



City of Petersburg Virginia

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January 3, 2023 - City Council Work Session

January 3, 2023
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
Marlow Jones, Councilor – Ward 1
Darrin Hill, Councilor – Ward 2
Charlie Cuthbert, Councilor – Ward 4
W. Howard Myers, Councilor – Ward 5
Arnold Westbrook, Jr., Councilor – Ward 7

City Manager

John March Altman, Jr.

-
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. A request to hold a public hearing on January 17, 2023, for the consideration of an ordinance authorizing the City Manager to extend the Technology Zone Capital Investment Grant for AMPAC Fine Chemicals Virginia, LLC for a period of three years, beginning January 1, 2023, and ending December 31, 2026, in the amount to be approximately \$570,000, including taxes due for year 2021 and 2022 as stipulated in the Virginia Economic Development Partnership Commonwealth Opportunity Fund Performance Agreement executed in August 2021. **(Page 3)**
 - b. A request to hold a public hearing on January 17, 2023, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Joel Erb towards the sale of City-owned property at 469 Byrne Street, parcel 031050039. **(Page 13)**
 - c. Request to hold a public hearing on January 17, 2023, on an Ordinance to Add Section 2-241 to the City Code Reserving the Right of Council to Remove Appointed Members of Boards, Commissions, and Authorities. **(Page 35)**
 - d. Consideration of a resolution authorizing the City Manager to execute the addendum to the Virginia Department of Housing and Community Development Industrial Revitalization Fund Contract #22-IRF-04. - 1st Reading **(Page 38)**
 - e. A request to schedule a public hearing for January 17, 2023, for the consideration of an ordinance authorizing the City Manager to execute a lease agreement between the City of Petersburg and the Commonwealth of Virginia, Department of Motor Vehicles for city-owned property located at 1004 Commerce Street. **(Page 55)**
 - f. Consideration of an appropriation ordinance for DCJS ARPA - Law Enforcement Equipment and Technology - 1st Reading **(Page 58)**
 - g. Minutes: **(Page 60)**
 - Minutes of December 13, 2022 - Closed Session
 - Minutes of December 13, 2022 - Regular City Council Meeting

- 6. Special Reports**
- 7. Monthly Reports**
- 8. Finance and Budget Report**
- 9. Capital Projects Update**
- 10. Utilities**
- 11. Streets**
- 12. Facilities**
- 13. Economic Development**
- 14. City Manager's Agenda**
- 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: January 3, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Brian Moore

RE: A request to hold a public hearing on January 17, 2023, for the consideration of an ordinance authorizing the City Manager to extend the Technology Zone Capital Investment Grant for AMPAC Fine Chemicals Virginia, LLC for a period of three years, beginning January 1, 2023, and ending December 31, 2026, in the amount to be approximately \$570,000, including taxes due for year 2021 and 2022 as stipulated in the Virginia Economic Development Partnership Commonwealth Opportunity Fund Performance Agreement executed in August 2021. (Page 3)

PURPOSE: To provide City Council with the details for the potential extension of the Technology Zone Capital Investment Grant for AMPAC Fine Chemicals Virginia, LLC

REASON: AMPAC is requesting the City Council extend the 2018 and subsequent year incentive previously granted to allow them an additional five (5) years to the previously granted five (5) years (maximum allowable ten (10) years) to qualify for incentives for equipment for calendar year 2016 and 2017 equipment that is still in use, and any idle equipment that is placed in use.

RECOMMENDATION: Staff recommends approval of the request for a period of three (3) additional years (beginning January 1, 2023, and ending December 31, 2026, in the amount to be approximately \$570,000, including taxes due for year 2021 and 2022 as stipulated in the COF Performance Agreement executed in August 2021

BACKGROUND: The City of Petersburg has a designated Technology Zone, identified as the I-95 Technology Zone, that provides a combination of State and Local incentives to promote economic development. On September 4, 2018, City Council designated AMPAC Fine Chemicals Virginia, LLC; hereinafter referred to as AMPAC, as being located within the Technology Zone and approved AMPAC to receive the Technology Zone Capital Investment Grant for five (5) years, 2018-2023, in the amount not to exceed \$250,000 per calendar year. AMPAC is requesting the City Council extend the 2018 and subsequent year incentive previously granted to allow them an additional five (5) years to the previously granted five (5) years (maximum allowable ten (10) years) to qualify for incentives for equipment for calendar year 2016 and 2017 equipment that is still in use, and any idle equipment that is placed in use

On May 1, 2021, the Virginia Economic Development Partnership awarded the City a Commonwealth

Development Opportunity Fund Grant in the amount of \$640,000 for AMPAC for the purpose of inducing the company to renovate, equip, improve and operate a pharmaceutical manufacturing and processing facility in Petersburg, VA; thereby making a significant Capital Investment, and creating and maintaining a significant number of new jobs. The performance agreement required a local match of a tax credit grant in the amount equal to the machinery and tools tax due from AMPAC for the five years of the facility beginning January 1, 2021 and ending December 31, 2026, which amount is estimated to be approximately \$570,000. The City of Petersburg wishes to extend the Technology Zone Capital Investment Grant for AMPAC for a period of three years, beginning January 1, 2023, and ending December 31, 2026, in the amount to be approximately \$570,000, including taxes due for year 2021 and 2022 as stipulated in the COF Performance Agreement executed in August 2021

COST TO CITY: Machinery and Tools tax revenue in the amount to be approximately \$570,000

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/3/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager, Economic Development, Planning and Community Development. Commissioner of the Revenue

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Tech Zone Extension- Ampac
2. Cover Letter - Technology Zone Incentive Program
3. Technology Zone Incentive Program - Application with back-up
4. VA MT Tax Schedules for Reporting_2022_Computation of Tax Due

ORDINANCE

An ordinance authorizing the City Manager to extend the Technology Zone Capital Investment Grant for AMPAC Fine Chemicals Virginia, LLC for a period of three years, beginning January 1, 2023, and ending December 31, 2026, in the amount to be approximately \$570,000, including taxes due for year 2021 and 2022 as stipulated in the Virginia Economic Development Partnership Commonwealth Opportunity Fund Performance Agreement executed in August 2021

WHEREAS; The City of Petersburg has a designated Technology Zone, identified as the I-95 Technology Zone, that provides a combination of State and Local incentives to promote economic development; and

WHEREAS; On September 4, 2018, City Council designated AMPAC Fine Chemicals Virginia, LLC; hereinafter referred to as AMPAC, as being located within the Technology Zone and approved AMPAC to receive the Technology Zone Capital Investment Grant for five (5) years, 2018-2023, in the amount not to exceed \$250,000 per calendar year; and

WHEREAS; AMPAC is requesting the City Council extend the 2018 and subsequent year incentive previously granted to allow them an additional five (5) years to the previously granted five (5) years(maximum allowable ten (10) years) to qualify for incentives for equipment for calendar year 2016 and 2017 equipment that is still in use, and any idle equipment that is placed in use; and

WHEREAS; On May 1, 2021, the Virginia Economic Development Partnership awarded the City a Commonwealth Development Opportunity Fund Grant in the amount of \$640,000 for AMPAC for the purpose of inducing the company to renovate, equip, improve and operate a pharmaceutical manufacturing and processing facility in Petersburg, VA; thereby making a significant Capital Investment, and creating and maintaining a significant number of new jobs; and

WHEREAS; The performance agreement required a local match of a tax credit grant in the amount equal to the machinery and tools tax due from AMPAC for the five years of the facility beginning January 1, 2021 and ending December 31, 2026, which amount is estimated to be approximately \$570,000; and

WHEREAS; Staff recommends approval of the request for a period of **three (3) additional years** (beginning January 1, 2023, and ending December 31, 2026, in the amount to be approximately \$570,000, including taxes due for year 2021 and 2022 as stipulated in the COF Performance Agreement executed in August 2021); and

WHEREAS; the City of Petersburg wishes to extend the Technology Zone Capital Investment Grant for AMPAC for a period of three years, beginning January 1, 2023, and ending December 31, 2026, in the amount to be approximately \$570,000, including taxes due for year 2021 and 2022 as stipulated in the COF Performance Agreement executed in August 2021.

