area. Is there any type of desire to be a part of a district? Or

*Audio available upon request.

what are you hearing? Being that you said Pocohontas Island and you also share Blandford with Councilwoman Wilson-Smith. Is that something that your constituents are looking at doing?"

Council Member Cuthbert stated, "I think that it is an unknown to many people. And consequently, there is a fear of the unknown. And I think that it may well be an education process in terms of helping people understand what are the benefits of a local historic district as well as what are the cost. I am wondering Mr. Turille as in furtherance of your hope that we will not lose another historic building in Petersburg, I am wondering if you would report to council at our work session in April. Whether there might be a way to create an income-based subsidy program to address the concerns that low-income citizens might have to be included in a local historic district. That is perhaps the subsidy program could be funded partially through CDBG. But I do not know. But that would be part of the report. There may be income limits on those who benefit from the subsidy program. It may be some other type of provision to go under the program that would help to make it work. Maybe it would be a percentage of the cost of the improvement required by the Architectural Review Board minus the cost of the improvement if the building was not in a local historic district. There are all kinds of issues to be thought about and I don't have the answers and I just know that we lost a terrible building in Pocohontas two years ago. And we have an opportunity to help increase the likelihood that heritage will be preserved. That opportunity is on the table in front of us. And if we don't take that opportunity fairly soon, I anticipate that one day we are going to wake up and Pocohontas is going to be a piece of scrapped earth. And I would hate to see that happen. I will use that as an example. The same is true for the remaining buildings around the Halifax Triangle and the same is true for the admittedly few 19th century historic structures that remain in Blandford along Taylor Street. But, Mr. Turille, is that something that you would think about please. And come back to council at work session in April with a proposal, on whether there is a way to make this happen and what is feasible, and how would it funded. And in general terms, what would be the criteria for eligibility. Obviously, we do not want to be subsidizing a high roller for whom money is not an object. So, I do think that it ought to be income-based. But back to you Mr. Turille is that something that you would be willing to think about and report back to council at our April work session."

Mr. Turille stated, "Absolutely. This is the reason for to save historic Petersburg. When I hear about the Realta and I see pictures of these treasurers being demolished, the mission of this organization is that it will never happen again. And the other goal to achieve that is that anyone who lives in an historic house regardless of income should have the means financially in place somewhere to rehabilitate their home. That is a goal of this passport. Right now, CDBG monies can be used for this purpose. Mr. Tabor will be able to speak more to that at the meeting. Please keep in mind that we requested \$3 million dollars from the state. And that is a budgetary request for rehabilitation money for this type of activity. Okay. Do you want a report on the feasibility on creating a local historic district or would you like a report to focus on how any regardless of income can rehabilitate a historic home?"

Council Member Cuthbert stated, "I do not know the answer to that good question. I think the two kinds of goes together. My sense is that eligibility should be limited to properties located in local historic districts that would create an incentive for additional historic districts to be created within low-income areas where there is African American History and I say more broadly, Petersburg history that is worthy of being presented. So, I think that the two likely go hand in hand. But I would like for you to think about that if I may ask you to consider that and include that in your report to council at our work session in April."

Mr. Turille stated, "Alright, yes sir."

Council Member Cuthbert stated, "That would be great. Mr. Mayor, thank you very much for letting me ask those questions and we are all grateful to the ARB and Ms. Sangregorio for the contributions in preserving our local history."

Council Member Hill stated, "Just two things. I just want us to be careful about painting a whole

*Audio available upon request.

neighborhood with a ball struct brush of historic. Because some of the residents there may not be able to afford. I understand that some may meet the criteria when others may not. And then they have to put a different color paint, or they may put a shed in the backyard, or they are putting a fence around. It may prohibit them from doing so. We have to be careful with that. I am leaning more on the side that there is an individual house that needs attention to and we feel like it is historic in some nature and we can help them, then I think that is the easier route. Then for us to say that this whole neighborhood is historic. Because then everybody will be coming in saying I need this, that and the other done to my home. And maybe we do have the money. I just want to say that out there for food for thought. So, if Mr. Turille could come back with a scenario of making it historic altogether and then if we kind of somewhat cherry pick and a house is falling down or whatever and it meets those criteria's then we can help and subsidize income with that. That is more of my thought. Thank you, Mr. Mayor. No need for any comments. I just wanted to get that out for the record."

e. An update from Transit on questions from Council Member Wilson-Smith and Cuthbert.

Mr. Turille stated, "I believe that I can answer a number of these in my manager's report if you want me to pull that up."

Mayor Parham stated, "Okay these will be addressed in the manager's report."

Mr. Turille stated, "I can do that now if you want."

Mayor Parham stated, "Okay that is fine. Please proceed."

Mr. Turille gave an update on transit questions from Council Member Cuthbert and Council Member Wilson-Smith.

Key points:

- The total annual operating cost for the South Park route is \$237,500 with annual ridership of 31,329. This is verified through the Kimley-Horne Strategic Plan of November 2021).
- The Southpark Mall route ranks highest of all PAT fixed routes for access to jobs. Although this route operates outside of the city limits of Petersburg, the route provides beneficial access to jobs for the residents of Petersburg.

Council Member Cuthbert stated, "Why are these numbers so different from the numbers before?"

Mr. Turille stated, "I had to question that myself. And I think that there are a lot of different funding sources according to the department and somewhat confusing. The financial folks at transit tend to blend up the money. And tend to break them down by routes. I prefer to use the consultant's information. As an outside consultant they have more of an understanding of that. So, I think that their numbers are more accurate and that is why I used those."

Charles Koonce, Director of Petersburg Area Transit, stated, "I just wanted to add that this particular plan we worked on for about three years. As a result of COVID, it had slowed down somewhat. And actually, we had that information right in front of us once we reviewed some of the notes, Kimley Horne had already broken it down for individual riders. So, I apologize for not seeing that. But once I went back and started looking at my notes, I see it in black and white."

Council Member Cuthbert stated, "My head is spinning because the numbers are so different."

Mr. Koonce stated, "I would go with the numbers that Kimley Horne presented. Because they are the accurate numbers. They went through some of the things that you talked about as far as us doing surveys."

*Audio available upon request.

That information is very accurate, and they also took the time to survey the folks that rode the Southpark Mall route.”

Council Member Cuthbert stated, “When we talked about it last time on February 22nd, I have a note here that the cost per month per the city manager for the Southpark Mall route \$51,927. Now how does that compare to the numbers that we are being given today.”

Mr. Turille stated, “I think that if you took the 273,000 annually and divided it by 12 it is lower than and somewhere about 20,000 monthly. So, when you asked that question, I wanted to confirm that. So, I dug more deeply into and Mr. Koonce and I met and found the consultant report. So, it was off the monthly number that I gave you at the last meeting. It was too high. I think that it aggregated some of the routes. And so, I needed enough time to clarify that.”

Council Member Cuthbert stated, “For this month, what is the cost for running this route in city dollars per month.”

Mr. Turille stated, “Yes, sir. It is \$273,000 divided by 12. That would be less than \$27,000. So, it would be somewhere around \$20,000 a month.”

Mrs. Innis stated, “It is \$22,750.”

Mr. Turille stated, “So, I overstated the cost by \$30,000 at the last meeting. My guess is because the numbers that I received were aggregated and it must have included another route.”

Council Member Cuthbert stated, “So, this month the cost for running the route in 2021 is \$22,750.”

Mr. Turille stated, “According to the Kimley Horne report, yes sir.

There was discussion among council and staff.

Council Member Cuthbert stated, “If I may get in touch with you Mr. Turille and we can go over this and see if we can make sense out of it. Thank you, Mr. Mayor.”

There was additional discussion among council and staff.

f. Update on efforts of the trash czar.

Mr. Turille stated, “The trash park is Mr. Hairston.”

Thomas Hairston stated, “I did not want to do a presentation as much as I wanted to report to council where we were at. We had three meetings and in those meetings, we established a quarterly clean-up schedule, which is April 16th, July 16th, and April 15th, that the city is doing. We are going to support the city’s efforts and the city is going to support us. Those were ones that were stretched out. But in between those we had to fill in the dates. So, on this Saturday, we have 15 soldiers that are coming that I coordinated with Marquis at Parks and Rec to get the sports complex done. So, I will have 15 soldiers doing the sports complex. I meet with the President of the Rotary Club on Wednesday morning at the YMCA. And then I have the pastors meeting on Thursday at 2pm. So, the meetings are being set and I wanted to establish that we were cleaning up. So, I wanted to get something done so we immediately jumped on the Parks and Rec. I am supposed to meet with Mr. Randall tomorrow in public works to tighten up our efforts that are going to talk place on the 16th of April.”

*Audio available upon request.

There was discussion among City Council and staff.

Mayor Parham stated, "Thanks everybody. We are over on time so please get with Mr. Harris and Mr. Kofi Adih. We got to keep moving. I know that this is a hot topic, but it is very complicated. But we do have a team to confront it. Alright, thank you."

- g. Update on litter efforts, street sweeping schedule, streetlight assessment, on speed plan report and underpass in Ward 7.

Randall Williams, Assistant Director to Public Works and Utilities, gave an overview and update on litter efforts, street sweeping schedule, streetlight assessment, on speed plan report and underpass in Ward 7.

Key points:

- ARPA Municipal Utility Relief Awarded \$3,672,455 to the City of Petersburg after applying.
- Public hearing and appropriation of \$3,672,455 scheduled for the March 15, 2022, council meeting.
- Relief was for water and sewer only for residential customers that were in arrearages of 60 days or more between the March 2020 and August 2021 dates.
- Applied for and was awarded annual litter grant award to pay for trash bags, paper pickers, gloves, etc.
- Currently securing more contractors to partially offset 16 vacancies in Street Operations to pick up litter in the Right-of-Way.
- Proposing a well-publicized and organized job fair for the City of Petersburg to fill positions.
- The Street Operations Division continues to consult with internal and external engineering entities to evaluate and implement effective speed control strategies based upon Traffic Engineering Best Practices and Standard.
- Street Operations Division continues to work with the Petersburg Police Department in the deployment of the Electronic Speed Indicator Signs in selected areas.

There was discussion among City Council and staff.

Mayor Parham stated, "Thank you Mr. Williams. Just for the record, I want to let everyone know that I know the area on Defense Road has been flooding since Council Member Westbrook and I have been going to school. So, it has been going on for ages and it has not been corrected. We have spent a lot of time talking about trash, but we have not talked about the real problems. Which is you have to get some police out here ticketing these people for throwing trash. Because I stand behind them every time. You can talk about trash czar and all this stuff. But until you start fining people heavy and I mean that we need to start writing tickets. There is no need to sugar coat this thing. I have seen people clean out their whole car there. Our staff cannot compete cleaning up behind them. It is time to get somebody in court and make an example of them. If we are not doing that then we are not doing nothing. But it is only one thing that is going to do it and that is \$250-\$500 fines for littering in Petersburg."

There was discussion among City Council and staff.

- h. A report on blighted properties.

Nikesha Williams, Director of Neighborhood Services, gave a brief presentation on blighted properties.

Key points:

- An article published in the Progress-Index on February 8, 2022, stated that there were 3,202 vacant houses out of 16,367 housing units.

*Audio available upon request.

- The updated number today on vacant building registry list is 690 properties as of February 2022.
- The review collected today is \$13,700.

There was discussion among City Council Members.

Mrs. Innis stated, "There are a couple of departments that are going around the city ward by ward to verify the vacant properties throughout the city. And if you want more information on that I can make sure Ms. Williams as well as Mr. Tabor to come back with those exact numbers for you."

Council Member Cuthbert stated, "Alright. If you would at the April meeting come back and let council know please Mrs. Innis which blocks have not been inventoried yet. There is just too big a gap between 3,202 per the Progress-Index and 690 per the city's file. Thank you."

Mrs. Innis stated, "We can do that."

- i. An update on St. Andrews Street reopening.

Joanne Williams, Director of Communications, Marketing and Government Solutions, gave a briefing on the opening of St. Andrews Street Bridge.

Key points:

- The bridge has been closed since 2007 because it was structurally deficient. A full bridge replacement was required.
- The cost to date in putting in a new bridge is \$1.8 million dollars.
- There will be a ribbon cutting and reopening of the bridge on March 17th at 11:00am and everyone is invited.

Council Member Cuthbert stated, "I think that Ms. Williams has said it all and said it well. And this did not happen by itself. It took a push by all members of city council. And I am indebted to all members of city council for making it happen. It took a big push by city staff to find the money to make it happen. So, it has truly been a team effort. And I am not just putting a happy face on something. I think that this is a real accomplishment for the City of Petersburg. And the people that will use this bridge, I suspect that it will be a major boom to our citizens that had been referred to at an earlier meeting today as the residents of a historic Blandford community. I am pleased to have played a roll in making this happen. So, thank you Ms. Williams and thank you Mr. Mayor."

Council Member Hill stated, "Ms. Williams, does that mean that the street will be open on the 17th."

Ms. Williams stated, "Yes."

Council Member Hill stated, "Okay. Thank you."

- j. An update on the African American Brochure status.

Ms. Williams gave a briefing on the African American Brochure status.

Key points:

- This project is much larger than a brochure. It is an element for expanding tourism and community engagement.
- The elements would include a brochure, a tourism website, which would have a large African

*Audio available upon request.

American History Section, as well as interpretation of the historic sites and identification of sites that can be seen today.

- There would be tours and marketing.
- A work group was formed with communications, tourism, library, council member (Council Member Treska Wilson-Smith), and parks & leisure services.
- Timeline: Brochure (Summer 2022), Tourism Website (Fall 2022-pending budget), Videos (Ongoing-pending budget), Historic Site Development McKenney Library (2023/2024), Interpretation of existing sites (Fall 2022), Tours (Walking and Trolley Summer 2022), and Marketing (Summer 2022)

There was discussion among City Council and staff.

Council Member Cuthbert stated, "Thank you. Let me go back to the vacant buildings for a moment. In that report, Mr. Turille and Mrs. Innis, that is to be given at council's work session in April, would you include among whatever you think is appropriate, two things. There are two things that I think would be appropriate. One is the basis for the Progress-Index's estimate of 3,202. That is pick up the phone and call the Progress-Index or send them an email and ask them for the basis of the estimate of 3,202. Where is your data? Or maybe they do not have any and they made that number up. But it is a precise number just to be made up. The other thing is that when you do present information to us as to the number of vacant houses in Petersburg, can you include that in your presentation at our April work session. If you would present that information to us organized on a block-by-block basis. Because to a certain extent, we know our wards and if we drive by a block and we know that it has a vacant building or two or three, and those buildings are not in the city's record and then we can bring that to the city's attention or ask the city why the report is deficient. So, I think that it would be useful to members of council if that data was reported on a block-by-block basis and of course any other way that you care to present it. But that had some benefit, I think. Mr. Mayor, thank you very much."

Council Member Wilson-Smith stated, "I wanted to thank Ms. Williams for doing a good job. And I wanted to thank everybody for finally listening to a request that I had been making since February 2018. I am glad this city is finally doing something to promote the history of the African American population. Because it is vast and rich, and we needed to do this. So, thank you."

7. MONTHLY REPORTS:

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

8. FINANCE AND BUDGET REPORT:

- a. A report on how the \$5 million in RP and \$2 million on PP are projected to be collected in June.

Mr. Turille gave an update and overview with a PowerPoint presentation.

Key points:

- As of February 28, 2022, there is a monthly collection of \$421. This is a 12-month projection of \$5 million in real estate.
- As of February 28, 2022, there is a monthly collection of \$147. This is a 12-month projection of \$1.8 million in personal property.
- There are total of 36 properties that have been sold thus far.

9. CAPITAL PROJECTS UPDATE:

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

*Audio available upon request.

10. UTILITIES:

- a. Update on plan for Inflow and Infiltration problem and resolution scheduled for April 2022.

Andrew Barnes, City Engineer and General Manager of Utilities, gave a brief update with a PowerPoint presentation.

Key points:

- At the February 1, 2022, council meeting, Timmons presented a presentation that touched on infiltration and inflow.
- Cross connections and deteriorated pipes is a systemic issue that should be addressed by Capital Projects. It requires assessment, prioritization, scoping, design, and construction.
- These projects have been included in the previous unapproved 5-year CIP.
- Until there is an approved CIP or annual commitment to CIP funding these types of projects cannot proceed.
- Over the past few years, the operations division has installed a significant number of manholes inserts that included waterproof covers in areas that usually flood.
- An Invitation for Bid (IFB) or a cooperative contract is recommended.

Council Member Cuthbert stated, "Thank you Mr. Barnes. Those were some helpful comments. I think that you have identified the problem well. And we are all grateful to you. What is our timetable for doing the various task that you have outlined or itemized that you address in your presentation?"

Mr. Barnes stated, "As we are getting ready to go into the CIP process, we have a scheduled meeting with the city manager next week. I would say it would probably be best to come back after that meeting. We will have a better idea on how we are going to move forward on these projects."

Council Member Cuthbert stated, "That is fair enough. Can we put these also on our April Work Session? A report back as to a timetable to address these various important water and wastewater issues. Mr. Turille, I guess that question is more fairly directed to you rather to Mr. Barnes. Would you do your best to put that on the April work session, a report."

Mr. Turille stated, "Yes, sir. So, the original request you made at the previous meeting was to focus on inflow. The cross-connection problem is particular troublesome after a heavy rain. What we need now is an itemized list of the inflow points with an estimated cost of repair. Did I hear you correctly that you want us to focus on the inflow problem for the April meeting?"

Council Member Cuthbert stated, "That would be great. Inflow, another term for that would be the crossover. Is that right?"

Mr. Turille stated, "Right. Inflow is direct inflow of cross connection of manholes into the sewer system. Because the sewer system is designed for sanitary removal that when you have a sudden inundation through a storm of the cross connection into the sewer system it is not designed to handle that. That is really related to infiltration. Infiltration is more of the breakdown of the deterioration of the pipes that have been there for two hundred years, and the water just seeps in the ground to it. Bud did you want a report on the inflow? Is that correct?"

Council Member Cuthbert stated, "Yes, sir. And a separate report on the infiltration if you would. And let's take them one at a time. On the inflow, I believe there is a city ordinance that requires properties owners to segregate their rainwater from the wastewater system. If you could include in that inflow/crossover

*Audio available upon request.

presentation whether there is such a statue and whether we are enforcing, it. If we are not enforcing, it what steps can we take to enforce it. I have a feeling that it is not all the city's fault. I have a feeling that private property owners are substantial contributors to the problem. But city staff can give us better insight to that. On the infiltration, I heard that it is a particular problem in the southeast quadrant of the city, that is the Poor Creek Area. I am wondering if we address that if it would give us greater compacity at the Poor Creek Station while we are working towards replacing Poor Creek Station. I think that it would be helpful to council to have both. If you cannot have total gameplan with deadlines and funding mechanisms in place, come our April meeting. That is fine. Tell us that and we will kick it to the main work session. What I am asking is get in focus and stay in focus with a plan that will produce results on both the inflow/crossover topic and the infiltration topic."

Mr. Turille stated, "Yes, sir. We can absolutely do that. But I listened to Mr. Barnes, and I think what has been the issue in the past is that they have presented this information and then it never gets funded. And so, then it is moved on from year to year. But certainly, the first step to solve the problem is to get the truth on how to fix all these individual inflow points and how many linear feet of pipes is going to require slip lining or you can insert foam into them. There is all kinds of new technologies. How many linear feet are we talking about? You have to have a handle on the cost. Let me just take this opportunity and I am going to talk about this in my manager report. The CIP must now be taken seriously. We have got to find ways to dedicate funds into the CIP and get these things done. Even if it is just to design."

There was discussion among City Council and staff.

11. STREETS:

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

12. FACILITIES:

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

13. ECONOMIC DEVELOPMENT:

a. Presentation from GovDeals on City-owned real estate property.

Brian Moore, Director of Economic Development, stated, "We are presenting a report to you. I believe we have Jim Stuart from GovDeals. He will be making the initial presentation and I will follow up with talking points.

Jim Stuart, Chris Lassiter, and Frank DonBullian, representatives from GovDeals, gave a PowerPoint presentation.

Key points:

- The City of Petersburg has complete control.
- The bidder pays all of the fees and there is no cost to the city.
- City Council approves all bids.
- There is transparent recordkeeping.
- Information is updated every 30 minutes.
- Petersburg has been using GovDeals for 10 years.
- Surplus sold \$558,037.94
- Unsold properties are off the tax roll.
- Blighted homes bring lower tax revenues then habitable homes.
- Access to over 4 million qualified buyers globally.

*Audio available upon request.

- Access to over 150,000 targeted real estate through the newest partner “Bid4assets”.
- They handle the bulk of auction process and posting, and they manage the process remotely.

There was discussion among City Council and the presenters of GovDeals.

Council Member Cuthbert stated, “Before we put any vacant lots in your hands, I would like city staff to supply council with a list of those vacant lots. Until about three months ago, on that list of vacant lots was Hillside that slopped down to 85. Before we engage in this company to sell our vacant lots, I would like to have a list of those vacant lots and I would like council to consider whether we are to put any restrictions on those vacant lots. That would encourage what we all most want. That is single-family owner-occupied residents. Mr. Mayor, how soon can we make that happen. What is to happen next?”

Mr. Moore stated, “The next step would be again that council would have all control on basically designing the criteria for the particular sales. We will work with Mr. Cuthbert to provide the information that he has asked for. And you will have total control on that process. And we will bring that back. The list is also updated on our website. And I believe that many of the properties have been removed. But I would concur with Council Member Cuthbert. We are going to have some guidelines for the process, and we would control that 100%. So, we will take that as a pass to bring back to the next meeting.”

Council Member Cuthbert stated, “Thank you Mr. Mayor and thank you Mr. Moore.”

b. A presentation to the City Council on Enterprise Zone Incentives.

Brian Moore, Director of Economic Development, gave a presentation on the Enterprise Zone Incentives.

Key points:

- The Virginia Enterprise Zone program was established by the Virginia Department of Housing and Community Development.
- The goal of the program is to encourage job creation and private investment.
- The program provides two grant-based incentives: Job Creation Grant and Real Property Investment Grant. These grants are provided to qualified investors and job creators within the Enterprise Zone.
- A locality can also provide local incentives.
- The City Council adopted a resolution to establish a local Enterprise Zone on June 21, 2005.
- Tax exemption is equal to 100% for an entire 6-year period. The additional year is only for commercial properties in the Enterprise Zone.

14. CITY MANAGER’S AGENDA:

Mr. Turille stated, “We discussed already the Southpark Mall route. I would like to move to the Poor Creek Project schedule. We met with the Federal Reserve Governor recently. There is a lot of interest. He indicated tremendous interest in the project, and I know that the mayor is much involved. I think that it is important that people understand that there is a plan in place to make this happen. We have consultants and an excellent capabilities of Mr. Barnes to help us schedule it. So, let’s let him discuss how this is going to play out. So, everyone knows that it has been in planning, I believe since 2016. So, it is not something that we are just winging it. It is something that has been in the works, and we got a plan. Mr. Barnes.”

Mr. Barnes gave a brief update on Poor Creek Project.

Key points:

*Audio available upon request.

- The middle of March 2022, the grant EDA application is due.
- March/April 2022 – Staff will prepare BID documents for design services.
- May 2022- Design Services Procurement.
- December 2022 – Formal Design Complete
- December 2022 – February 2023 – Construction Procurement Phase
- March 2023 – Construction Contract Award

There was discussion among City Council and staff.

Mr. Turille gave more information from his city manager's report.

Key points:

- With large tax base increase (13%) from recent assessment, the city is required by statute to reduce the tax rate. In which the city can only collect 1% more in real property revenues than last year unless they hold a special meeting to discuss a lower reduction of the tax rate that allows them to keep more than one percent.
- Staff will present two more options at the budget meeting next week.
- The preliminary budget will be presented on March 8, 2022.
- With the new lower-case load of COVID-19, the projected date to reopen the City is March 14, 2022.

Chief John Michalek gave an update on COVID-19.

Key points:

- Cases have now dropped down to an average of about 4-5 cases a day.
- Suspected to continue to drop over the next couple of weeks.

There was discussion among City Council and staff.

Mr. Turille continued his city manager's report.

Key points:

- With the Stormwater Grant, the city received \$325,000 from Community Flood Preparedness Fund.
- The city received the Youth and Family Master Plan Grant in the amount of \$16,000. This is coming through the police department.
- Deputy City Manager, Tangela Innis, was accepted in the Virginia Women's Municipal Leadership Institute. Congratulations.

15. BUSINESS OR REPORTS FROM THE CLERK:

*No items for this portion of the agenda.

16. BUSINESS OR REPORTS FROM THE CITY ATTORNEY:

*No items for this portion of the agenda.

17. PUBLIC COMMENTS:

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "I hear you tonight that you are very concerned about

*Audio available upon request.

liter and the quality of life. Which I will not disagree with, but you keep ignoring one of the more invasive problems that is facing our citizens. I am going to go back and read verbatim a commentary that I made at the May 17, 2016, council meeting. That is almost six years ago. At the risk of being to in your face, I challenge any of you to tell us that the problems with citizens bills, particularly those with water usage and personal property taxes, are anywhere near accurate or consistent. Estimated water bills for far greater amounts than one's historical pattern of consumption and personal property taxes that charge for absorbent amounts of delinquent payments seem to be common placed. We have all heard many times that the billing processes are being fixed and ultimately citizens will be given accurate information. Assuming that this does eventually happen, it remains a big problem area that is not being talked about. In fact, it is the proverbial elephant in the room with this clear pattern of overcharging. Which I know from personal experience that goes back almost a year a half. How are the citizens that pay too much able to recover the difference of between the initial bill and the corrected bill? You say go to the appropriate office in city hall and work with staff to correct the bill and receive a credit. Has it ever occurred to you how many people cannot readily access this remedy? That is making a personal visit to negotiate with their city government. Some have simply given up after months of questionable bills and the inability to get answers via phone calls or online for those who have internet access. Some don't know where to start to figure out what they should be charged in order to effectively make their cases. Some quite a few more than you imagined, cannot make it to city hall or now the finance building to spend hours or multiple visits in a hassle with the city. What about citizens in the military that have to deploy? What about citizens that lack transportation that come downtown. What about single parents with multiple children to care for? What about the elderly. What about people trying to make it by working several jobs and no time during the workday to take off. I believe that we all deserve a thorough answer on how the city is going to reach out proactively to citizens that have been overcharged. And to ensure that no citizen is financially damaged because of inaction by the city. It is so wrong for the city to adopt an attitude of 'if someone wants to correct it then they need to bring it to us.' Please show that you have compassion and concern for the many people in Petersburg that do not have the know how or the ability for the reasons that I have mentioned to come to the city for help. I know that is what I said in 2016. Today, I know that the finance employees are working really hard to deal with everyone that comes in. And there have been a lot of problems with personal property taxes during this cycle. I am not faulting our employees. I think that they're working hard and that they are more customer service oriented than they used to be. What I am talking about is the system wide issues and the inequity that no one will talk about. This is a major problem. It is a real quality of life issue. Personally, I think that it is more of a problem then liter. I will leave it up to you. But I hope that something will happen. It hasn't for over six years. Anyway, thank you very much."

Norma Williams, 148 North Sycamore Street, stated, "It has been a while. And I thought I would come in tonight and get updated without having to go back and listen to the council meeting. I sat back intentionally for some months just to observe. And just to see what was going on and the things that were occurring in the city. And I see as I drive down the road and come down Washington Street. I still see the same things that are present. As we all come down Washington Street and we get off of 95S and we come down and see the same trash and the walkways are unmanned. I see patches of the road being done on Washington Street being done going towards Fort Lee. And I see that all we are doing is patching. I can only recall over the past year or so that Graham Road and West Street having been paved. So, I hear the conversation about liter. Well, when you have the overall appearance of the city not being maintained then of course no one has a problem with throwing trash out the window. Cigarette butts out of the window. You come to the red light when you leave downtown going to the city building at the old Virginia Power and you see trash. Now, I am not sure how many of you actually pay attention to these things. I have asked before about the sheriff department having the noncriminal and those with minor offenses, taking part in the city. But we hear that we want to have someone be paid. And no disrespect to you Council Member Cuthbert but I hear you ask and task a lot on the city. And I ask myself are you asking for yourself or your ward. Because I would like for my ward representative to speak on my behalf and to speak for our ward as well. And I do appreciate your efforts to bring these things up. But I did not think that you were being the spokesperson for all the council members. I would like to hear my representative to speak as well. And these concerns that you bring forward, I would like that concern to be

*Audio available upon request.

made by my ward representative as well. One of the things that I want to also comment on is that we have not had a natural disaster in the Petersburg area. But I do not see any preparations. We are coming up trying to find funds to do this and that, but we haven't made any plans for anything that may occur outside that we would really need some funds for. We have to prepare for the unexpected. I want to thank you all for the jobs that you are doing. But I think that we really need to dig in and work more collaboratively with the city constituents because they do want to work. And keep us informed. Thank you very much."

18. ADJOURNMENT:

City Council adjourned at 8:35 p.m.

Clerk of City Council

APPROVED:

Mayor

The regular meeting of the Petersburg City Council was held on Tuesday, March 15, 2022, at the Petersburg Public Library. Mayor Parham called the meeting to order at 7:00 p.m.

1. ROLL CALL:

Present:

Council Member Charles 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 C. Williams
City Assessor Brian Gordineer

2. PRAYER:

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

Council Member Hill led the council meeting in prayer.

3. PLEDGE OF ALLEGIANCE:

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

4. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum was determined with the presence of all City Council Members.

5. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:

Mayor Parham stated, "Earlier we recognized our resolution for Petersburg High School Basketball Team 2021 Region Champions and also State Runner. So, congratulations to those guys."

6. RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

Mayor Parham stated, "Those are under council communications that are online. Thank you, Ms. Williams."

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

- a. City Council Minutes:
 - February 22, 2022 – Closed Session
 - February 22, 2022 – Regular City Council Meeting
 - March 1, 2022- Special City Council Meeting

*Audio available upon request.

- 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. A request to schedule a public hearing and 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 of July 1, 2021, to June 30, 2022 – 1st Reading

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

8. OFFICIAL PUBLIC HEARINGS:

- a. A request to amend Sec. 106-14. – Permanent Board of Equalization

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.

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

Brian Gordineer, City Assessor, gave a briefing on the request for the amendment to Sec. 106-14.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Myers made a motion to approve the ordinance amendment to Sec. 106-14. The motion was seconded by Council Member Hill. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

22-ORD-12 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.

- 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.

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

*Audio available upon request.

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.

*Audio available upon request.

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.

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.

Reginald Tabor, Director of Planning and Community Development, gave an overview of the public hearing regarding rezoning for property at 801 S. Adams Street.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Cuthbert made a motion to adopt an ordinance to rezone property at 801 St. Adams Street. 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, Hill, Smith-Lee, and Parham

22-ORD-13 AN ORDINANCE APPROVING THE REZONING OF THE PROPERTY LOCATED AT 801 SOUTH ADAMS STREET, PARCEL 031300002 FROM RB DISTRICT TO MXD-3 DISTRICT.

*Audio available upon request.

- 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.

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.

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.

Randall Williams, Assistant Director of Public Works and Utilities, gave an overview of the public hearing regarding appropriation of funds in the amount of \$3,672,454.51.

Mayor Parham opened the floor for public comments.

Jeffrey Fleming, 1819 Chuckatuck Avenue, stated, "Just had a couple of questions for the Municipal Utility Relief. What are the guidelines? Are we really going to be able to assist people with this money? Some people are 90 days to 6 months behind. Is the city going to reach out to these people being that this is give to us from the federal government for that purpose? Perhaps we can start just pulling the most needy people right off the list and pay it out right. I would like to really see this money being used for what it is meant for. Thank you."

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

There was discussion among city council and staff.

Council Member Cuthbert made a motion to adopt an ordinance for the appropriation in the amount of \$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. The motion was seconded by Council Member Myers. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, and Parham; Absent: Smith-Lee

22-ORD-14 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 \$3,672,454.51.

- d. A public hearing and consideration of an ordinance approving amendments to the Comprehensive Plan to Comply with the Chesapeake Bay Preservation Act.

*Audio available upon request.

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 the 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

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.

Reginald Tabor, Director of Planning and Community Development, stated, "We are working with the Virginia Department of Environmental Quality on this matter. And they have requested that this item be tabled so that they have another opportunity to provide additional comments.

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

- 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.

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.

RECOMMENDATION: It is recommended that the City Council holds a public hearing and approves an ordinance to rezone property addressed as 3605, 3615, and 3607 Halifax Road from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District.

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

*Audio available upon request.

Timothy Banks, petitioner, stated, "Good evening Mr. Mayor, Vice Mayor, and Council Members. Just would like to get this rezoned so that we can start the project out on Halifax Road and move forward. I appreciate it. Thank you."

Mayor Parham opened the floor for public comments.

Marcus Omar Squires, 1701 Monticello Street, stated, "My question for council and staff this evening is have the neighbors been informed that this is going to be coming next door to them. It is currently a residential area. I work in the community over there and a lot of members of that area or community were upset when the Dollar General or Family Dollar was put in over there. So, I was wondering if they are aware. Thank you."

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

Council Member Westbrook made a motion to approve the ordinance for a rezoning request. 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, Hill, Smith-Lee and Parham

22-ORD-15 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.

- 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.

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.

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, 3615, and 3607 Halifax Road.

*Audio available upon request.

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

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Westbrook made a motion to approve the ordinance for a Special Use Permit. 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, Hill, Smith-Lee and Parham

22-ORD-16 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.

- 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.

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.

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.

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

Mayor Parham opened the floor for public comments.

Jeffrey Fleming, 1819 Chuckatuck Avenue, stated, "I am all about businesses coming into our city. But if you look around at some of these used car lots, and I inspect a bunch in the city, they look atrocious. I do not mind and I don't have a problem with granting the Special Use Permit, but I think attached to that Special Use Permit there needs to be provisions for the appearance of the lot, inoperable vehicles will not be kept outside, tires not stacked on the side of the building. I know that you have seen it. And if you ride around, you will see it. I think that there should be some stipulations attached to that Special Use Permit before it is freely granted. That is just my opinion. Thank you."

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

*Audio available upon request.

There was discussion among City Council and staff.

Council Member Wilson-Smith made a motion to approve the ordinance for a Special Use Permit for property at 2306 East Washington Street. The motion was seconded by Council Member Hill. There was discussion among city council. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee and Parham

22-ORD-17 AN ORDINANCE APPROVING THE SPECIAL USE PERMIT FOR A STAND-ALONE USED VEHICLE SALES BUSINESS AT 2306 EAST WASHINGTON STREET.

- h. A public hearing and consideration of an ordinance approving 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

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

*Audio available upon request.

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.

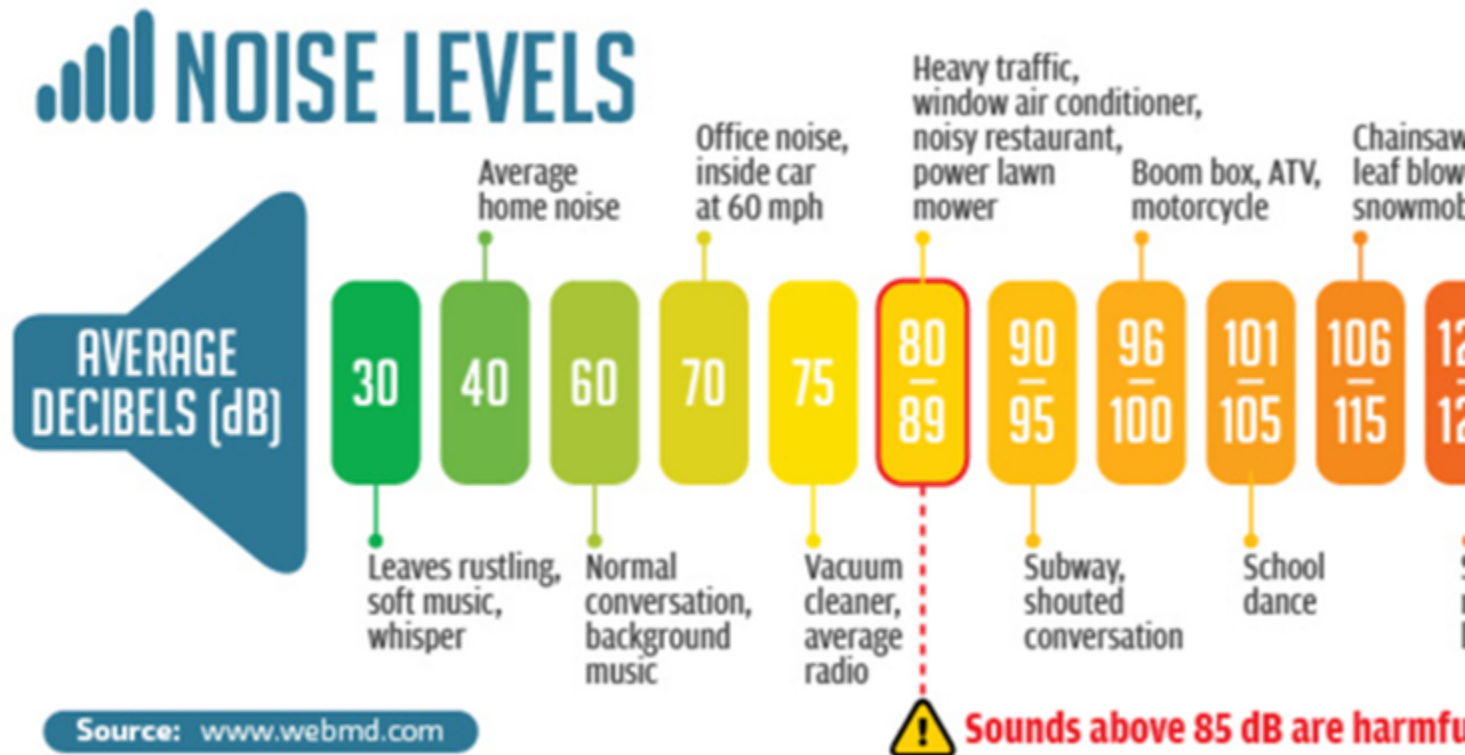
(Ord. No. 14-100, 10-21-2014)

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.	Night 10 p.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	70

*Audio available upon request.

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.

*Audio available upon request.

2. The Committee reviewed the decibel levels in other jurisdictions, as provided by Commissioner Hairston:

Orlando		Washington		Staunton		Wi
Day	Night	Day	Night	Day	Night	Da
75	70	80	75	80	75	75

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:

*Audio available upon request.

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).

RECOMMENDATION: It is recommended that the City Council holds a public hearing and considers adoption of an ordinance amending the City Code section regarding noises.

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

Mayor Parham opened the floor for public comments.

Jeffrey Fleming, 1819 Chuckatuck Avenue, stated, "I see that we finally got somewhere with this noise ordinance. But I do not really think that it is very fair for the simple fact there is a downtown overlay for just downtown. What about other businesses that want to sprout out to other parts of the town. We are just concentrating on downtown. Petersburg is made of more than just downtown. I see we are trying to address it, but I think that it needs to be addressed fairly. Downtown does not make Petersburg. Someone may want to open something on South Crater Road. Applebee's may want to come in. But how does this help or prevent them from coming. I think that needs to be looked at. Not just singling out downtown. We are Petersburg, a whole city. Thank you."

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

There was discussion among City Council and staff.

Council Member Cuthbert made a motion to table action on the approval of the ordinance. The motion was seconded by Council Member Myers. There was discussion among city council. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee and Parham

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.

Richard Stewart, 129 Rolfe Street, stated, "I talked to Mr. Williams today and he has a very interesting background in his life. He needs to come to the museum and tell his story. And you all should listen to it sometime. But anyway, I am here today from Pocohontas. One way in and one way out. Pocohontas has become so popular with Joyce doing that little documentary on TV. People are coming in and out all throughout the state. In 2022 when they built the new bridge, they did not put a traffic light back out when you come out. Now when you try to come out of Pocohontas, and you go up 5th Street and they have the S.S. Tire place up there it is terrible. With their business during the day the traffic is terrible. My question is can you have

*Audio available upon request.

someone in traffic to take a look at that with putting a traffic light there because it is in terrible shape. Right now, at certain times you have to go all the way to Colonial Heights and turn around and come back because we do not have a traffic light. It is terrible. And I am not trying to go against AeroTek, because they have to do what they have to do. On 5th Street it is so dangerous, and someone is going to get killed up there trying to get out of there. So, please take a look at the traffic light coming off Pocohontas. Thank you.”

Michelle Murrills, 131 S. Market Street, stated, “I want to say how happy I am that St. Andrews Street Bridge is opening on Thursday. Unfortunately, it has taken the city 15 plus years to get it finally done. But that is not what I came to talk to you about. I want to discuss the view that everyone who is going to the ribbon cutting, including all of you, is going to see down St. Andrews Street. Once you turn off of Jefferson Street, I want you to look at the buildings as you drive past. There are 22 houses on that street. There are eight of those houses that would be considered blighted and vacant homes. That is 35% of those homes. But I want you to really look at those houses. I want you to see them the way that the rest of us do. My friend, Marcus Squires, takes beautiful photographs of blighted buildings, and post them all around the world for people to see. Unfortunately, they are just that, art. They do not show how those blighted houses really are, broken and ugly. Several of these houses are owned by the same person. I do not understand why the city cannot follow the laws that are on books and fine him. And the other owners who are allowing their houses to decay and bring down the neighborhood. As you drive pass them just imagine that you are one of the homeowners that have to look at this every day. You get the joy of knowing that your property value is lower than it needs to be because your neighbor cannot be held with the same standard that everyone in the neighborhood is being held too. A house on the corner of Webster and St. Andrews Street just recently sold for \$250,000, a very nice Victorian Historic Home. Imagine being the new owner and now you get to drive past and look at these blighted buildings. Or imagine that you were the seller of that house knowing that you could have got more money for it, but your neighbor is not forced to keep his house up and you are screwed. Or better yet imagine as a representative of the city that you are that the city, and the citizens of Petersburg are being screwed out of the taxes that are coming from higher tax values that would happen if everyone on that street would be held to the same standards that you hold parts of Petersburg to. And to be clear, these houses are not owned by people that are living in them or have nowhere else to live nor the money to keep them up. These houses are owned by people who do not live in them or do not live in Petersburg. They do have the ability to fix or sell them to someone who. In conclusion, I just want everyone to think of these things as they are heading to this ribbon cutting ceremony as they are passing these houses. This used to be a beautiful neighborhood and it can be again but only if the city holds everyone accountable. Thank you.”

Marcus Omar Squires, 1701 Monticello Street, stated, “I was just reading the council comments and I saw where staff was stating that they only have around 300 blighted homes in the City of Petersburg. I have well over 300 pictures of blighted homes. If staff were to look at the data that was compiled by the United States Census, Petersburg has over 2,900 vacant properties. This is from the 2020 Federal Census. This isn’t the Progress-Index saying this. So, for staff to come to tell council that the number was low, it is shocking. Please do your own research. Don’t trust me and don’t trust the Progress-Index and don’t even trust your staff. Do your own research. This is something that is impacting our city. I have millions of views online. People all over the world see what is becoming of Petersburg and they want more from our leaders. Thank you for your time.”

Jeffrey Fleming, 1819 Chuckatuck Avenue, stated, “Tonight, I made a point to come and for this purpose only. A couple of weeks ago, myself and a lot of others were surprised by a rise in their taxes. I looked and I said that they have lost their mind. They have literally lost their mind for the assessment that they put on his home. So, I called the assessor’s office and there was a young lady, Shannon Griffin, and another young lady Mary Burchett. They said okay and calm down Mr. Fleming we can get through this. They set up for a reassessment because I appealed before the appeal date on what I my property was assessed for. These two young ladies showed up cheerful and very knowledgeable. They actually calmed me down so that I can better understand what is happening. They did a reassessment and it lower some. It lowered their assessment

*Audio available upon request.

because it is things that they couldn't see. They cannot see the inside of your house and they cannot see the roof and other things that they don't see. So, I just want to give a shoutout to Shannon Griffin and Mary Burchett. They made my day. They made a painful process less painful. Everyone is down in the city but sometimes there are city employees that care. And that is a sign of good leadership. I do not if Mr. Gordineer is still here but I give my hands up. He has done well with them. Thank you."

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

Council Member Cuthbert stated, "I am very glad that we are back live. I think that we all are. I hope that it will be a long time before we have to resume a zoom life. I had a good meeting last night with residents of Pocohontas. They brought a number of concerns to me, and I have written three emails to the city manager asking him to address those concerns. One was potholes and a second was LED lights. Pocohontas has not gotten LED lights. And the third was a common theme, property maintenance code enforcement. I know that this has been a busy day for the city manager, but I am sure that he will have chance to look at those three emails and forward them on. And I trust will follow up to see that the citizens complaints or concerns are addressed. Next, I think Ms. Murrills for reminding those in the audience that there is going to be a ribbon cutting to celebrate the opening of that bridge at the foot of St. Andrews Street this Thursday at 11am. And I am looking forward to and I know that all of council is looking forward to it. And I know that many members of city staff are looking forward to it. And it would not be happening if it were not for a group effort and support by City Council in coordination with city staff. I want also to thank Ms. Murrills for her comments on St. Andrews Street. Trust me Ms. Murrills, I trust your frustration. I will leave it at that. I am doing everything I can to address that situation. The city attorney is as well and city staff. It is a slow process. And I wish it were not otherwise. Sorry, I wish it were otherwise. But we are dealing with the property rights of private citizens, and we are pushing hard as we can as we strive to be fair. And one last thing, I ask everybody to pray for freedom of the people of Ukraine. None of us has seen anything like this in our lives. And it is very grievous. We take our freedom for granted. They have to pay for it with their blood. Thank you, Mr. Mayor."

Council Member Wilson-Smith stated, "I would like to start off by thanking this council and the administration as well as citizens for your very many acts of kindness. The flowers the plants, the prayers, the calls, cards, and anything that I might have forgotten. Thank you so much. It is a very tough thing to lose your mother. And you all reached out me and I am very grateful to you for being with me. Special thank you to Councilman Cuthbert and City Manager Turille for coming out to my mother's wake that Thursday night. It was indeed a pleasure to see them. So, thank you all for your kindness. I really do appreciate it. So, now to business. I had asked and I may not need to go over this tonight. I had asked about us planning another retreat. And I found some meeting notes and what I will do. Maybe I will ask Ms. Nykesha to print it off for us. Because we had our last retreat in 2019. And because of COVID we could not follow through. But the plan that we had really helps to outline where we need to start again. Because it was a well laid out plan. I will wait on the mayor's guidance on when we are going to have this retreat and get this information to all of council by way of email. Thank you."

Council Member Westbrook stated, "Good evening, everyone and thank you for this time. I would like to come today and say Happy Women's History Month, the month of March. Giving celebration to all women especially as council member goes through the death of her mother, we would like to celebrate mothers in our lives and all women. But my words today I would like to theme them, 'Don't worry we got this.' And really what I mean by that is a public buy in. I did some research about what it takes a city to be great. And I would like to pose that question to everyone hearing me. What do you love about Petersburg? And once you have that answer in your head then go on to the next question of how we can make this city great. A lot of us are already feeling that this is a great city, and we have a pride in it. But there are still levels that we want to achieve that it is going to take a lot of work and a public buy-in. And Alex Garvin, laid out four things that a city needs to be great. And one of the first ones is for it to be attractive. And last month, I did call out littering in which some of my council members echoed. But it is also just having pride in your property of residence. I know we hear a lot

*Audio available upon request.

about these blighted homes but if everyone just took a little more pride as this spring come in and the grass is starting to grow. We see it in certain areas, but I would like to see it all over the city, a little bit more pride in your residence and be able to show it off. So, that we can make the city a little bit more attractive and of course stop the littering. We can speak until our voices go. I have been working with Ms. Mitchner and some of the other city officials about how we can change the culture from a young level starting with our K-3. Because if we can reach out to the youth maybe they can push us to be great. And on our level as city officials, please believe that we are doing the best that we can, and we are buying to the greatness of this city. Things are happening with Ramada. I know that is a big issue for a lot of people. But as you see a bus station that is growing and the parking deck. It looks good and it makes the city more attractive. And even in our last council meetings, the murals that are coming to area city streets. I would like to see more of that. Because we are really going to make this city look like stellar and top-notch city. Another thing that he said is about successfulness. A city has to be successful. We already honored our PHS Basketball Team tonight. But I would like to honor our principals as well for doing the best that they can as they prepare for a successful SOL season. I want to speak that into existence. The schools are going to be accredited and you are going to see the school system continue to get better in Petersburg. Be something proud of. And at the very least we can celebrate the YMCA programs around the city and the grass programs. Whether it is by fraternities or social organizations that are really helping the city be successful. The city has to be sustainable. Great places are designed for people taking into account human needs. That means that they have like fresh air, lack of noise and trash. Which you heard about the noise ordinance coming for the whole city Mr. Fleming, and plenty of shade. Even though I would like to see a lot of great things happening in 7th Ward in Petersburg I want to make sure that we keep up the beauty of the city with trees. Plant trees and vegetation and things of that sort so that we can really see the greenery of the city as well and not just be a concrete jungle one day in the future. And finally, a city has to be thriving. We cannot wait and throw all of our lot in on an entertainment and resort idea that might be coming to a city. Support things like the Metro Business League. I was privy to go they are with Council Member Myers to the awards dinner a few weeks ago. It was very inspiring to see so many great small businesses and entrepreneurs doing things that are not celebrated in our newspapers and always on the internet. But they make a difference in our community. It is a thriving thing. If you have an idea, and a lot of people started their small business during the COVID over the last two years. Continue to step out on faith and put your ideas out there. And if we do all four things of attractiveness, successfulness, sustainable and thriving, we can make Petersburg even greater. Not to get caught in the old slogan of our former president, I want to see Petersburg great period."

Council Member Myers stated, "Mr. Mayor, I would like to set aside the Rules of Council for a motion please."

Council Member Myers made a motion to suspend the Rules of Council. The motion was seconded by Council Member Hill.

Council Member Cuthbert stated, "May I ask what we are about to consider?"

Council Member Myers stated, "Littering."

Council Member Cuthbert stated, "Okay. Thank you."

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

Council Member Myers stated, "Thank you Mr. Mayor and Members of Council for allowing this. Ladies and gentlemen, Council Member Westbrook brought it to our attention at the last meeting that we had followed up with him, and I believe that it is quite important for us to keep our city clean. And in doing so, there needs to be some ramifications for not doing so. And I live on Washington Street, and I am going to tell you that down

*Audio available upon request.

Perry Street and Brown Street, is the most horrible mess that I have ever seen in my life as if a trash can was not around. So, therefore I would like to have council to support a motion to fine anyone caught littering and throwing trash out of their car at the exit. And really basically in the entire City of Petersburg, a \$500 fine for littering. I do not care if you are walking down the street. Also, for having your dog to curb on the sidewalk and in your right-of-way area onto your car. So, a \$500 fine for not curbing your dog and throwing trash out your car and littering on the street.”

Council Member Myers made a motion to impose a \$500 fine for throwing trash out of a moving vehicle, parked vehicle, trash on the street and curbing your dog in the right-of-way of individuals. The motion was seconded by Council Member Hill.

Mr. Williams stated, “And assuming council pass this, we are going to have to come back with an ordinance to solidify the penalties so that we can enforce it. We will bring it back if we do pass this motion.”

Council Member Wilson-Smith stated, “So, the ordinance will spell out how it is to be enforced?”

Mr. Williams stated, “Yes, I will check the minutes. And also, I will confer with Council Member Myers after you vote assuming that you support the motion.”

Council Member Wilson-Smith stated, “I support the motion. I support exactly what he is saying. But I am asking for process on do we wait for the motion and then we support the motion by way of the ordinance.”

Mr. Williams stated, “I think the motion would be just direction for me to draft that for you. So, if you pass the motion, I will draft that in accordance with what Council Member Myers has stated and bring it back for adoption and incorporation into our Code of Ordinances.”

Council Member Myers stated, “Would you like me to amend it and direct the city attorney to draft a motion with respect to it.”

Council Member Myers made a motion to amend his original most to direct the city attorney to draft a motion with respect to it. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook Hill, Smith-Lee, and Parham

Council Member Hill stated, “We thank everyone for being here today. First of all, again I want to congratulate Petersburg High School on their victory and their season. It is like one of those rivalries when the Cowboys go against Washington. So, it is like with Hopewell, we beat them four times in a row. I was happy with that in itself. I congratulate them on a great season, a bunch of fine young men. Also, I want to congratulate the fiscal management team down at city hall. I went in there a couple of weeks ago to take care of some business and they were running very efficient during that process. They were answering questions and any discrepancies that anyone had they had a good system going. So, I want to give accolades to Stacey Jordan and her crew. They were really on the ball and the line was moving fast. And this was on February 28th. So, I appreciate all of the work that they do. Also, Ward 2, we are going to try and find a place to have a meeting. I was going to do it outside but with everything opening back up we will try to find a facility to have a meeting on the inside very soon. One of the things that I wanted to address, Mr. Williams, you can look this up. See if we have an ordinance for loitering when you come off the exit. A lot of our trash and things of that nature come from people that are compassionate and they give food to people and then they just take the food and discard it. So, that is one of the things that I think that we need to get a hold on. I like what Councilman Myers said with his motion. We have to stick some teeth behind it. Of course, you all know that we are policy and procedure makers and that is a policy and procedure ordinance that we will be putting in place. So, anyone being caught littering we can do a little bit more with that. I would like for us as a city to focus on the good and not so much on the bad. We know that the bad is always with us, but we have come a long way. And other

*Audio available upon request.

localities see. Our neighboring localities see it all the time and they are always giving the city it is props considering where we were in 2015 and 2016. So, I just want to tell everybody to stay staff and stay encouraged. Thank you, Mr. Mayor."

Vice Mayor Smith-Lee stated, "Treska my heart goes out to you on the loss of your mom. A mother's love is just unbelievable. I loss my mom seven years ago and not a day goes by that I do not think about her. You got to remember something. The legacy that she left behind and you are a true legacy. Another thing I want to again congratulate Petersburg High Basketball Team on a job well-done. They were first runner up in the state and regional district champions and also central district champions. Go Crimson Wave! Thank you, Mr. Westbrook, for being an open eye in my ward. When there was a fire last week and Mr. Westbrook actually went into the house to help the mother of the young man whose house that it belonged to get out. And I appreciate that. He even had some burns on his hair, but he has enough hair to camouflage the little burn. But I truly appreciate what you did. And that is what it is all about. All of us on council working together for the good of the citizens of Petersburg. I received some calls, emails, and letters from several business owners in the area on a great job that the fire marshal office is doing. I want to do kudos to assistant fire marshal, Lemar Johnson, better known as Mockinbird. And thank you for your hard work. Do not think I am not going to say anything to you sir, Mr. Fleming's. I will never forget you. Because you are a part of that office. But I have received telephone calls, text, and letters of the outstanding job that the fire marshal's is doing. And the community truly love Mr. Johnson. Thank you. Like Charlie said we need to pray for the kids in Ukraine. Those babies did not ask for that. There are elderly people that are walking miles. There was one lady on TV and her mother who is 83 walked 50 miles so that she could get some type of relieve of freedom. You all it could be us and we would want someone to be there for us also. Also, thanks to Habitat for Humanity. Kelly, the young man whose house burnt down, the Red Cross was able to come out and assist them. But also, Habitat for Humanity is on it. And they are in the process of making sure that this young man can get his house redone. He did not have homeowners' insurance. He brought the house, but he said that it was a little too much. We have to educate our citizens. No matter how much it is we have to sacrifice. It cost so much when something like this happens. So, let's all be mindful and help everyone out in the City of Petersburg. Thank you."

Mayor Parham stated, "I just want to start off by letting everyone know that we have another celebrity in the house. You know we hear about the sheriff and all of her big accomplishments. Tonight 8 News recognized Council Member Treska Wilson-Smith as the Remarkable Woman of the Community Award. So, let's give her a round of applause. Thank you all for the great things that you do. People do not understand that Council Member Wilson-Smith has been a part of my life since grad school when she was coming up to the school to check on her sons and us trying to figure out what we were doing. So, thank you for your commitment in being a wonderful mother and wife, sister, and friend. Keep the legacy going because your mom is smiling down on you. I just want to touch on a few other things. Again, we recognized the Petersburg High School Basketball Team. We just cannot thank enough the family members and coaches. Because those are young black men that we are keeping off the street and keeping them busy and giving them the opportunity. All of those guys played lights out basketball and we look forward to them moving on to the next level and to continue coming and giving back to the City of Petersburg. That is why it is important to recognize these guys for all of their accomplishments. The lessons of basketball in sports in general are some lifelong lessons that you can take and will guide you through life. I want to thank City Council for their support of directing the school board to use those funds for the turf field. I am happy to report that the turf field will be in by July. So, we will have a nice field at Petersburg High School. Sports definitely save a lot of lives. We did not talk about it tonight, but we have not had a meeting since Quinton Spain was in the Super Bowl. And he played out there on that field. And he comes back every year to do his camp for hundreds of kids here in the City of Petersburg. And I am happy that we are able to give them a nice new field for more sports activities. I wanted to thank Mr. Joel Erb and Council Member Cuthbert at the Poplar Lawn Community Meeting. We had a good time out there. Just a wonderful example on how a neighborhood and a community come together to solve problems in their community from within. It was a great program to talk about the things that there were into to improve the community. This is the time of the year to get more of our neighborhood associations together to bring our

*Audio available upon request.

residents together and out neighbors together that have been in for so long. We cannot do it without you. On Friday, March 18th, I want to welcome everybody to the exchange building at 4pm. We will open up the civil rights exhibit at the Exchange Building. I want to keep everyone prayerfully on, the General Assembly had dispersed a lot of good things in there for the City of Petersburg. And we hope that the budget is approved because it has been a good year for Petersburg. A lot of budget amendments have been put in to help a lot of our issues in the City of Petersburg. And it is good to have the ear of our state officials. Also, Senator Warner is coming into town soon to have a discussion to talk about the pharmaceutical cluster here in Petersburg and the collaboration between medicine for all and VCU, Virginia State, Ampac, Phlow, and Civica. The federal government can help more to lead our efforts into becoming the pharmaceutical hub here in the nation. It is a big undertake and I am happy to have all of our state and federal officials take a note on it of what we can do to help Petersburg. So, again everyone has a great evening, and it is great seeing everyone back and it is good to be back. Still continue to be safe and if you are not vaccinated then get vaccinated and we are going to keep pushing through COVID and hope to keep the City of Petersburg rolling alive. I would like to thank our public safety officials here, Jeff Fleming, Petersburg Fire, is in the house. We have Chief Christian, Chief Chambliss and also the officer in the back. Thank you for your service as well. I know you all are on the front lines, and we cannot thank you enough for what you do to keep us safe. Because you all never shut down 24/7. I mean that you all are operating, and we thank you for that. So, at this time we are going to move on.”

11. ITEMS REMOVED FROM CONSENT AGENDA:

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

12. FINANCE AND BUDGET REPORT:

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

13. UNFINISHED BUSINESS:

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

14. NEW BUSINESS:

- a. Consideration of re/appointments to the Planning Commission

BACKGROUND: The Planning Commission consists of a four at-large members and seven members appointed by City Council.

The duties of the board include, but are not limited to, the following: Promote the orderly development of the City and its environs; services primarily in and advisory capacity to the City Council in matters pertaining to land use, future development, and capital improvements.

RECOMMENDATION: Recommend Council make re/appointments to the Planning Commission.

Mayor Parham stated, “At this time we have an applicant for the Planning Commission, Ms. Chioma Adaku. Councilwoman Wilson-Smith we have a Ward 1 representative for the Planning Commission. So, will you please make the motion for Ms. Chioma Aduka.”

Council Member Wilson-Smith made a motion to appoint Chioma Aduka to the Planning Commission. 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, Hill, and Parham; Absent: Smith-Lee

*Audio available upon request.

22-R-13 A RESOLUTION APPOINTING CHIOMA ADUKA TO THE PLANNING COMMISSION FOR A TERM EXPIRING SEPTEMBER 30, 2026.

- b. Consideration of a motion to authorize and direct that the humanities bill proposal be forwarded to the Virginia General Assembly for Consideration.

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.

RECOMMENDATION: Approve motion.

Mr. Williams gave a briefing of the request regarding the motion.

There was discussion among City Council and staff.

Council Member Wilson-Smith made a motion to send the humanities bill to our delegate for consideration at the next Virginia General Assembly.

Motion dies due to lack of second.

Council Member Myers made a substitute motion to table action on this until next meeting so that they can thoroughly read through it. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, and Parham; Absent: Smith-Lee

- c. Consideration of a resolution to approve revisions to Article V, Vii, and VII of the City's Personnel Policy.

BACKGROUND: 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.

Mr. Williams gave a briefing on the resolution for revisions to the personnel policy.

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

15. CITY MANAGER'S AGENDA:

- a. City Manager's Report

Mr. Turille gave a briefing of his report.

Key points:

- Made a recommendation to restart delinquent water cutoffs on May 1, 2022. Shut-offs have been stopped for about two years.

*Audio available upon request.

- The operating budget will be presented on March 24, 2022, and a school budget presentation.
- Announcement was made about the ribbon cutting for St. Andrew Street Bridge.
- Citywide Cleanup is scheduled for May 14, 2022. There will be cleanups every weekend in conjunction with public works, Fort Lee soldiers and volunteers with the trash czar.

Mr. Randall Williams with the Department of Public Works gave a briefing on the neighborhood cleanup.

16. BUSINESS OR REPORTS FROM THE CLERK:

*No items for this portion of the agenda.

17. BUSINESS OR REPORTS FROM CITY ATTORNEY:

*No items for this portion of the agenda.

18. ADJOURNMENT:

City Council adjourned at 8:34 p.m.

Clerk of City Council

APPROVED:

Mayor

*Audio available upon request.

The Closed Session Meeting of the Petersburg City Council was held on Thursday, March 24, 2022, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:05 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
Mayor Samuel Parham

Absent: Vice Mayor Annette Smith-Lee

Present from City Administration:

Clerk of Council Nykesha D. Jackson
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 performance, assignment, and appointment of specific public employees of the City of Petersburg, specifically including but not limited to discussion of the appointment of interim city manager; *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 Petersburg Circuit Court Case Record No.: CL21000495-00; and a proposal regarding a real property conveyance; 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 negotiations strategy of the public body, specifically including but not limited to the acquisition and disposition of real property.*

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

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

City Council entered closed session at 3:06 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 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

*Audio available upon request.

from the foregoing requirements should so state prior to the vote indicating the substance for departure that in his or her judgment has taken place. This requires a roll call vote Mr. Mayor.”

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

The motion was approved on roll call vote.

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

22-R-14 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 4:56 p.m.

Mayor Parham stated, “At this time I would like to have for us to motion to accept the resignation and separation of service of the city manager, Stuart Turille. And to authorize the mayor to execute contract for interim city manager services for Kenneth Miller ATAC LLC, to provide interim city manager services and appointment Kenneth Miller as Interim City Manager.”

Council Member Hill made a motion to accept the resignation and separation of service of the city manager, Stuart Turille. And to authorize the mayor to execute contract for interim city manager services for Kenneth Miller ATAC LLC, to provide interim city manager services and appointment Kenneth Miller as Interim City Manager. Council Member Cuthbert seconded the motion. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, and Parham; Absent: Smith-Lee

Mr. Williams stated, “Point of order Mr. Mayor. You just added it, but you have to actually adopt the motion.”

Mayor Parham stated, “At this time we added the motion to be adopted tonight. At this point in time, we will adopt the motion.”

Council Member Hill made a motion to adopt the motion of accepting the resignation and separation of service of the city manager, Stuart Turille. And to authorize the mayor to execute contract for interim city manager services for Kenneth Miller ATAC LLC, to provide interim city manager services and appointment Kenneth Miller as Interim City Manager. Council Member Cuthbert seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee and Parham; Absent: Smith-Lee

3. ADJOURNMENT:

City Council adjourned at 4:59 p.m.

Clerk of City Council

*Audio available upon request.

APPROVED:

Mayor

DRAFT

The special meeting and budget workshop meeting of the Petersburg City Council was held on Thursday, March 24, 2022, at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:00 p.m.

1. ROLL CALL:

Present:

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

Absent: Vice Mayor Annette Smith-Lee

Present from City Council Administration:

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

2. DISCUSSION:

Mayor Parham stated, "There are two items today. There is a presentation of the budget from Mrs. Jordan, and she is going to go first. And then after that I will turnover to Mr. Pritchett of the school board. Thank you all for joining us, the superintendent, deputy superintendent, and the school board. Next, we will move onto Mrs. Jordan."

Stacey Jordan, Finance Director, presented the 2022-2023 Operating Budget for the City of Petersburg.

Key points:

- Building up departments to meet current and future needs, particularly in Police and Fire/EMS, Planning Neighborhood Services, Economic Development and Public Works with goals of improving public safety, community policing.
- These are the areas that will produce the most immediate and long- term improvements to the quality of life of the community.
- There will be funded initiatives for traffic mitigation.
- Funded initiatives increased funding to public safety, facilities, engineering, neighborhood services, parks & Recreation, Economic Development, Planning and Marketing and Tourism.
- Fund initiatives funded class compensation study mid-year implementation.
- City absorbed incremental costs for FY22-23 increased of .78% in Virginia Retirement System, increased of 16% in Health Care Cost, and reduced the tax rate from \$1.35 to \$1.27.
- Budget was based off using the reduced tax rate of \$1.27.

Mrs. Jordan stated, "I want to say a special thank you to council for your continued support, Chief Miller and Mrs. Innis, the budget team Ms. Jeanette Johnson and Kimberly Robinson, for their continued cooperation during this process."

Mayor Parham stated, "Thank you so much Mrs. Jordan to you and your staff for all you do for us. We have the budget calendar set. So, we have some work to do, and this is the preliminary budget, and we will get everything finalized. Everyone please dig down deep and we are going to get this done."

*Audio available upon request.

Kenneth Pritchett, Chairman of the Petersburg School Board, gave briefing on the subject of the budget and introduced staff that is in attendance at the meeting.”

Dr. Maria Pitre-Martin, (Superintendent of Petersburg Public Schools) Julius Hamlin (Deputy Superintendent), and Debbie Halloway (Director of Finance), gave a brief overview of the school’s budget.

Key points:

- In this proposed FY2023 Petersburg City Public Schools budget, they remain committed to providing a quality education for every student to help them succeed in school and in life. Providing a safe environment for teaching and learning is vital for the success of the student, the employees, and the entire city.
- Improving Petersburg schools requires a community willing to invest in public education, therefore they are requesting from the City of Petersburg, an increase of \$1,000,000, making the city transfers \$11,000,000.
- City staff is recommending a \$10,000,000 transfer to the schools which is no increase from the city. The city transfer of \$10,000,000 will make up to 17.23% of the operating budget.
- 100% of the revenue supporting the operating fund is from the state and local sources, primarily state aid, sales tax, and city transfer.
- There are three different funds that comprise the proposed FY23 Budget. They are the operating, food service and grants.
- The proposed financial plan is based on the governor’s proposed budget and is subject to revisions based on new governor’s final recommendations.
- DOE is providing \$1,110,965 in revenue towards a 5% pay increase for SOQ positions. (Teachers, aides, principals, assistant principals, counselors, and librarians)
- A 5% pay increase for all full-time will cost \$1,800,009, meaning that \$689,044 would come from local funds and any additional increases would also come from local funds.
- The 5-year plan with additions equates to \$43,472,575.
- The 5-year plan equates to \$41,090,400.
- With the removal of the new school, it is \$15,372,575.
- Restroom renovations slated for FY23 and FY25 may be completed sooner than the noted fiscal years.

Mayor Parham stated, “Thank you Dr. Pitre-Martin. And this will be provided online for everyone as well to take another look at. Ms. Joanne Williams will have it posted tonight and we will drill down and see what we can do. We applaud all your efforts and Chairman Pritchett and school board for all you do here for our kids. We are making ground and we are making the necessary strides that we need to make to give our kids a world class education. And we are just trying to catch up to have world class facilities. Thank you.”

3. ADJOURNMENT:

City Council adjourned at 5:40 p.m.

Clerk of City Council

APPROVED:

Mayor

*Audio available upon request.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Tangela Innis, Deputy City Manager

FROM: Brian Moore

RE: A request to hold a public hearing on April 19, 2022, for the consideration of a ordinance by the City Council authorizing the City Manager to allow the City of Petersburg to be a member of the Virginia's Gateway Region Industrial Facilities Authority in collaboration and cooperation with the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the County of Prince George, the County of Surry, and the County of Sussex, to foster economic growth and development of the City of Petersburg and the region pursuant to section 15.2-6400 et seq. of the code of Virginia (the "Act")Virginia.

PURPOSE: A request to hold a public hearing on April 19, 2022, for the consideration of a ordinance by the City Council authorizing the City Manager to allow the City of Petersburg to be a member of the Virginia's Gateway Region Industrial Facilities Authority in collaboration and cooperation with the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the County of Prince George, the County of Surry, and the County of Sussex, to foster economic growth and development of the City of Petersburg and the region pursuant to section 15.2-6400 et seq. of the code of Virginia (the "Act")Virginia.

REASON: To consider an ordinance by the City Council authorizing the City Manager to allow the City of Petersburg to be a member of the Virginia's Gateway Region Industrial Facilities Authority in collaboration and cooperation with the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the County of Prince George, the County of Surry, and the County of Sussex, to foster economic growth and development of the City of Petersburg and the region pursuant to section 15.2-6400 et seq. of the code of Virginia (the "Act")Virginia.

RECOMMENDATION: The Department of Economic Development recommends that the City Council approves the ordinance authorizing the City Manager to allow the City of Petersburg to be a member of the Virginia's Gateway Region Industrial Facilities Authority in collaboration and cooperation with the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the County of Prince George, the County of Surry, and the County of Sussex, to foster economic growth and development of the City of Petersburg and the region pursuant to section 15.2-6400 et seq. of the code of Virginia (the "Act")Virginia.

BACKGROUND: The City Council recognizes that providing a mechanism for localities in the local region to cooperate in the development of economic development projects and facilities is needed and desired in the Region (as defined in the attached ordinance), and the City Council acknowledges that the purpose of a regional industrial facility authority is to enhance the economic base for its member localities by developing, owning and operating one or more facilities on a cooperative basis involving its member localities. The City

Council finds that economic growth and development of the City of Petersburg, Virginia (the “City”), and the comfort, convenience and welfare of the citizens of the City require the development of facilities, and that the collaborative and collective action through a regional industrial facility authority by the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the City of Petersburg, the County of Prince George, the County of Surry, and the County of Sussex will facilitate the development of the needed facilities within the region that comprises said geographic areas (the “Region”).

The City Council of the City of Petersburg, Virginia, will conduct a public hearing regarding the adoption of an ordinance to join the Virginia’s Gateway Region Industrial Facilities Authority in collaboration and cooperation with the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the County of Prince George, the County of Surry, and the County of Sussex, to foster economic growth and development of the City of Petersburg and the region, and to promote the comfort, convenience and welfare of the citizens of the City of Petersburg by developing, owning and operating one or more facilities on a cooperative basis with the other member localities.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 4/19/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager, Economic Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. RIFA Ordinance - PETERSBURG 09.17.2021
2. VGR_RIFA_Petersburg_Mar 4 2022 040322
3. RIFA Agreement Creating Virginia's Gateway RIFA 10.01.2021
4. RIFA Bylaws 10.01.2021

ORDINANCE NO. _____

**AN ORDINANCE CREATING A REGIONAL INDUSTRIAL FACILITIES AUTHORITY PURSUANT
TO SECTION 15.2-6400 ET SEQ. OF THE CODE OF VIRGINIA (the “Act”)**

WHEREAS, this City Council recognizes that providing a mechanism for localities in the local region to cooperate in the development of economic development projects and facilities is needed and desired in the Region (as defined below); and

WHEREAS, this City Council acknowledges that the purpose of a regional industrial facility authority is to enhance the economic base for its member localities by developing, owning and operating one or more facilities on a cooperative basis involving its member localities; and

WHEREAS, this City Council finds that economic growth and development of the City of Petersburg, Virginia (the “City”), and the comfort, convenience and welfare of the citizens of the City require the development of facilities, and that the collaborative and collective action through a regional industrial facility authority by the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the City of Petersburg, the County of Prince George, the County of Surry, and the County of Sussex will facilitate the development of the needed facilities within the region that comprises said geographic areas (the “Region”).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Petersburg, Virginia (the “City Council”), that:

1. The name of the Regional Industrial Facility Authority shall be the “Virginia’s Gateway Region Industrial Facilities Authority” (the “Authority”).

2. The initial member localities shall be the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the City of Petersburg, the County of Prince George, the County of Surry, and the County of Sussex (each, a “Member Locality” and collectively, the “Member Localities”). Each Member Locality’s participation shall become effective on the date their respective governing body enacts an ordinance substantially similar to this ordinance authorizing the creation of the Authority. At any time subsequent to the creation of the Authority, the membership of the Authority may, with the approval of the Authority Board (as hereinafter defined and as more fully described in the Bylaws of the Authority), be expanded to include any locality within the region that would have been eligible to be an initial member. The governing body of a locality seeking to become a member shall evidence its intent to become a member by adopting an ordinance substantially similar to this ordinance (and otherwise in conformance with Section 15.2-6402 of the Act). The admission of such member shall be completed upon the Authority Board approving the admission, after being presented with the requisite ordinance adopted by such locality.

3. The Authority shall be governed by an initial board (the “Authority Board”) consisting of two (2) board members from each Member Locality. Authority Board members shall be appointed by their respective Member Locality’s governing body.

Each governing body of each Member Locality may appoint up to two (2) alternate Authority Board members. Alternates shall be appointed for terms that coincide with one or more of the Authority Board members from the Member Locality that appoints the alternate. If either Authority Board member for a Member Locality is not present at a meeting of the Authority, an alternate shall have all the voting and other rights of the Board member not present and shall be counted for purpose of determining a quorum and all other purposes of that meeting.

In the event that additional Member Localities shall enact an ordinance to join the Authority and are admitted upon the Authority Board approving the admission, the number of members of the Authority Board

shall be increased by two (2) members for each additional Member Locality, with Authority Board members to be appointed in accordance with the criteria set forth above for initial Authority Board Members and alternates.

Each member of the Authority Board shall serve for a term of four (4) years and may be reappointed for as many terms as the governing body from said Authority Board member's Member Locality desires.

4. The Authority Board shall have such authority and exercise such powers as are permitted by the Code of Virginia, the Agreement Creating Authority (as defined below), and in the Bylaws of the Authority Board (a draft copy of which is attached hereto and which shall be approved by the Authority in substantially the same form as said draft).

5. The Authority Board shall elect from its membership a Chair, Vice Chair, Treasurer and Secretary for each calendar year. The Authority Board may also appoint an Executive Director and staff who shall discharge such functions as may be directed by the Authority Board. The Executive Director and staff may be paid from funds received by the Authority.

6. This City Council authorizes approval, by appropriate execution by the designated representative of the City, an agreement (the "Agreement Creating Authority") among the Member Localities whereby the Authority shall be established and further whereby the respective rights and obligations of the Member Localities with respect to the Authority, in accordance with the provisions of the Act, shall be set forth (a draft copy of which is attached hereto and which shall be approved by the Authority in substantially the same form as said draft). The Agreement Creating Authority shall (i) establish the terms for participation in the Authority by Member Localities and (ii) further describe the participation agreements (the "Participation Agreements") that the Authority may enter into with one or more Member Localities by which any facilities allowed by the Act may be constructed and developed. This authorization includes, but is not limited to, authority for this City Council to approve, by ordinance, Participation Agreements by which Authority projects shall be constructed and developed and which may be funded from this City Council's commitment of loans or grants and in the event that a facility will be located within the City, future tax revenue derived from the Authority's project facilities located within the City, pursuant to Section 15.2-6406 of the Act.

7. If and to the extent one or more of the Member Localities named herein does not pass an ordinance substantially similar to this ordinance, this ordinance shall be deemed to automatically remove said Member Locality without further action or vote of this City Council; it being the intent of this ordinance that it shall be adopted with any number and composition of the Member Localities named herein so long as said ordinance, and the Authority created herein, shall be in compliance with all applicable statutes.

PASSED BY THE COUNCIL OF THE CITY OF PETERSBURG ON _____, 2021

Mayor

A true copy, teste:

City Clerk



RIFA: Regional Industrial Facilities Authority
Petersburg City Council
March 4, 2022

Regional Industrial Facilities Authority

Enabling Legislation:

- Virginia Regional Industrial Facilities Act, Chapter 64, Title 15.2, Section 15.2-6400. et seq.

Code of Virginia authority provides a mechanism for member localities to cooperate in developing, owning, and operating one or more facilities needed or desired in a region, through combined action.

RIFA Purpose

- The creation of regional authority provides a mechanism for the Member Localities to cooperate in the development of facilities which will assist the region.
- This allows Localities to combine resources and assets for the purpose of economic development.
- It is also a mechanism for sharing revenue.