NOW THEREFORE BE IT ORDAINED, that the City of Petersburg City Council authorizes the City Manager to take all necessary action to extend AMPAC Fine Chemicals Virginia, LLC Technology Zone Capital Investment Grant in the form of a tax grant in the amount equal to the machinery and tools due for a period of three years, beginning January 1, 2023, and ending December 31, 2026, in the amount to be approximately \$570,000, including taxes due for year 2021 and 2022 as stipulated in the COF Performance Agreement executed in August 2021.

November 15, 2022

Cynthia Boone, MBA
Project Manager
Department of Economic Development
City of Petersburg, Virginia
103 West Tab Street
Petersburg, Virginia 23803

RE: Technology Zone Incentive Program

Dear Cynthia Boone,

Attached is AMPAC Fine Chemical's application for the Technology Zone Incentive Program. We have qualified for this program for several years and are requesting that the City Council extend the 2018 and subsequent year incentives previously granted to 10 years.

AMPAC was entitled to a tax credit of \$250,000 per year against Machinery and Tools tax obligation for 2019-2021 as provided by the City Council and outlined in the attached Minutes from the City Council Meeting from September 4, 2018. The minutes explain that new equipment purchased in 2018 would be eligible for the five-year Technology Zone incentive until 2023. We have applied for incentives every year, which applies to equipment purchases for a five-year period. Each year, equipment purchased in year 6 rolls off.

In 2022 AMPAC paid tax of \$37,128 to Petersburg for equipment that was no longer eligible for incentive. See the attached Machine & Tools Tax Schedule for reporting the 2022 tax due. This schedule illustrates the maximum value of M&T that would be taxable (note that some of the equipment may be disposed of so these values likely would be less) for years 2018 through 2021 when the five-year incentive periods expire. It is our understanding the 2018 equipment will still be eligible for exemption through 2023 per the Sept. 4, 2018 minutes. If granted the incentive extension to 10 years we will continue to pay tax on the 2016 and 2017 equipment that is still in use, and any idle equipment that is placed in use.

The following supplemental support is also attached:

- Several news articles demonstrating the positive support, publicly shown by both Governor Glenn Youngskin and Mayor Samuel Parham for AMPAC Fine Chemicals.
- News article - the contribution AMPAC made to Petersburg City Public Schools at the AMPAC Fine Chemicals Day ceremony
- Minutes from Petersburg City Council Meeting held on September 4, 2018.
- Minutes from Petersburg special city council meeting from November 8, 2018.
- Virginia Machine & Tax Schedules for Reporting_2022_Computation of Tax Due

AMPAC Fine Chemicals
P.O. Box 1718 • Rancho Cordova, California 95741
Tel: +1 (888) 330-2232 • Fax: +1 (916) 353-3523
www.ampacfinechemicals.com

AMPAC is committed to continuing its investment in the Petersburg area and we respectfully request that the City and City Council support our request for Certification for the Incentive Program for 2023 (and subsequent years) and provide an extension of the five-year incentives to 10 years for equipment purchases in 2018 through 2021.

If you need any additional information for the completion of your certification, please call me at (916)357-6228.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ann Olson", is written over a horizontal line.

Ann Olson
Head of Finance and Accounting
AMPAC Fine Chemicals, LLC



City of Petersburg
135 N. Union Street
Petersburg, VA 23803
www.petersburg-va.org

Applicant/Business Information

Business Name: AMPAC Fine Chemicals VA, LLC

Business Address: 2820 North Normandy Drive, Petersburg, VA 23805

Business Phone #: 916-790-4428

Email Address: ardee.valledor@apfc.com

Company/Tax ID#: 81-3664838

Project Location (include map): 2820 North Normandy Dr., Petersburg, VA 23805

Please indicate the number of full-time employees currently employed by the business if existing: 136

If new, please indicate the anticipated number of full-time employees: N/A

Questionnaire (Please answer the following questions in narrative form)

1. Describe your business; provide as much context as possible. Ex: (how many owners are there? How/when was the business conceived?):

AMPAC Fine Chemicals bought the shuttered Boehringer Ingelheim Plant in 2016,
ramped up operations in 2019 with a second manufacturing building that is
now up and running. AMPAC Fine Chemicals, an SK Pharmteco Company, is a US based
manufacturer of active pharmaceutical ingredients. With 80 years experience AFC
has mastered challenging chemistries, enabling us to provide the highest quality
services to our customers.



2. Briefly describe your interest in the City of Petersburg, and how your business contributes to the goals of the Technology Zone.

AFC is preparing to inject \$25 million into its existing location in Petersburg, VA to expand production as part of it's collaboration in a US government-funded partnership with Phlow Corp., Medicines for All Institute and non-profit drug producer Civica Inc. The site's staff has doubled over the last 2 years with positions ranging from maintenance, EHS, chemists, engineers, logistic support and quality control/assurance analysts. With the staff additions, along with the donation to local community projects, (e.g., park expansion) AMPAC has demonstrated a long-term commitment to the City of Petersburg.

3. Provide information on your current business revenues, if applicable, or projected revenues.

Currently, approximately 50% of the sites manufacturing capacity is active which is double from 2 years ago. The plan is to complete most of this work in 2023 with the remaining 20% of capacity online in the next couple of years. Aside from additional production capability which will range from small scale for earlier phase or lower volume to larger, commercial scale, these renovations will also provide expanded capabilities for types of chemistries that can be run. AMPAC will be running the day to day operations in the two Phlow buildings on site, the Kilo Lab (small scale commercial mid-2023) and the HMF (large scale commercial mid-2024).

Include the following documents with your submittal:

- Business Plan describing the business history, operation, financial health, growth plans, etc.,
- Certificate of Incorporation
- Information on Business Governance (ex: Board of Directors, Articles of Incorporation, etc.)

Capital Expenditures

2023 Capital Plan - Timing of Expenditures					
2022 (F2)	2023	2024	2025	2026	2027
13,974,386	18,650,698	8,120,060	11,732,805	9,156,300	6,025,700

Board of Directors

AMPAC Fine Chemicals Virginia, LLC
a Delaware limited-liability company
WHOLLY OWNED SUBSIDIARY
Formed: 8/19/2016
Federal TIN: 81-3664838
Duns: 08-037-8299

Officers: Jeff Butler, President
Christine Ramsey, Secretary

Directors: Jeff Butler Renato Murrer

AMPAC Fine Chemicals VA, LLC

Computation of Tax Due for 2022 M&T Tax Purposes

Year	M&T Taxable	IDLE 2014-2021 - Not Taxable	Percent of Cost Values to be Used (applied to M&T Taxable)	Taxable Portion of Cost Values of M&T Taxable	Tax (\$3.80 per \$100 of Cost)	Credit Incentive*	Tax Due
2021	7,685,640		40%	3,074,256	116,822	116,822	-
2020	3,832,560		35%	1,341,396	50,973	50,973	-
2019	7,606,628		30%	2,281,988	86,716	86,716	-
2018	1,715,908		25%	428,977	16,301	16,301	-
2017	62,797		20%	12,559	477	-	477
2016	4,822,421	7,008,934	20%	964,484	36,650	-	36,650
Totals	25,725,953	7,008,934		8,103,661	307,939	270,811	37,128

***Per the Minutes of Petersburg City Council meeting setting forth proposed incentives for AMPAC on September 4, 2018 (first 4 pages attached) AMPAC was entitled to a tax credit of \$250,000 against its Machinery and Tools tax obligation for 2019-2021. The minutes also state that new equipment purchased in 2018 would be eligible for the five year Technology Zone incentive until 2023. The I-95 Technology Zone credits are applicable for a period of 5 year on new purchases of equipment. See November 8, 2018 special city council meeting_Agenda and explanation of I-95 Technology Zone and minutes approving the adoption of the incentives in perpetuity.**



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 3, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Brian Moore

RE: **A request to hold a public hearing on January 17, 2023, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Joel Erb towards the sale of City-owned property at 469 Byrne Street, parcel 031050039. (Page 13)**

PURPOSE: To provide City Council with the details for the potential sale of 469 Byrne Street.

REASON: To comply with the City of Petersburg Real Estate Disposition Guidelines adopted by the City Council on August 2, 2022.

RECOMMENDATION: Staff recommend City Council makes a motion to approve the sale.

BACKGROUND: The Department of Economic Development received an application on October 31, 2022, from Joel Erb to participate in the auction on GovDeals to purchase City-owned property located at 469 Byrne Street which was a vacant residential lot. On November 8, 2022, at the conclusion of the auction, it was determined that Mr. Erb was the highest bidder. He has submitted to staff the required documentation to prove he has the wherewithal to purchase the property. The proposed use of the property is to adjoin the property to his adjacent residential property located at 115 Jolly Alley and maintain it as open space. Staff have attached an addendum to the purchase agreement (see attached) that requires the following "The Purchaser agrees that the property located at 469 Byrne Street will remain open space. This agreement shall be incorporated into the Deed of Conveyance of the property from the city to the purchaser and shall run with the land." The purchaser's signature on the Addendum will be provided during the presentation to council prior to the council vote.

The proposed purchase price for the parcel is \$2500, which is 50% of the assessed value, \$5000. The purchaser will also pay all applicable closing costs.

This proposal is in compliance with the Guidelines for the City's Disposition of City Real Estate Property, Zoning, and the City's Comprehensive Land Use Plan.

Property Information

The zoning of the parcel at 469 Byrne Street is zoned R-3, a two-family residential district.

Address: 469 Byrne Street

Tax Map ID: 031050039

Zoning: R-3

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from the sale of property and associated fees and taxes

CITY COUNCIL HEARING DATE: 1/3/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager, Economic Development, City Assessor

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 469 Byrne Street Ordinance
2. Byrne-ED-App
3. 469 Byrne Street Purchase Agreement
4. Addendum to 469 Byrne Streetrev acw
5. 469 Byrne Street
6. 469 Byrne Street Map
7. 469 Byrne Street

ORDINANCE

An Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Joel Erb towards the sale of City-owned property at 469 Byrne Street, parcel ID 031050039

WHEREAS, the City of Petersburg has received a proposal from Joel Erb to purchase the City-owned property at 469 Bryne Street, Parcel ID: 031050039; and

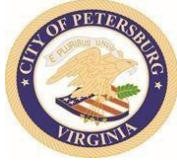
WHEREAS, Joel Erb owns the adjacent property located at 115 Jolly Alley; and

WHEREAS, Joel Erb proposes to use the property as open space; and

WHEREAS, the potential benefits to the City include a reduction in the number of City-owned lots to be maintained and inclusion of the property on the City's list of taxable properties; and

WHEREAS, in accordance with applicable legal requirements, a public hearing was held prior to consideration of an ordinance authorizing the sale of City-owned property on January 17, 2023; and

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg hereby approves the ordinance authorizing the City Manager to execute a Purchase Agreement with Joel Erb towards the sale of City-owned property at 469 Byrne Street, parcel ID 031050039.



City of Petersburg Real Estate Application

Buyer Demographics:

Contact Name Joel Erb

Contact Address 414 Harrison Street

Contact Email Address falcon@joelerb.com

Contact Phone Number 804-402-9305

Property you wish to bid on:

Property Address 469 Byrne Street

What is the intended use of the property:

Development Description-

Extension of current personal lot.

Buyer Experience:

Please detail experience you have in development

Member of the EDA and conducting improvement work on Harrison Street.

Please email application to:
The Department of Economic Development
econdev@petersburg-va.org

REAL ESTATE PURCHASE AGREEMENT

Assessed Value: \$5000

Consideration: \$2500

Tax Map No.: 031-050039

This Real Estate Purchase Agreement (the "Agreement") is dated January 17, 2023, between the CITY OF PETERSBURG, a municipal corporation of the Commonwealth of Virginia, hereinafter referred to as "Seller" and party of the first part, Joel Erb, hereinafter referred to as "Purchaser", and party of the second part, and Pender & Coward (the "Escrow Agent") and recites and provides the following:

RECITALS:

The Seller owns certain parcel(s) of property and all improvements thereon and appurtenances thereto located in Petersburg, Virginia, commonly known as: 469 Byrne Street, Petersburg VA 031-050039 (Property).

Purchaser desires to purchase the Property and Seller agrees to sell the Property subject to the following terms and provisions of this Agreement:

1. **Sale and Purchase:** Subject to the terms and conditions hereof, Seller shall sell and Purchaser shall purchase, the Property. The last date upon which this Agreement is executed shall be hereinafter referred to as the "Effective Date".
2. **Purchase Price:** The purchase price for the Property is two thousand five hundred (\$2,500) (the "Purchase Price"). The Purchase Price shall be payable all in cash by wired transfer or immediately available funds at Closing.
3. **Deposit:** Purchaser shall pay ten percent (10%) of the Purchase Price, two hundred fifty dollars (\$250), (the "Deposit") within fifteen (15) business days of the Effective Date to the Escrow Agent which shall be held and disbursed pursuant to the terms of this Agreement.
4. **Closing:** Closing shall take place on or before ninety (90) business days after the completion of the Due Diligence Period described in Section 5. Purchaser may close on the Property prior to completion of the Due Diligence Period with reasonable advance notice to Seller. At Closing, Seller shall convey to Purchaser, by Deed Without Warranty, good and marketable title to the Property in fee simple, subject to any and all easements, covenants, and restrictions of record and affecting the Property and current taxes.

In the event a title search done by Purchaser during the Due Diligence Period reveals any title defects that are not acceptable to the Purchaser, Purchaser shall have the right, by giving written notice to the Seller within the Due Diligence Period, to either (a) terminate this Agreement, in which event this Agreement shall be null and void, and none of the parties hereto shall then have any further obligation to any other party hereto or to any third party and the entire Deposit is refunded to the Purchaser or (b) waive the title objections and proceed as set forth in this Agreement. Seller agrees to cooperate with Purchaser to satisfy all reasonable requirements of Purchaser's title insurance carrier.

5. **Due Diligence Period:** Not to exceed one hundred twenty (120) calendar days after the Effective Date. The Purchaser and its representatives, agents, employees, surveyors, engineers, contractors and subcontractors shall have the reasonable right of access to the Property for the purpose of inspecting the Property, making engineering, boundary, topographical and drainage surveys, conducting soil test, planning repairs and improvements, and making such other tests, studies, inquires and investigations of the Property as the Purchaser may deem necessary. The Purchaser agrees that each survey, report, study, and test report shall be prepared for the benefit of, and shall be certified to, the Purchaser and Seller (and to such other parties as the Purchaser may require). A duplicate original of each survey, report, study, test report shall be delivered to Seller's counsel at the notice address specified in Section 15 hereof within ten (10) days following Purchaser's receipt thereof.

Purchaser shall be responsible for paying all closing costs associated with this purchase including but not limited to the real estate commission; Seller's attorney fees, applicable Grantor's tax and the cost associated with the preparation of the deed and other Seller's documents required hereunder. All closing costs shall be paid by the Purchaser.

- a. During the Due Diligence Period, the Purchaser and any of their paid or voluntary associates and/or contractors must agree to sign a 'Hold Harmless Agreement' prior to entering vacant property located at (Property). This agreement stipulates that to the fullest extent permitted by law, to defend (including attorney's fees), pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees, volunteers, and others working on behalf of the City against any and all claims, demands, suits or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers, or others working on behalf of the City, by any reason of personal injury, including bodily injury or death, and/or property damage, including loss of use thereof which arise out of or is in any way connected or associated with entering the vacant property located at (Property).

6. **Termination Prior to Conclusion of Due Diligence Phase:**

- a. If Purchaser determines that the project is not feasible during the Due Diligence Period, then, after written notice by Purchaser delivered to Seller, nine percent (9%) of the Purchase Price shall be returned to the Purchaser and one percent (1%) of the Purchase

Price shall be disbursed to Seller from the Deposit held by Escrow Agent and the Purchaser waives any rights or remedies it may have at law or in equity.