RIFA Potential Projects

- Broadband deployment
- Industrial Park development
- Industrial Site development
- Water/Sewer solutions
- Transportation solutions

RIFA vs Local EDA/IDA

- Sec. 15.2-4905 is a more general statute and therefore would be subject to the RIFA Act as a more particular statute.
 - Under Virginia Law the more detailed legal authority controls over a less detailed authority.
- Sec. 15.2-4905 has language that cures the potential conflict.
 - “not created by such locality”
 - Prince George will create the new RIFA which it is authorized to do by 15.2-6402 and thus 15.2-4095 is fulfilled.
- Conclusion: A RIFA is different authority than an IDA/EDA primarily by nature of it requiring multiple Localities to create it in accordance with the RIFA Act.

RIFA Creation Process

- Localities hold hearings
- Localities adopt ordinances
- Agreement creating RIFA
- By-Laws
- Appointment of RIFA Board of Directors
 - Appointed by Council / Board of Supervisors
 - Can come from anywhere in the service area

RIFA Creation

Creation - Governing bodies of the localities create, by adoption of concurrent ordinances, Virginia's Gateway Regional Industrial Facility Authority ("**VGRIFA**"), which concurrent ordinances will be filed with the Secretary of the Commonwealth causing the creation of the Authority.

1. Creation of VGRIFA by concurrent ordinances and filing with the Commonwealth; and
2. Localities agree on individual projects for participation.

VGRIFA Members

The initial proposed Member Localities of the Virginia's Gateway Regional Industrial Facility Authority are:

- Prince George County
- Dinwiddie County
- Sussex County
- Surry County
- City of Colonial Heights
- City of Hopewell
- City of Petersburg

VGRIFA – Future Expansion

Later, the membership of the VGRIFA may be expanded to include any locality within the region that would have been eligible to be an initial member.

VGRIFA Governing Board

VGRIFA shall be governed by a Board of Directors.

- Each Member Locality appoints one /two board members.
- Opportunity to have same number of alternate members.
- The Board shall elect from its membership a chair, vice chair, treasurer, and secretary for each calendar year.

Recommendation – *Each Locality appoint an elected official, or Economic Development Authority member , or an Economic Development Director as their VGRIFA Board member. Best members have had economic development experience.*

VGRIFA Funding Obligations

Creation phase – VGR will absorb the cost of creation.

Operational Dues – no cost anticipated at this time. The best practice would be for the organization to be self funding and self sustaining (i.e., % of grant to go towards administrative cost)

Individual Projects Participation Agreements – require approval by the governing bodies of the Member Localities who elect to participate on individual project basis. Operational funding would be expected during this phase.

VGRIFA Project(s) Participation

- Each Member Locality may consider participation in individual facilities or projects.
- The cost for such projects, and any remuneration from a project, shall only be shared by those that participate in the Participation Agreement for that project.
- There is no requirement to participate in each project and no penalties or adverse consequences to a Member Locality who does not participate.

VGRIFA Revenue Sharing

- The Member Localities may agree to a revenue and economic growth sharing arrangement with respect to tax revenues and other income and revenues generated by any facility owned by the Authority.
 - Requires approval by the governing body of the Member Locality for the site.
- Any such agreement shall be approved by a majority vote of the governing bodies of the Member Localities reaching such an agreement.
 - The agreement does not require any other approval.
- This does away with the need for more complex approaches thus a RIFA streamlines the approval process.

VGRIFA Annual Report

The Board shall submit an annual report of the VGRIFA's activities of the preceding year to the governing bodies of the Member Localities 120 days following the close of the fiscal year including a complete operating and financial statement covering the operation of the Authority during such reporting year.

VGRIFA Termination

Any Member Locality may withdraw:

- i. upon dissolution of the Authority, or
- ii. with majority approval of all other Member Localities, after making contractual provisions for the repayment of its portion of any debt incurred and any general dues (if any) for operation of the Authority for the current and succeeding fiscal year.

VGRIFA – Advantages

Grant opportunities encourage regional collaboration

Project response time could decrease

Partnerships in place when addressing large issues

Cost sharing

Revenue sharing

Reduces risk through diversification

Ready tool when needed – avoid long creation time

Project size and scope

Selected Success Stories

- Lonesome Pine RIFA
 - In its 1st year, announced redevelopment of surface mine into industrial/commercial sites
- Southern VA Mega Site at Berry Hill
 - 3,528-acre publicly owned megasite with a completed 200-acre graded pad
 - \$200 million of investment to date by the RIFA partners
- Danville-Pittsylvania RIFA – Cyber Park – Kyocera 2017
- Cumberland Industrial Facilities Authority
 - \$300M / 200 job salmon aquaculture facility on 200 acres

Known RIFAs in Virginia

- **Crossroads Regional Industrial Facility Authority** (Counties of Bland & Wythe, Town of Wytheville)
- **Cumberland Industrial Facilities Authority** (Counties of Tazewell, Russell, and Buchanan)
- **Carroll, Grayson, Galax Regional Industrial Facility Authority**
- **Danville-Pittsylvania Regional Industrial Facility Authority** (City of Danville and County of Pittsylvania)
- **Lonesome Pine Regional Industrial Facility Authority** (Counties of Lee, Scott, Wise & Dickenson)
- **Smyth-Washington Regional Industrial Facility Authority** (Counties of Smyth & Washington)
- **Fredericksburg Regional Industrial Facilities Authority** (Fredericksburg and the Counties of Caroline, King George, Stafford, and Spotsylvania)
- **Virginia Heartland industrial Facility Authority** (Counties of Amelia, Brunswick, Charlotte, Cumberland, Lunenburg & Prince Edward)
- **Western Virginia Regional Industrial Facility Authority** (Counties of Botetourt, Franklin, Roanoke, Cities of Roanoke & Salem; Town of Vinton)
- **Virginia Lakeside Commerce Park** (Towns of Chase City & Clarksville, County of Mecklenburg)
- **Staunton River Regional Industrial Facility Authority** (Pittsylvania County; Towns of Hurt & Altavista, City of Danville, and Southern Virginia Multimodal Park, a North Carolina limited liability company)
- **Virginia's First Regional industrial Facility Authority** (Counties of Pulaski, Montgomery, Giles, Roanoke, Bland, Wythe & Craig; Towns of Pulaski, Dublin, Christiansburg & Pearisburg, Cities of Roanoke & Radford) – note: it was Virginia's first RIFA - September 1, 1996
- **Eastern Virginia Regional Industrial Facility Authority** (Counties of Chesapeake, Gloucester County Isle of Wight James City, York, and the Cities of Hampton, Franklin, Newport News, Poquoson, Williamsburg)

VGRIFA – Next Steps

Completed steps:

1. Draft the Public Hearing Notices.
2. Draft the draft Ordinances for each participating jurisdiction.
3. Draft Agreement Creating the VGRIFA.
4. Share these drafts with the potential Member Localities.

Next steps:

1. Member Localities to add VGRIFA their agendas and start advertising.
2. VGRIFA attorney will coordinate on hearing dates (Work Sessions and/or Public Hearings) and any other meetings or discussions that are requested.
3. Hold the public hearing(s).
4. Vote.

Uniting our region for economic **prosperity**



AGREEMENT CREATING THE VIRGINIA'S GATEWAY REGION INDUSTRIAL FACILITIES AUTHORITY

WHEREAS, the Virginia Regional Industrial Facilities Act, Chapter 64, Title 15.2, Section 15.2-6400. et seq., Code of Virginia, 1950, as amended (the “**Act**”) was enacted by the General Assembly of the Commonwealth of Virginia to provide a regional authority mechanism for member localities of such an authority to cooperate in developing, owning, and operating one or more facilities through combined action; and

WHEREAS, the exercise of the power granted by the Act is to be in all aspects for the benefit of the inhabitants of the geographic region included within the Member Localities, as defined below (the “**Region**”) for the increase of their commerce, and for the promotion of their safety, health, welfare, convenience and prosperity; and

WHEREAS, the governing bodies of the Member Localities (as defined below) have determined that joint action through a regional industrial facility authority will facilitate the development of needed and desired facilities in the Region; and

WHEREAS, pursuant to the Act, the governing bodies of the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the City of Petersburg, the County of Prince George, the County of Surry, and the County of Sussex (each, a “**Member Locality**” and collectively, the “**Member Localities**”) by adoption of concurrent ordinances, have proposed to create the Virginia’s Gateway Region Industrial Facilities Authority (the “**Authority**”) for the purpose of enhancing the economic base for the Member Localities by developing, owning, and operating one or more facilities on a cooperative basis involving its Member Localities, which concurrent ordinances will be filed with the Secretary of the Commonwealth causing the creation of the Authority; and

WHEREAS, the Member Localities have agreed to enter into this Agreement Creating the Virginia’s Gateway Region Industrial Facilities Authority (this “**Agreement**”) establishing and describing the respective rights and obligations of the Member Localities with respect to the Authority.

NOW, THEREFORE, in consideration of the mutual promises of the parties and other good and valuable consideration herein stated, the Member Localities hereto agree as follows.

ARTICLE 1 NAME AND OFFICE

The name of the authority shall be the “**Virginia’s Gateway Region Industrial Facilities Authority**” (the “**Authority**”), and the address of its initial office is c/o Virginia’s Gateway Region, 256 E. Ellerslie Ave, Suite D, Colonial Heights, Virginia 23834.

ARTICLE 2
PARTIES TO THE VIRGINIA'S GATEWAY REGION
INDUSTRIAL FACILITIES AUTHORITY AGREEMENT

2.1. The initial Member Localities of the Authority are:

County of Dinwiddie
County of Prince George
County of Surry
County of Sussex
City of Colonial Heights
City of Hopewell
City of Petersburg

2.2. At any time subsequent to the creation of this Authority, the membership of the Authority may, with the approval of the Authority Board, be expanded to include any locality within the region that would have been eligible to be an initial member. The governing body of a locality seeking to become a member shall evidence its intent to become a member by adopting an ordinance proposing to join the Authority that conforms to the requirements established by Section 15.2-6402 of the Code of Virginia. The admission of such additional member shall be completed upon the Authority Board approving the admission, after presented with the requisite ordinance adopted by such locality, which then shall be a Member Locality for all purposes, and with all rights, under this Agreement and the Bylaws (as defined below).

ARTICLE 3
FINDINGS AND PURPOSE OF THE AUTHORITY

The Member Localities agree that this Authority has been established for the following purpose and function.

3.1. The Member Localities agree that the creation of the Authority provides a mechanism for the Member Localities to cooperate in the development of facilities needed and desired in the Region.

3.2. The exercise of the powers granted by the Act shall be in all aspects for the benefit of the inhabitants of the Region for the increase of their commerce, and for the promotion of their safety, health, welfare, convenience and prosperity. Special emphasis shall be placed on directing these benefits to the inhabitants of the Member Localities, while recognizing the regional benefit of the Member Localities' economic development projects.

3.3. The Authority shall be nonprofit and no part of its earnings remaining after payment of its expenses and fulfillment of commitments in furtherance of the Authority's purposes shall inure to the benefit of any individual, firm or corporation, and if the Authority is dissolved in accordance with the provisions of the Act, the title to all funds and other property owned by the Authority shall vest in the Member Localities which have contributed to the

Authority in proportion to their respective contributions as provided by the Act. In order to benefit from the dissolution, the Member Locality must be in good standing with this Agreement, the Authority's Bylaws and other documents describing the Member Localities' obligations to the Authority.

3.4. The Act provides the Member Localities with powers by which the Member Localities may interact as one body or as individual participating groups consisting of more than one Member Locality of the Authority which the members believe will give each local government an opportunity to establish successful partnerships for the development of economic projects which will serve the region.

3.5. The governing body of each Member Locality has found that the economic growth and development of the localities, and the comfort, convenience and welfare of the citizens of the Member Localities require the development of facilities and that joint action through the Authority will facilitate the development of such facilities.

ARTICLE 4 BOARD OF THE AUTHORITY

4.1. All powers, rights and duties conferred by the Act, or other provisions of law, upon the Authority shall be exercised by a Board of Directors, each of whom shall be a resident of the Commonwealth of Virginia (the "**Board**"). The Board shall consist of two board members from each Member Locality appointed by the governing body of each Member Locality pursuant to Section 15.2-6403 (A) of the Act. **To** encourage participation, and to reduce meeting and regulatory conflicts, Board members should not be an elected member of the locality's governing body. Each Board member shall serve for a term of four years and may be reappointed for as many terms as the Member Locality's governing body desires. If a vacancy occurs by reason of death, disqualification or resignation, the governing body of the Member Locality that appointed the Authority Board member shall appoint a successor to fill the unexpired term.

Commented [SM1]: Note - this issue of who to appoint to the RIFA Board is something for your Localities to decide based primarily on concerns of FOIA issues from frequently seeing the other Board members in other (non-RIFA) settings. No right or wrong, but more of a preference decision.

4.2. The governing body of each Member Locality may appoint up to two alternate Board members. An alternate may serve as an alternate for either Board member from the Member Locality that appoints the alternate. Alternates shall be appointed for terms that coincide with one or more of the Board members from the Member Locality that appoints the alternate. If either Board member for a Member Locality is not present at a meeting of the Authority, an alternate shall have all the voting and other rights of the Board member not present and shall be counted for purpose of determining a quorum and all other purposes at that meeting.

4.3. The Board shall elect from its membership, for each calendar year, a Chair, Vice Chair, Treasurer, and Secretary.

4.4. Appointments, officers, Board meetings and procedures shall be held and conducted in accordance with the Act, this Agreement, and with the Bylaws of this Authority, attached hereto as Exhibit A and fully incorporated into this Agreement (the "**Bylaws**").

4.5. The Board shall submit an annual report of the Authority's activities of the preceding year to the governing bodies of the Member Localities, including a complete operating and financial statement.

4.6. The Board may establish dues or other annual financial fees for the operation of the Authority and its approved purposes ("**Operational Dues**") to be paid by the Member Localities. Such Operational Dues shall be approved by all Member Localities, including (without limitation) by or through a Member Locality's Economic Development Authority, by appropriate resolutions or ordinances. Such Operational Dues may be separate from amounts due in accordance with Participation Agreements (as defined in Article 5 below). Member Localities who agree to a Participation Agreement in accordance with Article 5 below may agree to have Operational Dues assessed pro rata by the Board against a Project (as defined in Section 5.2 below), or split among the various Projects as determined by the Board.

4.7. No Board member shall receive compensation, but shall be reimbursed for actual expenses incurred in the performance of his or her duties from funds available to the Authority.

4.8. The Authority is vested with the powers of a body corporate, including the powers to sue and be sued in its own name, plead and be impleaded, and adopt and use a common seal and alter the same as may be deemed expedient.

ARTICLE 5 PARTICIPATION AGREEMENTS FOR FACILITIES

5.1. The Authority may enter into participation agreements with more than one or more Member Localities by which any facilities allowed by the Act may be constructed, developed and operated in the Region ("**Participation Agreement(s)**"). Such Participation Agreements may include participation by public and private entities who are not Member Localities of the Authority ("**Other Participants**"). The Authority, and the Board (to the extent applicable) shall not have the authority or right to vote on any Project level decision among the Member Localities who elect to participate in a Project.

5.2. Each Member Locality may consider its terms in the participation in each proposed economic development project (a "**Project**"). The cost for such Participation Agreements and any remuneration from the creation of a Participation Agreement shall only be shared by the Member Localities and Other Participants in accordance with the Participation Agreement for that project. Any individual Member Locality may, at its discretion and as allowed by law, choose to enter into, or not enter into, any particular Project. Any Member Locality not entering into a Participation Agreement for a Project (i) shall have no monetary obligation or other duty or responsibility in relation to that Project, and (ii) its Member Locality status and participation in other Projects shall not be modified by any decision not to participate in any particular Project. A Project's Participation Agreement shall include a provision to cover the costs associated with administration of the agreement as part of the Project costs.

5.3 The Authority may from time to time finance a Project pursuant to a Participation Agreement through the issuance of notes and bonds by the Authority (“**Bonds**”). Such Bonds shall be limited obligations of the Authority to be paid solely from revenues and receipts of that particular Project and from revenues that may be received pursuant to any Participation Agreement or other agreement related to the Project being financed, and may be secured by collateral encumbered or pledged in support of the financing (“**Project-Based Financing**”). Project-Based Financing is approved and consented to by the Member Localities.

ARTICLE 6 DONATIONS; REMITTANCE OF TAX REVENUE; REVENUE SHARING AGREEMENTS

6.1. Member Localities, including (without limitation) by or through a Member Locality’s Economic Development Authority, are hereby authorized to lend, or donate money or other property to the Authority for any of its purposes. The Member Locality, including (without limitation) by or through a Member Locality’s Economic Development Authority, making a grant or loan may restrict the use of such grants or loans to a specific facility owned by the Authority within or outside of that Member Locality.

6.2. The governing body of the Member Locality in which a facility owned by the Authority is located may direct, by resolution or ordinance, that all tax revenues collected with respect to the facility shall be remitted to the Authority. Such revenues may be used for the payment of debt service on bonds of the Authority and other obligations of the Authority incurred with respect to such facility. The action of such governing body shall not constitute a pledge of the credit or taxing power of such Member Locality.

6.3. Notwithstanding the requirements of Chapter 34 of Title 15.2 of the Code of Virginia (Section 15.2-3400 et seq.), the Member Localities may agree to a revenue and economic growth sharing arrangement with respect to tax revenues and other income and revenues generated by any properties owned, controlled or managed by the Authority. The obligations of the parties to any such agreement shall not be construed to be debt within the meaning of Article VII, Section 10 of the Constitution of Virginia. Any such agreement shall be approved by a majority vote of the governing bodies of the Member Localities reaching such an agreement, but shall not require any other approval.

ARTICLE 7 BOND ISSUES

The Authority may, including by request of Project participants, at any time issue bonds for any valid purpose, including the establishment of reserves and the payment of interest only in accordance with the Act. Any such bonds issued pursuant to the Act shall comply with all terms and conditions identified in Sections 15.2-6409, 15.2-6410, 15.2-6411, and 15.2-6412 of the Code of Virginia, as amended.

ARTICLE 8 ACCOUNTS AND RECORDS

The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes, provided that such accounts correspond as nearly as possible to the accounts and records for such matters maintained by corporate enterprises. The accounts and records of the Authority shall be subject to audit pursuant to Section 30-140 of the Code of Virginia and the costs of such audit services shall be borne by the Authority. The Authority's fiscal year shall be the same as the Commonwealth's.

Until the Authority's Board determines otherwise, or until a resignation of the following duties, the Virginia's Gateway Region will act as the staff and the fiscal agent for the Authority. The Authority may elect to provide compensation to Virginia's Gateway Region for such services, but the Authority will reimburse Virginia's Gateway Region for all costs and expenses incurred for or on behalf of the Authority. The VGR will not have any authority to bind the Authority.

ARTICLE 9 MEMBER LOCALITIES APPROVALS

The Authority may request action or approvals by the governing bodies of the Member Localities for any appropriate matters or actions in accordance with the Act. The Authority shall not act without approvals of the governing bodies of the Member Localities for any of the following:

- (i) Participation Agreements for individual Projects in accordance with Article 5 of this Agreement;
- (ii) tax revenue remittances in accordance with Section 15.2-6406.B of the Act;
- (iii) revenue sharing agreements in accordance with Section 15.2-6407 of the Act and Article 6 of this Agreement;
- (iv) Operational Dues in accordance with Article 4, Section 6 of this Agreement;
- (v) Any modification of the Board provisions in Article 4 Sections 1 and 2 of this Agreement; and
- (vi) Any other requirement or limitation as may be imposed by the Act, as may be amended.

Any Member Locality which does not elect to participate in a Project (in accordance with Article 5) shall not have any right or authority to vote on or interfere with any Project level decision.

ARTICLE 10 DISSOLUTION OF AUTHORITY

10.1. Any Member Locality of the Authority may withdraw from the Authority (i) upon dissolution of the Authority as set forth herein, or (ii) with majority approval of all other Member Localities of the Authority, upon a resolution adopted by the governing body of such Member Locality and after satisfaction of such Member Locality's legal obligations, including repayment of its portion of any debt incurred with regard to the Authority, or after making contractual provisions for the repayment of its portion of any debt incurred with regard to the Authority, as well as pledging to pay any Operational Dues for the Authority for the current and succeeding fiscal year following the effective date of withdrawal.

No Member Locality seeking withdrawal shall retain, without the consent of a majority of the remaining Member Localities, any rights to contributions made by such Member Locality, to any property held by the Authority or to any revenue sharing as allowed by the Act.

Upon withdrawal, the withdrawing Member Locality also shall return to the Authority any dues or other contributions refunded to such Member Locality during its membership in the Authority.

10.2. Whenever the Board determines that the purpose for which the Authority was created has been substantially fulfilled or is impractical or impossible to accomplish and that all obligations incurred by the Authority have been paid or that cash or sufficient amount of approved securities has been deposited for their repayment, or provisions satisfactory for the timely payment of all its outstanding obligations have been arranged, the Board may adopt resolutions declaring and finding that the Authority shall be dissolved.

Appropriate attested copies of such resolutions shall be delivered to the Governor so that legislation dissolving the Authority may be introduced in the General Assembly. The dissolution of the Authority shall become effective according to the terms of such legislation. The title to all funds and other property owned by the Authority at the time of such dissolution shall vest (i) in the Member Localities which have contributed to the Authority in proportion to their respective contributions, (ii) as stated in the Authority's dissolution resolution(s), or (iii) as otherwise mutually agreed upon by the Member Localities.

ARTICLE 11 MISCELLANEOUS

This Agreement may be amended or altered, from time to time, in any manner not inconsistent with the provisions of the Act and other applicable law. This Agreement shall be amended or altered only by an amendment, resolution or other approval of all of the governing bodies of the Member Localities. No such amendment shall reduce the rights, or modify the obligations of a Member Locality, for any previously approved Participation Agreement. All amendments shall be in writing and shall be signed by the Authority Chairman

and Secretary after approval in accordance with this Agreement and the Bylaws. The Authority shall provide a copy of any amendment to each Member Locality not later than ten (10) days after final approval of all Member Localities.

The title of and article headings in this Agreement are solely for convenience of reference and shall not constitute a part of this Agreement nor shall they affect its meaning, construction or effect.

This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

If any clause, provision or section of this Agreement shall be held illegal or invalid by any court, the illegality or invalidity of such clause, provision or section shall not affect the remainder of this Agreement which shall be construed and enforced as if such illegal or invalid clause, provision or section had not been contained in this Agreement. If any agreement or obligation contained in this Agreement is held to be in violation of law, then such agreement or obligation shall be deemed to be the agreement or obligation of the parties hereto only to the extent permitted by law. In the event that the General Assembly amends the Act in a manner that conflicts herewith, the provisions of this Agreement are hereby amended in conformity with such amendment of the Act.

(Signatures on the following pages)

IN WITNESS WHEREOF, the governing bodies identified, by authorized action, have caused this Agreement to be executed and their respective seals to be affixed hereto and attested by their respective clerks or secretaries commencing effective on the date when fully executed.

CITY OF COLONIAL HEIGHTS

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

Approved as to form:

By: _____
_____, City Attorney

[Signatures continue on next page]

IN WITNESS WHEREOF, the governing bodies identified, by authorized action, have caused this Agreement to be executed and their respective seals to be affixed hereto and attested by their respective clerks or secretaries commencing effective on the date when fully executed.

COUNTY OF DINWIDDIE

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

Approved as to form:

By: _____
_____, County Attorney

[Signatures continue on next page]

IN WITNESS WHEREOF, the governing bodies identified, by authorized action, have caused this Agreement to be executed and their respective seals to be affixed hereto and attested by their respective clerks or secretaries commencing effective on the date when fully executed.

CITY OF HOPEWELL

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

Approved as to form:

By: _____
_____, City Attorney

[Signatures continue on next page]

IN WITNESS WHEREOF, the governing bodies identified, by authorized action, have caused this Agreement to be executed and their respective seals to be affixed hereto and attested by their respective clerks or secretaries commencing effective on the date when fully executed.

CITY OF PETERSBURG

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

Approved as to form:

By: _____
_____, City Attorney

[Signatures continue on next page]

IN WITNESS WHEREOF, the governing bodies identified, by authorized action, have caused this Agreement to be executed and their respective seals to be affixed hereto and attested by their respective clerks or secretaries commencing effective on the date when fully executed.

COUNTY OF PRINCE GEORGE

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

Approved as to form:

By: _____
_____, County Attorney

[Signatures continue on next page]

IN WITNESS WHEREOF, the governing bodies identified, by authorized action, have caused this Agreement to be executed and their respective seals to be affixed hereto and attested by their respective clerks or secretaries commencing effective on the date when fully executed.

COUNTY OF SURRY

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

Approved as to form:

By: _____
_____, County Attorney

[Signatures continue on next page]

IN WITNESS WHEREOF, the governing bodies identified, by authorized action, have caused this Agreement to be executed and their respective seals to be affixed hereto and attested by their respective clerks or secretaries commencing effective on the date when fully executed.

COUNTY OF SUSSEX

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

Approved as to form:

By: _____
_____, County Attorney

EXHIBIT A

BYLAWS

VIRGINIA’S GATEWAY REGION INDUSTRIAL FACILITIES AUTHORITY

BYLAWS

ARTICLE I

NAME; FORMATION; POWERS OF AUTHORITY; CERTAIN DEFINITIONS

Section 1

The name of the authority (the “**Authority**”) shall be “Virginia’s Gateway Region Industrial Facilities Authority.”

Section 2

The Authority was formed in accordance with the Virginia Regional Industrial Facilities Act, Chapter 64, Title 15.2, Section 15.2-6400 et seq., Code of Virginia, 1950, as amended (the “**Act**”). The initial Member Localities have entered into that certain Agreement Creating the Virginia’s Gateway Region Industrial Facilities Authority, as the same may be amended from time to time (the “**RIFA Agreement**”).

Section 3

The Authority is vested with the powers of a body corporate, including the power to sue and be sued in its own name, plead and be impleaded, and adopt and use a common seal and alter the same as may be deemed expedient. In addition to additional powers set forth in the Act, the Authority may, to the extent of available resources:

1. adopt bylaws, rules and regulations to carry out the provisions of the Act;
2. employ, either as regular employees or as independent contractors, consultants, engineers, architects, accountants, attorneys, financial experts, construction experts and personnel, superintendents, managers and other professional personnel, personnel, and agents as may be necessary in the judgment of the Authority, and fix their compensation;
3. determine the locations of, develop, establish, construct, erect, repair, remodel, add to, extend, improve, equip, operate, regulate, and maintain facilities to the extent necessary or convenient to accomplish the purposes of the Authority;
4. acquire, own, hold, lease, use, sell, encumber, transfer, or dispose of, in its own name, any real or personal property or interests therein;
5. invest and reinvest funds of the Authority;

6. enter into contracts of any kind, and execute all instruments necessary or convenient with respect to its carrying out the powers in the Act to accomplish the purposes of the Authority;
7. expend such funds as may be available to it for the purpose of developing facilities, including but not limited to (i) purchasing real estate; (ii) grading sites; (iii) improving, replacing, and extending water, sewer, natural gas, electrical, and other utility lines; (iv) constructing, rehabilitating, and expanding buildings; (v) constructing parking facilities; (vi) constructing access roads, streets, and rail lines; (vii) purchasing or leasing machinery and tools; and (viii) making any other improvements deemed necessary by the Authority to meet its objectives;
8. fix and revise from time to time and charge and collect rates, rents, fees, or other charges for the use of facilities or for services rendered in connection with the facilities;
9. borrow money from any source for any valid purpose, including working capital for its operations, reserve funds, or interest; mortgage, pledge, or otherwise encumber the property or funds of the Authority; and contract with or engage the services of any person in connection with any financing, including financial institutions, issuers of letters of credit, or insurers;
10. issue bonds under the Act;
11. accept funds and property from the Commonwealth of Virginia (the “**Commonwealth**”), persons, counties, cities, and towns and use the same for any of the purposes for which the Authority is created;
12. apply for and accept grants or loans of money or other property from any federal agency for any of the purposes authorized in the Act and expend or use the same in accordance with the directions and requirements attached thereto or imposed thereon by any such federal agency;
13. make loans or grants to, and enter into cooperative arrangements with, any person, partnership, association, corporation, business or governmental entity in furtherance of the purposes of the Act, for the purposes of promoting economic and workforce development, provided that such loans or grants shall be made only from revenues of the Authority that have not been pledged or assigned for the payment of any of the Authority's bonds, and to enter into such contracts, instruments, and agreements as may be expedient to provide for such loans, and any security therefor. The word “**revenues**” as used in this subsection includes grants, loans, funds and property, as set out in subsections 11 and 12 immediately above;
14. enter into agreements with any other political subdivision of the Commonwealth for joint or cooperative action in accordance with Section 15.2-1300 of the Code of Virginia, 1950, as amended; and

15. do all things necessary or convenient to carry out the purposes of the Act.

Section 4

Capitalized terms used in these Bylaws and not otherwise defined shall have the meanings prescribed in the Act.

ARTICLE II BOARD

Section 1

The Authority shall be governed by a board as prescribed in Section 15.2-6403 of the Act and provided in the RIFA Agreement (the “**Board**”). The Board shall consist of such number of Board members as provided in the RIFA Agreement. Board members and alternate Board members shall be appointed and shall serve for such terms as provided in the RIFA Agreement. The chair (the “**Chair**”), vice chair (“**Vice Chair**”), treasurer (“**Treasurer**”) and secretary (“**Secretary**”) of the Board shall be appointed as provided in the RIFA Agreement. By adopting these Bylaws the Board appoints Virginia’s Gateway Region as the initial staff and fiscal agent for the Authority, in accordance with the RIFA Agreement, Article 8.

Section 2

A. The Chair of the Board shall conduct the meetings of the Board, execute documents on behalf of the Board, function as the chief executive officer of the Authority, and execute such duties as the Board may delegate to the Chair by resolution.

B. The Vice Chair of the Board shall serve in the place and stead of the Chair when he or she is unable or unwilling to serve in such capacity.

C. The Secretary shall have the responsibility for preparing and maintaining custody of minutes of the Board’s meetings, for maintaining the records, and for authenticating records of the Authority. The Secretary shall also perform such other duties as may be assigned from time to time by the Board.

D. The Treasurer shall keep or cause to be kept complete and accurate books of account. Whenever required by the Board, the Treasurer shall render a financial statement showing all transactions of the Authority and the financial condition of the Authority. The Treasurer shall also perform such other duties as may be assigned from time to time by the Board.

Section 3

The Board may appoint an executive director (“**Executive Director**”) and such other staff who shall discharge such functions as may be directed by the Board. The Executive Director and any staff members shall be paid from funds received by the Authority.

Section 4

Each member of the Board shall, before entering upon the discharge of the duties of his or her office, take and subscribe to the oath prescribed in Section 49-1 of the Code of Virginia, 1950, as amended. Each member of the Board is an “officer” under the State and Local Government Conflict of Interests Act (Va. Code § 2.2-3100 et seq.) (“COIA”).

Section 5

Members of the Board shall be reimbursed for actual expenses incurred in the performance of their duties from funds available to the Authority. No Board member shall receive compensation.

Section 6

6.1 The regular meetings of the Board shall occur not less than once every six months on such dates and at such places and hours as may be agreed upon by the members of the Board. Regular meetings of the Board may be adjourned or continued, without further public notice, from day to day or from time to time or from place to place, but not beyond the time fixed for the next regular meeting, until the business before the Board is completed. The Board may agree to modify the frequency, dates, schedule or other details for regular meetings by a regular vote of the Board in accordance with these Bylaws. All meetings of the Authority and its committees shall comply with the Virginia Freedom of Information Act (Title 2.2, Chapter 37 of the Code of Virginia, 1950, as amended); and the Board and its committees may hold closed sessions as permitted therein.

6.2 A quorum for the transaction of business at any meeting of the Board shall exist when a majority of the Member Localities are represented by at least one member of the Board. Except as otherwise provided in these Bylaws, the affirmative vote of a quorum of the Board shall be necessary for any action taken by the Board. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the Board.

6.3 The affirmative vote of members of the Board representing **two-thirds** of the total number of members of the Board (a “**Supermajority**”) shall be required for the following actions of the Board:

- (i) sale or transfer of all or substantially all of the Authority assets;
- (ii) causing or permitting the Authority to incur any indebtedness for borrowed money in excess of \$50,000 over the term of such borrowing (taking in to account any permitted renewals or extensions thereof), except pursuant to a budget that has been approved by a Supermajority;
- (iii) causing or permitting the Authority to make any loan, capital expenditure, call or other contribution with respect to any security, asset, venture or investment project

or item held or engaged in by the Authority, or any series of related loans, expenditures, calls or other contributions, except pursuant to a budget that has been approved by a Supermajority;

- (iv) causing or permitting the Authority to enter into any contract or agreement with a term in excess of one year, other than in the ordinary course of business, or involving payments by or to the Authority in excess of \$50,000 over the term of such contract or agreement (taking in to account any permitted renewals or extensions thereof), except pursuant to a budget that has been approved by a Supermajority;
- (v) making any distributions of Authority cash or other property, except as specifically provided in the RIFA Agreement, these Bylaws or any Participation Agreement; and
- (vi) issuance of any Bonds by the Authority.

6.4 No member of the Board present shall abstain from voting unless the member has a conflict of interest in the matter being voted upon. For the purposes of this paragraph, a “conflict of interest” shall exist when there is an actual conflict: (1) pursuant to COIA; or (2) pursuant to any applicable policy adopted by the Authority; or (3) as stated by the member unless objected to by a vote of a quorum of the Board.

6.5 Any two or more Board members representing two or more Member Localities may call a special meeting of the Board. Any such request for a special meeting shall be in writing, and the request shall specify the time and place of the meeting and the matters to be considered at the meeting. A reasonable effort shall be made to provide each member of the Board with notice of any special meeting. No matter not specified in the notice shall be considered at such special meeting unless all the members of the Board are present. Special meetings may be adjourned or continued, without further public notice, from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the Board is completed.

Section 7

The Authority’s fiscal year shall be the same as the fiscal year of the Commonwealth of Virginia. The Board, within one hundred twenty (120) days following the close of the fiscal year, shall submit an annual report of the Authority's activities of the preceding year to the governing body of each Member Locality. Each such report shall set forth a complete operating and financial statement covering the operation of the Authority during such year. The Authority’s books and records shall be kept in such form as the Auditor of Public Accounts prescribes, but otherwise shall correspond as nearly as possible to accounts and records maintained by corporate enterprises, all subject to and in accordance with Section 15.2-6413 of the Act.

ARTICLE III
OFFICE OF AUTHORITY; TITLE TO PROPERTY

The Board shall maintain the principal office of the Authority within a Member Locality. All records shall be kept at such office. The title to all property of every kind belonging to the Authority shall be titled to the Authority, which shall hold it for the benefit of the Member Localities.

ARTICLE IV
AMENDMENT OF BYLAWS

These Bylaws may be altered, amended or repealed only by an amendment, resolutions, or ordinance approved by the affirmative vote of members of the Board representing two-thirds of the total number of the Board. No such amendment shall be inconsistent with the Act, the RIFA Agreement, or other applicable law, nor shall any such amendment reduce the rights, or modify the obligations of a Member Locality, for any previously approved Participation Agreement (as defined in the RIFA Agreement).

Adopted as of _____, 2021
for the Authority

By: _____
Name: _____
Title: Chair

Attest:

_____, Secretary



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Tangela Innis, Deputy City Manager

FROM: Brian Moore

RE: **A request to hold a public hearing on April 19, 2022, for the consideration of a resolution by the City Council approving the issuance by the Petersburg Redevelopment and Housing Authority of its multifamily housing revenue bonds for the acquisition, construction, renovation, rehabilitation and equipping of the approximately 98-unit Dorsey Flats Apartments multifamily housing facility located in the City of Petersburg, Virginia.**

PURPOSE: A request to hold a public hearing on April 19, 2022, for the consideration of a resolution by the City Council approving the issuance by the Petersburg Redevelopment and Housing Authority of its multifamily housing revenue bonds for the acquisition, construction, renovation, rehabilitation and equipping of the approximately 98-unit Dorsey Flats Apartments multifamily housing facility located in the City of Petersburg, Virginia.

REASON: To consider a resolution approving the issuance by the Petersburg Redevelopment and Housing Authority of its multifamily housing revenue bonds for the acquisition, construction, renovation, rehabilitation and equipping of the approximately 98-unit Dorsey Flats Apartments multifamily housing facility located in the City of Petersburg, Virginia

RECOMMENDATION: The Department of Economic Development recommends that the City Council approves the resolution approving the issuance by the Petersburg Redevelopment and Housing Authority of its multifamily housing revenue bonds for the acquisition, construction, renovation, rehabilitation and equipping of the approximately 98-unit Dorsey Flats Apartments multifamily housing facility located in the City of Petersburg, Virginia

BACKGROUND: On March 16, 2021, the City Council adopted a resolution 21-R-27 approving the issuance by the by the Petersburg Redevelopment and Housing Authority of its Multifamily Housing Revenue Bonds for the acquisition, construction, renovation, rehabilitation, and equipping of the approximately 98-Unit Dorsey Flats Multifamily Housing Facility located in Petersburg, VA. This resolution has expired. Staff is requesting that the City Council approve the updated resolution below for the issuance of the bond.