- b. If during the Due Diligence phase Seller determines that Purchaser does not possess sufficient resources to complete the Development Agreement, then nine percent (9%) of the Purchase Price shall be returned to the Purchaser and one percent (1%) of the Purchase Price shall be disbursed to Seller from the Deposit held by Escrow Agent.
- c. If the parties are unable to agree on the terms of the Development Agreement as required by paragraph 5(a) of this Agreement after good faith efforts by the parties, then nine percent (9%) of the Purchase Price shall be returned to the Purchaser and one percent (1%) of the Purchase Price shall be disbursed to Seller from the Deposit held by Escrow Agent. If either party fails to exercise good faith in the efforts to reach a Development Agreement, then the other party shall be entitled to one hundred percent (100%) of the Deposit

7. Seller's Representations and Warranties: Seller represents and warrants as follows:

- a. To the best of Seller's knowledge, there is no claim, action, suit, investigation or proceeding, at law, in equity or otherwise, now pending or threatened in writing against Seller relating to the Property or against the Property. Seller is not subject to the terms of any decree, judgment or order of any court, administrative agency or arbitrator which results in a material adverse effect on the Property or the operation thereof.
- b. To the best of Seller's knowledge, there are no pending or threatened (in writing) condemnation or eminent domain proceedings which affect any of the Property.
- c. To the best of Seller's knowledge, neither the execution nor delivery of the Agreement or the documents contemplated hereby, nor the consummation of the conveyance of the Property to Purchaser, will conflict with or cause a breach of any of the terms and conditions of, or constitute a default under, any agreement, license, permit or other instrument or obligation by which Seller or the Property is bound.
- d. Seller has full power, authorization and approval to enter into this Agreement and to carry out its obligations hereunder. The party executing this Agreement on behalf of Seller is fully authorized to do so, and no additional signatures are required.
- e. The Property has municipal water and sewer lines and has gas and electric lines at the line. Seller makes no representation as to whether the capacities of such utilities are sufficient for Purchaser's intended use of Property.
- f. Seller has not received any written notice of default under, and to the best of Seller's knowledge, Seller and Property are not in default or in violation under, any restrictive covenant, easement or other condition of record applicable to, or benefiting, the Property.

- g. Seller currently possesses and shall maintain until Closing general liability insurance coverage on the Property which policy shall cover full or partial loss of the Property for any reason in an amount equal to or exceeding the Purchase Price.

As used in this Agreement, the phrase "to the best of Seller's knowledge, or words of similar import, shall mean the actual, conscious knowledge (and not constructive or imputed knowledge) without any duty to undertake any independent investigation whatsoever. Seller shall certify in writing at the Closing that all such representations and warranties are true and correct as of the Closing Date, subject to any changes in facts or circumstances known to Seller.

8. Purchaser's Representations and Warranties:

- a. There is no claim, action, suit, investigation or proceeding, at law, in equity or otherwise, now pending or threatened in writing against Purchaser, nor is Purchaser subject to the terms of any decree, judgment or order of any court, administrative agency or arbitrator, that would affect Purchaser's ability and capacity to enter into this Agreement and transaction contemplated hereby.
 - b. Purchaser has full power, authorization and approval to enter into this Agreement and to carry out its obligation hereunder. The party executing this Agreement on behalf of Purchaser is fully authorized to do so, and no other signatures are required.
9. **Condition of the Property:** Purchaser acknowledges that, except as otherwise set forth herein, the Property is being sold "AS IS, WHERE IS AND WITH ALL FAULTS", and Purchaser has inspected the Property and determined whether or not the Property is suitable for Purchaser's use. Seller makes no warranties or representations regarding the condition of the Property, including without limitation, the improvements constituting a portion of the Property or the systems therein.
10. **Insurance and Indemnification:** Purchaser shall indemnify Seller from any loss, damage or expense (including reasonable attorney's fees and costs) resulting from Purchaser's use of, entry upon, or inspection of the Property during the Due Diligence Period. This indemnity shall survive any termination of this Agreement. Notwithstanding any other provision of this Agreement, Purchaser's entry upon the subject property and exercise of due diligence is performed at Purchaser's sole risk. Purchaser assumes the risk and shall be solely responsible for any injuries to Purchaser, its employees, agents, assigns and third parties who may be injured or suffer damages arising from Purchaser's entry upon the property and the exercise of Purchaser's due diligence pursuant to this Agreement.
11. **Escrow Agent:** Escrow Agent shall hold and disburse the Deposit in accordance with the terms and provisions of this Agreement. In the event of doubt as to its duties or liabilities under the provisions of this Agreement, the Escrow Agent may, in its sole discretion, continue to hold the monies that are the subject of this escrow until the parties mutually agree to the disbursement thereof, or until a judgment of a court of competent jurisdiction shall determine the rights of the parties thereto. In the event of any suit where Escrow Agent interpleads the Deposit, the

Escrow Agent shall be entitled to recover a reasonable attorney's fee and cost incurred, said fees and cost to be charged and assessed as court costs in favor of the prevailing party. All parties agree that the Escrow Agent shall not be liable to any party or person whomsoever for mis-delivery to Purchaser or Seller of the Deposits, unless such mis-delivery shall be due to willful breach of this Agreement or gross negligence on the part of the Escrow Agent. The Escrow Agent shall not be liable or responsible for loss of the Deposits (or any part thereof) or delay in disbursement of the Deposits (or any part thereof) occasioned by the insolvency of any financial institution unto which the Deposits is placed by the Escrow Agent or the assumption of management, control, or operation of such financial institution by any government entity.

12. **Risk of Loss:** All risk of loss or damage to the Property by fire, windstorm, casualty or other cause is assumed by Seller until Closing. In the event of a loss or damage to the Property or any portion thereof before Closing, Purchaser shall have the option of either (a) terminating this Agreement, in which event the Deposit shall be returned to Purchaser and this Agreement shall then be deemed null and void and none of the parties hereto shall then have any further obligation to any other party hereto or to any third party, or (b) affirming this Agreement, in which event Seller shall assign to Purchaser all of Seller's rights under any applicable policy or policies of insurance and pay over to Purchaser any sums received as a result of such loss or damage. Seller agrees to exercise reasonable and ordinary care in the maintenance and upkeep of the Property between the Effective Date and Closing. Purchaser and its representatives shall have the right to make an inspection at any reasonable time during the Due Diligence Period or prior to Closing.
13. **Condemnation:** If, prior to Closing, all of any part of the Property shall be condemned by governmental or other lawful authority, Purchaser shall have the right to (1) complete the purchase, in which event all condemnation proceeds or claims thereof shall be assigned to Purchaser, or (2) terminate this Agreement, in which event the Deposit shall be returned to Purchaser and this Agreement shall be terminated, and this Agreement shall be deemed null and void and none of the parties hereto shall then have any obligation to any other party hereto or to any third party, except as otherwise provided in this Agreement.
14. **Notices:** All notices and demands which, under the terms of this Agreement must or may be given by the parties hereto shall be delivered in person or sent by Federal Express or other comparable overnight courier, or certified mail, postage prepaid, return receipt requested, to the respective hereto as follows:

SELLER:

The City of Petersburg
March Altman
City Manager
135 North Union Street
Petersburg, VA 23803

Anthony C. Williams, City Attorney
City of Petersburg, Virginia
135 N. Union Street
Petersburg, VA 23803

PURCAHSE:

Joel Erb

414 Harrison Street

Petersburg, Virginia 23803

COPY TO:

Notices shall be deemed to have been given when (a) delivered in person, upon receipt thereof by the person to whom notice is given, (b) as indicated on applicable delivery receipt, if sent by Federal Express or other comparable overnight courier, two (2) days after deposit with such courier, courier fee prepaid, with receipt showing the correct name and address of the person to whom notice is to be given, and (c) as indicated on applicable delivery receipt if sent via certified mail or similar service.

15. **Modification:** The terms of this Agreement may not be amended, waived or terminated, but only by an instrument in writing signed by the Seller and Purchaser.
16. **Assignment; Successors:** This Agreement may not be transferred or assigned without the prior written consent of both parties. In the event such transfer or assignment is consented to, this Agreement shall inure to the benefit of and bind the parties hereto and their respective successors and assigns.
17. **Counterparts:** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one of the same instrument.

18. **Survival:** All of the representations, warranties, covenants and agreements made in or pursuant to this Agreement made by Seller shall survive the Closing and shall not merge into the Deed or any other document or instrument executed and delivered in connection herewith.
19. **Captions and Counterparts:** The captions and paragraph headings contained herein are for convenience only and shall not be used in construing or enforcing any of the provisions of this Agreement.
20. **Governing Law; Venue:** This Agreement and all documents and instruments referred to herein shall be governed by, and shall be construed according to, the laws of the Commonwealth of Virginia. Any dispute arising out of performance or non-performance of any term of this Agreement shall be brought in the Circuit Court for the City of Petersburg, Virginia.
21. **Entire Agreement:** This Agreement contains the entire agreement between Seller and Purchaser, and there are no other terms, conditions, promises, undertakings, statements or representations, expressed or implied, concerning the sale contemplated by this Agreement. Any and all prior or subsequent agreements regarding the matters recited herein are hereby declared to be null and void unless reduced to a written addendum to this Agreement signed by all parties in accordance with Section 16.
22. **Copy or Facsimile:** Purchaser and Seller agree that a copy or facsimile transmission of any original document shall have the same effect as an original.
23. **Days:** Any reference herein to "day" or "days" shall refer to calendar days unless otherwise specified. If the date of Closing or the date for delivery of a notice or performance of some other obligation of a party falls on a Saturday, Sunday or legal holiday in the Commonwealth of Virginia, then the date for Closing or such notice of performance shall be postponed until the next business day.
24. **Title Protection:** Deed to this property is conveyed without warranty. During the due diligence period, purchaser may research title issues associated with the property and may purchase title insurance at his own expense or terminate the agreement in accordance with the provisions of this contract in the event that issues regarding title are discovered.
25. **Development Agreement:** A Development agreement detailing the development scope, budget, funding, schedule and any other agreed upon performance requirements of the Developer will be executed prior to the transfer of the deed for the property.
26. **Reversion Provision:** The deed of conveyance to this property shall contain a provision that this property will revert back to the City if performance requirements are not met by the Developer within the time period specified in the Development Agreement upon Notice of Breach to Developer and failure to timely cure.

27. Compliance with Zoning, land use and Development requirements: Execution of this document shall not be construed to affect in any way the obligation of the purchaser to comply with all legal requirements pertaining to zoning, land use, and other applicable laws.

28. IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and years first written.

PURCHASER: Joel Erb

By:  _____, Joel Erb

Title: _____

Date: December 10, 2022

SELLER:

The City of Petersburg, Virginia

By: _____, March Altman

Title: City Manager

Date: _____

ESCROW AGENT:

By: _____,

Title: _____

Date: _____

Approved as to form:

Date: _____

By: _____, Anthony Williams

Title: City Attorney

**FIRST ADDENDUM TO PURCHASE AGREEMENT FOR THE PROPERTY
LOCATED AT 469 BYRNE STREET BETWEEN JOEL ERB AND THE CITY OF
PETERSBURG DATED JANUARY 17, 2023**

WHEREAS the parties have entered into a Purchase Agreement for the property located at 469 Byrne Street in the City of Petersburg, Virginia; and

WHEREAS, in accordance with the terms of said Purchase Agreement, the Agreement may not be amended except by a written addendum signed by all parties.

NOW, therefore the Parties wish to Amend the Purchase Agreement to add Paragraph 28 which is hereby incorporated into said Purchase Agreement as if set forth fully therein as follows:

28. The Purchaser agrees that the property located at 469 Byrne Street will remain open space. This Agreement shall be incorporated into the Deed of conveyance of the Property from the City to The Purchaser and shall run with the land.

All other provisions of the Purchase Agreement shall remain in full force and effect.

PURCHASER

By: _____
Printed name: _____

CITY OF PETERSBURG, VIRGINIA

By: _____
City Manager

Approved as to form:

By: _____
Anthony C. Williams, City Attorney

Proposal to Purchase City-Owned Property



Purchaser									
Project Name	469 Byrne Street								
Property Address	469 Byrne Street								
Parcel Number	031-050039			Acreage	1.23		Bldg SF		
Year Constructed	NA								
Project Developer	Joel Erb								
Contact Name	Joel Erb								
Address	414 Harrison St					Phone	804-402-9305		
	Petersburg, VA								
Email	falcon@joelerb.com								
Experience/Qualifications	NA								
Development Description	As it adjoins my current home, the lot is dire need of cleanup (significance trash dump), grading, and water drainage								
Offered Purchase Price	\$2,500			Construction Costs	\$		-		
				Total Investment	\$		2,500.00		
Description of Financing (%)	self financed/ cash								
Community Benefit	Cleaning of brush and trash (current dumping ground)								
Due Diligence Period (months)	90								
Construction Start Date	NA			Completion Date	NA				
Number of Projected Jobs	Temp/Const. Jobs		0		Permanent Jobs		0		
Average Wage									
Contingencies	Zoning Permits								
City Assessment									
Outstanding Obligations									
Proposed Land Use	Residential			Yes	No				
Comp Plan Land Use	Residential			Conformance	Y				
Zoning	R-3			Conformance	Y				
Enterprise Zone	NA								
Rehab/Abatement									
New Construction	NA								
Historic District	Yes								
Assessed Value	\$ 5,000.00		Appraised Value	\$ -		Date			
City Revenue from Sale	\$ (2,500.00)								
Projected Tax Revenue	Abatement		Year 1		Year 5		Year 20		
Real Estate Tax	\$ -	\$	67.50	\$	337.50	\$	843.75		
Personal Property Tax	\$ -	\$	-	\$	-	\$	-		
Machinery and Tools Tax	\$ -	\$	-	\$	-	\$	-		
Sales and Use Tax	\$ -	\$	-	\$	-	\$	-		
Business License Fee	\$ -	\$	-	\$	-	\$	-		
Lodging Tax	\$ -	\$	-	\$	-	\$	-		
Meals Tax	\$ -	\$	-	\$	-	\$	-		
Other Taxes or Fees	\$ -	\$	-	\$	-	\$	-		
Total	\$ -	\$	67.50	\$	337.50	\$	843.75		
Total Tax Revenue		\$	67.50	\$	337.50	\$	843.75		
Waivers & Other Costs to the City		\$	-	\$	-	\$	-		
City ROI (Revenue - Cost)	\$ -	\$	67.50	\$	337.50	\$	843.75		

Proposal to Purchase City-Owned Property



Staff Recommendation	_____	
Last Use Public	_____	Comm. Review Date _____
Council Decision	_____	Council Review Date _____
Disposition Ord #		Ord Date _____

Petersburg, Virginia

Parcel: 031050039

Summary

Owner Name	CITY OF PETERSBURG	National Historic District:	
Owner Mailing Address	135 N. Union St Petersburg , VA 23803	Enterprise Zone:	Yes
Property Use	100	Opportunity Zone:	
State Class:	7 Exempt Local	VA Senate District:	16
Zoning:	R-3	Va House District:	63
Property Address	469 BYRNE ST Petersburg , VA	Congressional District:	4
Legal Acreage:	.083	City Ward:	5
Legal Description:	40 X 90	Polling Place:	Tabernacle Baptist Church
Subdivision:	Charlton	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8107
Local Historic District:		Elementary School:	Cool Springs
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

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

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	11/28/2001	\$0	2001/4563

Assessments

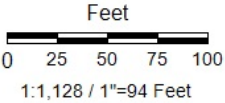
Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000

Property Tax (Coming Soon)

Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 031050039

Date: 12/16/2022

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

Presentation for Council 469 Byrne Street Purchase Agreement Proposal



Brian A. Moore
Director of Economic Development, Planning, and Community Development
Petersburg, Virginia
January 17, 2022

Introduction

This presentation will provide information on the proposed purchase agreement between the City of Petersburg and Joel Erb for the purchase of City-owned property located at 469 Byrne Street.

Background



- Zoning – R3
- Acreage – .083
- Current Use- Vacant Residential Lot
- Proposed Use –additional acreage for adjoining lot at 115 Jolly Alley
- Purchase Price-\$2500

Summary

- The Department of Economic Development, Planning and Community Development recommends that the City Council consider the ordinance authorizing the City Manager to execute the purchase agreement between the City of Petersburg and Harold Beasley for the City-owned property located at 469 Byrne Street.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 3, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Anthony Williams

RE: Request to hold a public hearing on January 17, 2023, on an Ordinance to Add Section 2-241 to the City Code Reserving the Right of Council to Remove Appointed Members of Boards, Commissions, and Authorities. (Page 35)

PURPOSE: To reserve Council's unqualified right of removal of appointed members of Boards, Commissions, and Authorities

REASON: City Council directed that the City Attorney prepare this item for consideration. Provisions of the Code of Virginia prescribe a statutory means of removal of members appointed by City Council to certain boards, commissions, authorities and other entities unless the appointing authority [City Council] "is given [or otherwise has lawfully reserved] the unqualified power of removal." In order to ensure that Council retains its ability to remove such appointed members at will, it is recommended that Council incorporate this provision into the City Code.

RECOMMENDATION: Adopt the Ordinance.