The City Council adopted 20-ORD-17 on April 28, 2020, approving and authorizing the City Manager to sell 1000 Diamond Street to PB Petersburg Owner LLC to construct multifamily residential development that

requires: 1) occupancy limited to senior citizens and veterans; 2) no more than half of the apartments will be two-bedrooms and the remainder one-bedroom units; 3) the promises made by PB Petersburg Owners LLC in agenda item 11f are kept and 4) the owner will accept the current assessment for the next three years. The City Council also adopted 20-ORD-40, on September 1, 2020, authorizing the City Manager to execute a purchase agreement toward the sale of forty-nine (49) parcels of city owned property in Ward 5 to PB Petersburg, LLC, with amendments approved on July 20, 2021 with the removal of 11 parcels from the original purchase agreement (21-ORD-44)

The Petersburg Redevelopment and Housing Authority (the "Authority") has considered the application of PB Petersburg Owner II LLC, a Virginia limited liability company ("PB Petersburg II"), and PB Petersburg Owner IV LLC, a Virginia limited liability company ("PB Petersburg IV," and together with PB Petersburg II, the "Borrowers"), requesting that the Authority issue up to \$15,000,000 of its revenue bonds, tax-exempt loans or notes, in one or more series (collectively, the "Bonds") to assist the Borrowers or an affiliated entity in financing or refinancing a portion of the cost of acquiring, constructing, renovating, rehabilitating and equipping a multifamily residential rental housing project containing approximately 98 units, including approximately 50 units for seniors, as well as related community space and recreation facilities (collectively, the "Project") and the costs of issuance incurred in connection with the issuance of the Bonds (together with the Project, the "Plan of Finance"). The approximately 50 units for seniors to be known as Virginia Avenue School (the "Apartments Project") will be located at 1000 Diamond Street, in the City of Petersburg, Virginia, formerly the Virginia Avenue Elementary School, and the other approximately 48 units to be known as Dorsey Flats (the "Homes Projects") will be located on 38 lots at the following addresses, all of which are in the City of Petersburg, Virginia:

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1004 Farmer Street

852 Rome Street
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322 Shore Street
204 Kentucky Avenue
521 St. Mark Street
725 Sterling Street
731 South West Street
919 Wythe Street W
202 Kentucky Avenue
151 Virginia Avenue

The City Council of the City of Petersburg, Virginia (the "Council") has held a public hearing in connection with the Plan of Finance on April 19, 2022 (the "Public Hearing"). Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the applicable elected representatives of the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds. The Authority issues its bonds on behalf of the City of Petersburg, Virginia (the "City") and the Project is located in the City. The Authority, as the issuing governmental unit with respect to the Bonds, has no applicable elected representative, the City constitutes the next highest governmental unit with such a representative, and the members of the Council constitute the applicable elected representatives of the City. The Authority has recommended that the Council approve the issuance of the Bonds. A copy of the Authority's resolution approving the issuance of the Bonds and the fiscal impact statement concerning the Plan of Finance have been filed with the Council.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 4/19/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager, Economic Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: 21-R-27, 20-ORD-17, and 21-ORD-44

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Active_157130213_3_Dorsey Flats - City Council Resolution
2. Active_157130007_5_Dorsey Flats - Public Hearing Notice

**RESOLUTION APPROVING THE ISSUANCE BY THE
PETERSBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS
MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION,
CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING
OF THE APPROXIMATELY 98-UNIT DORSEY FLATS APARTMENTS
MULTIFAMILY HOUSING FACILITY LOCATED IN THE
CITY OF PETERSBURG, VIRGINIA**

WHEREAS, the Petersburg Redevelopment and Housing Authority (the "Authority") has considered the application of PB Petersburg Owner II LLC, a Virginia limited liability company ("PB Petersburg II"), and PB Petersburg Owner IV LLC, a Virginia limited liability company ("PB Petersburg IV," and together with PB Petersburg II, the "Borrowers"), requesting that the Authority issue up to \$15,000,000 of its revenue bonds, tax-exempt loans or notes, in one or more series (collectively, the "Bonds") to assist the Borrowers or an affiliated entity in financing or refinancing a portion of the cost of acquiring, constructing, renovating, rehabilitating and equipping a multifamily residential rental housing project containing approximately 98 units, including approximately 50 units for seniors, as well as related community space and recreation facilities (collectively, the "Project") and the costs of issuance incurred in connection with the issuance of the Bonds (together with the Project, the "Plan of Finance"). The approximately 50 units for seniors to be known as Virginia Avenue School (the "Apartments Project") will be located at 1000 Diamond Street, in the City of Petersburg, Virginia, formerly the Virginia Avenue Elementary School, and the other approximately 48 units to be known as Dorsey Flats (the "Homes Projects") will be located on 38 lots at the following addresses, all of which are in the City of Petersburg, Virginia:

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151 Virginia Avenue

WHEREAS, the City Council of the City of Petersburg, Virginia (the "Council") has held a public hearing in connection with the Plan of Finance on April 19, 2022 (the "Public Hearing"); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the applicable elected representatives of the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds; and

WHEREAS, the City of Petersburg, Virginia (the "City") by and through its duly elected City Council has jurisdiction over the Authority, which serves as issuer of the private activity bonds being issued, and over the area in which the project being financed with the proceeds of such private activity bonds is located; and

WHEREAS, by resolution adopted on March 16, 2021, by the City Council, public approval of the issuance of the Bonds was obtained as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code (as hereinafter defined), as applicable to housing authorities;

WHEREAS, upon the expiration of one year from the date of such public approval, the Code and the regulations of the U.S. Department of the Treasury promulgated thereunder, require a subsequent public hearing be held and public approval be obtained;

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds and the fiscal impact statement concerning the Plan of Finance have been filed with the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PETERSBURG, VIRGINIA:

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Borrowers, as required by Section 147(f) of the Code, Section 15.2-4906, as applicable to housing authorities, of the Code of Virginia of 1950, as amended (the "Virginia Code") and Section 36-19(9) of the Virginia Code to permit the Authority to assist in the financing of the Plan of Finance.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Borrower.
3. The Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto and that neither the faith and credit nor the taxing power of the City or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.
4. In adopting this resolution, the City, including its elected representatives, officers, employees and agents, shall not be liable for, and hereby disclaim all liability for, any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.
5. This resolution shall take effect immediately upon its adoption.

Adopted by the City Council of the City of Petersburg, Virginia this 5th day of April, 2022.

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Petersburg, Virginia, upon reading on a resolution titled "**RESOLUTION APPROVING THE ISSUANCE BY THE PETERSBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE APPROXIMATELY 98-UNIT DORSEY FLATS APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE CITY OF PETERSBURG, VIRGINIA,**" taken at a meeting of the City Council held on April 19, 2022:

	AYE	NAY	ABSTAIN	ABSENT
Hon. Samuel Parham, Mayor				
Hon. Annette Smith-Lee, Vice Mayor				
Hon. Treska Wilson-Smith				
Hon. Darrin Hill				
Hon. Charlie Cuthbert				
Hon. W. Howard Myers				
Hon. Arnold Westbrook, Jr.				

Dated: _____, 2022

CITY COUNCIL OF THE CITY OF PETERSBURG, VIRGINIA

The undersigned Clerk of the City Council of the City of Petersburg, Virginia, hereby certifies that the foregoing is a true, correct, and complete copy of a resolution adopted by the City Council at its meeting duly called and held on April 19, 2022, in accordance with law, and that such resolution has not been repealed, revoked, rescinded, or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Petersburg, Virginia this 5th day of April, 2022.

[SEAL]

Clerk, City Council of the City of
Petersburg, Virginia

**NOTICE OF PUBLIC HEARING BEFORE THE
CITY COUNCIL OF THE CITY OF PETERSBURG, VIRGINIA
ON PROPOSED PRIVATE ACTIVITY BOND FINANCING FOR
DORSEY FLATS APARTMENTS**

Notice is hereby given that the City Council of the City of Petersburg, Virginia (the "Council"), will hold a public hearing on the request of PB Petersburg Owner II LLC, a Virginia limited liability company ("PB Petersburg II"), and PB Petersburg Owner IV LLC, a Virginia limited liability company ("PB Petersburg IV," and together with PB Petersburg II, the "Borrowers"), whose address is 1888 Main Street, Suite C163, Madison, MS 39110, for the issuance by the Petersburg Redevelopment and Housing Authority (the "Authority"), whose address is 128 South Sycamore Street, Petersburg, Virginia 23803, of up to \$15,000,000 of its revenue bonds, tax-exempt loans or notes, in one or more series (collectively, the "Bonds") to finance or refinance a portion of the cost of acquiring, constructing, renovating, rehabilitating and equipping a multifamily residential rental housing project containing approximately 98 units, including approximately 50 units for seniors, as well as related community space and recreation facilities (collectively, the "Project") and the costs of issuance incurred in connection with the issuance of the Bonds (together with the Project, the "Plan of Finance"). The approximately 50 units for seniors to be known as Virginia Avenue School (the "Apartments Project") will be located at 1000 Diamond Street, in the City of Petersburg, Virginia, formerly the Virginia Avenue Elementary School, and the other approximately 48 units to be known as Dorsey Flats (the "Homes Project") will be located on 38 lots at the following addresses, all of which are in the City of Petersburg, Virginia:

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The Project will meet the requirements of a qualified residential rental project within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended. The Apartments Project will be owned by PB Petersburg IV or another entity affiliated with and controlled by PB Petersburg IV. The Homes Project will be owned by PB Petersburg II or another entity affiliated with and controlled by PB Petersburg II.

The public hearing, which may be continued or adjourned, will be held at 5:00 p.m. on April 19, 2022, before the Council at Petersburg Public Library 201 W Washington Street, Petersburg, Virginia 23803.

The Bonds will not pledge the credit or the taxing power of the Authority or the City of Petersburg, Virginia, but will be payable solely from the revenues derived from the Borrowers and pledged therefor.

The public hearing will provide an opportunity for interested persons to be heard and communications and writings to be received and considered. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for the introduction of documentary evidence pertinent to the issuance of the Bonds.

CITY

Advertised: April 5, 2022, and April 12, 2022



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Tangela Innis, Deputy City Manager

FROM: Brian Moore

RE: **A request to hold a public hearing on April 19 for the consideration of an ordinance authorizing the City Manager to adopt the amendment to the Real Estate Tax Abatement Program for Commercial and Industrial Businesses located within the Enterprise Zone that will allow them to qualify for Real Estate Tax Abatement for a period of Six (6) Years**

PURPOSE: A request to hold a public hearing on April 19 for the consideration of an ordinance authorizing the City Manager to adopt the amendment to the Real Estate Tax Abatement Program for Commercial and Industrial Businesses located within the Enterprise Zone that will allow them to qualify for Real Estate Tax Abatement for a period of Six (6) Years

REASON: A request to hold a public hearing on April 19 for the consideration of an ordinance authorizing the City Manager to adopt the amendment to the Real Estate Tax Abatement Program for Commercial and Industrial Businesses located within the Enterprise Zone that will allow them to qualify for Real Estate Tax Abatement for a period of Six (6) Years

RECOMMENDATION: The Department of Economic Development recommends that the City Council approves the ordinance authorizing the City Manager to adopt the amendment to the Real Estate Tax Abatement Program for Commercial and Industrial Businesses located within the Enterprise Zone that will allow them to qualify for Real Estate Tax Abatement for a period of Six (6) Years

BACKGROUND: The Virginia Department of Housing and Community Development established The Virginia Enterprise Zone (VEZ) program. It is a partnership between state and local governments that encourages job creation and private investment. VEZ accomplishes this by designating Enterprise Zones throughout the state and providing two state grant-based incentives, 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.

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 waivers, façade improvement grants, and architectural assistance grants.

To continue to encourage development in the City of Petersburg, the Department of Economic Development is recommending that the City adopts a modification to the Real Estate Rebate program by adding an additional year to the program with an exemption of 100% to qualified commercial and industrial businesses located

within the Enterprise Zone. This will change the term of the program from 5 years to 6 years for the commercial and industrial businesses in the enterprise zone.

Eligibility and Qualification

Eligibility and qualifications is determined by the commercial and industrial business being located within the Enterprise Zone. A summary of the structure: minimum age requirements, necessary value increase, limitations of new square footage and maximum exemption amounts are as follows:

Area	Structure Age	Value Increase	Addition Maximum	Maximum Credit
Commercial- Enterprise Zone	25+	60%+	15%+	\$2,000,000

COST TO CITY: Real Estate Taxes for a period not to exceed 6 years.

BUDGETED ITEM: N/A

REVENUE TO CITY: Real Estate Taxes paid to the City after year 6

CITY COUNCIL HEARING DATE: 4/19/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager, Economic Development, City Assessor Office

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: 05-R-50

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Real Estate Tax Abatement Ordinance
2. Real Estate Tax Abatement Modification 2022

An ordinance authorizing the City Manager to adopt the amendment to the Real Estate Tax Abatement Program for Commercial and Industrial Businesses located within the Enterprise Zone which will allow them to qualify for Real Estate Tax Abatement for a period of Six (6) Years

WHEREAS, 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 incentives, 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.

WHEREAS, 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 grant; and,

WHEREAS, To continue to encourage development in the City of Petersburg, the Department of Economic Development is recommending that the City Council adopts the amendment to the Real Estate Tax Abatement Program for Commercial and Industrial Businesses located within the Enterprise Zone that will allow them to qualify for Real Estate Tax Abatement for a period of Six (6) Years; and,

WHEREAS, Eligibility and qualifications is determined by the commercial and industrial business being located within the Enterprise Zone. A summary of the structure minimum age requirements, necessary value increase, limitations of new square footage and maximum exemption amounts are as follows:

Area	Structure Age	Value Increase	Addition Maximum	Maximum Credit
Commercial-Enterprise Zone	25+	60%+	15%+	\$2,000,000

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg hereby approves the City Manager to adopt the ordinance authorizing the City Manager to adopt the amendment to the Real Estate Tax Abatement Program for Commercial and Industrial Businesses located within the Enterprise Zone that will allow them to qualify for Real Estate Tax Abatement for a period of Six (6) Years

Presentation for Council Real Estate Tax Abatement Modification Consideration



**Brian A. Moore
Director of Economic Development
Petersburg, Virginia
March 1, 2022**

Introduction

This presentation will provide information on the process for the consideration of modifying the existing Real Estate Tax Abatement within the Enterprise Zone.

Background

- ▶ The Virginia Enterprise Zone program was established by the Virginia Department of Housing and Community Development.
- ▶ The goal of the program is to encourage job creation and private investment.
- ▶ The program provides two grant-based State incentives:
 - ▶ Job Creation Grant
 - ▶ Real Property Investment Grant
- ▶ These grants are provided to qualified investors and job creators within the Enterprise Zone.
- ▶ A locality can also provide local incentives.

Background

(Continued)

- ▶ The City Council adopted a resolution to establish a local Enterprise Zone on June 21, 2005.
- ▶ The Enterprise Zone provides the following local incentives to new businesses:
 - ▶ Permit fee waivers
 - ▶ Façade Improvement grants
 - ▶ Architectural assistance grants

Current Tax Abatement program

Petersburg, VA

5-Year program

Area	Structure Age	Value Increase	Addition Maximum	Maximum Credit
Commercial-Enterprise Zone	25+	60%+	25%	\$2,000,000

- Tax Exemption is equal to 100% for entire 5-Year period.

Proposed Tax Abatement program

Petersburg, VA

6-Year program

Area	Structure Age	Value Increase	Addition Maximum	Maximum Credit
Commercial- Enterprise Zone	25+	60%+	25%	\$2,000,000

- Tax Exemption is equal to 100% for entire 6-Year period.
- The additional year is only for commercial properties in the enterprise zone.

Proposed Tax Abatement program

Petersburg, VA

6-Year program

(Continued)

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	
Assessed Value	\$2,405,700	\$2,405,700	\$2,405,700	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	
Real Estate Tax	\$32,476.95	\$32,476.95	\$32,476.95	\$135,000.00	\$135,000.00	\$ 135,000	
Tax Waived 100% with Incentive	\$32,476.95	\$32,476.95	\$32,476.95	\$32,476.95	\$32,476.95	\$ 135,000	
Total Taxes Waived for 6 years							\$297,385

- Tax Exemption is equal to 100% for entire 6-Year period.
- The additional year is only for commercial properties in the enterprise zone.

Current Tax Abatement program Lynchburg, Virginia 10-Year Program

Area	Structure Age	Value Increase	Addition Maximum	Maximum Credit
Commercial-Enterprise Zone	25+	60%+	15%	None

- Tax Exemption is equal to the difference between the increase in assessed value resulting from the substantial rehabilitation/renovation of a structure and the beginning assessed value as determined by the City assessor.
- The tax exemption is reduced by 25% each year on July 1st during the last three years of the program, with the final year being 25% of the initial exemption.

Current Tax Abatement program Staunton, VA 5- Year Program

Area	Structure Age	Value Increase	Addition Maximum	Maximum Credit
Commercial- Enterprise Zone	None	40%+	None	None

- Any property owner who makes repairs, renovations, or other structural or interior improvements to his/her industrial or commercial property such that its assessed value increases by at least 40% will receive a 5-year exemption on the increased real property taxes associated with the improvements.

Current Tax Abatement program Fredericksburg, VA 7-Year Program

Area	Structure Age	Value Increase	Addition Maximum	Maximum Credit
Commercial-Enterprise Zone	40+	30%+	15%	None

- For those properties that qualify, the initial increase in real estate taxes caused by rehabilitation will be excused for two (2) years and will continue on a declining scale for (5) more years.

Summary

- It is recommended by the Department of Economic Development that City Council would consider the recommendation for consideration of modifying the existing Real Estate Tax Abatement within the Enterprise Zone.
- The tax exemption is equal to 100% for entire 6-Year period.
- The additional year is only for commercial properties in the enterprise zone.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: Anthony Williams

RE: A request to schedule a public hearing on the consideration of an ordinance to amend and re-adopt Section 94-2 of the City Code pertaining to littering.

PURPOSE: To schedule a public hearing for April 15, 2022 on an Ordinance to amend and re-adopt Section 94-2 of the City Code to provide for penalties consistent with current enabling legislation.

REASON: To schedule a public hearing for April 15, 2022 on an Ordinance to amend and re-adopt Section 94-2 of the City Code to provide for penalties consistent with current enabling legislation.

RECOMMENDATION: Schedule Public Hearing for April 15, 2022 and adopt Ordinance on April 15, 2022.

BACKGROUND: At the March 15, 2022 meeting of City Council, Councilman Myers made a motion to revise the City's littering Ordinance. His proposed revisions are consistent with what the current enabling legislation provides. These revisions will make the punishment provisions for littering consistent with State Code provisions.

COST TO CITY: 0

BUDGETED ITEM: n/a

REVENUE TO CITY: unk

CITY COUNCIL HEARING DATE: 4/15/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. littering
2. Va. Code Ann. _ 33.2-802

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 94-2 OF THE CODE OF VIRGINIA TO INCORPORATE THE MINIMUM FINES IDENTIFIED IN THE CURRENT ENABLING LEGISLATION

WHEREAS, the City of Petersburg has previously adopted Section 94-2 of the Code of Virginia to address general littering in the City; and

WHEREAS, said Ordinance was adopted under §33.1-146 of the Code of Virginia which has since been repealed or incorporated into other sections of the Code of Virginia; and

WHEREAS, the current enabling legislation (§33.2-802 of the Code of Virginia) authorizes punishment for littering as a “misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$500 or more than \$2,500, either or both and further provides that a “in lieu of the imposition of confinement in jail, the court may order the defendant to perform a mandatory minimum of 10 hours of community service in litter abatement activities;” and

WHEREAS, at the March 15, 2022 meeting of City Council, Councilman Myers made a motion to direct the City Attorney to bring forward a proposed revision to the City’s existing littering ordinance consistent with the current enabling legislation; and

WHEREAS, said revisions are herein proposed as (**Exhibit A**); and

WHEREAS, it is the belief of City Council that the incorporation of said provisions will be in the best interests of the City.

NOW therefore be it ORDAINED, that Section 94-2 of the City Code is hereby amended and re-adopted to incorporate the revisions reflected in (**Exhibit A**).

EXHIBIT A

Sec. 94-2. - Littering generally.

(a) No person shall dump, throw or otherwise deposit any trash, garbage, refuse or other unsightly matter on any street, highway, right-of-way or property adjacent to such street, highway or right-of-way, or on any other property, public or private, within the city, without the written consent of the owner of such property or his agent.

(b) When any person is arrested for a violation of this section and the matter alleged to have been deposited in violation of this section has been ejected from a motor vehicle, the arresting officer may comply with the provisions of section 110-35 of this Code in making such arrest.

(c) When a violation of the provisions of this section has been observed by any person, and the matter deposited in violation of this section has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such matter; provided, however, that such presumption shall be rebuttable by competent evidence.

(d) Any person convicted of a violation of this section is guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$500 or more than \$2,500, either or both. In lieu of the imposition of confinement in jail, the court may order the defendant to perform a mandatory minimum of 10 hours of community service in litter abatement activities. ~~Any person violating this section shall be guilty of a class 1 misdemeanor.~~

(Code 1981, § 30-2)

State Law reference— Similar provisions and authority of city council to adopt above section, Code of Virginia, § ~~33-1-346~~33.2-802.

User Name: anthony williams

Date and Time: Monday, March 21, 2022 3:34:00 PM EDT

Job Number: 167097313

Document (1)

1. [Va. Code Ann. § 33.2-802](#)

Client/Matter: -None-

Search Terms: penalties for littering

Search Type: Natural Language

Narrowed by:

Content Type
Statutes and Legislation

Narrowed by
Jurisdiction: Virginia

Va. Code Ann. § 33.2-802

Current through the Act 14 of the 2022 Regular Session

Code of Virginia 1950 > Title 33.2. Highways and Other Surface Transportation Systems. (Subts. I — IV) > Subtitle II. Modes of Transportation: Highways, Bridges, Ferries, Rail, and Public Transportation. (Chs. 3 — 14) > Chapter 8. Offenses Concerning Highways. (§§ 33.2-800 — 33.2-804)

§ 33.2-802. Dumping trash; *penalty*.

A. It is unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, *litter*, a companion animal as defined in [§ 3.2-6500](#) for the purpose of disposal, or other unsightly matter on (i) public property, including a public highway, right-of-way, or property adjacent to such highway or right-of-way, or (ii) private property without the written consent of the owner or his agent.

B. If a person is arrested for a violation of this section and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of [§ 46.2-936](#) in making an arrest.

If a violation of this section has been observed by any person and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of the motor vehicle shall be presumed to be the person ejecting or disposing of the matter. However, such presumption shall be rebuttable by competent evidence.

C. Any person convicted of a violation of this section is guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$500 or more than \$2,500, either or both. In lieu of the imposition of confinement in jail, the court may order the defendant to perform a mandatory minimum of 10 hours of community service in *litter* abatement activities.

D. The governing body of any locality may adopt ordinances not in conflict with the provisions of this section and may repeal or amend such ordinances.

E. The provisions of this section shall not apply to the lawful disposal of such matter in landfills.

History

Code 1950, § 33-279.1; 1950, p. 453; 1970, c. 264, § 33.1-346; 1972, c. 65; 1976, c. 773; 1978, c. 226; 1981, c. 340; 1988, c. 805; [1995, c. 657](#); [2000, c. 20](#); [2003, cc. 113, 787](#); [2013, c. 156](#); [2014, c. 805](#); [2021, Sp. Sess. I, c. 175](#).

Va. Code Ann. § 33.2-802

Code of Virginia 1950

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End of Document



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

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

FROM: Kenneth Miller

RE: A request to schedule a public hearing for April 19, 2022 for the purpose of considering a Resolution to authorize the City Attorney to proceed with condemnation of a portion of parcel 065-110004, 2793 South Crater Road.

PURPOSE: To authorize the city attorney to begin the eminent domain process against 2793 South Crater Road, parcel 065-110004, property owner – BHY Investment 2, LLC, a Virginia limited liability company.

REASON: The city requires 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement to construct signal improvements at the southeast corner of South Crater Road and Flank Road intersection.

RECOMMENDATION: The Public Works Department recommends proceeding with the eminent domain process.

BACKGROUND: The city received Congestion Mitigation and Air Quality Improvement (CMAQ) funding for the South Crater Road Area – Signal Coordination project, to make improvements to the traffic signals along South Crater Road from Flank Road to Rives Road. The City's engineering consultant Kimley-Horn has developed plans to construct new traffic signals and pedestrian crossing. 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement is required from parcel 065-110004, property owner – BHY Investment 2, LLC, a Virginia limited liability company, to construct improvements. Kimley-Horn subconsultant, KDR Real Estate Services, determined value of the easements required and negotiated with BHY Investment 2, LLC. The property owner initially agreed to negotiated amount but now refuses to sign any documents.

COST TO CITY: Nominal cost associated with property value. Legal/Filing Fees

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 4/19/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. BHY Investment 2 LLC, Agenda Request Parcel 065-110004
2. BHY Investment 2 LLC, Council Resolution
3. Basic Administrative Report (BAR), 6-29-2021
4. ROW Administrative Settlement Evaluation Form, 9-14-2021
5. ROW Negotiation Report
6. KDR Letter to Eun Lee, 5-28-2021
7. KDR Letter to Eun Lee, 6-28-2021
8. KDR Letter to Eun Lee, 7-28-2021
9. KDR Letter to Eun Lee, 8-16-2021
10. KDR Letter to Eun Lee, 11-23-2021
11. KDR Letter to Eun Lee, 12-3-2021
12. KDR Letter, 1-5-2022



City of Petersburg

Agenda Request

DATE: March 4, 2022

TO: Honorable Mayor and Members of City Council

THROUGH: Stuart Turille, City Manager

FROM: Kenneth Miller, Interim Director of Public Works

RE: **Authorize City Attorney to begin Eminent Domain against Parcel 065-110004**

PURPOSE: To authorize the city attorney to begin eminent domain process against 2793 South Crater Road, parcel 065-110004, property owner – BHY Investment 2, LLC, a Virginia limited liability company.

REASON: The city requires 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement to construct signal improvements at the southeast corner of South Crater Road and Flank Road intersection.

RECOMMENDATION: The Public Works Department recommends proceeding with the eminent domain process.

BACKGROUND: The city received Congestion Mitigation and Air Quality Improvement (CMAQ) funding for the South Crater Road Area – Signal Coordination project, to make improvements to the traffic signals along South Crater Road from Flank Road to Rives Road. The City's engineering consultant Kimley-Horn has developed plans to construct new traffic signals and pedestrian crossing. 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement is required from parcel 065-110004, property owner – BHY Investment 2, LLC, a Virginia limited liability company, to construct improvements. Kimley-Horn subconsultant, KDR Real Estate Services, determined value of the easements required and negotiated with BHY Investment 2, LLC. The property owner initially agreed to negotiated amount but now refuses to sign any documents.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: Yes

STAFF: Kenneth Miller, Interim Director of Public Works

**A RESOLUTION TO AUTHORIZE THE CITY
ATTORNEY TO PROCEED WITH
CONDEMNATION OF A PORTION OF PARCEL
065-110004, 2793 SOUTH CRATER ROAD**

WHEREAS, for the construction of new traffic signals at the intersection of South Crater Road and Flank Road it is necessary to purchase 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement; and

WHEREAS, the City of Petersburg, Virginia, Department of Public Works engineering consultant, Kimley-Horn through their subconsultant KDR Real Estate Services, has attempted to negotiate with the property owner BHY Investment 2, LLC, of 2793 South Crater Road, parcel 065-110004; and

WHEREAS, BHY Investment 2, LLC has refused to sell to the City of Petersburg, Virginia, 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement to allow construction of new traffic signals; and

WHEREAS, to allow construction of the new traffic signals the Public Works Department has recommended proceeding with condemnation to obtain 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Petersburg, Virginia that the City Attorney is authorized to proceed with condemnation of the portion of property required for the permanent signal easement and the temporary construction easement.

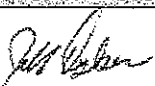
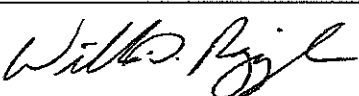
Samuel Parham, Mayor

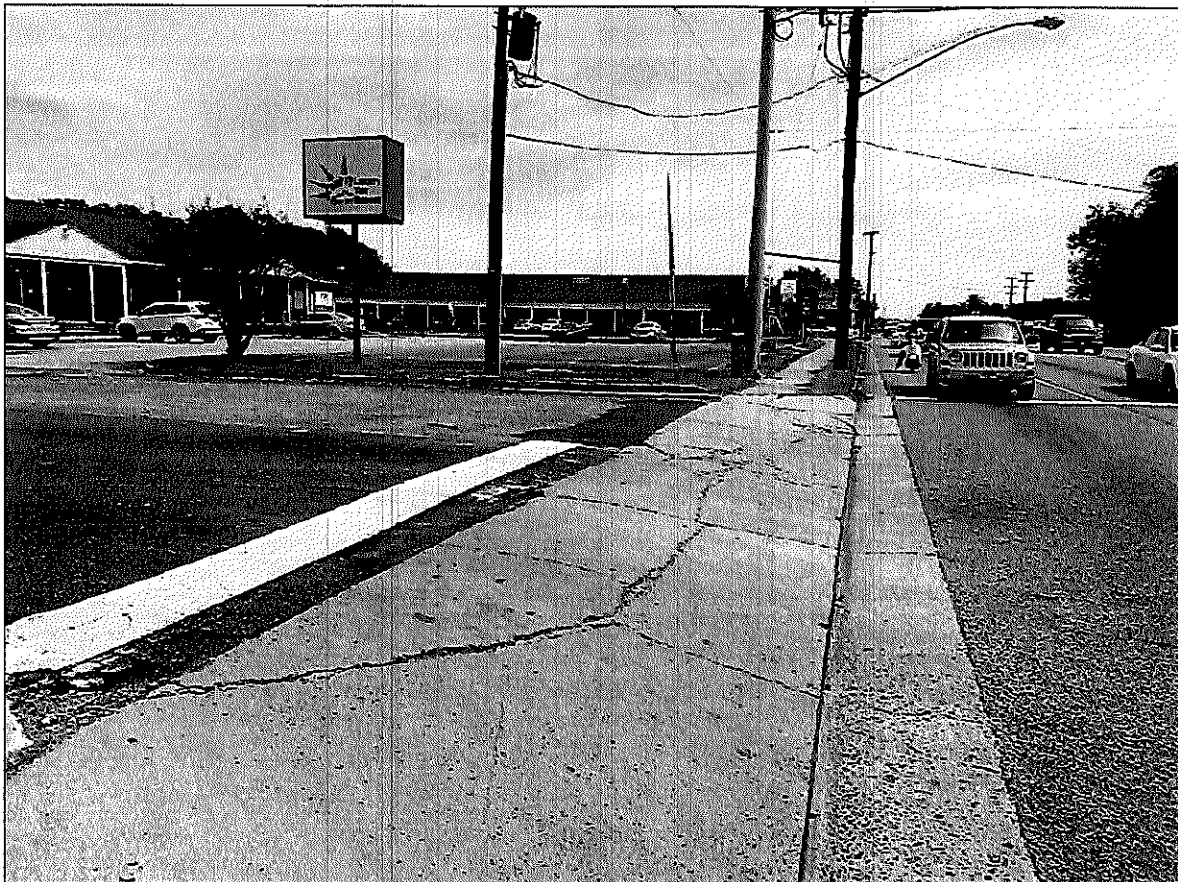
ATTEST:

Nykesha D. Jackson, Clerk of Council

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

**CITY OF PETERSBURG
BASIC ADMINISTRATIVE REPORT (BAR)
RIGHT OF WAY ACQUISITION**

Project, Parcel and Ownership Information						
Parcel No.	004					
Project Name	South Crater Road Traffic Signal Improvements					
Project No.	0301-123-259, R201				City: Petersburg	
Federal Project No.	CMAQ-5A27(096), CM-5A27					
UPC No.	101039					
Parcel Address	2793 Crater Road					
Parcel City, State and Zip	Petersburg, VA 23805-2472					
Owner Name	BHY Investment 2, LLC					
Owner Address	10 Avalon Court					
Owner City, State and Zip	Bethesda, MD 20816-1124					
Agent Name	Jefferson L. Dykes, SR/WA					
Zoning, Use and Assessment Information						
County Parcel #	065110004	Assessed Land	\$	234,100		
Zoning	B-2	Assessed Improv.	\$	1,088,700		
Current Use	Shopping Center	Total Assessed Value (2020)	\$	1,322,800		
Parcel Size Before Acquisition	5.375	Parcel Size After Acquisition		5.375		
ESTIMATE OF JUST COMPENSATION						
ITEM	UNIT	SIZE	UNIT VALUE	% OF VALUE APPLIED	ESTIMATED VALUE	
PERMANENT SIGNAL EASE	SF	153	\$ 1.25	90%	\$ 200	
TEMPORARY EASE (Const)	SF	37	\$ 1.25	15%	\$ 100	
					\$ -	
					\$ -	
Value of Land and Easements					\$ 300	
Value of Improvements (List and Comment Below)						
Cost to Cure Items (Explanation and Calculation Below)						
TOTAL ESTIMATED COMPENSATION					\$ 300	
Comments, Explanations and Calculations (e.g. if any, area of residue acquired)						
Land prices are based on a range of values derived from property transfers in your neighborhood.						
Signatures and Date Approved for Acquisition						
Agent Signature						
Date	6/01/2021					
Approved by						
Date Approved for Acquisition	6/29/2021					



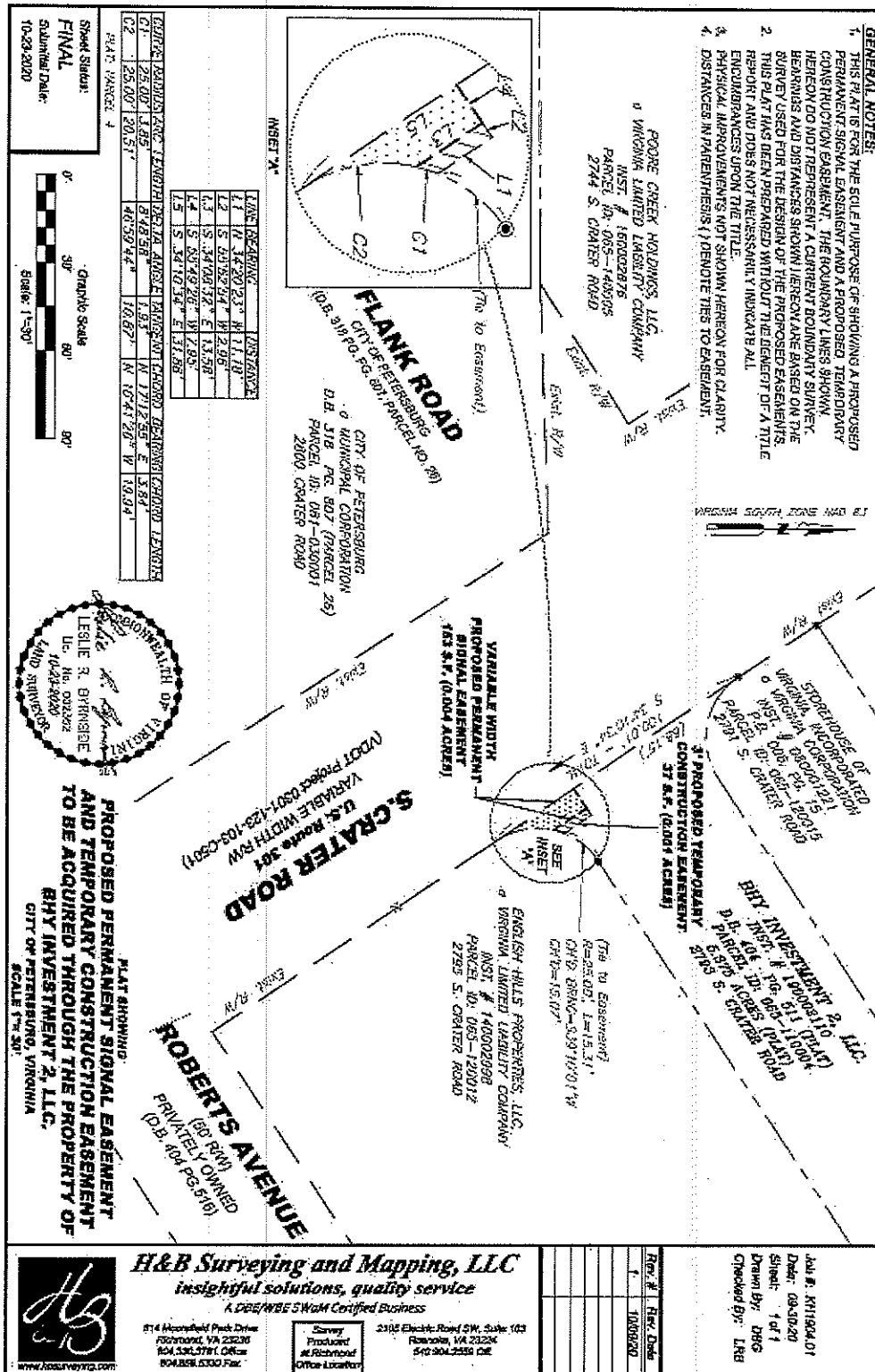
Southeast corner of property adjacent to South Crater Road entrance to property



Entrance to property from South Crater Road facing north



Petersburg GIS Tax Map



RIGHT OF WAY ADMINISTRATIVE SETTLEMENT EVALUATION FORM

Magisterial District: N/A	City: Petersburg
ROW Agent: Jaclyn Abramov	Route: South Crater Road Traffic Signal Improvement Project UPC 101039
Parcel No.: 004	State Project No. 0301-123-259, RW201 Federal Project No. CMAQ-5A27(096), CM-5A27
Project Limits: From: South Crater Road between Flank Road and Rives Road	
Owner's Name: BHY Investment 2, LLC, a Virginia limited liability company	
Approved Offer: \$ 300.00	Date Offer Made: 7/28/2021
Owner's Counteroffer: \$790.00	Date Counteroffer Rec'd.: 8/2/2021

The Administrative Settlement is ☒ / is not ☐ approved based on information provided by KDR Real Estate Services, Inc. and has been assessed as follows:


The offer package, which included the offer letter in the amount of \$300 was mailed to the landowner on 7/28/21. The valuation, project and plans were explained. The landowner submitted a counteroffer of \$790 requesting additional compensation of \$490, which was based on an increased unit value.

KDR recommends settling with the property owner for an additional \$200 for a total of \$500, as shown below:

	<u>Offer Amount</u>		<u>Negotiated Amount</u>		<u>Total</u>
Permanent Signal Easement:	\$ 200	+	\$ 100	=	\$ 300
Temporary Construction Easement:	\$ 100	+	\$ 100	=	\$ 200
Total settlement:					\$ 500.00

In addition to the justifications cited above, it provides the City of Petersburg an opportunity to avoid attorney's fees, court costs and the risk of an even higher award should this negotiation proceed to condemnation. This settlement will avoid costly construction delays and negative exposure of Petersburg City.

This Administrative Settlement of \$ 500.00 is approved ☒ / not approved ☐ as being reasonable, justified, prudent and in the public interest.


Jefferson L. Dykes, SR/WA
KDR Project Manager

9/09/2021
Date

The Administrative Settlement of \$500.00 is approved and accepted ☒ / is not accepted ☐ by the City.

Stuart Turille, Jr.
Stuart Turille, Jr.
City Manager | City of Petersburg

9/14/21
Date

RIGHT OF WAY NEGOTIATION REPORT

Date: December 28, 2021

Project: South Crater Road Traffic Signal Improvements Project

State Project No: 0301-123-259, RW 201

Federal Project No: CMAQ-5A27(096)

UPC: 101039

Parcel No(s): 004

Landowner(s): BHY Investment 2, LLC, a Virginia limited liability company

Property Address: 2793 S. Crater Road, Petersburg, VA 23805

Plan Sheet No(s): 3 and 3A

Landowner Representative Information: Eun Lee, 301-905-7338

Appraisal Information: Basic Administrative Report

Property Rights Acquired:

Category	Description	Units	Size	Value
Permanent Easement	Signal	Square Feet	153	\$200
Temporary Construction Easement	Construction	Square Feet	37	\$100

Total Consideration: **\$300.00**

Consideration Statement: \$300.00 in full for permanent signal easement, temporary construction easement, and any and all damages, if any.