BACKGROUND: City Council directed that the City Attorney prepare this item for consideration. Provisions of the Code of Virginia prescribe a statutory means of removal of members appointed by City Council to certain boards, commissions, authorities and other entities unless the appointing authority [City Council] "is given [or otherwise has lawfully reserved] the unqualified power of removal." In order to ensure that Council retains its ability to remove such appointed members at will, it is recommended that Council incorporate this provision into the City Code.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 1/17/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. AN ORDINANCE TO ADD SECTION 2

AN ORDINANCE TO ADD SECTION 2-241 TO THE CITY CODE RESERVING THE RIGHT OF COUNCIL TO REMOVE APPOINTED MEMBERS OF BOARDS, COMMISSIONS, AND AUTHORITIES

WHEREAS, City Council appoints members to City Boards, Commissions, and Authorities who serve as officers of the City and aid in the operation of City government; and

WHEREAS, certain provisions of the Code of Virginia prescribe a statutory means of removal of such officers appointed by City Council unless the appointing authority (City Council) “is given [or otherwise has lawfully reserved] the unqualified power of removal; and

WHEREAS, it is the wish of Council to affirm its unqualified power of removal with respect to all such Boards, Commissions, and Authorities; and

WHEREAS, it has been recommended that Council memorialize this reservation of its right of removal in the published Code of Ordinances by the addition of Section 2-241 to wit:

SEC. 2-241 Unqualified power of removal.

To the fullest extent permissible under Virginia Law, City Council hereby reserves unto itself the unqualified authority to remove any member appointed by City Council to any Board, Commission, Authority or other entity to which Council makes appointments.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 3, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Brian Moore

RE: **Consideration of a resolution authorizing the City Manager to execute the addendum to the Virginia Department of Housing and Community Development Industrial Revitalization Fund Contract #22-IRF-04. - 1st Reading (Page 38)**

PURPOSE: To provide the City Council with the details on the addendum to the IRF Contract #22-IRF-04

REASON: It is necessary to amend the agreement to make the IRF contract consistent with the two million dollars (\$2,000,000) that was appropriated for the Economic Development Authority to satisfy the IRF public contribution requirement

RECOMMENDATION: Staff recommends Council adopt the resolution

BACKGROUND: City Council appropriated the \$2,000,000 for the Economic Development authority previously and that the Addendum to the Agreement makes it consistent with their appropriation.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/3/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager, Economic Development, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: 21-R-83, 22-R-31

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. IRF Contract Addendum-rev20221221acw
2. Petersburg 22-IRF-04 Amendment 12.12.22 (1)

3. Petersburg 22-IRF-04 Contract Fully Executed (1)

RESOLUTION

A Resolution authorizing the City Manager to execute the addendum to the Virginia Department of Housing and Community Development Industrial Revitalization Fund Contract #22-IRF-04.

WHEREAS, on June 21, 2022, the City of Petersburg and the City of Petersburg Economic Development Authority executed contract #22-IRF-04 with the Virginia Department of Housing and Community Development to award Hotel Petersburg the Industrial Revitalization Fund, hereinafter referred to as IRF, in the amount of \$600,000; and

WHEREAS, it is necessary to amend the agreement to make the IRF contract consistent with the two million dollars (\$2,000,000) that was previously appropriated by City Council to the Economic Development Authority to use in satisfaction of the IRF public contribution requirement; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petersburg do hereby authorize the City Manager to execute the addendum (**Exhibit A**) to the Virginia Department of Housing and Community Development Industrial Revitalization Fund Contract #22-IRF-04.

**COMMONWEALTH OF VIRGINIA
FY22 INDUSTRIAL REVITALIZATION FUND
CONTRACT AMENDMENT
22-IRF-04**

In accordance with the request of the GRANTEE, the DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD) is amending the above referenced Industrial Revitalization Fund Contract in the following way:

- I. Revise Special Condition 1 to state “\$2,000,000 in public matching funds are committed to this project. These funds shall be expended prior to or in proportion to IRF grants funds within the budget, per activity. In addition, \$9,981,600 in private leverage funds is committed to the project.”

Please acknowledge your agreement to this amendment by signing below. This amendment will be attached to the original Contract associated with the project (22-IRF-04), and supersedes the last amendment dated October 25, 2022. The effective date of this amendment is December 12, 2022.

GRANTEE

BY: _____ DATE: _____

City Manager, City of Petersburg

BY: _____ DATE: _____

Chair, City of Petersburg Economic Development Authority

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

BY: _____ DATE: _____

Sara Dunnigan, Deputy Director, Economic Development and Community Vitality

CONTRACT: #22-IRF-04

AGREEMENT

This AGREEMENT, entered into as of this **21st day of June, 2022**, by and between the Virginia Department of Housing and Community Development hereinafter referred to as “DHCD” the **City of Petersburg**, hereinafter referred to as “GRANTEE,” and the **City of Petersburg Economic Development Authority**

WITNESSETH

WHEREAS, DHCD has been authorized by the Governor of the Commonwealth of Virginia to distribute and administer grants of the Industrial Revitalization Fund (IRF) according to 36-152 of the Code of Virginia, and

WHEREAS, Hotel Petersburg, as described in the Industrial Revitalization Fund (IRF) proposal submitted by GRANTEE, has qualified for funding on the basis of the IRF Program Design,

Now THEREFORE, the above-mentioned parties hereto do mutually agree as follows:

1. DHCD agrees to award the GRANTEE an Industrial Revitalization Fund grant in an amount of the total allowable, eligible costs in carrying out the activities included in the scope of the work herein described not to exceed **\$600,000 (Six Hundred Thousand Dollars)**.
2. DHCD agrees to provide the GRANTEE with technical assistance in setting up and carrying out the administration of its Hotel Petersburg construction project.
3. The GRANTEE will commence, carry out and complete the scope of work, beginning on **June 21, 2022**, as described in the GRANTEE’s Industrial Revitalization Fund proposal, and any subsequent, approved, written amendments to the proposal, which are made a part of this AGREEMENT.

PROJECT TITLE: Hotel Petersburg

OUTCOME: Redevelopment of the property at 20 West Tabb Street into a 65 room boutique hotel with banquet and dining facilities.

BENEFITS: Expected community benefits include the creation of 1 business and 50 Full-Time jobs and leveraging of \$2,546,968 in non-IRF funds.

PRODUCTS: Renovation expenses related to the rehabilitation of the 45,000 sf hotel building

4. A total of \$1,400,000 in public funds and \$9,981,600 in private funds for a total of \$11,381,600 in leverage funds is committed to this project. Matching funds are required for the use of the Industrial Revitalization Fund. To be eligible, matching funds must be used to support eligible expenses as outlined in the program guidelines and GRANTEE's approved budget. The final disbursement will not be processed if GRANTEE's matching funds obligation has not been fulfilled.
5. The Project Management Team shall conduct regular construction progress meetings. The minutes and records of these meeting shall be kept in the project files.
6. GRANTEE agrees to provide quarterly progress reports to DHCD. The GRANTEE shall use the IRF Progress Report template in CAMS to submit the progress report. The Report shall include progress on the approved Industrial Revitalization Fund project and its economic impacts. News articles, press releases, pictures, and other documentation should be submitted along with the written report. DHCD may share copies of the report with other interested parties identified by the State. DHCD, at its discretion, may require additional reports. If reports are not submitted in a timely manner, DHCD reserves the right to withhold payment requests until such reports are submitted.
7. DHCD shall monitor the GRANTEE as least once during the period covered by this Grant Agreement. DHCD may schedule additional monitoring visits as considered necessary. At any time during the Grant period, DHCD may request and shall be provided copies of any documents pertaining to the use of Program funds.
8. GRANTEE agrees to recognize DHCD's support for its programs in all communications with the media and its marketing publications and in the posting of a project sign on site. The following statement is suggested: "This project was funded in part by the Virginia Department of Housing and Community Development (VDHCD), a state agency that works to support communities to create healthy, safe, and affordable places for Virginians to call home."
9. The aforementioned program shall be carried out, and grant payments made in strict conformance with the CONTRACT DOCUMENTS.
10. The GRANTEE will use the lesser of (1) the amount specified above, or (2) if, at total PROGRAM completion, there are cost under-runs or project savings, these costs shall revert to DHCD. In no case will leveraged funds be returned beyond that amount which would have changed the PROGRAM'S ability to be funded initially.
11. The GRANTEE will initiate the ACTIVITY(S) required by the CONTRACT DOCUMENTS **beginning June 21, 2022**, unless grant Special Conditions require

additional action on specified ACTIVITY(S) before proceeding with that ACTIVITY(S). In such instances, the GRANTEE will initiate action relative to removal of the Special Conditions beginning with the execution of this AGREEMENT.

12. The GRANTEE shall complete the work as described in the CONTRACT DOCUMENTS, on or before **December 21, 2023**. Final requests for the funds must be made no later than **December 21, 2023**. Funds not expended by **December 21, 2023** are subject to re-appropriation. If the ACTIVITIES are not completed by that date, all Grant funding and this AGREEMENT shall be terminated and the GRANTEE shall return all unexpended funds, unless an amendment to the CONTRACT DOCUMENT provides otherwise.
13. DHCD agrees to make payment to the GRANTEE upon receipt of a properly completed and signed invoice. Requests for Payment may be on a reimbursable basis upon received documentation of the required expenditure and source of matched fund, and made to allow approximately thirty (30) days to receive funds. Funds are to be immediately disbursed by the GRANTEE.
14. The term CONTRACT DOCUMENTS means the following documents which are a part of this AGREEMENT and are incorporated by reference herein as if set out in full:
 - A. AGREEMENT;
 - B. SPECIAL CONDITIONS;
 - C. GENERAL CONDITIONS;
 - D. AMENDMENTS;
 - E. INDUSTRIAL REVITALIZATION FUND (IRF) PROPOSAL;
 - F. APPROVED BUDGET; AND
 - G. INDUSTRIAL REVITALIZATION FUND (IRF) REPORT.

In witness whereof, the parties hereto have executed or caused to be executed by their duly authorized official this AGREEMENT in duplicate, each copy of which will be deemed an original.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DocuSigned by:
BY: Bryan Horn DATE: 7/26/2022
A38970B9650746D
Bryan Horn, Director

City of Petersburg

BY: Kenneth Miller DATE: 7/12/22
Kenneth Miller, Interim City Manager

City of Petersburg Economic Development Authority

BY: Samuel Rhue DATE: 7/6/22
Samuel Rhue, Chair



APPROVED AS TO FORM:

Anthony C. Williams 7/12/2022
Anthony C. Williams, City Attorney
City of Petersburg, Virginia

SPECIAL CONDITIONS

1. \$1,400,000 in public funds and \$9,981,600 in private funds for a total of \$11,381,600 is committed to this project by public and private sources. These funds shall be expended prior to or in proportion to IRF Grant funds within the budget, per activity.
2. Documentation on the expenditure of these funds shall be maintained by the GRANTEE and reported to DHCD with each required report and at project closeout.
3. Any professional services must be procured in accordance with the Virginia Procurement Act. The GRANTEE must submit any contracts obligating IRF funds for review prior to any contract being executed. The GRANTEE also must submit documentation to detail that procurement requirements have been met, prior to any execution of contracts.
4. Grant funds will be disbursed on a reimbursement basis only. Request for funds will be completed through the CAMS (Centralized Application and Management System). Along with the reimbursement request, the Grantee will also upload and include documentation and proof of reimbursable expenditures (such as invoices, cancelled checks, source documents, etc). The Grantee will also be required to provide an update on match expenditure with the reimbursement request.
5. The GRANTEE must submit the final disbursement request to DHCD no later than **December 21, 2023**, in order to guarantee payment.
6. To expedite receipt of payment, it is recommended that Grantees contact the Virginia Department of Accounts (DOA) to arrange for electronic transfer of IRF funds. The forms to establish electronic payment with DOA are available at www.doa.virginia.gov. At the home page, click on the Electronic Data Interchange (EDI) link button on the right. Scroll down to the *Trading Partner Agreement and Enrollment* form for Localities and Grantees. Print the form, fill it out and submit it. Instructions on filling out the form are on the third page of the document.
7. The GRANTEE must submit one of the following financial documents: Financial Statement**, Reviewed Financial Statement prepared by an independent Certified Public Accountant (CPA), Audited Financial Statement prepared by an independent CPA or an OMB A-133 Audit (Single Audit) prepared by an independent CPA. Please see the table below to determine which document your organization is required to submit.

The threshold requirements outlined below are the minimal standards required by DHCD. We strongly encourage all organizations receiving funds from DHCD to undertake the highest level of financial management review to ensure practices and procedures are fully examined and evaluated.

Threshold Requirement	Document
Total annual expenditures ≤\$100,000 (Regardless of source)	Financial Statement(s) prepared by organization**
Total annual expenditure between \$100,001 and \$300,000 (Regardless of source)	Reviewed Financial Statement(s) prepared by an Independent Certified Public Accountant (CPA)
Total annual expenditures > \$300,000 (Regardless of source)	Financial Statement(s) that have been audited by an Independent CPA
Federal expenditures ≥\$750,000	2 CFR 200 Subpart F Audit – Audited by an Independent CPA

** Does not require preparation by a CPA

The full DHCD Audit Policy, including an explanation of the specific document requirements, can be found online at:

http://www.dhcd.virginia.gov/images/DHCD/DHCD_Audit_Policy.pdf.

8. GRANTEE will provide a close out report by **December 21, 2023**, reflecting achievements with meeting performance goals as indicated in the approved grant proposal.
9. DHCD reserves the right to request and receive additional documentation pertaining to non-professional service or other contracts obligating IRF funds prior to approving drawdown requests.
10. DHCD reserves the right to end funding at any point should the project prove nonviable. This includes, but may not be limited to, lack of progress in conformance with the approved project proposal.
11. The City of Petersburg must secure the IRF investment, through the execution of restrictive language to the deed on the property for a period of ten (10) years from the date of this grant closeout to insure that the facility will remain in use as this intended funded purposed. In the event that ownership transfer or change in the use of the property is proposed, at any time prior to ten (10) years, the GRANTEE must notify DHCD immediately. DHCD may require prorated repayment of the grant under these circumstances. These legal documentation must be submitted to DHCD before any IRF construction funds will be released to the GRANTEE.
12. The following items must be performed in CAMS:
 - a. The original executed Grant Agreement must be mailed to DHCD. A fully executed copy will be uploaded into “Projects and Reports” in CAMS.
 - b. All products required by this contract must be uploaded into “Projects and Reports” in CAMS.
 - c. All remittance requests must be submitted through “Remittance” in CAMS.
 - d. Complete and upload all quarterly progress reports in a timely manner.
 - e. If products are submitted at the same time as a remittance request, the explanation text box at the bottom of the Remittances screen must note this

fact.

- f. Entities shall file the required financial document (see Section 7) in the Centralized Application and Management System (CAMS) within nine (9) months after the end of their fiscal year or 30 (thirty) days after it has been accepted (Reviewed Financial Statement, Audited Financial Statement, and OMB A-133 Audit only) - whichever comes first.

GENERAL CONDITIONS

1. **DEFINITIONS** - Whenever used in the Contract Documents the following terms when written in all capital letters shall have the meanings indicated and shall be applicable to both the singular and plural thereof:
 - A. **ACTIVITY** - A PROGRAM activity which constitutes a specific portion of the PROGRAM, and as such is covered by its own budget account.
 - B. **AMENDMENT** - A formal addition or modification to the Contract Documents which has been approved in writing by both parties, and which affects the scope, objectives or completion date of the PROJECT, or which affects the manner in which the PROJECT is to be carried out.
 - C. **APPLICANT** - The entity which made the proposal for Industrial Revitalization Fund (IRF) Program funding and accepted responsibility for assuring compliance and performance of all conditions.
 - D. **ASSURANCES** - The ASSURANCES which are attached to this document.
 - E. **INDUSTRIAL REVITALIZATION FUND** -The funds, the PROJECT and PRODUCTS to be funded, and all conditions, laws and regulations affecting administration of funds currently in effect or as subsequently amended, and provided by DHCD to the GRANTEE.
 - F. **CONTRACT DOCUMENTS** - The legal agreement between DHCD and the GRANTEE including the AGREEMENT and all documents referenced in paragraph 9 thereof.
 - G. **GRANTEE** - The entity which is the recipient of Industrial Revitalization Funds and as such must comply with CONTRACT DOCUMENTS.
 - H. **PROGRAM** - The physical activities undertaken to meet the overall stated objective for which the Industrial Revitalization Fund (IRF) Program funding is utilized.
 - I. **WORK** - All labor, equipment and materials necessary to produce the construction of the Project as required by the CONTRACT DOCUMENTS.
 - J. **WRITTEN NOTICE** - Any notice from one party to the AGREEMENT to the other signed by an authorized official which transmits binding statements of fact or condition and is delivered to the appropriate authorized official either in person or through the United States mail.
2. **ADMINISTRATIVE PROCEDURES** - The GRANTEE shall perform all contracted WORK and administer all grant funds and activities in conformance

with the general terms and special conditions set forth where required in THE PROGRAM DESIGN, and any WRITTEN NOTICES from DHCD.