Negotiation Information:

Negotiator: Jaclyn M. Abramov

Assigned: July 27, 2021

Completed: December 28, 2021

Utility Easement Information: N/A

Title Information:

Researcher: Regina Essel

Type of Title: COR

PID#: 065-110004

Instrument No. 190002110 Date of Instrument 5/29/2019 Recorded Date 8/15/2019

Lienholder Information:

Lienholder: United Bank

Address:

Phone Number:

Loan #:

Contact Information:

7/27/2021: I called Mr. Lee and I introduced myself and my role as Right of Way Specialist with KDR Real Estate Services. I explained KDR's relationship with the City of Petersburg and the South Crater Signal Improvements Project. I explained that I would be mailing the offer package overnight delivery and the offer letter would be coming via certified mail and we agreed to discuss this further after he receives the package. He confirmed his mailing address. JABramov *ja*

7/28/2021: Due to the major health concerns with the COVID-19 virus and social distancing standards being implemented statewide, KDR Project Manager Jeff Dykes, on the guidance of VDOT, approved the mailed delivery of the offer package. The offer package, which included the offer letter in the amount of \$300, Approved Basic Administrative Report, Deed of Easement, with plat attached setting forth rights to be acquired, Compensation Agreement, Plan Sheet, Profile Sheet, Verification of Identity Form, Owner Seller Affidavit, Certificate of Authorization, Deed of Trust Acknowledgement Form, Mortgage Information/ Third Party Authorization Form, Title Report, Commonwealth of Virginia Substitute W-9 Form and VDOT's Brochure: "A Guide for Property Owners and Tenants", was mailed to the landowner. A description of the area needed was included in the offer letter, providing an explanation of grade changes at the edge of pavement and road shoulder. JABramov *ja*

7/29/2021: The offer package was delivered and delivery confirmation was received. JABramov *ja*

8/2/2021: I called Mr. Eun Lee and he stated that he and his wife felt that this offer was too low. He submitted a counteroffer of \$5.00 per square foot, which is a total of \$790, an additional \$490. I requested his justification and he stated that his has a higher value than what we offered. I submitted his counteroffer to Jeff Dykes. JABramov *ja*

8/4/2021: Jeff Dykes advised that the City could agree to settle for \$500. JABramov *ja*

8/6/2021: I called Mr. Lee and left a message asking him to call me back. JABramov *ja*

8/6/2021: I called Mr. Lee and left a message asking him to call me back. JAbramov *ja*

8/10/2021: I called Mr. Lee and discussed the counteroffer with him. He agreed to settle for a total of \$500. JAbramov *ja*

8/13/2021: I mailed Mr. Lee the documents for signature. JAbramov *ja*

8/25/2021: I called Mr. Lee and he said he will get the documents signed this week and get them back to me. I reminded him that he needs to make sure the company is reinstated with the SCC. JAbramov *ja*

9/8/2021: I called Mr. Lee and left a message. JAbramov *ja*

9/14/2021: I called Mr. Lee and left a message to follow up with him. JAbramov *ja*

9/23/2021: I called Mr. Lee and left a message to follow up with him. JAbramov *ja*

9/27/2021: I called Mr. Lee and no one answered. JAbramov *ja*

10/4/2021: I called Mr. Lee to follow up with him and left a message asking him to call me back. JAbramov *ja*

10/7/2021: I called Mr. Lee and he answered and said that he would get the documents in the mail to me tomorrow. JAbramov *ja*

10/14/2021: I called Mr. Lee and left a message stating that I have not received the documents and requesting that he get them to me as soon as possible. JAbramov *ja*

10/20/2021: I called Mr. Lee and left a message to follow up with him about the documents and asking him to call me back. JAbramov *ja*

10/25/2021: I called Mr. Lee and left a message. JAbramov *ja*

10/28/2021: I called Mr. Lee and left a message. JAbramov *ja*

11/3/2021: I called Mr. Lee and left a message. JAbramov *ja*

11/9/2021: I called Mr. Lee and left a message. JAbramov *ja*

11/11/2021: I called Mr. Lee and left a message. JAbramov *ja*

11/15/2021: I called Mr. Lee and left a message. JAbramov *ja*

11/18/2021: I called Mr. Lee and left a message. JAbramov *ja*

11/23/2021: I sent a follow up letter to Mr. Lee requesting that he respond within two weeks. JAbramov *ja*

11/30/2021: I called Mr. Lee and he answered. I asked him if he was going to sign the documents and return them to me and he stated that he didn't want to sign any documents. I asked why he did not want to sign the documents now, when we had already reached an agreement and he said he just didn't want to sign anything. I stated that this was a very small impact to the land and it was for two small easement areas and I attempted to describe the areas to him. He continued to say he didn't want to sign anything. I asked him if we could meet on site to view the area and he declined. He said he was not going to sign anything. Therefore, I explained the condemnation process and eminent domain to him and he stated that he understood. I advised Jeff Dykes of the conversation. J.Abramov *ga*

12/2/2021: An impasse letter was mailed to the landowner requesting that they respond within two weeks and explaining that if we cannot reach an agreement that we will turn the file over to the City to consider Condemnation. J.Abramov *ga*

12/28/2021: No response has been received from the landowner. At this time, this is considered a refusal and KDR recommends to the City of Petersburg to move forward with filing a certificate to keep the Project Schedule. J.Abramov *ga*

Certification Statement:

This is to certify that this report covers my complete negotiations with this landowner for the rights-of-way required in accordance with the plans which were furnished me for these negotiations and that (1) I understand that the right-of-way is required in connection with the construction of county state and/or federal aid highway project (2) the written agreement secured and/or offer covers all of considerations between the landowner(s) and me and that there were no verbal commitments made (3) the agreement, if any, was reached without coercion, promises, threats, or any other understanding of any kind by either party prior to the said agreement, if any, being executed and (4) I have no direct interest in the property involved and contemplate no future personal interest or benefits from the acquisition, if any.

Signature: Jaclyn M. Abramov Date: December 28, 2021

Approved by: Jeff Dykes Date: 1/05/2022



KDR Real Estate Services

"When you need it done the right way"

May 28, 2021

RE: South Crater Road Traffic Signal Improvements Project (UPC 101039)
State Project No.: 0301-123-259, R201
Federal Project No.: CM-5A27(740)
Property Owner: BHY Investment 2 LLC
Property Address: 2793 South Crater Road, Petersburg, VA 23805
Parcel ID No.: 065-110004
Parcel No.: 004

BHY Investment 2 LLC
c/o Eun S. Lee, President
10 Avalon Court
Bethesda, MD 20816

Dear Eun Lee:

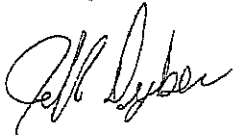
The City of Petersburg is proceeding with plans to improve signal operations, mitigate congestion, improve travel times, and improve overall safety at six (6) intersections along South Crater Road between Flank Road and Rives Road. The project will include upgrading traffic signals, installing signal poles and mast arms, signal heads, video detection, pedestrian signal heads, pedestrian curb ramps, communications equipment, and other signal and pedestrian improvements. Construction on this project is projected to start in early 2022.

Construction plans indicate that right-of-way and/or easement(s) will need to be acquired on your property to allow for the construction of the improvements. KDR Real Estate Services (KDR) has been retained by Kimley-Horn, the City of Petersburg's design engineer, to acquire the property rights needed for the construction of the project.

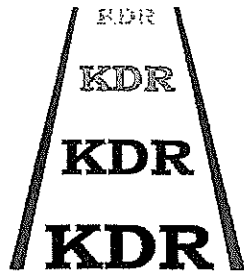
The City and Kimley-Horn are in the process of finalizing plans, evaluations, and conveyance documents. Once KDR receives approval from the City to initiate the presentation of an offer for the rights that are to be acquired, KDR will be contacting you or your appointed representative to schedule an appointment to explain the project and present a written purchase offer for the property rights needed, which will include land, affected improvements, and/or any applicable easements.

Enclosed please find a contact sheet to be completed and returned in the enclosed envelope. If you have any questions, you may contact me by postal mail, telephone, or email. I can be reached at 804.956.4672 or by email at jdynes@kdrrealestate.com. A business card with my contact information is enclosed for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Dykes". The signature is fluid and cursive, with the first name "Jeff" and last name "Dykes" clearly distinguishable.

Jefferson L. Dykes, SR/WA
KDR Project Manager
Enclosure



KDR Real Estate Services

"When you need it done the right way"

June 28, 2021

BHY Investment 2 LLC
c/o Eun S. Lee, President
10 Avalon Court
Bethesda, MD 20816

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)
State Project No.: 0301-123-259, RW201
Property Owner: BHY Investment 2 LLC
Property Address: 2793 South Crater Road, Petersburg, VA 23805
Tax Map No.: 065-110004
Parcel No.: 004

Dear Eun Lee:

The City of Petersburg is proceeding with plans to improve signal operations, mitigate congestion, improve travel times, and improve overall safety at six (6) intersections along South Crater Road between Flank Road and Rives Road. The project will include upgrading traffic signals, installing signal poles and mast arms, signal heads, video detection, pedestrian signal heads, pedestrian curb ramps, communications equipment, and other signal and pedestrian improvements. Construction on this project is projected to start in early 2022.

Construction plans indicate that right-of-way and/or easement(s) will need to be acquired on your property to allow for the construction of the improvements. KDR Real Estate Services (KDR) has been retained by the City of Petersburg to acquire the property rights needed for the construction of the project.

The City has requested that KDR evaluate the land and/or easements needed from your property for construction of this project. Please contact me at **804.956.4672** if you have any questions about the evaluation process. If I am unavailable, please leave a message.

Once the evaluation has been completed and approved by the City, we will schedule an appointment to explain the project and present a written purchase offer for the property rights to be acquired. This offer will be based on the approved evaluation. A copy of the approved evaluation (Basic Administrative Report) will be provided to you at this time along with copies of a title report, plat, and sidewalk plans showing the construction that is to take place on your property.

Thank you for your cooperation.

Yours truly,

A handwritten signature in dark ink, appearing to read "Jeff Dykes", written in a cursive style.

Jefferson L. Dykes, SR/WA
KDR Project Manager

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact your District Civil Rights Manager or the Title VI Specialist at Central Office (804) 786-2085 (or TTY 711).

VDOT asegura la no discriminación y el empleo con igualdad de oportunidades en todos los programas y actividades, de acuerdo con el Título VI y VII de la Ley de Derechos Civiles de 1964. Si necesita más información o ayuda especial para personas con discapacidades o una competencia limitada en idioma inglés, comuníquese con el Director de Derechos Civiles del Distrito o con el Especialista en el Título VI a la oficina Central (804) 786-2085 (o TTY 711).



City of Petersburg

Office of the City Manager
135 North Union Street
Petersburg, Virginia 23803

(804) 733-2301

VIA UPS OVERNIGHT DELIVERY /CERTIFIED MAIL-RETURN RECEIPT

28
Date: July 16, 2021

BHY Investment 2, LLC
c/o Eun S. Lee, Manager
10 Avalon Court
Bethesda, MD 20816

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)
State Project No: 0301-123-259, RW201
Property Owner: BHY Investment 2, LLC, a Virginia limited liability company
Property Address: 2793 S. Crater Road, Petersburg, VA 23805
PID No.(s): 065-110004
Parcel No(s): 004

Dear Eun:

As you may know, the City of Petersburg is proceeding with plans to improve signal operations, mitigate congestion, improve travel times, and improve overall safety at six (6) intersections along South Crater Road between Flank Road and Rives Road. The project will include upgrading traffic signals, installing signal poles and mast arms, signal heads, video detection, pedestrian signal heads, pedestrian curb ramps, communications equipment, and other signal and pedestrian improvements. The projected start date for construction on this project is early 2022. In order to implement these improvements, additional right of way and/or easements are needed that will affect your property. The City of Petersburg has contracted with KDR Real Estate Services, Inc. to acquire the right of way for this project. The authorized agent is Jaclyn M. Abramov with KDR Real Estate Services, Inc. You may contact Jackie at **804.956.4674** or via email at **jabramov@kdrrealestate.com**.

The City's offer is based upon a study of the real estate market in your area to determine the market value per unit. After inspection and consideration of the impact of the proposed improvements upon your property, a percentage was determined and applied to the unit value, and the market value of the property rights to be acquired was established at \$300.00. Accordingly, the City offers you **\$300.00** as full compensation for the property rights described in the enclosed deed of easement and agreement.

A breakdown of this offer is as follows:

TYPE OF ACQUISITION	AREA (SQUARE FEET)	UNIT VALUE	PERCENT OF VALUE APPLIED	ESTIMATED MARKET VALUE	TOTALS
Permanent Signal Easement	153	\$1.25	90%	\$200	
Temporary Construction Easement	37	\$1.25	15%	\$100	
TOTAL ESTIMATED VALUE OF EASEMENTS ACQUIRED					\$300.00
TOTAL OFFER AMOUNT					\$300

Please find enclosed for your review the following documents:

- Basic Administrative Report (BAR)
- Deed of Easement, with plat attached setting forth the rights to be acquired
- Compensation Agreement
- Plan Sheet and Mainline Profile Sheet Numbers 3 and 3A
- Verification of Identity
- Certificate of Authorization
- Third Party Mortgage Authorization
- Owner/Seller Affidavit
- Commonwealth of Virginia Substitute W-9 Form (Form W-9)
- VDOT's Brochure: "A Guide for Property Owners and Tenants"
- Title Report

The following will be required:

- Copy of Operating Agreement
- Payment of Delinquent Taxes
- Reinstatement with Virginia State Corporation Commission

Additional title requirements may be requested before settlement.

Plan Sheet 3 shows specific features highlighted in the following colors: GREEN - the permanent signal easement and ORANGE - the temporary construction easement.

A description of the areas needed is as follows:

The proposed permanent signal easement area shown outlined in GREEN is described as containing 153 square feet, located in the southeastern corner of the property, extending

approximately 31 feet along the southern property line and varies in width from approximately 8 to 20 feet in width. The proposed temporary construction easement shown outlined in ORANGE is described as containing 37 square feet, located behind the proposed permanent signal easement, extending approximately 11 feet in length and approximately 3 feet in width. This easement provides space to conduct the construction.

The South Crater Road Traffic Signal Improvements Project will improve six (6) intersections along South Crater Road between Flank Road and Rives Road. The project will include upgrading traffic signals, installing signal poles and mast arms, signal heads, video detection, pedestrian signal heads, pedestrian curb ramps, communications equipment, and other signal and pedestrian improvements.

We are all adapting to the current pandemic and have heard that the most effective way to minimize risk of the COVID-19 virus's transmission is to maximize social distance. As a temporary response to this global crisis and the request of social distancing in order to minimize contact, the agent is sending these documents to you in advance of their meeting with you in person. When you meet, the agent will explain (as applicable) all proposed changes in profile, elevation and grade of the highway and entrances, including the elevations of proposed pavement and shoulders, both center and edges, with relation to the present pavement, and the approximate grade of entrances to your property. The agent will also discuss our purchase offer with you. The meeting will give you the opportunity to ask questions and discuss with the purchase offer and any concerns or issues you may have. After you have had a chance to review the enclosed documents, please let the agent know so that they can schedule the meeting. A business card with the agent's contact information is enclosed for your ready reference.

Pursuant to § 25.1-204(B) of the Code of Virginia, the City of Petersburg has reviewed this acquisition for purposes of complying with § 1-219.1 of the Code of Virginia. The public use for this project is traffic signal improvements (South Crater Road).

Thank you for your consideration of the City's offer.

Sincerely,



Stuart Turille Jr.
City Manager
City of Petersburg, VA

ST/jm
Enclosures

Return To: KDR Real Estate Services, Inc., 2500 Grenoble Rd., Richmond, VA 23294
Title Insurance: WFG National Title Insurance Company

PID: 065-110004

Consideration: \$ 300.00

EXEMPT FROM RECORDATION TAXES AND FEES UNDER VA. CODE §§ 58.1-801, 58.1-802, AND 17.1-279(A), PURSUANT TO VA. CODE §§ 58.1-811(A)(3) AND (C)(5), AND 17.1-279(E).

THIS DEED OF EASEMENT is entered into _____, 2021, by
BHY INVESTMENT 2, LLC, a Virginia limited liability company, GRANTOR, and **the CITY OF PETERSBURG**, a municipal corporation of the Commonwealth of Virginia, GRANTEE (the "City").

WITNESSETH:

In consideration of the sum of \$10.00 paid by the Grantee to the Grantor, receipt of which is acknowledged, the Grantor conveys to the Grantee in fee simple, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, the easement(s) located in the City of Petersburg, Virginia, and described as follows:

The right, privilege and easements of right of way containing 153 square feet (0.004 acre) to install, operate, construct and maintain traffic signal equipment and devices, all as more particularly described, shown and designated as "VARIABLE WIDTH PROPOSED PERMANENT SIGNAL EASEMENT, 153 S.F. (0.004 ACRES)" on a plat titled "PLAT SHOWING PROPOSED PERMANENT SIGNAL EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT TO BE ACQUIRED THROUGH THE PROPERTY OF BHY INVESTMENT 2, LLC, CITY OF PETERSBURG", dated September 30, 2020, prepared by H & B Surveying and Mapping, LLC, a copy of which is attached hereto as a part hereof and is to be recorded simultaneously herewith.

Together with a 37 square foot (0.001 acre) temporary construction easement designated as "3' PROPOSED TEMPORARY CONSTRUCTION EASEMENT, 37 S.F. (0.001 ACRES)" on the Plat (the "Easements"). The Easements shall be used for all purposes related to construction of road, traffic, and related slope and drainage improvements, including access during construction. Reference is made to the Plat for a more complete description of the Easements.

The Grantee shall have the right to trim, cut, and remove trees, shrubbery, fences, or other obstructions or facilities in or near the easement(s) being conveyed

deemed by it to interfere with the proper construction, operation, and maintenance of its utility facilities within the easement; provided, however, that the Grantee at its own expense shall restore, as nearly as possible, the premises to their original condition, such restoration to include, as a minimum, backfilling of trenches, replacement of shrubbery, resodding, and reseeded of lawns and pasture areas, but not the replacement of structures, trees, or other obstructions, with the exception of mailboxes, which may be reasonably relocated as part of the replacement.

The Grantee shall have the exclusive right to inspect, rebuild, remove, repair, improve and make such changes, alterations, additions to or extensions of its equipment and devices as it shall, in its sole discretion, deem appropriate in order to properly control the traffic flow; provided, however, that all such equipment and devices (including improvements to and replacements of such equipment and devices) and construction, installation, maintenance and repair shall conform to all applicable laws, ordinances, codes and regulations.

Being a portion of the same property conveyed to BHY Investments 2, LLC, a Virginia limited liability company, by Trustees Deed from Stuart A. Simon, Substitute Trustee and I.L. Development, Inc. a Virginia corporation, dated May 29, 2019, and recorded June 20, 2019, in the City of Petersburg Circuit Court Clerk's Office as Instrument Number 190001598 and further corrected and re-recorded August 15, 2019, as Instrument Number 190002110.

The Temporary Construction Easement shall terminate upon completion of construction of the roadway improvements.

The Grantor, by the execution of this instrument, acknowledges that the plans for the project as they affect the subject property have been fully explained to the Grantor or its authorized representative.

The Grantor covenants that it has the right to convey the land to the Grantee, that it has done no act to encumber the same and that it will execute such further assurance of the same as may be necessary.

The Grantor covenants and agrees for itself, its heirs, successors, and assigns, that the consideration stated above is in lieu of any and all claims to compensation for land, and for damages, if any, to the remaining lands of the Grantor that might result by reason of the use to which the Grantee will put the land to be conveyed.

The signature and seal of the Grantor are set out below in acknowledgment of this conveyance.

SIGNATURES ON FOLLOWING PAGES

GRANTOR

**BHY INVESTMENT 2, LLC, a
Virginia limited liability company**

Printed name: _____

Title: _____

CITY/COUNTY OF _____,
STATE/ COMMONWEALTH OF _____,

The foregoing instrument was acknowledged before me _____, 2021, by
_____, _____ of BHY Investment 2, LLC, a Virginia
limited liability company, on behalf of the company.

My commission expires: _____

Notary registration number: _____

Notary Public

This Deed is accepted by the City of Petersburg, Virginia, pursuant to Va. Code § 15.2-1803. Acceptance by the City is evidenced by the following signature of an authorized official of the City of Petersburg.

Date: _____

Name: _____ (SEAL)
City Manager

CITY OF PETERSBURG
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by City Manager, on behalf of the City of Petersburg, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to form:

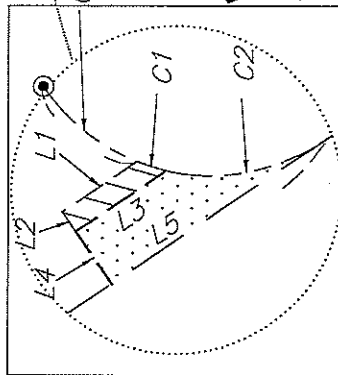
City Attorney

Date: _____

GENERAL NOTES:

1. THIS PLAT IS FOR THE SOLE PURPOSE OF SHOWING A PROPOSED PERMANENT SIGNAL EASEMENT AND A PROPOSED TEMPORARY CONSTRUCTION EASEMENT. THE BOUNDARY LINES SHOWN HEREON DO NOT REPRESENT A CURRENT BOUNDARY SURVEY. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE SURVEY USED FOR THE DESIGN OF THE PROPOSED EASEMENTS.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
3. PHYSICAL IMPROVEMENTS NOT SHOWN HEREON FOR CLARITY.
4. DISTANCES IN PARENTHESIS () DENOTE TIES TO EASEMENT.

POORE CREEK HOLDINGS, LLC,
a VIRGINIA LIMITED LIABILITY COMPANY
INST. # 160002876
PARCEL ID: 085-140005
2744 S. CRATER ROAD



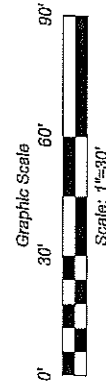
INSET "A"

LINE	BEARING	DISTANCE
L1	N 34°20'23" W	11.18'
L2	S 55°52'54" W	2.96'
L3	S 34°08'32" E	13.58'
L4	S 55°49'26" W	7.95'
L5	S 34°10'34" E	31.86'

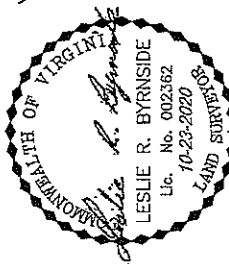
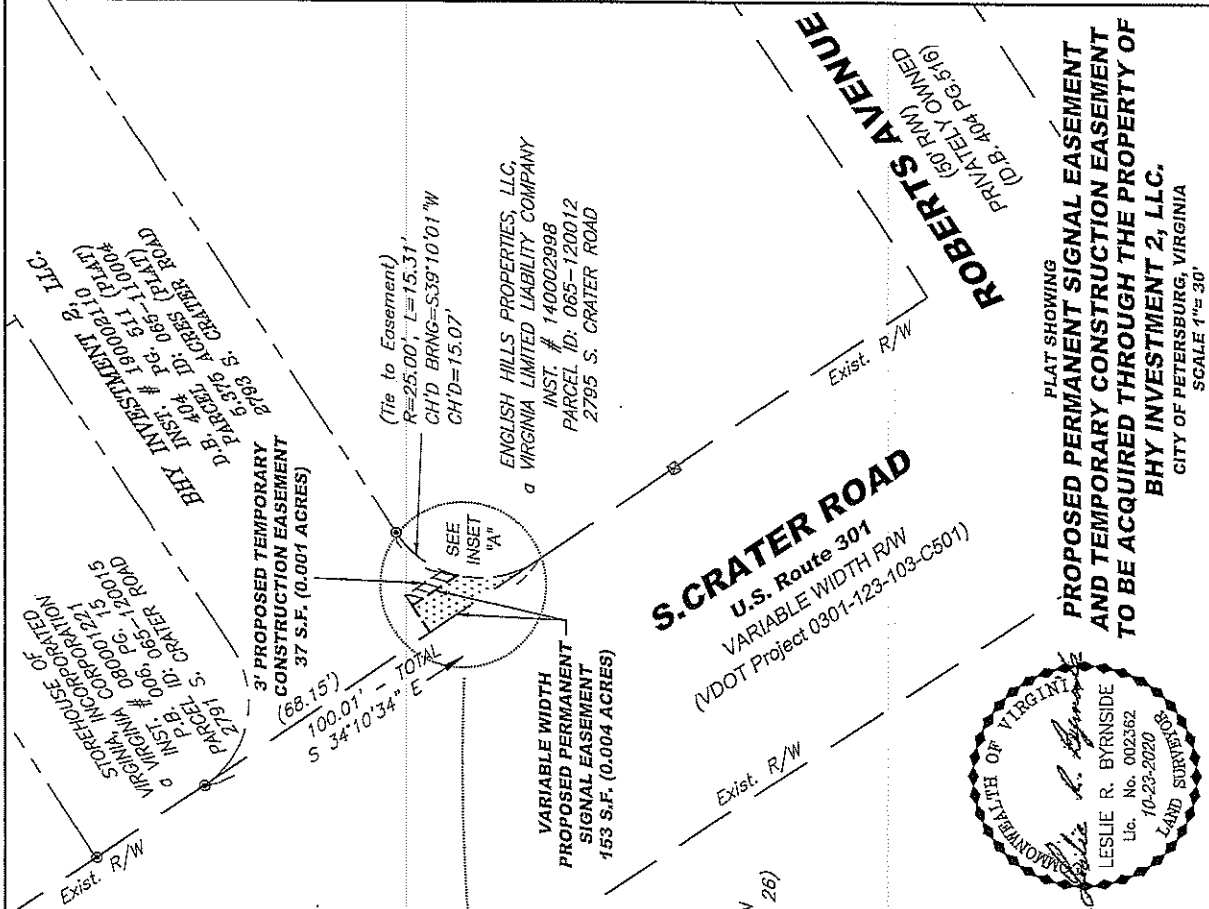
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT	CHORD	BEARING	CHORD LENGTH
C1	25.00'	3.85'	8'48'58"	1.93'	N 17°12'55" E	3.84'	
C2	25.00'	20.51'	46°59'44"	10.87'	N 10°41'26" W	19.94'	

PLAT: PARCEL 4

Sheet Status:
FINAL
Submitted Date:
10-23-2020



VIRGINIA SOUTH ZONE NAD 83



PLAT SHOWING
**PROPOSED PERMANENT SIGNAL EASEMENT
AND TEMPORARY CONSTRUCTION EASEMENT
TO BE ACQUIRED THROUGH THE PROPERTY OF
BHY INVESTMENT 2, LLC.**
CITY OF PETERSBURG, VIRGINIA
SCALE 1"=30'

H&B Surveying and Mapping, LLC
insightful solutions, quality service
A DBE/WBE Small Certified Business
Survey
Produced
at Richmond
Office Location
2105 Electric Road SW, Suite 103
Roanoke, VA 23224
840.904.2859 Off.
804.859.5330 Fax
614 Moorefield Park Drive
Richmond, VA 23236
804.330.3781 Office
www.hbsurveying.com

Rev. #	Rev. Date
1	10/09/20

Job #: KH1804.01
Date: 09-30-20
Sheet: 1 of 1
Drawn By: DBG
Checked By: LRB

COMPENSATION AGREEMENT

South Crater Road Traffic Signal Improvements Project (UPC 101039) City of Petersburg

Property Owner(s): BHY INVESTMENT 2, LLC
Mailing Address: 10 Avalon Court, Bethesda, MD 20816
PID(s): 065-110004
Project Parcel No(s): 004

This Compensation Agreement (the "Agreement") dated _____, 2021, is entered into by BHY INVESTMENT 2, LLC, a Virginia limited liability company (the "Property Owner(s)"), sole owner(s) of the fee simple title to property which is the subject of a Deed of Easement between Property Owner and the City of Petersburg, Virginia, a municipal corporation of the Commonwealth of Virginia (the "City"), ("Conveyance Instrument(s)"), to be recorded in the City of Petersburg Circuit Court Clerk's Office, a copy (copies) of which is (are) attached to and incorporated into this Agreement. Any amounts required to be paid to lenders or other lien holders and/or any delinquent real estate taxes required to be paid shall be deducted from the amount due to Property Owner, except as otherwise expressly stated herein.

Property Owner and City agree as follows:

1. That payment in the amount of **\$300.00** is fair and just compensation for conveyance of the rights described in the Conveyance Instrument(s). Compensation shall be paid upon recordation of the Conveyance Instrument(s) in the Clerk's Office. Recording is contingent upon City obtaining releases and other documents as necessary to ensure that clear title to the rights under the Conveyance Instrument(s), satisfactory to City, is conveyed. Property Owner agrees to cooperate in obtaining necessary release(s) from lien holders; however, all processing fees for said release(s) shall be paid by City. City shall have no obligation under this Agreement to pay compensation to Property Owner until City has received all releases and other documents necessary to ensure clear title to the rights described in the Conveyance Instrument(s).
2. Upon execution by Property Owner of this Agreement and Conveyance Instrument(s) and acceptance by City as evidenced by the signature below, Property Owner grants to City, its agents or assigns, permission to enter the property described above for all purposes related to the project within the areas described in the Conveyance Instrument(s).
3. Additionally, upon acceptance by City, Property Owner will be provided a fully executed copy of this Agreement. *If not accepted, Property Owner will be notified in writing.*
4. The terms of this Agreement shall extend to and be binding upon the parties, their successors and assigns.

WITNESS the following signatures and seals made pursuant to due authority:

PROPERTY OWNER:

BHY INVESTMENT 2, LLC,
a Virginia limited liability company

By: _____ (SEAL)

Date: _____

Name Printed: _____

Title: _____

City of Petersburg, Virginia

By: _____ (SEAL)

Date: _____

Name Printed: _____

Title: _____

Identification Document (ID) Verification

Notary Disclosure. My duties are regulated by Section 47.1-2 of the Virginia State Code. As a notary public, I am authorized—but not required—to certify that my statements are true and/or that certain events have taken place if I have witnessed them. My official signature and seal on this form certify only that I have examined the identification documents (IDs) presented to me. I have no authorization to verify the validity of such documents or certify exact copies of original documents of which reside in the public record or the office of an official custodian.

1st Card Bearer

Printed Name, Signature, Date _____

Type of Card, Issuing Agency _____

Unique serial or card number _____

Issue date & Expiration date _____

Check each item the ID contains ☐ photo ☐ signature ☐ physical description ☐ other: _____

2nd Card Bearer

Printed Name, Signature, Date _____

Type of Card, Issuing Agency _____

Unique serial or card number _____

Issue date & Expiration date _____

Check each item the ID contains ☐ photo ☐ signature ☐ physical description ☐ other: _____

CERTIFICATE of NOTARY PUBLIC

State/Commonwealth _____

County of: _____

I, _____, the undersigned notary public, hereby certify that on the _____ day of _____, 20____, the above-listed card bearer(s) appeared before me and presented valid, unexpired identification document(s) (IDs). I further certify that I physically examined the ID(s) presented, that the ID(s) appeared to be genuine, and that the individual(s) appearing before me and presenting the ID(s) appeared to be the individual(s) represented on the ID(s).

In witness whereof, I have hereunto set my hand and seal.

Notary Public Printed Name

Notary Public Signature

Phone Number: _____

Email Address: _____

Address: _____

**CERTIFICATE OF AUTHORIZATION
FOR EUN S. LEE TO ACT ON BEHALF
OF BHY INVESTMENT 2, LLC**

The undersigned, being a/the duly elected, qualified and acting Managing Member/Manager of BHY INVESTMENT 2, LLC, does hereby certify as follows:

1. The undersigned has knowledge that and certifies that the proper statutory corporate certificate exists for BHY INVESTMENT 2, LLC, a Virginia LLC; and remains in full force and effect on the date of this certificate and have not been amended; and
2. That BHY INVESTMENT 2, LLC is active and in good standing with the State Corporation Commission of Virginia; and
3. That BHY INVESTMENT 2, LLC is a valid and existing limited liability company in the State of Virginia and that the execution and delivery of the deed documents required by the sale/transfer is valid pursuant to a valid resolution/operating agreement of the LLC; and
4. that the operative terms and provisions of the articles of organization/operating agreement provide that the Manager/Managing Member, specifically, _____, may act in the capacity of conveying real estate, including but not limited to, signing deeds on behalf of the Company and any other necessary documents related to conveyance and/or encumbrance of said real estate; and
5. that I, have thoroughly reviewed the Articles of Organization, dated April 25, 2019, and/or Operating Agreement and have determined that the Managing Members have the authority to act on behalf of said company.
6. That as of the date hereof, the LLC continues to exist and has not been dissolved for any reason, including but not limited to bankruptcy of any Member of the LLC or the LLC itself, or the death, resignation, or expulsion of any LLC Member.
7. I am Manager/Managing Member of BHY INVESTMENT 2, LLC.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands as of

the _____ day of _____, 2021.

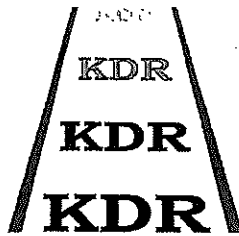
By _____

Subscribed and sworn to before me this ____ day of _____, 2021 by

Notary Public

My commission expires: _____

Registration Number: _____



KDR Real Estate Services

"When you need it done the right way"

Name of Lender

Address

City, State, Zip Code

RE: Project: South Crater Road Traffic Signal Improvements Project
Property Owner: BHY Investment 2, LLC, a Virginia limited liability company
Property Address: 2793 S. Crater Road, Petersburg, VA 23805

To Whom It May Concern:

I authorize you to release information and any documentation regarding the total/partial release for the above referenced property to the office of KDR Real Estate Services, Closing Agent for City of Petersburg, Virginia. I acknowledge that a telephonic facsimile (FAX) or photographic copy shall be as valid as the original. If during the course of the referenced project my lender changes either through assignment or refinance or the addition of a new lien holder, I hereby authorize any and all my past, current or future lien holders to communicate and share information with KDR Real Estate Services, Inc. to obtain the necessary releases, partial releases and/or subordinations needed, including any payoff information for judgments. Thank you for your assistance.

BHY Investment 2, LLC, a Virginia limited liability company

_____, Manager

Date

First Mortgage:

Loan Company: _____

Loan Number: _____

Address: _____

Phone: _____

Second Mortgage:

Loan Company: _____

Loan Number: _____

Address: _____

Phone: _____

2102/003

RESIDENTIAL SELLER'S/BORROWER'S AFFIDAVIT

County/City of _____, Commonwealth of Virginia
Commitment # _____

1. The undersigned Affiant(s) is the record titleholder of the property known and described in the Commitment referenced above or as described on the attached Exhibit (the "Property").
2. The Property is currently used as: a single family residence.
The street address of the Property is: 2793 S. Crater Road, Petersburg, VA 23805
3. The building and all improvements on the Property were completed more than 30 years ago.
4. As to Mechanic's Liens: That at no time within 120 days of the date hereof has any work, services, or labor done, or any fixtures, apparatus or material been furnished in connection with, or to the Property, except such material, fixtures, work, apparatus, labor or services that have been fully and completely paid for; that there is no indebtedness to anyone for any labor, fixtures, apparatus, material services, or work done to, upon, or in connection with the Property; that there is no claim or indebtedness; that there is no mechanics' lien claim against the Property; whether of record or otherwise;
5. As to contracts and conveyances: That no agreement or contract for conveyance, or deed, conveyance, written lease, or writing whatsoever, is in existence, adversely affecting the title to the Property, except that in connection with which this Affidavit is given;
6. As to possession: That there are no parties in possession of the Property other than the undersigned.
7. As to Judgments: That no judgment or decree has been entered in any court against said Affiant and which remains unsatisfied; that no proceedings in bankruptcy have ever been instituted by or against Affiant in any court, or before any officer of any state;
8. As to marital status: That the undersigned is single/married, and if married, the undersigned have been continuously married to each other since the undersigned first took title to the Property.
9. As to taxes and assessments: That there are no outstanding unpaid or delinquent real estate taxes or assessments against the Property; further, that there are no unpaid or delinquent water or sewer service charges against the Property;
Also, that the undersigned has not received notice, nor know of any recent future planned improvements (such as street paving, sidewalks, street lighting, surface drainage, etc.) that will or might result in a special assessment against the Property; additionally, there are no unpaid homeowners, condominium, or other special assessments affecting the Property.
10. As to violations: The Undersigned know of no violations of any zoning law or ordinance; or violations of restrictive covenants affecting the Property; or violations caused by an illegal lot division or failure to comply with any subdivision laws or ordinances.
11. As to encroachments: The Undersigned know of no encroachments of any improvements from the Property onto adjoining property including but not limited to walls and fences, easement or utility areas.
12. As to access: The Property has never had its access to and from a public street limited in any way.
13. As to building permits: The Undersigned have never been aware of problems relating to either the issuance of a building permit or to the failure to obtain one for an improvement to the Property.
14. This Affidavit is made to induce the purchase of and/or a loan secured by the Property and the issuance of a title insurance policy relating to the same; and
15. That Affiant(s) further state(s) familiarity with the nature of an oath; and with the penalties as provided by the laws of the Commonwealth for falsely swearing to statements made in an instrument of this nature and further certify that Affiant(s) has or have read or reviewed full facts of this Affidavit and understand its contents.

BHY INVESTMENT 2, LLC, a Virginia limited liability company

By: _____ {SEAL}
_____, Manager

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC

My Commission Expires: _____

Form **W-9**Commonwealth of Virginia
Substitute W-9 Form

Revised December 2017

**Request for Taxpayer Identification
Number and Certification**☐ Social Security Number (SSN)☐ Employer Identification Number (EIN)

Please select the appropriate Taxpayer Identification Number (EIN or SSN) type and enter your 9 digit ID number. The EIN or SSN provided must match the name given on the "Legal Name" line to avoid backup withholding. If you do not have a Tax ID number, please reference "Specific Instructions - Section 1." If the account is in more than one name, provide the name of the individual who is recognized with the IRS as the responsible party.

Dunn & Bradstreet Universal Numbering System (DUNS) (see instructions)

Legal Name:

Business Name:

Entity Type**Entity Classification****Exemptions (see instructions)**☐ Individual☐ Corporation☐ Professional Services☐ Medical ServicesExempt payee code
(if any):☐ Sole Proprietorship☐ S-Corporation☐ Political Subdivision☐ Legal Services

(from backup withholding)

☐ Partnership☐ C-Corporation☐ Real Estate Agent☐ Joint Venture☐ Trust☐ Disregarded Entity☐ VA Local Government☐ Tax Exempt OrganizationExemption from FATCA reporting
code (if any):☐ Estate☐ Limited Liability Company☐ Federal Government☐ OTH Government☐ Government☐ Partnership☐ VA State Agency☐ Other☐ Non-Profit☐ Corporation**Contact Information**

Legal Address:

Name:

Email Address:

City: State: Zip Code:

Business Phone:

Remittance Address:

Fax Number:

Mobile Phone:

City: State: Zip Code:

Alternate Phone:

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined later in general instructions), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification Instructions: You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See instructions titled Certification

Printed Name:

Authorized U.S. Signature:

Date:

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien.

Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. *Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.*

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain

payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see Section 2 Certification – Page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See Exempt payee code on page 3 and the separate instructions for the Requestor of Form W-9 for more information.

What is FATCA reporting? The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See Exemption from FATCA reporting code on page 3 and the instructions for the Requestor of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no

reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Section 1 -Taxpayer Identification

Check the appropriate Tax Identification Number (TIN) type. Enter your EIN/SSN in the space provided. If you are a resident alien and you do not have and/or are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office. Get Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS's Internet Web Site www.irs.gov.

If you do not have a TIN, apply for a TIN immediately, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester. **Note:** *Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.*

Enter the TIN which coincides with the 'Legal Name' provided on the form.

- If you are an individual, check the "Social Security Number (SSN)" box and enter the SSN.
- If you are a Grantor or Revocable Trust, check the "Social Security Number (SSN)" box and enter the SSN of the Grantor.
- If you are a Resident Alien, check the "Social Security Number (SSN)" box and enter your SSN or

your ITIN (IRS Individual Taxpayer Identification Number).

d. If you are a Sole Proprietor, check the "Social Security Number (SSN)" box and enter the SSN of the sole proprietor.

e. If you are a Single-Member LLC that is disregarded as an entity, check the "Social Security Number (SSN)" box and enter the member's SSN.

Note: If an LLC has one owner, the LLC's default tax status is "disregarded entity". If an LLC has two owners, the LLC's default tax status is "partnership". If an LLC has elected to be taxed as a corporation, it must file IRS Form 2553 (S Corporation) or IRS Form 8832 (C Corporation).

Vendors are requested to enter their Dunn and Bradstreet Universal Numbering System (DUNS), if applicable. See number requirement below.

Dunn and Bradstreet Universal Numbering System (DUNS) number requirement. The United States Office of Management and Budget (OMB) requires all vendors that receive federal grant funds have their DUNS number recorded with and subsequently reported to the granting agency. If a contractor has multiple DUNS numbers the contractor should provide the primary number listed with the Federal government's Central Contractor Registration (CCR) at www.ccr.gov. Any entity that does not have a DUNS number can apply for one on-line at <http://www.dnb.com/us/> under the DNB D-U-N Number Tab.

Legal Name. If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name. If the account is in joint names, list first and then circle the name of the person or entity whose number you enter in Part I of the form. If you are using a name other than that which is listed on a Social Security Card, please enter the legal entity name as filed with the IRS. In general, enter the name shown on your income tax return. Do not enter a Disregarded Entity Name on this line.

Business Name. Business, Disregarded Entity, trade, or DBA ("doing business as") name.

Entity Type. Select the appropriate entity type.

Individual. If you are an individual, you must generally enter the name shown on your income tax return.

Sole proprietor. Enter your individual name as shown on your social security card on the "Legal Name" line. You may enter your business, trade, or

"doing business as (DBA)" name on the "Business Name" line.

Partnership. A partnership is an entity reflecting a relationship existing between two or more persons who join to carry on a trade or business. Enter the partnership's name on the "Legal Name" line. This name should match the name shown on the legal document creating the entity. You may enter your business, trade, or "doing business as (DBA)" name on the "Business Name" line.

Trust. A legal entity that acts as fiduciary, agent or trustee on behalf of a person or business entity for the purpose of administration, management and the eventual transfer of assets to a beneficial party. Enter the name of the legal entity on the "Legal Name" line.

Estate. A separate legal entity created under state law solely to transfer property from one party to another. The entity is separated by law from both the grantor and the beneficiaries. Enter the name of the legal entity on the "Legal Name" line.

Government. The Government of any State, any Political Subdivision of any State, any Agency or Instrumentality of a State or of a Political Subdivision of a State.

Non-Profit. An organization that is organized and operated exclusively for exempt purposes and none of its earnings may inure to any private shareholder or individual.

Corporation. A company recognized by law as a single body with its own powers and liabilities, separate from those of the individual members. Enter the entity's name on the "Legal Name" line and any trade or "doing business as (DBA)" name on the "Business Name" line.

S-Corporation. A corporation that is taxed like a partnership: a corporation in which five or fewer people own at least half the stock. Enter the entity's name on the "Legal Name" line and any trade or "doing business as (DBA)" name on the "Business Name" line.

C-Corporation. A business that is taxed as a separate entity: a business taxed under Subchapter C of the Internal Revenue Code and legally distinct from its owners. Enter the entity's name on the "Legal Name" line and any trade or "doing business as (DBA)" name on the "Business Name" line.

Limited liability Company (LLC). An LLC with at least two members is classified as a partnership for federal income tax purposes unless it files Form 8832 and affirmatively elects to be treated as a corporation. Enter the name of the partnership or corporation. An LLC with only one member is treated as an entity disregarded as separate from its owner for income tax purposes (but as a separate

entity for purposes of employment tax and certain excise taxes), unless it files Form 8832 and affirmatively elects to be treated as a corporation. If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner, enter the owner's name on the "Legal Name" line. **Caution:** *A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.*

Entity Classification. Select the appropriate classification type.

Contact Information. Enter your contact information.

Enter your **Legal Address**. Enter your **Remittance Address**. A **Remittance Address** is the location in which you or your entity receives business payments.

Enter your **Business Phone Number**. Enter your **Mobile Phone Number**, if applicable. Enter your **Fax Number**, if applicable. Enter your **Email Address**.

For clarification on IRS Guidelines, see www.irs.gov.

Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the Exemptions box, any code(s) that may apply to you. See Exempt payee code and Exemption from FATCA reporting code below.

Exempt payee code. Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends. Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following codes identify payees that are exempt from backup withholding:

- 1 - An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2 - The United States or any of its agencies or instrumentalities
- 3 - A state, the District of Columbia, a possession of the United States, or any of their political subdivisions, or instrumentalities
- 4 - A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5 - A corporation

- 6 - A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States
- 7 - A futures commission merchant registered with the Commodity Futures Trading Commission
- 8 - A real estate investment trust
- 9 - An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10 - A common trust fund operated by a bank under section 584(a)
- 11 - A financial institution
- 12 - A middleman known in the investment community as a nominee or custodian
- 13 - A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

If the payment is for...	THEN the payment is exempt for...
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹See Form 1099-MISC, Miscellaneous Income, and its instructions.

²However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements.

A - An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B - The United States or any of its agencies or instrumentalities

C - A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities

D - A corporation the stock of which is regularly traded on one or more established securities markets, as described in Reg. section 1.1472-1(c)(1)(i)

E - A corporation that is a member of the same expanded affiliated group as a corporation described in Reg. section 1.1472-1(c)(1)(i)

F - A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G - A real estate investment trust

H - A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I - A common trust fund as defined in section 584(a)

J - A bank as defined in section 581

K - A broker

L - A trust exempt from tax under section 664 or described in section 4947(a)(1)

M - A tax exempt trust under a section 403(b) plan or section 457(g) plan

Section 2 - Certification

To establish to the paying agent that your TIN is correct, you are not subject to backup withholding, or you are a U.S. person, or resident alien, sign the certification on Form W-9. You are being requested to sign by the Commonwealth of Virginia.

For a joint account, only the person whose TIN is shown in Part I should sign (when required).

Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

Submission:

Commonwealth Vendor Group
Post Office Box 1971
Richmond, VA 23218-1971

Select Search Services

TITLE SEARCH REPORT

This Title Search Report is given for use of the individual to whom it is addressed. This is a report of matters appearing in the official land records of the county or city where said property is located, only. This report does not include items, such as mortgages, judgments, liens and other matters for which have recorded satisfactions or releases, and possible other matters which, would not appear in a title search. The amount shown in said Report for any deeds of trust, judgments and/or taxes is for informational purposes only. Said recipient is responsible for confirming amounts for payoff, proration purposes or other purposes. The liability under this Search Report shall cease and terminate six months after the ending date set forth in the Period of the search.

ORDER/Reference: KDR Real Estate – 2793 S. Crater Rd., Petersburg, VA
(2102 S. Crater Signals f/k/a Petersburg Intersection Proj. #004)

TITLE TO THE BELOW DESCRIBED PROPERTY IS VESTED OF RECORD IN:

BHY Investments 2, LLC

☐ t/e w/s ☐ j/t w/s ☐ t/c ☐ no tenancy ☐ prtshp ☐ corp ☒ LLC

☒ UNDER THE FOLLOWING DEED:

Grantor(s): Stuart A. Simon, Substitute Trustee and I.L. Development, Inc.

Dated: 5-29-2019 Recorded: 8-15-2019 Deed Bk & Pg./Inst. 190002110
(Rerecording of 190001598)

☐ Current owner is surviving tenant of survivorship tenancy created in the above deed.
Deceased tenant died pursuant to information at /in

☐ UNDER THE WILL OF:

Date of Death: Date of Probate:
Will Book & Pg./Inst. No:

☐ BY INHERITANCE FROM:

Date of Death:
Heirs determined by:
IF PROPERTY ACQUIRED BY WILL OR INHERITANCE
Decedent Acquired The Property By:

BRIEF LEGAL DESCRIPTION:

☐ Use description on attached page(s) marked "description" in brackets " "

☒ Use description in Schedule A of Deed recorded in/as Inst# 190002110

THE PROPERTY LIES IN THE City of Petersburg VIRGINIA. Recordation references are to the Clerk's Office of the Circuit Court thereof unless otherwise stated.

DEEDS OF TRUST: () None

1. Grantor(s): BHY Investment 2 LLC

Trustee(s): Kurtis J. Marx and R. Scott Ritter Lender: United Bank

Dated 6-17-2019 Recorded: 6-20-2019 Deed Book-Page / Inst. No: 190001599

Amount: \$1,000,000.00

Beneficiary:

Assignments, Subordination Agmts, etc.: Assignment of Rents, Instr# Dated:
and Recorded:

AGREEMENTS AND DECLARATIONS:

1. Agreement & Declaration, DB404-PG511 Dated 5-9-1984 and Recorded 5-10-1984;
Ammended in DB 448-PG32, Dated 6-23-1987 and Recorded 2-24-1988.

JUDGMENTS (not including purchaser(s) which are found on next page): (X) None

UCC/FINANCING STATEMENTS: (x) None

Filed as Financing Statement No.

Debtor:

Secured Party:

() See additional Financing Statements attached

TAX & ASSESSMENT INFORMATION: INFORMATION & PRINTOUT NOT WARRANTED.
CONTACT TREASURER TO CONFIRM.

Address 2793 S. Crater Rd., Petersburg, VA Tax Map/ID# 065110004

Land \$ 234,100 Improvements \$ 1,088,700 Total \$ 1,322,800

Annual Amt \$ 17,857.80 Taxes Payable on: Quarterly – 9/30/20, 12/31/20, 03/31/21, & 06/30/21

Taxes Paid Thru 2nd quarter Delinquent Taxes: No

Taxes a Lien, Not Yet Due: \$8,928.90 (\$4,464.45 Due 3rd and 4th quarters)

Town Taxes, Exemptions, Rollback, Supplementals, Stormwater Fees, Etc:

RESTRICTIONS AND/OR DECLARATIONS: (X) None

Dated: Recorded: DB & PG/Inst. No:

Amendments at:

Contain Reverter: () Yes () No

Contain Easements (Not Shown on Subd. Plat () Yes () No

Contain Assessments: () Yes () No

Party Walls: () Yes () No

DEEDED EASEMENTS: () NONE

Deed of Easement and Subordination Agreement, DB448-PG16; Dated 6-23-1987 and Recorded 2-24-1988.

ITEMS SHOWN ON PLAT OF SUBDIVISION/PROPERTY recorded in/as DB448_PG38
() None

1. 10' Water Lane Easement
2. Easement parallel to Parcel C.
3. 50' R/W on Avenue..

ITEMS SHOWN ON OTHER PLAT recorded in/as (X) None

ACCESS:

- (X) Public street(s) named: U.S. Rte. 301/S. Crater Road
- () Appurtenant easement created by Deed Book & Pg./Inst. No.:
- () Road Maintenance Agreement in Deed Book & Pg./Inst. No.:

OTHER MATTERS: () None

SEARCH TYPE: () Current Owner () Two Owner
() Standard Residential (X) Commercial
() Other: with policy

BACK TITLE INFO RELIED UPON IS Policy/Case #

Items to be picked up from this policy affecting the property listed on page 1 are as follows: N/A

EFFECTIVE DATE: 3-9-2021 @ 8:00 A.M.

SEARCHER: Rigina Easell

THIS REPORT CONSISTS OF 3 PAGES, excluding document copies, adverse sheets, etc



e-Treasurer *Easy Pay*

Questions & Comments Call: 804-733-2349 Email: City Collector

- Reprint Real Estate Taxes Paid

Department: RIE2020 Ticket No: 8950003 Frequency: 3 Supplement No: 0

Name: BHY INVESTMENT 2 LLC Account No: 12674

Name 2:

Map No: 065 110004

Address:

District: 01

10 AVALON CT

Description: 2793 S CRATER ROAD

BETHESDA MD 20816

PARCEL A 5.375 ACRES

Bill Date: 01/01/2021

Due Date: 03/31/2021

Land Value: \$234,100

Improvement Value: \$1,088,700

Original Bill: \$4,464.45

Acres: 53750

Last Date: 01/01/2021

Payments: \$0.00

Penalty Paid: \$0.00

Interest Paid: \$0.00

Amount Owed: \$4,464.45

Total Owed: \$4,464.45

Penalty: \$0.00

Interest: \$0.00

Note: If payment was received within the past 10 business days,
then any returned items may not be posted at this time.

Date	Type	Transaction No.	Amount	Balance
01/01/2021	Charge	0	\$ 4464.45	\$ 4464.45

New Search Previous

JACKIE ABRAMOV
8046721368
KDR REAL ESTATE
2500 GRENOBLE ROAD
RICHMOND VA 23294

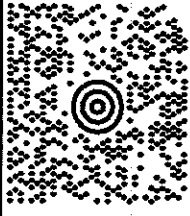
1 LBS PAK 1 OF 1

SHIP TO:

EUN S. LEE, MANAGER
BHY INVESTMENT 2, LLC
10 AVALON COURT

BETHESDA MD 20816-1124

7-28-24



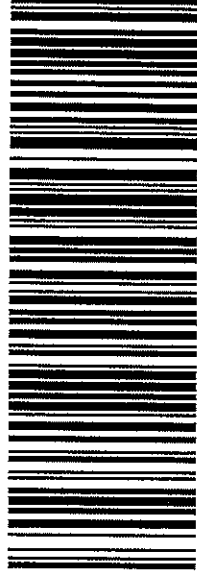
MD 207 9-84



UPS NEXT DAY AIR

1

TRACKING #: 1Z E27 W16 NT 9279 1202



BILLING: P/P
ATTENTION UPS DRIVER: SHIPPER RELEASE

Reference#1: 2102-South Crater/Parcel 004
Reference#2: Offer Package



WINTNV50 30.0A 07/2021*

Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1ZE27W16NT92791202

Weight

1.00 LBS

Service

UPS Next Day Air®

Shipped / Billed On

07/28/2021

Delivered On

07/29/2021 11:03 A.M.

Delivered To

10 AVALON CT
BETHESDA, MD, 20816, US

Left At

Front Door

Reference Number(s)

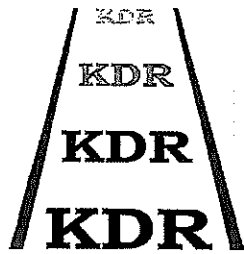
OFFER PACKAGE, 2102-SOUTH CRATER/PARCEL 004

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 07/29/2021 11:08 A.M. EST



KDR Real Estate Services

"When you need it done the right way"

VIA UPS OVERNIGHT DELIVERY

August 16, 2021

BHY Investment 2, LLC
c/o Eun S. Lee, Manager
10 Avalon Court
Bethesda, MD 20816

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)
State Project No: 0301-123-259, RW201
Property Owner: BHY Investment 2, LLC, a Virginia limited liability company
Property Address: 2793 S. Crater Road, Petersburg, VA 23805
PID No.(s): 065-110004
Parcel No(s): 004

Dear Mr. Lee,

Please find enclosed the following documents for your signature:

- Deed of Easement, with plat attached setting forth the rights to be acquired
- Compensation Agreement
- Verification of Identity
- Certificate of Authorization
- Third Party Mortgage Authorization
- Owner/Seller Affidavit
- Commonwealth of Virginia Substitute W-9 Form (Form W-9)

On the compensation agreement, please cross one line through the \$300 and write in "\$500" and initial next to it.

Also, the following information will be required:

- Reinstatement with Virginia State Corporation Commission

Sincerely,

Jackie Abramov, SR/WA
KDR Right of Way Specialist

2500 Grenoble Road, Richmond, Virginia 23294 •Tel. (804) 672-1368 •Fax (804) 672-1373

JACKIE ABRAMOV
8046721368
KDR REAL ESTATE
2500 GRENABLE ROAD
RICHMOND VA 23294

LTR

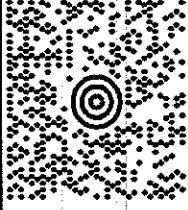
1 OF 1

8-16-21

SHIP TO:

EUN S. LEE, MANAGER
BHY INVESTMENT 2, LLC
10 AVALON COURT

BETHESDA MD 20816-1124



MD 207 9-84



UPS NEXT DAY AIR

1

TRACKING #: 1Z E27 W16 NT 9726 9643



BILLING: P/P
ATTENTION UPS DRIVER: SHIPPER RELEASE



Reference#1: 2102-South Crater/Parcel 004

Reference#2: Documents for Signature
US 22.0.18.001105053.0A 08/2021*

Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1ZE27W16NT97269643

Service

UPS Next Day Air®

Shipped / Billed On

08/16/2021

Delivered On

08/17/2021 11:39 A.M.

Delivered To

10 AVALON CT
BETHESDA, MD, 20816, US

Left At

Front Door

Reference Number(s)

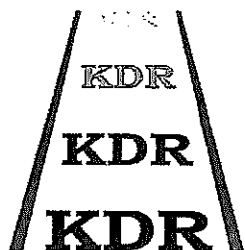
DOCUMENTS FOR SIGNATURE, 2102-SOUTH CRATER/PARCEL 004

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 08/17/2021 11:42 A.M. EST



KDR Real Estate Services

"When you need it done the right way"

VIA USPS PRIORITY MAIL

November 23, 2021

BHY Investment 2, LLC
c/o Eun S. Lee, Manager
10 Avalon Court
Bethesda, MD 20816

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)
State Project No: 0301-123-259, RW201
Property Owner: BHY Investment 2, LLC, a Virginia limited liability company
Property Address: 2793 S. Crater Road, Petersburg, VA 23805
PID No.(s): 065-110004
Parcel No(s): 004

Dear Mr. Lee:


On July 29, 2021 an offer package was delivered to you, containing the City of Petersburg's offer to purchase property rights necessary for the construction of the above- referenced project. We last spoke on October 14, 2021, and at that time you advised that you would be sending me the signed documents for this project. To date, I have not received them.

It is imperative that we complete the acquisition soon in order to maintain the project schedule. With that in mind, please provide a response *within two weeks*.

If you feel it is necessary, I would be happy to schedule a time to speak with you to further discuss this project and answer any additional questions. You may contact me by postal mail, email or telephone. I can be reached at **804.956.4674** or by email at **jabramov@kdrrealestate.com**. A business card with my contact information is enclosed for your reference.

Pursuant to § 25.1-204(B) of the Code of Virginia, the City of Petersburg has reviewed this acquisition for purposes of complying with § 1-219.1 of the Code of Virginia. The public use for this project is roadway improvements.

Thank you for your consideration of the City's offer.

Sincerely,

Jaclyn M. Abramov
Right of Way Specialist



US POSTAGE AND FEES PAID
NOV 23 2021 Mailed from ZIP 23294
PM Flat Rate Envelope
Commercial Plus Price



stamps
endicia 062S14404718

PRIORITY MAIL 2-DAY™

Mrs. Jackie Abramov
Right of Way Specialist
KDR Real Estate Services
2500 Grenoble Road
Richmond VA 23294-3614

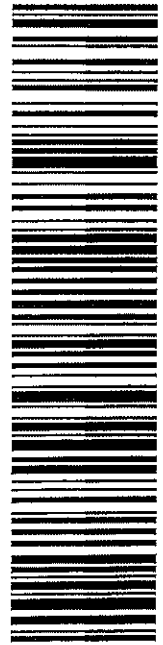
0000

SHIP

TO: BHY Investment 2 LLC
c/o Eun S. Lee, Manager
10 AVALON CT
Bethesda MD 20816-1124

2102-South Crater Road/004/cs
Contact Request Letter - BHY Investment 2, LLC

USPS TRACKING #



9405 5112 0253 0441 9104 73



Powered By:

Track Another Package +

Tracking Number: 9405511202530441910473

Remove X

Your item was delivered in or at the mailbox at 5:17 pm on November 26, 2021 in BETHESDA, MD 20816.

USPS Tracking Plus™ Available ✓

✓ Delivered, In/At Mailbox

November 26, 2021 at 5:17 pm
BETHESDA, MD 20816

Get Updates ✓

Feedback

Text & Email Updates	▼
Tracking History	▲
November 26, 2021, 5:17 pm Delivered, In/At Mailbox BETHESDA, MD 20816 Your item was delivered in or at the mailbox at 5:17 pm on November 26, 2021 in BETHESDA, MD 20816.	
November 26, 2021, 6:10 am Out for Delivery BETHESDA, MD 20816	

November 25, 2021, 11:51 am
Arrived at Hub
BETHESDA, MD 20817

November 25, 2021, 7:13 am
Arrived at USPS Facility
BETHESDA, MD 20817

November 25, 2021, 2:51 am
Departed USPS Regional Facility
WASHINGTON DC NETWORK DISTRIBUTION CENTER

November 24, 2021, 1:47 pm
Arrived at USPS Regional Facility
WASHINGTON DC NETWORK DISTRIBUTION CENTER

November 24, 2021, 1:01 pm
Departed USPS Facility
HYATTSVILLE, MD 20785

November 24, 2021, 5:40 am
Arrived at USPS Facility
HYATTSVILLE, MD 20785

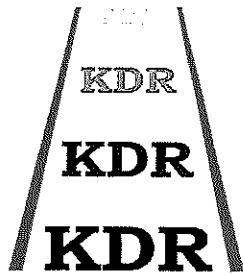
November 24, 2021, 2:51 am
Departed USPS Regional Facility
RICHMOND VA DISTRIBUTION CENTER

November 24, 2021, 12:01 am
Arrived at USPS Regional Facility
RICHMOND VA DISTRIBUTION CENTER

November 23, 2021, 10:46 pm
Accepted at USPS Origin Facility
HENRICO, VA 23294

November 23, 2021, 5:07 pm
Shipping Label Created, USPS Awaiting Item
HENRICO, VA 23294

Feedback



KDR Real Estate Services

"When you need it done the right way"

UPS OVERNIGHT

BHY Investment 2, LLC
c/o Eun S. Lee, Manager
10 Avalon Court
Bethesda, MD 20816

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)
State Project No: 0301-123-259, RW201
Property Owner: BHY Investment 2, LLC, a Virginia limited liability company
Property Address: 2793 S. Crater Road, Petersburg, VA 23805
PID No.(s): 065-110004
Parcel No(s).: 004

Dear Mr. Lee:

As Jackie Abramov, KDR Right of Way Specialist, has previously discussed, the City of Petersburg ("CITY") plans to begin construction of the above project soon. In order to do so it is necessary for us to acquire a portion of your property. She has described the portion that the CITY needs to acquire and the impact the construction will have on your remaining property. She has given you a copy of the conveyance instrument with plat attached, compensation agreement, third party/mortgage authorization, title report, certificate of authorization, the highway plan sheet, profile sheet, and a Basic Acquisition Report that establishes our estimate of the value of the property and any other rights that we need to acquire from you.

As of the date of this letter, we still have not been able to reach a mutual agreement on the amount of compensation you will accept in return for voluntarily conveying the land and any necessary rights to the CITY. We have talked about the fact that if we cannot reach an agreement in a timely manner, it will be necessary for the CITY to acquire the property by condemnation. Jackie has explained the condemnation process to you.

Condemnation is not the preferred manner of acquiring property for highway projects and the CITY strives to avoid it whenever possible.

Unfortunately we are now at the point at which we need to either reach agreement or the CITY must begin the condemnation process. As a follow-up to the last contact on

November 30, 2021, and in an effort to reach a mutually acceptable resolution and thereby eliminating the necessity for condemnation, I respectfully request that you reconsider the last offer we made. If you feel you cannot accept that offer, I would very much appreciate your communicating to me the minimum amount you would accept in return for voluntarily conveying the needed property and rights to the CITY. I assure you it will receive my prompt attention and consideration and you will receive a prompt reply concerning our ability to accept it.

If I have not heard from you in **two weeks (December 16, 2021)** I will assume that we are not able to reach a mutual agreement and that there is no offer that we are able to make that you would accept. In that event, we will have no other option but to turn this over to the city to consider condemnation in order to avoid delaying the project. You will be notified by separate letter if the city moves forward with condemnation proceedings.

Please understand that pursuing condemnation is not intended to prohibit any further negotiations. If at any time you feel that there is a mutually acceptable resolution, please let me know so that we can pursue a settlement.

I can be reached at **804.956.4672** or by email at **jdykes@kdrrealestate.com**. A business card with my contact information is enclosed for your ready reference.

Sincerely,



Jefferson L. Dykes, SR/WA
KDR Project Manager

JLD/jm

On Behalf of:
City of Petersburg

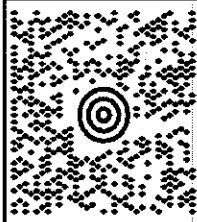
JEFF DYKES
8046721368
KOR REAL ESTATE
2500 GRENOBLE ROAD
RICHMOND VA 23294

LTR

1 OF 1

SHIP TO:
EUN S. LEE, MANAGER
BHY INVESTMENT 2, LLC
10 AVALON COURT
BETHESDA MD 20816

12-2-21



MD 207 9-84



UPS NEXT DAY AIR SAVER 1P

TRACKING #: 1Z E27 W16 13 9329 7147



BILLING: P/P



Reference #1: 2102 South Crater Signals/004
Reference #2: Follow Up Letter
XOL21:11:21 NV45 49.0A 11/2021*

Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1ZE27W161393297147

Service

UPS Next Day Air Saver®

Shipped / Billed On

12/02/2021

Delivered On

12/03/2021 4:17 P.M.

Delivered To

10 AVALON CT
BETHESDA, MD, 20816, US

Received By

DRIVER RELEASE

Left At

Front Door

Reference Number(s)

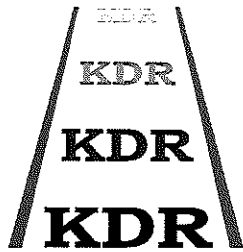
FOLLOW UP LETTER, 2102 SOUTH CRATER SIGNALS/004

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 12/06/2021 8:16 A.M. EST



KDR Real Estate Services

"When you need it done the right way"

January 5, 2022

Mr. William Riggleman
Office of Development and Operations
1340 East Washington Street
Petersburg, VA 23803

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)
State Project No: 0301-123-259, RW201
Property Owner: BHY Investment 2, LLC, a Virginia limited liability company
Property Address: 2793 S. Crater Road, Petersburg, VA 23805
PID No.(s): 065-110004
Parcel No(s).: 004

Dear Mr. Riggleman:

Enclosed please find the legal file for Parcel 004 BHY Investment 2, LLC, a Virginia limited liability company, for the South Crater Road Traffic Signal Improvements Project.

KDR recommends moving forward with the Eminent Domain Process. The offer package was mailed on July 28, 2021. Mr. Lee agreed upon a negotiated amount and then said he is refusing to sign anything. An impasse "hard" letter requesting response from the Landowner has been sent with no response from Mr. Lee.

Please contact me at 804.956.4672 or jdykes@kdrrealestate.com should you need additional information.

Sincerely,

Jefferson L. Dykes, SR/WA
KDR Project Manager



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM:

RE: Schedule a Public Hearing, Second Reading, and Consideration of Adoption of An Ordinance to Amend and Readopt Section 2-31 of the Petersburg City Code Pertaining to Salaries of City Council and the Mayor

PURPOSE: To amend Section 2-31 of the Petersburg City Code to permit salaries of the Mayor and City Council Members to be consistent with the amounts authorized under Section 15.2-1414.6 of the Code of Virginia.

REASON: To amend Section 2-31 of the Petersburg City Code to permit salaries of the Mayor and City Council Members to be consistent with the amounts authorized under Section 15.2-1414.6 of the Code of Virginia.

RECOMMENDATION: Adopt Ordinance.

BACKGROUND: The Code of Virginia authorizes salaries for the Mayor and City Council based on population. The State Code provisions supersede any contrary provisions in City Charter with respect to procedures to effectuate salary revisions, but also require that such raises effectuated through adoption shall not become effective "until July 1 after the next regularly scheduled general election of Council Members." The City Code currently provides for the salaries of Members of Council and the Mayor at levels that are considerably lower than provided under State Code. This amendment will allow salaries to be made consistent with the State Code provisions and will also incorporate any future changes to State Code with respect to salaries of the governing body.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 4/19/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Amends existing Seciton 2-31 of the City Code.

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. AN ORDINANCE TO AMEND AND RE

AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 2-31 OF THE CITY CODE TO INCREASE THE SALARIES OF THE MAYOR AND MEMBERS OF CITY COUNCIL

WHEREAS, Section 15.2-1414.6 of the Code of Virginia provides that “the annual salary of each member of the Council of any city shall be set by its members by ordinance;” and

WHEREAS, this statute further provides that the provisions of §15.2-1414.6 of the Code of Virginia control “notwithstanding any contrary provision of law, general or special” meaning that the provision supersedes the requirements of other legislation including the City Charter; and

WHEREAS, this statute further provides that “No increase in the salary of a member of Council shall take effect until July 1 after the next regularly scheduled general election of Council Members;” and

WHEREAS, the 2020 U.S. census provided a population estimate for the City of Petersburg 31,346; and

WHEREAS, pursuant to §15.2-1414.6 of the Code of Virginia, the annual salary of a Member of Council in a city with a population from 20,000 to 34,999 is \$12,000.00 annually, and the corresponding annual salary for the Mayor is \$13,000.00; and

WHEREAS, Section 2-31 of the City Code provides that the current salary for Members of Petersburg City Council is \$6,500 annually, and the salary of the Mayor of the City of Petersburg is \$8,500 annually; and

WHEREAS, it is the belief of City Council that the salary of City Council should be increased to the annual salary authorized by the Code of Virginia now and as may be amended in the future.

NOW, therefore be it ORDAINED Section 2-31 of the City Code is hereby amended and re-adopted as follows:

Sec. 2-31. - Salaries.

The annual salary of the ~~mayor~~ Mayor shall be \$8,500.00. The annual salary of each member of the city council shall be \$6,500.00 and Members of Council shall be set at the amount indicated in §15.2-1414.6 of the Code of Virginia for the corresponding population for the City of Petersburg.

(Code 1981, § 2-27.1)

BE it further ORDAINED that in accordance with §15.2-1414.6 of the Code of Virginia, any increase in the salary of Members of Council and the Mayor resulting from the amendment of Section 2-31 of the City Code shall take effect on July 1, 2023.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Tangela Innis, Randall Williams, Temidire Okeowo

RE: A request to hold a public hearing on April 19, 2022, for the consideration of an ordinance of conveyance of easements to Dominion Energy Virginia in furtherance of the Park & Ride Project

PURPOSE:

REASON: Dominion Virginia Energy (Dominion Virginia Power) needs easements across the foregoing property to construct, maintain, and operate equipment necessary for the operation of electrical services to the Park and Ride Structure.

RECOMMENDATION: Public Works & Utilities recommends that the easements be granted to ensure that Dominion Virginia Energy (Dominion Virginia Power) can construct, maintain, and operate equipment necessary for the operation of electrical services to the Park and Ride Structure.

BACKGROUND: In the March 5, 2019 City Council meeting, City Council adopted resolution 15-R-64, which supported the submittal by the City of Petersburg of an application for grant funding to construct a Park and Ride Parking Structure adjacent to the City's Transit Center located at 100 Washington Street. The total amount of the project was \$8,000,000 with funding amounts spread across fiscal years 2019, 2021, 2022, & 2023.

COST TO CITY: \$0

BUDGETED ITEM: No

REVENUE TO CITY: \$0

CITY COUNCIL HEARING DATE: 4/5/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: NA

AFFECTED AGENCIES: Public Works & Utilities

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: NA

REQUIRED CHANGES TO WORK PROGRAMS: NA

ATTACHMENTS:

1. Ordinance - easements park and ride

AN ORDINANCE TO AUTHORIZE CONVEYANCE OF AN EASEMENT TO DOMINION ENERGY VIRGINIA IN FURTHERANCE OF THE PARK AND RIDE PROJECT

WHEREAS, the City is the owner of certain property located at 100 W. Washington Street (Tax Map ID No.: 022-050802) and 24 S. Union Street (Tax Map Parcel ID No.: 022-0550012); and

WHEREAS, the City has authorized the construction of a public parking garage to be located upon the aforesaid properties as part of the “Park and Ride” project; and

WHEREAS, Dominion Virginia Energy (Dominion Virginia Power) has indicated that they will need easements across the foregoing property to construct, maintain, and operate equipment necessary for the provision of services to said parking garage; and

WHEREAS, said easements are described and depicted in the two deeds of easement and accompanying plats attached to this Ordinance as (**Exhibit A**); and

WHEREAS, it is the belief of City Council that the granting of such easements is in the best interest of the City of Petersburg.

NOW therefore be it ORDAINED that City Council for the City of Petersburg, Virginia does hereby authorize and direct the City Manager and City Attorney to take all necessary action to facilitate the conveyance of easements as described in (**Exhibit A**).

EXHIBIT A

DEED OF EASEMENT AND PLAT 24 S. UNION STREET

DEED OF EASEMENT AND PLAT 100 W. WASHINGTON STREET

Prepared by:
Virginia Electric and Power Company
Return to: Dominion Energy Virginia,
P.O. Box 26666
Richmond, VA 23261
Attn: right of Way 11-N

This Deed of Easement is exempt from recordation taxes pursuant to §58.1-811A(3) and §58.1-811C(4) of the Code of Virginia and exempt from Clerk's fees pursuant to §17.1-266 of the Code of Virginia.

TAX MAP PARCEL I.D. NO: 022-0550012
24 S. Union Street

DEED OF EASEMENT

THIS DEED OF EASEMENT made this ____ day of _____, 2015, by and between CITY OF PETERSBURG, VA ("Grantor"), a municipal corporation formed and operating under the laws of the Commonwealth of Virginia, whose principal office is located at 135 North Union Street, Petersburg, Virginia 23803, and VIRGINIA ELECTRIC AND POWER COMPANY ("Grantee"), a Virginia public service corporation whose principal office is in Richmond, Virginia, its successors, assigns lessees and agents.

WITNESSETH:

1. For and in consideration of One Dollar (\$1.00) cash in hand paid unto Grantor and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors, assigns, lessees and agents, a perpetual non-exclusive easement and right of way (the "Easement") upon property of the Grantor located at 24 S. Union Street; Tax Map Parcel ID No.: 022-0550012, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity; for fiber optic cables, wires, attachments, and other transmission facilities, and all equipment, accessories and appurtenances desirable in connection therewith, for the purpose of transmitting voice, text, data, internet services, and other communications services, including the wires and attachments of third parties; and for lighting purposes; including but not limited to the rights:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as GRANTEE may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said exclusive easement shall extend FIFTEEN (15) feet in width across the lands of GRANTOR; and

1.3 to apportion, lease, or license the voice, text, data, internet service, and other communications rights

herein in whole or in part to third parties as may be useful or practical, including the rights to transmit third party data and the right to apportion, lease, or license surplus communications capacity to third parties for the exercise of such rights.

2. The easement granted herein shall extend across the lands of GRANTOR situated in CITY OF PETERSBURG, Virginia, as more fully described on Plat(s) Numbered 02-21-0098, attached to and made a part of this Deed of Easement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of GRANTEE. GRANTEE shall have the right to inspect, reconstruct, remove, repair, improve, relocate on and within the easement area, including but not limited to the airspace above the property controlled by GRANTOR, and make such changes, alterations, substitutions, additions to or extensions of its facilities as GRANTEE may from time to time deem advisable.

4. GRANTEE shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by GRANTEE shall remain the property of GRANTOR.

5. For the purpose of exercising the right granted herein, GRANTEE shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of GRANTOR. The right, however, is reserved to GRANTOR to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, GRANTEE shall have such right of ingress and egress over the lands of GRANTOR adjacent to the easement. GRANTEE shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to GRANTOR.

6. GRANTEE shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to GRANTEE'S rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay GRANTOR, at GRANTEE'S option, for other damage done to GRANTOR'S property inside the boundaries of the easement (subject, however, to GRANTEE'S rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by GRANTEE in the process of the construction, inspection, and maintenance of GRANTEE'S facilities, or in the exercise of its right of ingress and egress; provided GRANTOR gives written notice thereof to GRANTEE within sixty (60) days after such damage occurs.

7. GRANTOR, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with GRANTEE'S exercise of any of its rights hereunder. GRANTOR shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, GRANTOR may construct on the easement fences, landscaping (subject, however, to

GRANTEE'S rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with GRANTEE'S exercise of any of its rights granted hereunder. In the event such use does interfere with GRANTEE'S exercise of any of its rights granted hereunder, GRANTEE may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by GRANTOR and acceptable to GRANTEE. In the event any such facilities are so relocated, GRANTOR shall reimburse GRANTEE for the cost thereof and convey to GRANTEE an equivalent easement at the new site.

8. GRANTEE'S right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of GRANTEE'S obligations as a public service company or such other obligations as may be related to or incidental to GRANTEE'S stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. The easement granted hereby shall additionally be subject to all terms and conditions contained in (**Exhibit A**) which shall be recorded with and as a part of this Deed of Easement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

11. GRANTOR hereby represents to GRANTEE that to the best of GRANTOR'S knowledge, (a) GRANTOR is seized of and has the right to convey this easement and the rights and privileges granted hereunder; and (b) GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges.

12. The individual executing this Right of Way Agreement on behalf of GRANTOR warrants that they have been duly authorized to execute this easement on behalf of said GRANTOR.

[signatures on following pages]

IN WITNESS WHEREOF, GRANTOR has caused its name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

GRANTOR:

CITY OF PETERSBURG, VIRGINIA

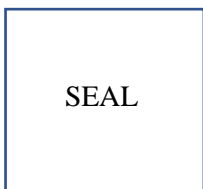
By: _____
STUART TURILLE, CITY MANAGER

APPROVED AS TO FORM:

ANTHONY C. WILLIAMS, DATE
CITY ATTORNEY

COMMONWEALTH OF _____ or STATE OF _____
County/City of _____; to wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid do hereby certify that Stuart Turille, City Manager for the City of Petersburg, Virginia, whose identity was verified by valid photographic identification, did personally appear before me and acknowledge the foregoing writing dated _____ in the jurisdiction aforesaid this ____ day of _____, 2022.



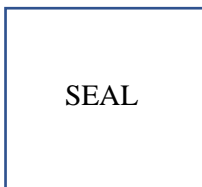
Notary Public
Notary ID No.: _____
My Commission Expires: _____

GRANTEE:
VIRGINIA ELECTRIC AND POWER COMPANY

By: _____

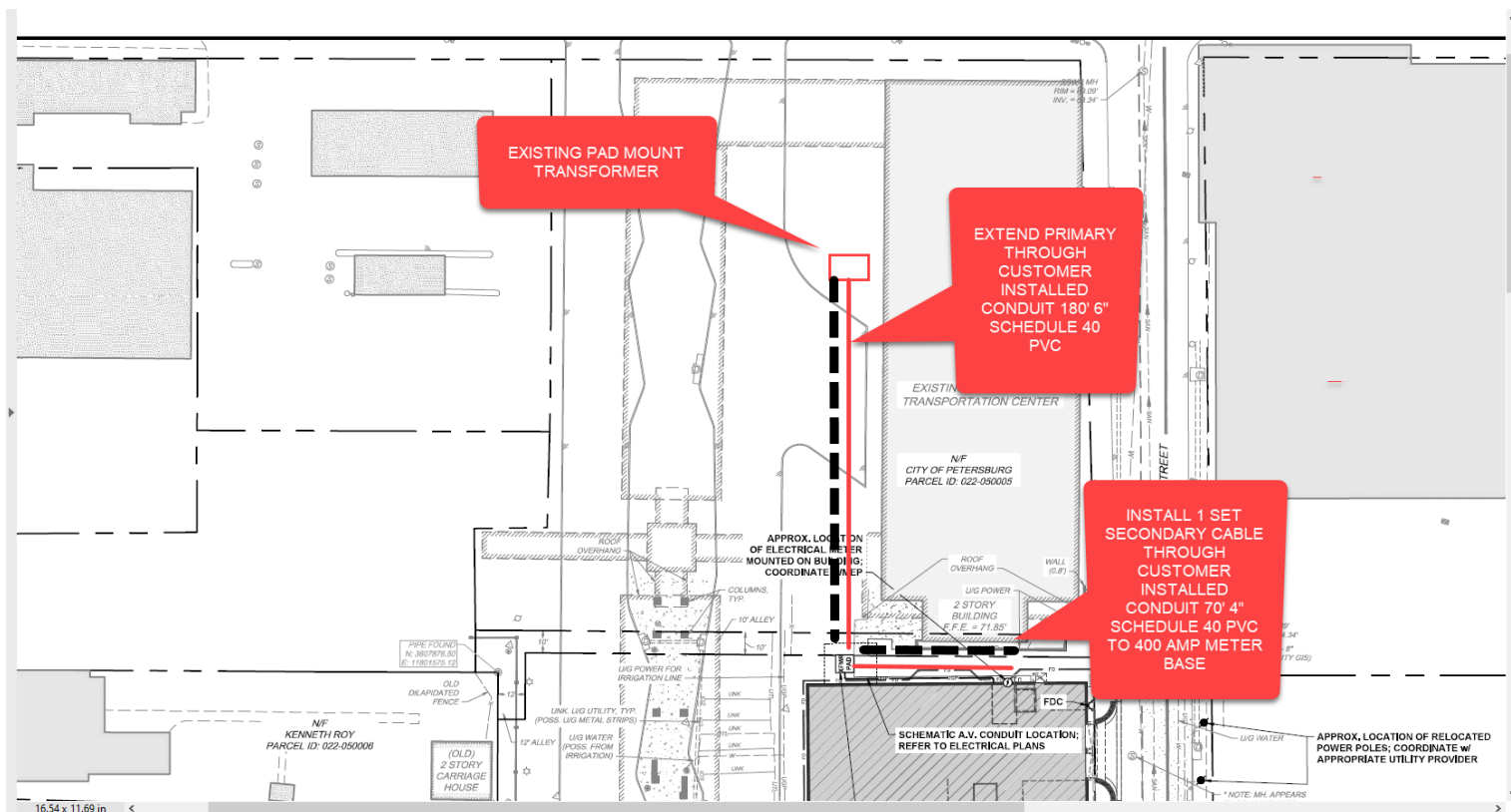
COMMONWEALTH OF _____ or STATE OF _____
County/City of _____; to wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid do hereby
certify that _____ (as _____ of _____ for
Virginia Electric and Power Company), whose identification was confirmed by valid photographic
identification, did personally appear before me and acknowledge the foregoing writing dated
_____ in the jurisdiction aforesaid this ____ day of _____, 2022



Notary Public
Notary ID No.: _____
My Commission Expires: _____

		<p>W WASHINGTON ST</p> <p>TO: W WASHINGTON ST</p> <p>S UNION ST</p> <p>TO: W WYTHE ST</p> <p>W WYTHE ST</p>	
LEGEND --- Location of Boundary Lines of Right-of-Way 15' in Width. =P= Indicates Property Line is Right-of-Way Boundary in Width.	District PETERSBURG	Scale NTS	PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT UG VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Energy Virginia Page 5 of 5 OWNER INITIALS _____
	District-Township-Borough County-City State CITY OF PETERSBURG VA	Plat Number 02-21-0098	
	Office 02	Grid Number M234	
	Estimate Number 10376360		
DATE 12.22.2021		BY MICHAEL ROGERS	



Prepared by:
Virginia Electric and Power Company
Return to: Dominion Energy Virginia,
P.O. Box 26666
Richmond, VA 23261
Attn: right of Way 11-N

This Deed of Easement is exempt from recordation taxes pursuant to §58.1-811A(3) and §58.1-811C(4) of the Code of Virginia and exempt from Clerk's fees pursuant to §17.1-266 of the Code of Virginia.

TAX MAP PARCEL I.D. NO: 022-050802
100 W. Washington Street

DEED OF EASEMENT

THIS DEED OF EASEMENT made this ____ day of _____, 2015, by and between CITY OF PETERSBURG, VA ("Grantor"), a municipal corporation formed and operating under the laws of the Commonwealth of Virginia, whose principal office is located at 135 North Union Street, Petersburg, Virginia 23803, and VIRGINIA ELECTRIC AND POWER COMPANY ("Grantee"), a Virginia public service corporation whose principal office is in Richmond, Virginia, its successors, assigns lessees and agents.

WITNESSETH:

1. For and in consideration of One Dollar (\$1.00) cash in hand paid unto Grantor and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors, assigns, lessees and agents, a perpetual non-exclusive easement and right of way (the "Easement") upon property of the Grantor located at 100 W. Washington Street; Tax Map Parcel ID No.: 022-050802, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity; for fiber optic cables, wires, attachments, and other transmission facilities, and all equipment, accessories and appurtenances desirable in connection therewith, for the purpose of transmitting voice, text, data, internet services, and other communications services, including the wires and attachments of third parties; and for lighting purposes; including but not limited to the rights:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as GRANTEE may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said exclusive easement shall extend FIFTEEN (15) feet in width across the lands of GRANTOR; and

1.3 to apportion, lease, or license the voice, text, data, internet service, and other communications rights

herein in whole or in part to third parties as may be useful or practical, including the rights to transmit third party data and the right to apportion, lease, or license surplus communications capacity to third parties for the exercise of such rights.

2. The easement granted herein shall extend across the lands of GRANTOR situated in CITY OF PETERSBURG, Virginia, as more fully described on Plat(s) Numbered 02-21-0098, attached to and made a part of this Deed of Easement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of GRANTEE. GRANTEE shall have the right to inspect, reconstruct, remove, repair, improve, relocate on and within the easement area, including but not limited to the airspace above the property controlled by GRANTOR, and make such changes, alterations, substitutions, additions to or extensions of its facilities as GRANTEE may from time to time deem advisable.

4. GRANTEE shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by GRANTEE shall remain the property of GRANTOR.

5. For the purpose of exercising the right granted herein, GRANTEE shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of GRANTOR. The right, however, is reserved to GRANTOR to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, GRANTEE shall have such right of ingress and egress over the lands of GRANTOR adjacent to the easement. GRANTEE shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to GRANTOR.

6. GRANTEE shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to GRANTEE'S rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay GRANTOR, at GRANTEE'S option, for other damage done to GRANTOR'S property inside the boundaries of the easement (subject, however, to GRANTEE'S rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by GRANTEE in the process of the construction, inspection, and maintenance of GRANTEE'S facilities, or in the exercise of its right of ingress and egress; provided GRANTOR gives written notice thereof to GRANTEE within sixty (60) days after such damage occurs.

7. GRANTOR, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with GRANTEE'S exercise of any of its rights hereunder. GRANTOR shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, GRANTOR may construct on the easement fences, landscaping (subject, however, to

GRANTEE'S rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with GRANTEE'S exercise of any of its rights granted hereunder. In the event such use does interfere with GRANTEE'S exercise of any of its rights granted hereunder, GRANTEE may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by GRANTOR and acceptable to GRANTEE. In the event any such facilities are so relocated, GRANTOR shall reimburse GRANTEE for the cost thereof and convey to GRANTEE an equivalent easement at the new site.

8. GRANTEE'S right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of GRANTEE'S obligations as a public service company or such other obligations as may be related to or incidental to GRANTEE'S stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. The easement granted hereby shall additionally be subject to all terms and conditions contained in (**Exhibit A**) which shall be recorded with and as a part of this Deed of Easement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

11. GRANTOR hereby represents to GRANTEE that to the best of GRANTOR'S knowledge, (a) GRANTOR is seized of and has the right to convey this easement and the rights and privileges granted hereunder; and (b) GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement , rights and privileges.

12. The individual executing this Right of Way Agreement on behalf of GRANTOR warrants that they have been duly authorized to execute this easement on behalf of said GRANTOR.

[signatures on following pages]

IN WITNESS WHEREOF, GRANTOR has caused its name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

GRANTOR:

CITY OF PETERSBURG, VIRGINIA

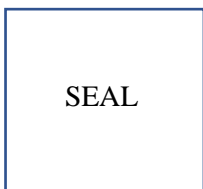
By: _____
STUART TURILLE, CITY MANAGER

APPROVED AS TO FORM:

ANTHONY C. WILLIAMS, DATE
CITY ATTORNEY

COMMONWEALTH OF _____ or STATE OF _____
County/City of _____; to wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid do hereby certify that Stuart Turille, City Manager for the City of Petersburg, Virginia, whose identity was verified by valid photographic identification, did personally appear before me and acknowledge the foregoing writing dated _____ in the jurisdiction aforesaid this ____ day of _____, 2022.



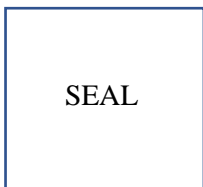
Notary Public
Notary ID No.: _____
My Commission Expires: _____

GRANTEE:
VIRGINIA ELECTRIC AND POWER COMPANY

By: _____

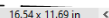
COMMONWEALTH OF _____ or STATE OF _____
County/City of _____; to wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid do hereby
certify that _____ (as _____ of _____ for
Virginia Electric and Power Company), whose identification was confirmed by valid photographic
identification, did personally appear before me and acknowledge the foregoing writing dated
_____ in the jurisdiction aforesaid this ____ day of _____, 2022



Notary Public
Notary ID No.: _____
My Commission Expires: _____

		<p>W WASHINGTON ST</p> <p>N/E: CITY OF PETERSBURG 100 WASHINGTON ST PETERSBURG VA 23803 PARCEL ID: 022-050802</p> <p>TO: W WASHINGTON ST</p> <p>S UNION ST</p> <p>TO: W WYTHE ST</p> <p>W WYTHE ST</p>	
LEGEND --- Location of Boundary Lines of Right-of-Way 15' in Width. =P= Indicates Property Line is Right-of-Way Boundary in Width.	District PETERSBURG	Scale NTS	PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT UG VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Energy Virginia Page 5 of 5 OWNER INITIALS _____
	District-Township-Borough County-City State CITY OF PETERSBURG VA	Plat Number 02-21-0098	
	Office 02	Grid Number M234	
	Estimate Number 10376360		
DATE 12.22.2021		BY MICHAEL ROGERS	





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Stacey Jordan

RE: A request to schedule a public hearing on April 19, 2022, for the consideration of FY2021-2022 #2 Proposed Schools Operating Budget in the amount of \$1,611,079.77.

PURPOSE: To have City Council discuss and consider an additional supplement request for FY2021-2022 Schools Budget.

REASON:

The City of Petersburg must approve the Budget Supplement for Petersburg City Public Schools.

RECOMMENDATION:

Recommend City Council to approve the Budget Supplement for the Petersburg City Public Schools for FY2021-2022 in the amount of \$1,611,079.77.

BACKGROUND: In February City Council approved the 1st round of supplements, 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.

COST TO CITY: 10,000,000

BUDGETED ITEM: YES

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 4/19/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Petersburg Public Schools

AFFECTED AGENCIES: Petersburg Public Schools

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Budget Supplements January - March



Petersburg City Public Schools

Maria Pitre-Martin, Ph.D., Superintendent

To: Honorable School Board Members

From: Dr. Maria Pitre-Martin
Superintendent

Date: April 20, 2022

Subject: FY2021-2022 Budget Supplements #3

This is a request to approve and appropriate revenue and expenditures revisions into the FY2021-2022 budget.

	Amount	Use of Funds	Funding Source	Oversight
New Grants				
Journey into Teaching	\$ 15,000.00	SPED Teacher Tuition Assistance	Federal	Paige Tucker
Emergency Operating Food Service	\$ 50,000.00	Food Service Needs	Federal	S. Stokes
Educator Recruitment/Retention	\$ 100,000.00	Teacher Recruitment and Retention	Federal	P. Tucker
McKinney-Vento ARP Homeless	\$ 127,348.06	Homeless Student Needs	Federal	D. Rogers
Mental Health Grant	\$ 129,016.00	Mental Health Needs	Federal	T. Manson
Gear-Up	\$ 26,000.00	VJMS Program	Federal	P. Glenn
ARP Electric Bus	\$ 900,000.00	To replace 3 older buses	Federal	Blunt/Squire
	\$ 1,347,364.06	Total New Funds		
Grant Revisions				
Title I	\$ 271,921.00	Additional award from DOE	Federal	A. Blunt
Project Graduation	\$ (10,866.01)	Reduce to actual award	State	R. Bibbins
School Security Grant	\$ 6,682.00	Security equipment for schools	State	A. Squire
PBIS	\$ 1,000.00	Additional award from DOE	State	D. Rogers
Mental Health Grant	\$ (10,021.28)	Unused portion of carried over amount from FY21	Federal	T. Manson
McKinney-Vento Homeless	\$ 5,000.00	Additional award	Federal	D. Rogers
	\$ 263,715.71	Total Grant Revisions		
	\$ 1,611,079.77	Total Appropriation Changes		

These revisions result in an appropriation increase of \$1,611,079.77

Recommendation / Action Requested: It is the Superintendent's recommendation that the Board approve the budget supplements as presented and increase the appropriation for FY2021-2022 by \$1,611,079.77.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Tangela Innis

RE: **A Request to schedule a public hearing for April 19, 2022 for consideration of an Ordinance to authorize the city to enter into a lease agreement of City-owned conserved property at 24909 Ferndale Road, Petersburg, VA 23803, to the Friends of the Lower Appomattox River (FOLAR).**

PURPOSE: To schedule a public hearing for April 19, 2022 for consideration of an Ordinance to authorize the city to enter into a lease agreement of City-owned conserved property at 24909 Ferndale Road, Petersburg, VA 23803, to the Friends of the Lower Appomattox River (FOLAR) a 501c3 Virginia nonprofit with offices at 1964 Wakefield Street, Petersburg, VA 23805, for purposes of renovating and improving the Ferndale Appomattox Riverside Park and Appomattox River Trail and building a new bridge across the river and enter in a public-private partnership through creation of a supporting agreement between the Counties of Chesterfield, Dinwiddie, the City of Petersburg, and FOLAR.

REASON: For purposes of renovating and improving the Ferndale Appomattox Riverside Park and Appomattox River Trail and building a new bridge across the river and entering into a public-private partnership through creation of a supporting agreement between the Counties of Chesterfield, Dinwiddie, the City of Petersburg, and FOLAR.

RECOMMENDATION: Recommend that Council enter into a lease agreement of City-owned conserved property at 24909 Ferndale Road, Petersburg, VA 23803, to the Friends of the Lower Appomattox River (FOLAR) a 501c3 Virginia nonprofit with offices at 1964 Wakefield Street, Petersburg, VA 23805, for purposes of renovating and improving the Ferndale Appomattox Riverside Park and Appomattox River Trail and building a new bridge across the river and enter in a public-private partnership through creation of a supporting agreement between the Counties of Chesterfield, Dinwiddie, the City of Petersburg, and FOLAR.

BACKGROUND: The 160-acres of park and trail land is owned by Petersburg through a land donation from Dominion Energy in 1971. It is conserved and protected forever from commercial development through a grant agreement by the City of Petersburg with the Virginia Department of Recreation & Conservation (DCR) and the federal Land & Water Conservation Fund (LWCF). The entire acreage is geographically located in Dinwiddie County (outside of Petersburg city limits), making it especially challenging to maintain.

COST TO CITY: \$0

BUDGETED ITEM: N/A

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Request to Council for 04.05.2022
2. Fendale Improvement Plan Elements
3. Parcel Maps 9-15.9-15A
4. 0807_2019MOUSigned_Petersburg-FOLAR

Request for Agenda Item

Please place on the City Council consent agenda of Tuesday, April 5, 2022, to schedule a public hearing for April 19, 2022 for consideration of an Ordinance to authorize the city to enter into a lease agreement of City-owned conserved property at 24909 Ferndale Road, Petersburg, VA 23803, to the Friends of the Lower Appomattox River (FOLAR) a 501c3 Virginia nonprofit with offices at 1964 Wakefield Street, Petersburg, VA 23805, for purposes of renovating and improving the Ferndale Appomattox Riverside Park and Appomattox River Trail and building a new bridge across the river and enter in a public-private partnership through creation of a supporting agreement between the Counties of Chesterfield, Dinwiddie, the City of Petersburg, and FOLAR.

Background: The quality of life is paramount for the citizens and residents of the City of Petersburg and the surrounding jurisdictions along the lower Appomattox River. The Ferndale Appomattox Riverside Park and Appomattox River Trail have a long history of important impact to that quality of life since the river is a source of drinking water to the region as well as home to a unique ecosystem. It provides expansive opportunities for unique recreation and great potential for sustainable tourism and economic prosperity for the City of Petersburg and the region. However, the property has experienced significant disrepair and degradation of land and structures, including the historic 1807 navigation canal, that are costly and complex to repair and improve. The disrepair and current layout of the park has also attracted illicit and illegal activity in the area.

The 160-acres of park and trail land is owned by Petersburg through a land donation from Dominion Energy in 1971. It is conserved and protected forever from commercial development through a grant agreement by the City of Petersburg with the Virginia Department of Recreation & Conservation (DCR) and the federal Land & Water Conservation Fund (LWCF). The entire acreage is geographically located in Dinwiddie County (outside of Petersburg city limits) making it especially challenging to maintain.

The Friends of the Appomattox River (FOLAR) has long worked to assist in maintenance and repairs of the Ferndale Appomattox Riverside Park and Appomattox River Trail, through countless volunteer hours and investment of contributed funding, however that has not been enough to address the continuing and mounting decline of the property. FOLAR also has a long history of working successfully with the City of Petersburg on efforts to protect and improve the quality of the river and its surrounding land, including, in August 2019, the City of Petersburg entered into a Memorandum of Understanding (MOU) with Friends of the Lower Appomattox River, Inc., ("FOLAR") to work with FOLAR in furtherance of their efforts to construct a 20+ mile "Appomattox River Trail" that will run along the riverfront and through historic Petersburg Old Towne District.

To address the challenges and concerns of Ferndale Appomattox Riverside Park and Appomattox River Trail and ensure the benefit of the citizens and residents of Petersburg and the region, it is recommended that the City consider an ordinance for the City Manager and City Attorney to execute a lease agreement with FOLAR and enter into a public-private partnership agreement for the renovation and maintenance of the park and trail...

- That enables it to enter into a Lease Agreement of the Ferndale Appomattox Riverside Park and Appomattox River Trail parcels at Ferndale Road, Petersburg, VA 23803, to the Friends of the Lower Appomattox River (FOLAR) a 501c3 Virginia nonprofit with offices at 1964 Wakefield Street, Petersburg, VA 23805, that complies with LWCF requirements including that it be not less than a 25-year period,
- For purposes of renovating and improving the Ferndale Appomattox Riverside Park and Appomattox River Trail. It is planned that the improvements would include design and construction of a new bicycle-pedestrian bridge across the river connecting the south shore in Dinwiddie County to the north shore in Chesterfield County.
- The lease would be finalized upon execution of an agreement between the County of Chesterfield, County of Dinwiddie, the City of Petersburg, and FOLAR, to assist accomplishment of FOLAR's efforts, through financial aid and administrative support, to restore and improve the property and generate public interest in and action to, maintain, and protect the property and structures and promote, develop, and carry-on interpretive research and/or educational and recreational activities
 - Agreement is developed through a planning group consisting of representatives from each jurisdiction and FOLAR,
 - Includes a long-range plan of improvements to the park, and
 - Commitments to delineate areas of responsibility and authority within a memorandum of understanding that addresses: 1) existing park area including proposed loop trail, and parking lots, 2) navigational canal, 3) Appomattox River Trail, section totaling approximately 2.5 miles, 4) proposed bicycle-pedestrian bridge,
 - The value of the land is Petersburg's primary investment into the future working agreement.
- The lease would be not less than a 25-year term, include renewal terms, termination clause by either party upon written notice, and other agreed upon terms, and FOLAR would pay nominal rent in the amount of \$1.00 per year.

FOLAR has garnered a significant commitment of funding to invest in development of this project including \$1 million grant from The Cameron Foundation, \$500,000 from the Cabell Foundation, \$250,000 raised by FOLAR, likely additional significant funding from Dinwiddie County, and proposed \$2 million+ toward a new bridge across the river from Chesterfield County. The value of the land, \$1,291,500 listed on assessment records, would be Petersburg's primary investment into the development of this project.

Attachments:

- Parcel maps/ Assessed value sheet
- Park improvement elements

Appomattox River Trail West – Ferndale Park – Bridge Project

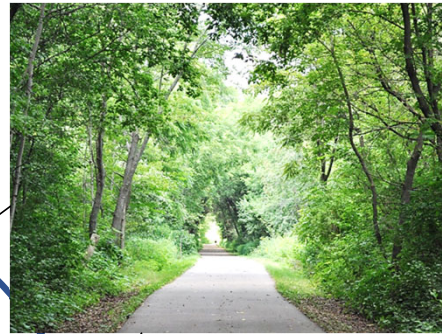
2) PARK RENOVATION

- Master Planning Ferndale Park portion of the 160 acre area
- Western entrance to the 25-mile Appomattox River Trail



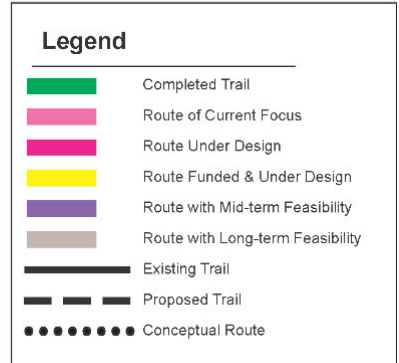
1) BRIDGE CONCEPT & DESIGN

- Create a unique/renown bike-pedestrian bridge across the river connecting Dinwiddie to Chesterfield



3) EXISTING CANAL TRAIL IMPROVEMENTS & RIVER TRAIL PLAN

- 1.2 mi. Canal Trail leading to potential bridge
- 1 mi. Riverside Trail
- Underpass Route 600/Ferndale Bridge
- Culvert & Small Bridge Repairs



Appomattox River Trail

Dinwiddie County, Virginia

Tax Map #: 9-15

General

Property Owner: CITY OF PETERSBURG

Owner Address Address: PETERSBURG, VA 23803

Legal Description: RT 600 &
APPOMATTOX RIVER
9-15

Zoning: R1

Year Built: N/A

Acreage: 16.07

Deed Book: 154

Deed Page: 111

Plat Book: 8

Plat Page: 97

Site Information


Land Value: \$401,800

Improvement Value: \$49,700

Total Value: \$451,500

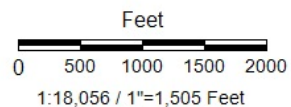
Dinwiddie County, Virginia

Legend

-  County Boundaries
-  Parcels



Map Printed from Dinwiddie
<https://parcelviewer.geodecisions.com/Dinwiddie>



Title: Parcels

Date: 12/14/2021

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 Dinwiddie County is not responsible for its accuracy or how current it may be.

Dinwiddie County, Virginia

Tax Map #: 9-15A

General

Property Owner: CITY OF PETERSBURG

Owner Address Address: , 0

Legal Description: APPOMATTOX RIVER
9-15A

Zoning: R1

Year Built: N/A

Acreage: 140.00

Deed Book: 154

Deed Page: 111

Plat Book: 8

Plat Page: 96

Site Information

Land Value: \$840,000

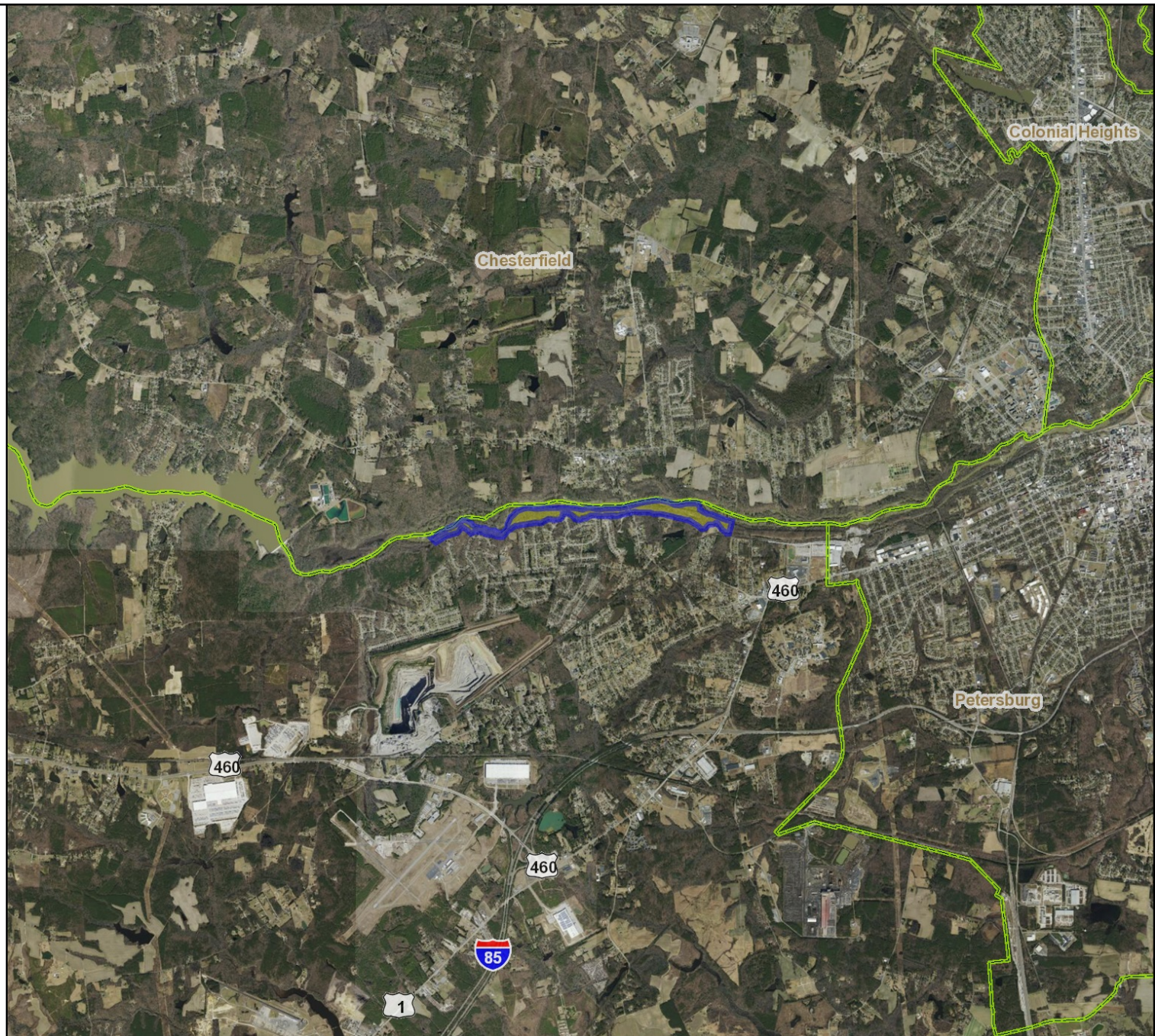
Improvement Value: \$0

Total Value: \$840,000

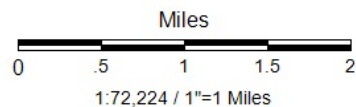
Dinwiddie County, Virginia

Legend

 County Boundaries



Map Printed from Dinwiddie
<https://parcelviewer.geodecisions.com/Dinwiddie>



Title: Parcels

Date: 3/20/2022

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 Dinwiddie County is not responsible for its accuracy or how current it may be.

Memorandum of Understanding

This Memorandum of Understanding (“MOU”) is entered into as of this 7th day of AUGUST, 2019 by and between CITY OF PETERSBURG, VIRGINIA (the “City”) and FRIENDS OF THE LOWER APPOMATTOX RIVER, INC., a Virginia nonprofit corporation (“FOLAR”) (each a “Party” and collectively, the “Parties”).

Recitals

WHEREAS, at all times herein mentioned the City was and remains a municipal corporation formed and operating under the laws of the Commonwealth of Virginia, whose principal office is located at 135 North Union Street, Petersburg, Virginia 23803; and

WHEREAS, at all times herein mentioned FOLAR was and remains a Virginia nonprofit corporation formed and operating under the laws of the Commonwealth of Virginia, whose principal office is located at 1964 Wakefield Street (PO Box 1808), Petersburg, Virginia 23805; and

WHEREAS, FOLAR has operated continuously since 2001 when it was registered as a Virginia 501(c)(3) nonprofit organization with a mission to “work in partnership to protect and conserve the lower Appomattox River for all to enjoy”; and

WHEREAS, FOLAR’s service area includes twenty-two (22) miles of the Appomattox River corridor from the dam of Lake Chesdin to the confluence with the James River and includes the counties of Chesterfield, Dinwiddie and Prince George and the cities of Colonial Heights, Hopewell and Petersburg; and

WHEREAS, FOLAR has developed the Appomattox River Trail Master Plan Part I and Part II (the “Plan”) for a regional trail and park system providing both land and water access, with funding in part from the Cameron Foundation (the “Appomattox River Trail”). The Plan was developed with input and support from the community, jurisdictions and other stakeholders. The Plan map showing the Appomattox River Trail is attached hereto as **Exhibit A** (the “Map”); and

WHEREAS, implementation priorities for the Plan focus on completing the trail and parks in the urban centers of Petersburg and Hopewell and expanding the trail from those centers; and

WHEREAS, working in these urban centers will provide a free, safe and accessible space for the general public to bike and walk for both recreation and transportation; and

WHEREAS, in addition to providing access to both the Appomattox River Trail for biking and walking and to the Appomattox River for boating and fishing, this system will provide an educational opportunity to interpret both the natural environment as well as the rich history along this stretch of the Appomattox River; and

WHEREAS, the City of Petersburg previously supported FOLAR's application for funding from the Cameron Foundation to develop the Plan and the Appomattox River Trail in Petersburg; and

WHEREAS, approximately five (5) miles of the proposed 20+ mile Appomattox River Trail will be in the City of Petersburg, both along the riverfront and through the historic Old Towne District (the "Petersburg Project"), such areas within the Petersburg city limits which are depicted on the Map; and

WHEREAS, the City strongly supports completion of the Appomattox River Trail and the Petersburg Project; and

WHEREAS, the parcels located within the Petersburg Project are owned by various individuals and entities, including the City and FOLAR (the "Petersburg Project Parcels"); and

WHEREAS, FOLAR and the City intend to cooperate with the landowners of the Petersburg Project Parcels to provide public access to the Petersburg Project Parcels; and

WHEREAS, FOLAR, seeks the City's support in constructing the Petersburg Project and wishes to work with the City to develop, operate and maintain the Petersburg Project as outlined below.

NOW, THEREFORE, the City and FOLAR enter into this MOU to express their intent to work together in accordance with the actions outlined below in order to address the issues relating to public access to the Petersburg Project Parcels and the development, operation and maintenance of the Petersburg Project in accordance with the Plan.

Terms

1. **Purpose** – The purpose of this MOU is to confirm the mutual understanding of the Parties with respect to the proposed transactions described herein. This MOU is an expression of intent only and shall not be construed to represent a binding agreement by any of the Parties to enter into the Petersburg Project Agreement (as defined below), nor is this MOU intended to create any legal or equitable obligations with respect to the Petersburg Project. The Parties do not intend to be bound to enter into the Petersburg Project Agreement or any other transaction unless and until that agreement is formalized in a writing duly authorized and executed by the Parties. No parties may claim to have suffered any damages as a result of detrimentally relying upon any representations made in this document. Except for the proposed transactions described in this MOU, the existence of this MOU or ongoing discussions pursuant hereto shall in no way prohibit or restrain the City or FOLAR from engaging in any other present or future business activities or discussions with any other person or entity regarding any other transaction(s). This MOU may be terminated by either Party with or without cause upon reasonable written notice to the other Party. For purposes of this Section "cause" shall mean a material breach of this MOU or any act or omission committed by a Party in relation to the

performance of this MOU which is a violation of any law, ordinance, or governmental regulation.

2. **Proposed Transaction; Petersburg Project** - The proposed transactions contemplated herein between the Parties (the "Proposed Transaction") concern the (i) right of public access to the Petersburg Project Parcels and (ii) the development, operation and maintenance of the Petersburg Project as guided by the Plan.
3. **Right of Public Access** – Commencing with the execution of this MOU and subject to availability of resources and appropriation at the discretion of Petersburg City Council, each of the Parties intends to dedicate the necessary resources in order to obtain public access for the Petersburg Project in, on, and along the Petersburg Project Parcels. The Parties, as may be applicable depending on ownership of any specific Petersburg Project Parcel, shall take reasonable steps to obtain such public access, including, without limitation, acquisition and/or dedication of Petersburg Project Parcels, easement and/or license rights in, on and over Petersburg Project Parcels, and/or any other means available to the Parties. Subject to availability of resources and appropriation at the discretion of Petersburg City Council, the Parties agree to dedicate the necessary resources to negotiate in good faith any and all alternative means whereby the goals of the Parties as to the Petersburg Project are accomplished.
4. **Petersburg Project Agreement** – Commencing with the execution of this MOU and subject to availability of resources and appropriation at the discretion of Petersburg City Council, each of the Parties intends to dedicate the necessary resources to negotiate in good faith and execute an agreement setting forth the development, operation and maintenance of the Petersburg Project (the "Petersburg Project Agreement"). The Petersburg Project Agreement will include provisions such as the following:
 - (i) General Terms.
 - a. At all times the Parties shall remain independent and separate legal entities. Nothing in this MOU shall be construed to constitute a contract of employment or agency between the parties.
 - b. At all times, the Petersburg Project shall be constructed, maintained, and operated in a safe manner in accordance with all applicable laws.
 - c. The trails located within the Petersburg Project shall be constructed for the use and enjoyment of the general public.
 - d. Each Party shall remain solely responsible for intentional acts or omissions by their respective employees. Neither Party shall be responsible for negligent acts or omissions by the employees, agents, or assigns of the other Party.

- e. The purpose of the Petersburg Project is for public use and enjoyment and to conserve the Petersburg Project Parcels and the Appomattox River Trail as public open space.
- (ii) Areas of Collaboration between FOLAR and the City. FOLAR and the City shall use good faith efforts to coordinate the following joint programming, events and volunteering:
 - a. Programming – Including, but not limited to, guided hikes/walks, guided paddles, walking/running clubs, specialized group activities based on age (senior/youth activities), support outfitters (biker, canoe/kayak rentals and guided trips).
 - b. Events – Including, but not limited to, organized races (bike, walk or run), organized paddles, farmers markets, and festivals.
 - c. Volunteering – Including, but not limited to, volunteer maintenance crews for light work, volunteer trail ambassadors (safety, bike repair, directions, etc.), and data collection (biannual volunteer trail counts).
- (iii) FOLAR and the City will collaborate to establish mutually agreeable methods of development, operation, and maintenance of the Petersburg Project, including the following Duties and Responsibilities:
 - a. Provide routine maintenance of the Petersburg Project, including without limitation, mowing, trash removal, leaf removal, tree pruning/removal, fence repair, signage repair, inspection and repairs of bridges and culverts, pesticide application, storm repairs, and vandalism repairs.
 - b. Law enforcement responsibility and public safety for the Petersburg Project.
- (iv) The City shall either own the Petersburg Project Parcels or establish easements, licenses or other public access rights along the Petersburg Project with the landowner of all applicable parcels for public access.
- (v) FOLAR Duties and Responsibilities:
 - a. Ensure improvements are consistent with the Plan for the Appomattox River Trail, and ensure connections at jurisdictional boundaries to create a unified system.
 - b. Ensure periodic review and updating/amending the Plan as needed.
 - c. Conduct and manage fundraising efforts for land acquisition (including the Petersburg Project Parcels), initial trail construction and signage that

FOLAR deems necessary and appropriate upon mutually agreeable terms to FOLAR and the City.

- d. Conduct and manage ongoing fundraising for daily operations and emergency repairs that FOLAR deems necessary and appropriate upon mutually agreeable terms to FOLAR and the City.
- e. Install and maintain regional trail counter system (TrafX).
- f. Provide best practices in policies and procedures for managing the Petersburg Project in connection with the Appomattox River Trail.
- g. Establish trail programs and brochures for the Petersburg Project and Appomattox River Trail as needed.
- h. Act as the regional coordinating organization to ensure jurisdictional consistency of the Appomattox River Trail, including without limitation consistency of the design, construction and operation of the Appomattox River Trail.
- i. Provide publicity and marketing for the Petersburg Project and the Appomattox River Trail as needed in conjunction with any such efforts that the City may at its discretion conduct.

5. **Conditions** – This MOU, the Proposed Transaction and all obligations of the Parties (other than the Binding Provisions as set forth in Section 8 are subject to the following conditions:

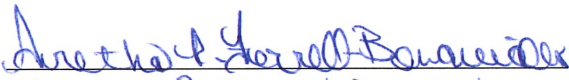
- A. Receipt by the respective Parties of all required corporate, City or similar organizational approvals or other authorizations. By executing this MOU the City does not warrant or guarantee the issuance of any permits, licenses, or inspection approvals which must be obtained in accordance with all applicable legal requirements;
- B. Negotiation and execution of the mutually acceptable Petersburg Project Agreement; and
- C. Receipt of all necessary consents and approvals of any applicable federal, state and/or local governmental authorities or agencies, as well as any licenses, permits or consents from any such authorities or agencies, or from any other third parties, in connection with the Petersburg Project Agreement that would typically be obtained prior to completion of the Proposed Transaction. By executing this MOU the City does not warrant or guarantee the issuance of any permits, licenses, or inspection approvals which must be obtained in accordance with all applicable legal requirements.

6. **Good Faith Negotiations** - So long as this MOU is in effect, each Party agrees to negotiate in good faith with the other Party regarding the terms of the Proposed Transaction.
7. **Costs** – All costs and expenses incurred by a Party related to this MOU and the Proposed Transaction shall be borne by the Party who incurred such costs or expenses regardless of whether or not the Petersburg Project Agreement is executed and delivered.
8. **Legal Effect** – The Parties intend this MOU to be a statement of intent by the parties to act in accordance with the terms herein described. This MOU creates no legally binding obligation upon the parties other than the obligation to act in good faith in furtherance of the Project as described herein. This MOU may be terminated at will by either Party in accordance with Section 1 of this document. It is expressly understood that this MOU does not constitute an offer or acceptance by any Party to execute any agreement relating to the Proposed Transaction or the Petersburg Project or to consummate the Proposed Transaction, nor does this MOU impose any legal obligation upon the Parties to engage in discussion or negotiations with each other or its representatives with respect to the terms of the Petersburg Project Agreement for any specific length of time.
9. **Miscellaneous** – This MOU shall be construed in accordance with and governed by the laws of the Commonwealth of Virginia. This MOU may be executed in any number of counterparts, each of which shall be deemed an original. Any dispute arising from this MOU shall be litigated solely in the Circuit Court for the City of Petersburg, Virginia.

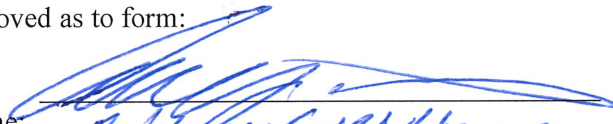
[Signature Page Follows]

If the above accurately reflects your understanding of our mutual intent, please indicate your approval by signing below whereupon this MOU shall become effective as of the date first set forth above.

CITY OF PETERSBURG, VIRGINIA

By: 
Name: Aretha R. Ferrell-Benquides
Title: City Manager

Approved as to form:

By: 
Name: Anthony C. Williams
Title: City Attorney

FRIENDS OF THE LOWER APPOMATTOX RIVER

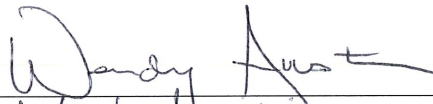
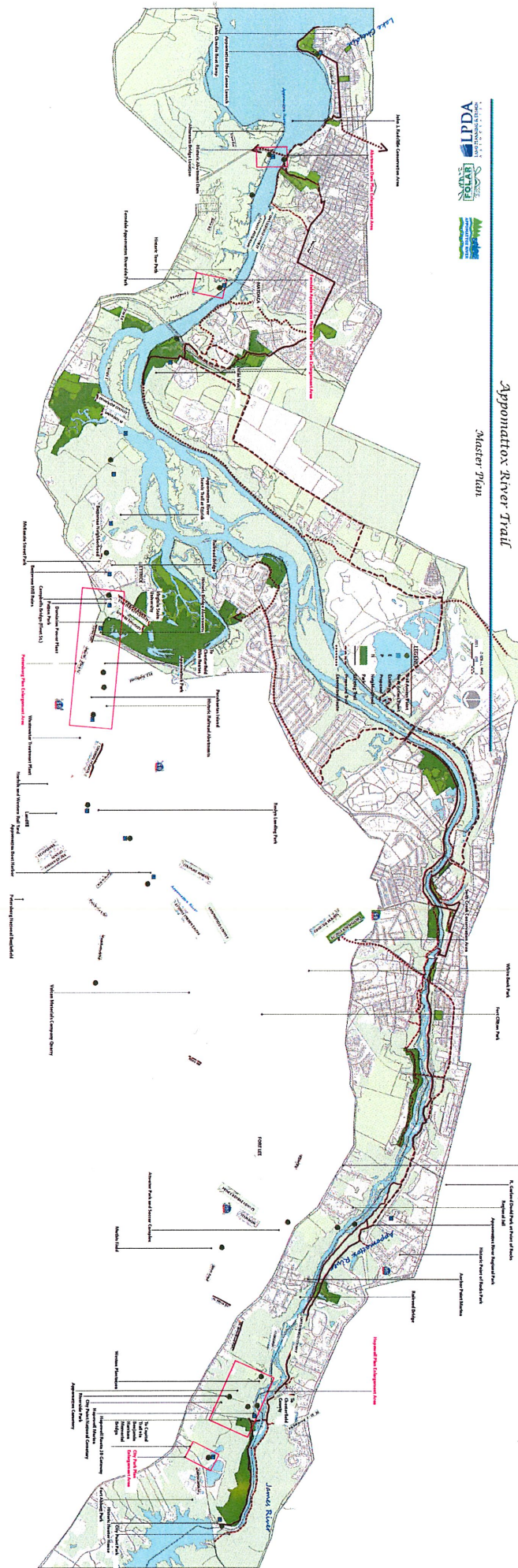
By: 
Name: Wendy Austin
Title: Executive Director

EXHIBIT A

See attached.

Appomattox River Trail Master Plan





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Stacey Jordan

RE: A Request to schedule a public hearing on April 19, 2022, for the consideration of the FY2022-2023 City of Petersburg Proposed All Funds Budget.

PURPOSE:

To have City Council discuss and consider the All Funds Budget for Fiscal Year Ending June 30, 2023 in the amount of \$103,951,830.

REASON:

A Public Hearing was held in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, on the proposed budgets of the various funds, known as All Funds, in the amount of \$103,951,830. The All Funds Budget for the Fiscal Year commencing July 1, 2022 and ending June 30, 2023 requires approval, adoption and appropriation by City Council.

RECOMMENDATION: Recommend City Council to adopt and appropriate the All Funds Budget for Fiscal Year 2022-23.

BACKGROUND: The Interim City Manager proposed an All Funds Budget to the City Council and the Public on March 24, 2022.

COST TO CITY: \$103,951,830

BUDGETED ITEM: Yes

REVENUE TO CITY: \$103,951,830

CITY COUNCIL HEARING DATE: 4/19/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: All Departments

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. FY2022-2023 Proposed All Funds Budget 03.30.2022

AN ORDINANCE MAKING APPROPRIATIONS IN
THE ALL FUNDS BUDGET
FOR THE FISCAL YEAR COMMENCING ON
JULY 1, 2022 AND ENDING JUNE 30, 2023.

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

- I. That appropriations for the fiscal year commencing July 1, 2022 and ending June 30, 2023, in the All Funds Budget are made from the following resources and revenues of the City, for the fiscal year ending June 30, 2023.

Revenue

General Fund Revenue	\$73,631,941
General Property Taxes	\$36,957,828
Other Local Taxes	\$13,577,400
Licenses, Permits and Fees	\$302,840
Fines and Forfeitures	\$405,000
Revenue from Use of Money and Property	\$110,000
Revenue from Other Agencies	\$18,498,484
Charges for Services	\$2,625,008
Recovered Costs	\$40,500
Miscellaneous Revenues	\$914,880
Non-Revenue Receipts	\$200,000
Grants Fund Revenue	\$1,002,267
Community Development Block Grant	\$628,399
VDOT Highway Maintenance Urban Allocation	\$5,984,699
Utilities	\$15,116,132
Mass Transit	\$4,974,745
Dogwood Trace Golf Course	\$1,379,028
Stormwater	\$1,259,012
Total Revenue	\$103,976,222

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing on July 1, 2022 and ending June 30, 2023 the following sums for the purposes mentioned:

Expenses

General Fund Expenditures	\$73,631,941
General Government	\$6,380,474
Constitutional Offices	\$5,111,693
Public Safety	\$17,825,167
Courts & Other Public Safety	\$273,360
General Services	\$5,538,922
Social Services	\$14,348,133
Recreation & Community Engagement	\$1,977,763

Development Services	\$2,369,087
Debt Service	\$3,127,269
Fund Balance Restoration	\$1,000,000
Schools Transfer	\$10,000,000
Non-Departmental	\$4,117,743
Transfers to other Funds	\$2,562,329
Grants Fund	\$1,002,267
Community Development Block Grant	\$628,399
VDOT Highway Maintenance Urban Allocation	\$5,984,699
Utilities	\$15,116,132
Mass Transit	\$4,974,745
Dogwood Trace Golf Course	\$1,379,028
Stormwater	\$1,259,012
Total Expenses	\$103,976,222

This budget recommends a reduction in the Real Estate Tax Rate from \$1.35 to \$1.27: No change to the Personal Property Tax Rate of \$4.90: or the Machinery & Tools Tax Rate of \$3.80.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Tangela Innis

RE: A request to hold a public hearing on April 19, 2022, for the consideration of City Council to advertise a maximum tax rate of \$1.27 per \$100 of assessed value.

PURPOSE: A request to hold a public hearing on April 19, 2022 for the consideration of City Council to advertise a maximum tax rate of \$1.27 per \$100 of assessed value.

REASON: A request to hold a public hearing on April 19, 2022 for the consideration of City Council to advertise a maximum tax rate of \$1.27 per \$100 of assessed value.

RECOMMENDATION: The Interim City Manager recommends that the City Council approves the reduction of the Real Estate tax rate by \$.08, reducing the rate from \$1.35 to \$1.27 per \$100 of assessed value to allow residents economic relief.

BACKGROUND: The lowered rate is necessary to offset increased assessment values: The City of Petersburg is proposing to adopt a tax rate of \$1.27 per \$100 of assessed value. The difference between the lowered tax rate and the proposed tax rate would be \$.08 per \$100. The difference will be known as the "effective tax rate decrease."

COST TO CITY: \$1,748,758

BUDGETED ITEM: Yes

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 4/19/2022

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. NOTICE OF PROPOSED REAL PROPERTY TAX DECREASE

NOTICE OF PROPOSED REAL PROPERTY TAX DECREASE



The City of Petersburg proposes to decrease property tax levies.

1. **Assessment Decrease:** Total assessed value of real property, excluding assessments due to new construction and improvements to property, exceeds last year's total assessed value of real property by 13 percent.
2. **Lowered Rate necessary to Offset Increased Assessment:** The tax rate which would levy a reduction in the amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusion mentioned above, would be \$1.27 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Decrease:** The City of Petersburg is proposing to adopt a tax rate of \$1.27 per \$100 of assessed value. The difference between the lowered tax rate and the proposed tax rate would be \$.08 per \$100. The difference will be known as the "effective tax rate decrease."

Individual property taxes many, however, increased at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of the City of Petersburg will exceed last year's by .3264 percent.

A public hearing on the decrease will be held on April 19, 2022, at the Petersburg Public Library, 201 West Washington Street, Petersburg, Virginia.

A review of assessment can be requested by completing a review of assessment application by March 1, 2022. Applications are available at www.petersburg.gov/148/City-Assessor, via telephone at (804) 733-2336, or may be obtained at the City Assessor's Office.

Appeal Deadline to the City Assessor's Office:	March 1, 2022
Appeal Deadline to the Board of Equalization:	April 1, 2022
Board of Equalization Applications will be disposed by:	June 30, 2022

Taxpayers may request to examine appraisal cards, working papers and other information regard the methodology employed in calculating the assessed value.

Brian Gordineer
City Assessor

Issued in accordance with § 58.1-3321, Code of Virginia, 1950, as amended.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Kenneth Miller

RE: A request to schedule a public hearing on April 19, 2022, on the consideration of an ordinance to amend and re-adopt 106-65 of the City of Code pertaining to the collection of delinquent real property taxes on properties where abatement expenses have been incurred.

PURPOSE: Consideration of amending an ordinance and readopt Section 106-65 of the city code.

REASON: To amend and readopt the city code.

RECOMMENDATION: To schedule a public hearing for April 19, 2022.

BACKGROUND: See attached ordinance.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 4/19/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 20220328_180448_087382_Sec._106_65.____Additional_authority_to_sell_land_for_delinquent_taxes

**AN ORDINANCE TO AMEND AND RE-ADOPT 106-65 OF THE CITY CODE
PERTAINING TO THE COLLECTION OF DELINQUENT REAL PROPERTY TAXES
ON PROPERTIES WHERE ABATEMENT EXPENSES HAVE BEEN INCURRED**

WHEREAS, the City has defined certain instances where real property may be sold for delinquent taxes in the City of Petersburg under Section 106-65 of the Code of Virginia; and

WHEREAS, the City has obtained Special Legislation from the General Assembly under Section 58.1-3965 of the Code of Virginia which shortens the period of time within which the City can collect delinquent real property taxes to six months; and

WHEREAS, it is the wish of City Council to have these provisions implemented and incorporated into the City's published Code of Ordinances.

NOW therefore be it ORDAINED that Section 106-65 of the City Code is hereby amended and re-adopted as follows:

Sec. 106-65. Additional authority to sell land for delinquent taxes.

In addition to the authority provided by Code of Virginia, § 58.1-3965, subsection A, as amended, and in accordance with Code of Virginia § 58.1-3965.1, the city may also institute proceedings to sell in accordance with law any real estate when taxes on such real estate are delinquent on December 31 following the first anniversary of the date on which such taxes have become due. The ordinance from which this section derives shall stand as the ordinance of institution for each and every such proceeding commenced in accordance with this section. Notice shall be given in accordance with relevant law.

However, to the extent that Petersburg is a qualifying locality, as defined in § 58.1-3221.6 of the Code of Virginia, whenever:

(a) taxes on any real estate are delinquent upon the expiration of six months following the date on which such taxes became due **and**

(b) the locality has incurred abatement costs which remain unpaid upon the expiration of six months following the date on which the abatement costs were first incurred, real estate meeting the conditions described as follows:

- (i) any structure that has been condemned by the local building official pursuant to applicable law or ordinance;
- (ii) any nuisance as that term is defined in § 15.2-900 of the Code of Virginia;
- (iii) any derelict building as that term is defined in § 15.2-907.1; or
- (iv) any property that has been declared to be blighted as that term is defined in § 36-49.1:1 of the Code of Virginia

may be sold for the purpose of collecting all delinquent taxes and abatement costs on such property. For the purposes of this section, "abatement costs" means costs incurred by a locality that result from the conditions described in clause (i), (ii), (iii), or (iv).

(Ord. No. 01-09, 3-6-2001) State Code reference: 58.1-3965 and 58.1-3965.1



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Reginald Tabor

RE: **A request to schedule a public hearing and consideration of an ordinance authorizing the installation of a street mural at the intersection of W. Washington & Market Street (corner of the Petersburg Public Library).**

PURPOSE: To schedule a public hearing and consideration of an ordinance authorizing the installation of a street mural at the intersection of W. Washington Street (corner of Petersburg Public Library).

REASON: To increase safety and provide accessible active transportation (walking) opportunities to and between downtown community sites, businesses and residences.

RECOMMENDATION: It is recommended that the City Council schedules a public hearing and consideration of an ordinance authorizing the installation of a street mural at the intersection of W. Washington & Market Street (corner of Petersburg Public Library).

BACKGROUND: During the March 1, 2022, City Council meeting, Ms. Fancie Terrell and Ms. Lisa Homa of Petersburg Healthy Options Partnerships (PHOPs) made a presentation regarding 'Tactical Urbanism' and a request to install a street mural at the intersection of W. Washington & Market Streets (corner of Petersburg Public Library). The purpose of the street mural is to increase safe and accessible active transportation (walking) opportunities to and between downtown community sites, businesses and residences.

This street mural project is a part of the 2021-2022 Virginia Walkability Action Institute cohort's (Petersburg team) action plan to create safe and accessible walking opportunities to reach the POP! Mobile Farmers' Market and the Market @ PPL (farm market) at the Petersburg Public Library along with multiple other local businesses, community sites and residences in downtown.

Outcomes of this project are to:

1. Support safe crossing across a main downtown and intersecting street.
2. Increase access to local farm markets available at the Petersburg Public Library.
3. Create a community-driven artistic rendering in a highly-trafficked location.

Funding for the project is to be paid through grant funding.

Logistics will be coordinated with the City's Department of Public Works.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 4/19/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Petersburg Public Library
Public Works

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: This program would be an exception to City Code 6-6, which prohibits painting of streets and sidewalks.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Tactical Urbanism - Petersburg Project Proposal

Tactical Urbanism Project Proposal Petersburg



The Issue

Issue statement

Why is this important?

Petersburg Transportation Data

Solution Proposal

Tactical Urbanism

Examples

Focus areas

Next Steps

Timeline

Ask



The Issue



Issue statement

Areas with both high vehicle speeds as well as pedestrian and pedalcyclist traffic make for unsafe road conditions in high risk areas.

In 2020, traffic crashes fatalities increased by 7.2%

Research suggests that throughout the past year, driving patterns and behaviors changed significantly.

Drivers who remained on the roads engaged in more risky behavior, including speeding, failing to wear seat belts, and driving under the influence of drugs or alcohol.

Traffic data indicates that average speeds increased and examples of extreme speeds became more common, while the evidence also shows that fewer people involved in crashes used their seat belts.



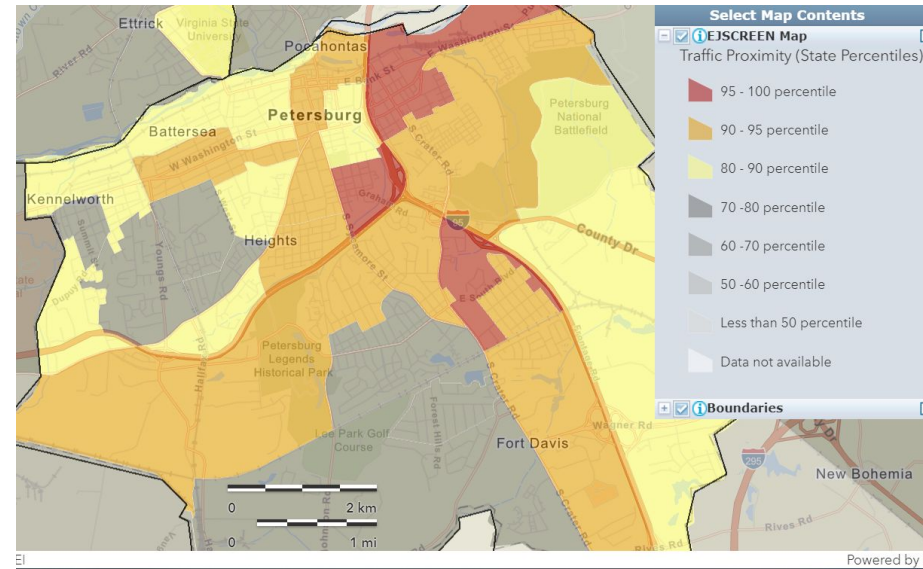
Why is this important?

Crash factors and demographics reviewed by NHTSA that showed the largest increases in 2020 as compared to 2019 included:

- **Non-Hispanic Black people (up 23%);**
- **Unrestrained occupants of passenger vehicles (up 15%);**
- **On urban local/collector roads (up 12%);**
- **In speeding-related crashes (up 11%);**
- **During nighttime (up 11%);**
- **During the weekend (up 9%);**
- **In single-vehicle crashes (up 9%) and;**
- **In police-reported alcohol involvement crashes (up 9%)**

Petersburg Transportation Data

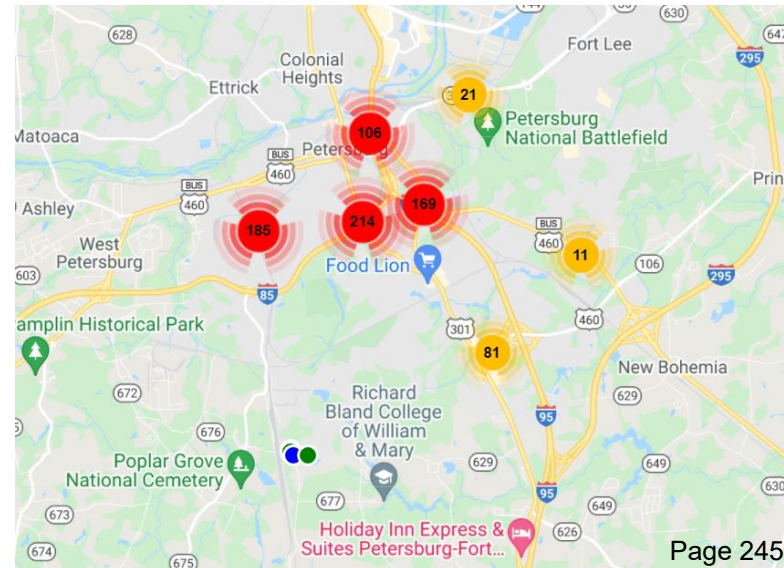
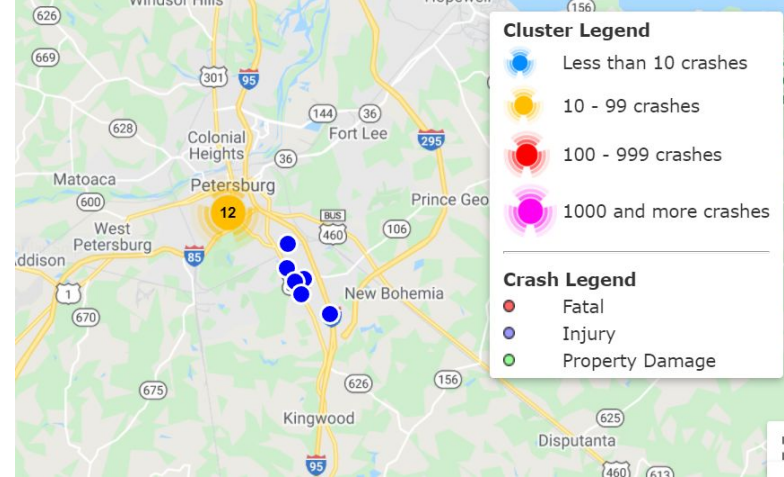
Traffic Volume



Petersburg has the 11th highest traffic volume in the state (out of 131 localities)

Petersburg Transportation Data

2021 Pedestrian & Total Crashes



Proposed Solution

What is tactical urbanism?

Tactical urbanism is short term action with a low cost and scalable intervention to catalyze long-term change.

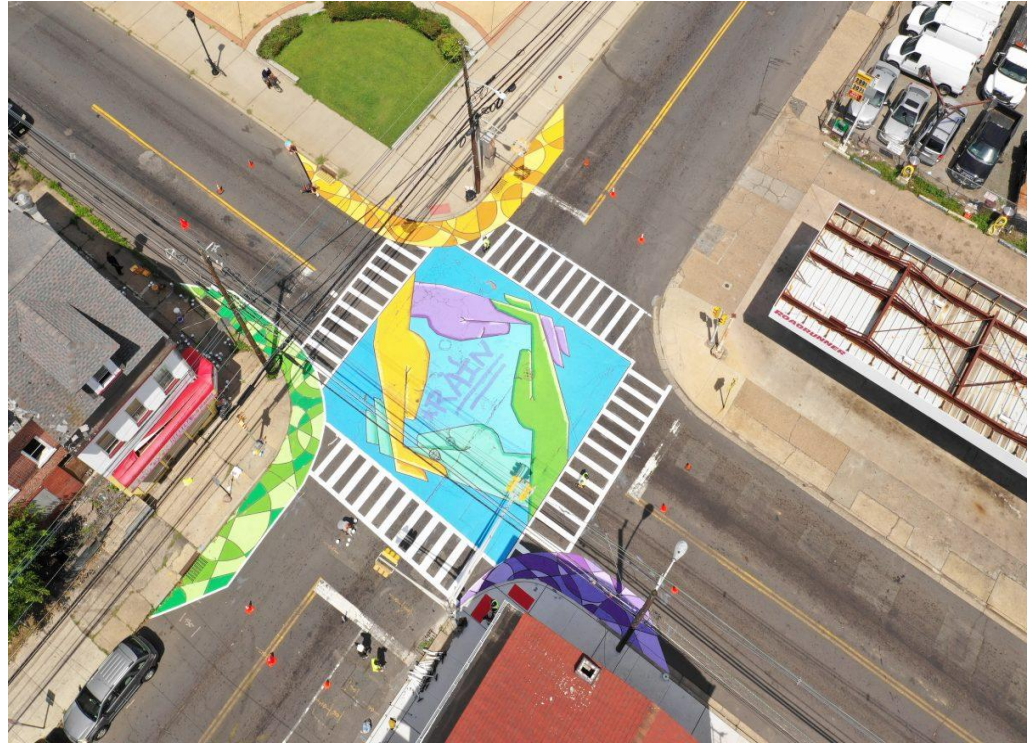


Tactical Urbanism: Street Mural

Success in Brunswick, NJ!

Graffiti-inspired street designs were painted to help slow traffic and protect pedestrians at two busy Brunswick Avenue on Saturday, August 10, 2019. Neighbors have identified these intersections near Martin Luther King Jr. Elementary School and Rivera Community Middle School as hazardous.

Similar “streetscape” or “tactical urbanism” projects in other cities have successfully slowed traffic and improved pedestrian safety by vibrantly highlighting crosswalks and slightly narrowing traffic lanes.



Tactical Urbanism in Action!

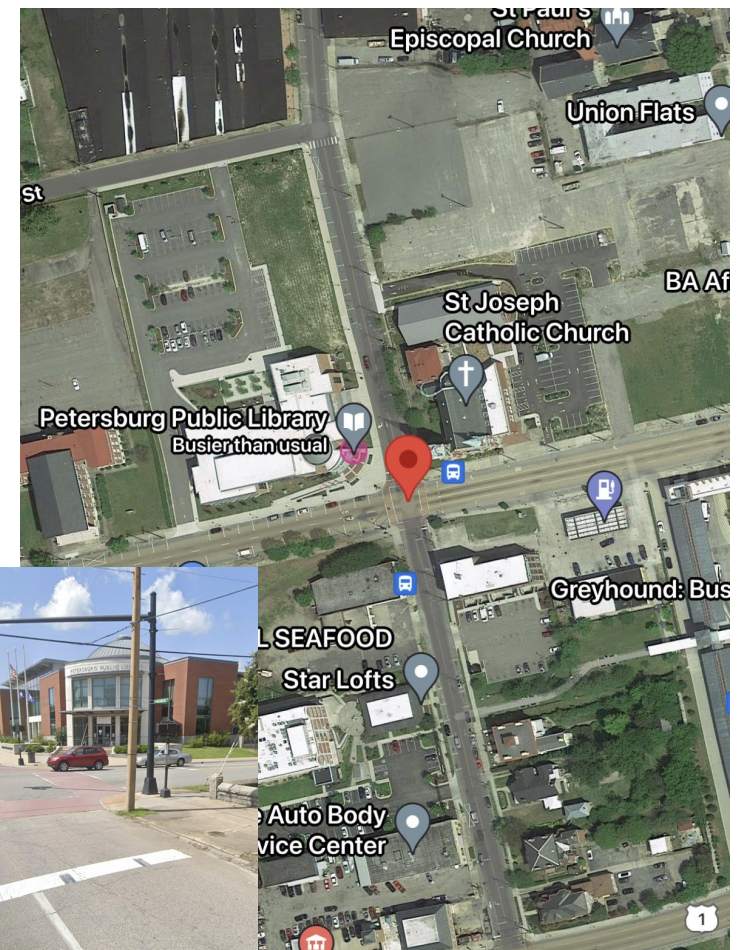
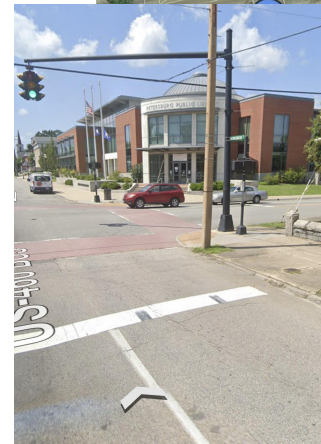


- Street mural in [Richmond, VA](#), 2021 by Art 180
 - Used street mural and pedestrian plaza
- [Seattle, WA](#), 2017
 - Bike paths and pedestrian plaza
- [Charlotte and Tampa](#) adapt public spaces

First area of focus:

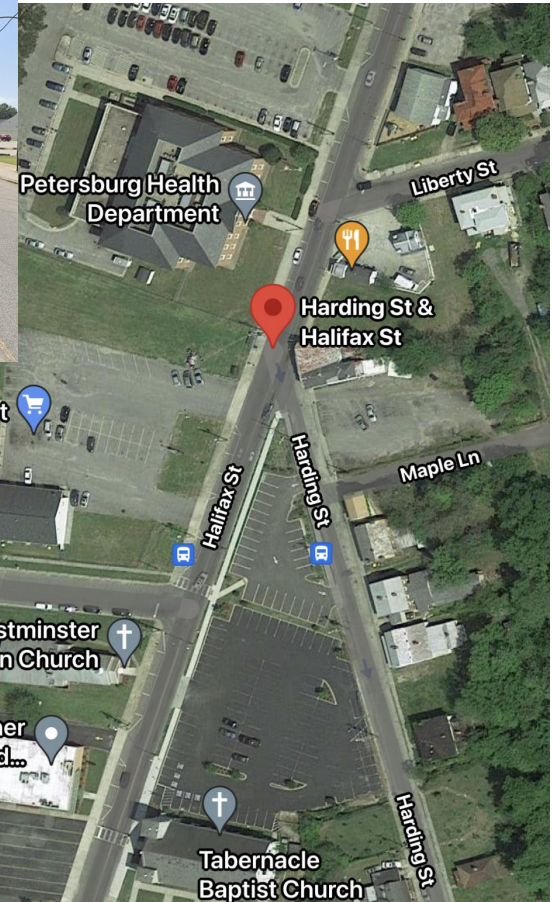
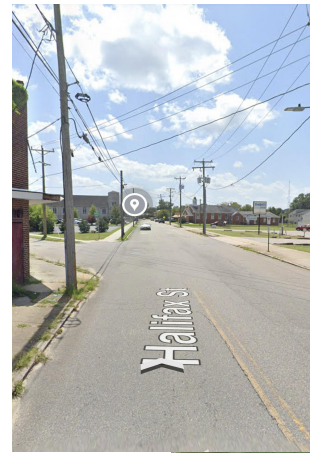
W. Washington & Market Streets

- Outside of Market @PPL
- High vehicle and pedestrian traffic
- Intersection connects commercial and residential use
- Connects bus station & PPL
- Area services a wide demographic
- Would highlight the beauty of PPL
- Community improvement
- Avg. annual daily traffic estimate: 11,000 vehicles
- 3 reported crashes - 2021 (2 injured)
- Bike network proposes a protected bike lane along Washington St.



Second area of focus: **Halifax & Harding Streets**

- High vehicle and pedestrian traffic
- Population includes youth, seniors, and differently abled people
- Intersection connects commercial and residential use
- Community engagement
- Connects to Petersburg Health Department
- Near POP! Market location
- In front of bus stop
- Average annual daily traffic estimate: 8,100 vehicles
- 3 reported crashes in 2020 (3 injured)
- Art installation improves community



Next Steps

What's next?

- **Objective 1: Community and Level 1 Decision Maker Engagement - by April 2022**
- **Objective 2: Project Design [in conjunction with community interviews] completed by May 2022**
- **Objective 3: Engage Decision Makers for final design considerations - June 2022**
- **Objective 4: Project Installation - Between June - September 2022**



Our ask

Authorization by City Council to install a street mural at the intersection of W. Washington & Market Streets (corner of Petersburg Public Library) by September 2021.

Questions?

References

[Division of Motor Vehicles - Crash Location Maps](#)

[EPA's Environmental Justice Screening and Mapping Tool \(Version 2020\)](#)

[National Highway Traffic Safety Association](#)

[RWJF County Health Rankings 2021](#)

[Street mural in Richmond, VA](#)

[Tactical Urbanism in Brunswick, NJ](#)

[VDOT Traffic Data](#)

Supporting references

[Examples from around the world](#)

[Tactical Urbanism and COVID](#)

[Tactical Urbanism Guide](#)



Contact

Virginia Walkability Action Institute
2021-2022 Cohort
Petersburg Team

Jasmine Barber - PHOPs (Petersburg
Healthy Options Partnerships)

Lisa Homa - PHOPs
lmh217@vt.edu

Fancie Terrell - PHOPs
fancie@vt.edu



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Randall Williams

RE: ARPA Municipal Utility Relief Update

PURPOSE: To update Council on the status of the ARPA Municipal Utility Relief Awards

REASON: Prepared presentation to answer questions raised in a previous Council meeting.

RECOMMENDATION:

BACKGROUND:

COST TO CITY: NA

BUDGETED ITEM: NA

REVENUE TO CITY: NA

CITY COUNCIL HEARING DATE: 4/5/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: NA

AFFECTED AGENCIES: Public Works & Utilities

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: NA

REQUIRED CHANGES TO WORK PROGRAMS: NA

ATTACHMENTS:

1. 6b. ARPA Utility Relief Update Apr 5 Council Meeting

The Department of Public Works and Utilities

City of *Petersburg* VIRGINIA

**ARPA Municipal Utility Relief Update
Randall Williams, Assistant Director
Public Works & Utilities**

April 5, 2022

ARPA SLFRF Municipal Utility Relief Update



- ❑ On October 29, 2021 the City of Petersburg as awarded \$3.67 million for utility relief for residential customers after applying for the relief to provide relief to residential customers experiencing economic hardships from the pandemic.
- ❑ On February 4, 2022 the City of Petersburg received \$3.67 million for utility relief for residential customers.
- ❑ After applying the guidelines of the program, it was determined that \$1.83 million would be applied to approximately 2,700 residential accounts.
- ❑ Letters including award amounts were mailed to those that qualified for utility relief on March 24, 2022.
- ❑ Per the program instructions the remaining \$1.84 million was returned to the state by the March 31, 2022 deadline.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: April 5, 2022
TO: The Honorable Mayor and Members of City Council
THROUGH:
FROM:
RE: Presentation on housing in the City of Petersburg

PURPOSE: For informational purposes.

REASON:

RECOMMENDATION: For informational purposes.

BACKGROUND: See attached presentation.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 4/5/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 3.1.2022 CACH Housing First Training



House Keeping Tips

- Ask Questions
 - Feel free to utilize the chat feature for questions during the presentation
- After the presentation
 - The PowerPoint will be available to all in attendance

Person-Centered Language

Homeless People v. People experiencing homelessness

Agenda

- Homeless and Special Needs Housing overview
- CACH Data
- Housing First Overview
- Q&A

Homeless and Special Needs Housing Unit

Mission: Ensure homelessness is rare, brief, and one time

HSNH administers three grant programs:

- Virginia Homeless Solutions Program (VHSP)
- Housing Opportunities for Persons With AIDS/HIV (HOPWA)
- Housing Trust Fund - Homeless Reduction Grant

*In response to COVID-19, HSNH developed and is currently administering COVID-19 related funding through the COVID Homeless Emergency Response Program (CHERP)

CACH Data

- Point-In-Time Count

- 2020 – 80 individuals experiencing homelessness, 28% of individuals experiencing homelessness are in Petersburg
 - 18% of individuals experiencing homelessness in Petersburg are families
- 2021 – 61 individuals could be experiencing homelessness, 23% of individuals are experiencing homelessness are in Petersburg
 - 36% of individuals experiencing homelessness in Petersburg are families

- Homeless Street Outreach

- 2020 – 116 individuals
- 2021 – 244 individuals
- Current – 74 individuals

What is Housing First?

Housing First

- Housing First is an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment, or service participation requirements.
- Central tenant of housing first is that everyone is “house-able” but some households do need additional supports to maintain their housing stability.
- Supportive services are offered to maximize housing stability and prevent returns to homelessness as opposed to addressing predetermined treatment goals prior to exit to permanent housing.
- Recognized by Federal and State governments as a best practice
- Evidence-based

- Homelessness is first and foremost a housing problem and should be treated as such
- Housing is a right to which all are entitled
- People who are homeless or at risk of becoming homeless should be returned to or stabilized in permanent housing as quickly as possible and connected to resources necessary to sustain that housing
- Issues that may have contributed to a household's homelessness are best addressed once they are housed
- All services should be client-driven

- Housing First is about changing how communities respond to homelessness.
- This change enables communities to:
 - Make occurrences of homelessness rare and brief
 - Help people experiencing homelessness obtain permanent housing quickly
 - Help people access the care and support needed to maintain their housing and achieve a better quality of life

Housing First Philosophy

THEN

- People needed to be “housing ready”
- “Earn” housing by completing a program, saving money, etc.

NOW

- Everyone is “housing ready”
- Services informed by harm reduction and motivational interviewing
- Project level policies and procedures that prevent lease violations and evictions

Housing First: Does it work?

- Shorter stays in homelessness
- Greater housing retention rates
- Lower returns to homelessness
- Significantly less expensive than use of crisis services

93%

Of RRH participants exited to
permanent housing

**RRH through SJV HRC*

- No programmatic prerequisites to permanent housing entry
- Low barrier admission policies
- Rapid and streamlined entry into housing
- All supportive services are voluntary
- Tenants have full rights, responsibilities, and legal protections

What Housing First Is Not

- It is not a free for all
 - It is not letting anything happen or let everyone in
- Not having rules or expectations of shelter guests
- Allowing people to act in ways that are unsafe to themselves or others
- Services are voluntary for participants NOT for staff

Messaging Regarding Housing First

- “Shelter is not a destination, it is a step on your path towards getting you housed.”
- “You can be housed.”
- Staff should be talking with shelter participants at least weekly regarding housing
- All conversations should promote housing as the end goal

Commonly Seen Challenges and Solutions for Shelter Providers

Challenge

- Programmatic requirements
- Exits from emergency shelter to anything other than permanent housing

Solution

- All services are voluntary, however programs can strongly recommend client participation.
- Positive exits into permanent housing

Questions?

Thank you!

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