3. **ACCOUNTING RECORDS** - The GRANTEE shall establish and maintain separate accounts within its existing accounting system for these funds. The GRANTEE shall record in its accounting system all Grant payments received by it pursuant to this Grant and all other funds provided for, accruing to, or otherwise received on account of the Grant.

All costs, including paid services contributed by the GRANTEE or others, charged to the Grant shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges. All checks, payrolls, invoices, contracts, vouchers, orders, or other accounting documents pertaining in whole or in part to the Grant shall be clearly identified, readily accessible, and separate and distinct from all other such documents. Such documents shall reside at the offices of the GRANTEE locality.

4. **COSTS INCURRED PRIOR TO GRANT AGREEMENT EXECUTION** - No costs incurred prior to July 1, 2021 shall be eligible for reimbursement with GRANT funds.
5. **PROGRAM BUDGET** - The GRANTEE shall carry out activities and incur costs only in conformance with the latest approved budget for the Grant and subject to the provisions of these CONTRACT DOCUMENTS. The budget may be revised, but no such budget or revision shall be effective unless and until the Department shall have approved the same in writing.
6. **RECORDS** - The GRANTEE shall maintain such all records related to this Grant. Records shall be readily accessible to DHCD, appropriate State agencies, and the general public during the course of the project and shall remain intact and accessible for three years from final closeout. Except if any litigation claim or audit is started before the expiration of the three year period the records shall be retained until such action is resolved. Notwithstanding, records of any nonexpendable property must be retained for a three year period following final disposition.
7. **REPORTS** - The GRANTEE shall furnish, regularly and in such form as DHCD may require, reports concerning the status of project activities and grant funds. Such reports shall be submitted in the form and manner as prescribed herein and in WRITTEN NOTICES from DHCD.

All reports shall be completed in full and submitted at the time prescribed by DHCD. Reports shall contain accurate information and shall detail any problems, delays or adverse conditions experienced.

8. **QUALITY CONTROL** - The GRANTEE accepts the responsibility to assure that all grant funded PRODUCTS shall be implemented with the highest possible degree of competence, workmanship, quality and cost effectiveness.
9. **COMMUNICATIONS - WRITTEN NOTICES** shall constitute the only means of binding statements of fact or condition between the parties of this agreement. All required reports and requests to be issued by the GRANTEE must be made by way of a WRITTEN NOTICE unless other means are specified in the CONTRACT DOCUMENTS. *Please note that project-specific technical assistance provided via email does NOT have the weight of official WRITTEN NOTICE. Rather, it is comparable to oral technical assistance discussions.* All directives, findings and other formal issuance by DHCD must be transmitted through a WRITTEN NOTICE unless otherwise specified in the CONTRACT DOCUMENTS.

WRITTEN NOTICES shall be signed by and addressed to the appropriate authorized official and shall be considered transmitted when delivered in person or through the United States mail.

The GRANTEE shall act upon and respond to WRITTEN NOTICES promptly as directed.

10. **METHOD AND TIMING OF PAYMENT** - The GRANTEE shall utilize Request for Payment procedures as specified by DHCD. The GRANTEE shall request funds only for those amounts which have been obligated, encumbered, or expended through other accounts and which can be expended upon receipt or soon thereafter. To this end, the GRANTEE shall develop a financial management system which provides for timely expenditure of requested GRANT funds.
11. **DRAWDOWN AND PAYMENT OF GRANT FUNDS** - Drawdowns and expenditures of IRF funds must be made subsequent to or in proportion to other funds within the budget per activity.
12. **BUDGET REVISIONS/AMENDMENTS** - The GRANTEE shall not obligate, encumber, spend or otherwise utilize Industrial Revitalization Fund (IRF) program funds for any activity or purpose not included or not in conformance with the budget as apportioned and as submitted to DHCD unless the GRANTEE has received explicit approval by WRITTEN NOTICE from DHCD to undertake such actions.
13. **TERMINATION, SUSPENSION, CONDITIONS** -
 - a. **FOR CAUSE** - If through any case, the GRANTEE or DHCD fails to comply with the terms, conditions or requirements of the CONTRACT DOCUMENTS the other party may terminate or suspend this AGREEMENT by giving WRITTEN NOTICE of the same and specifying

the effective date of termination or suspension at least five (5) days prior to such action.

If, after the effective date of any suspension of this AGREEMENT, it is mutually agreeable to DHCD and the GRANTEE upon remedy of any contract violation by the GRANTEE or DHCD, the suspension may be lifted and the AGREEMENT shall be in full force and effect at a specified date after the parties have exchanged WRITTEN NOTICES stating a mutual understanding that the cause for suspension has been identified, agreed to and remedied.

In the case of contract violations by the GRANTEE, DHCD may impose conditions other than termination or suspension which are appropriate to ensure proper grant and project administration and adherence to the terms of the CONTRACT DOCUMENTS. Such conditions must be imposed through WRITTEN NOTICE.

- b. FOR CONVENIENCE - DHCD may terminate this AGREEMENT, FOR CONVENIENCE, in the event that DHCD is no longer authorized as an agency to administer the Industrial Revitalization Fund or if the funds allocated are no longer available.

The GRANTEE may terminate this AGREEMENT for convenience at any time provided that all of the following conditions are met:

- i. The GRANTEE gives DHCD ten (10) days WRITTEN NOTICE; and
- ii. The PRODUCTS which have been initiated either have been completed and may be utilized in their stage of completion in a manner consistent with the objectives in the GRANTEE'S PROJECT Proposal, or will be completed by the GRANTEE through its own or other resources; and
- iii. The GRANTEE had honored or will honor all contractual obligations to third parties affected by the Industrial Revitalization Fund (IRF); and
- iv. DHCD agrees to the termination.

A GRANTEE'S valid termination for convenience in accordance with these CONTRACT DOCUMENTS shall not affect nor prejudice the GRANTEE'S future relationship with DHCD nor its future consideration as an Industrial Revitalization Fund (IRF) recipient.

14. **SUBSEQUENT CONTRACTS** - The GRANTEE shall remain fully obligated under the provisions of the CONTRACT DOCUMENTS notwithstanding its designation of any subsequent or third parties for the undertaking of all or part of the ACTIVITIES for which the Grant assistance is being provided to the GRANTEE.

Any GRANTEE or CONTRACTOR or SUBCONTRACTOR which is not the APPLICANT shall comply with all the lawful requirements of the APPLICANT necessary to ensure that the PROGRAM for which this assistance is being provided under this AGREEMENT is carried out in accordance with the APPLICANT'S Assurances and Certifications.

15. **POLITICAL ACTIVITY PROHIBITED** - None of the funds, materials, property or services contributed by the DHCD or the GRANTEE, under this AGREEMENT, shall be used in the performance of this AGREEMENT for any partisan political activity, or to further the election or defeat of any candidate for public office.
16. **INTEREST OF MEMBER OF AGENCY AND OTHERS** - No officer, member, or employee of the GRANTEE and no member of its governing body, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this PROGRAM shall participate in any decision relating to this AGREEMENT which affects his personal interest or have any personal or pecuniary interest, direct or indirect, in this AGREEMENT or the proceeds thereof.
17. **OFFICIALS NOT TO BENEFIT** - No member of or delegate to the Congress of the United States of America and no Resident Commissioner shall be admitted to any share or part hereof or to any benefit to arise there from.
18. **CERTIFICATIONS** - The GRANTEE certifies that it will comply with the following:
 - A. Freedom of Information Act;
 - B. Virginia Conflict of Interest Act;
 - C. Virginia Fair Employment Contracting Act;
 - D. Virginia Public Procurement Act; and
 - E. Americans with Disabilities Act (ADA).

19. GRANTEE will comply with:

Title VI of the Civil Rights Act of 1964 (Pub. L 88-352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the grantee receives Federal or State financial assistance and will immediately take any measure necessary to

effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal or State financial assistance extended to the grantee, this assurance shall obligate the grantee, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal or State financial assistance is extended or for another purpose of involving the provision of similar services to benefits.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 3, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Brian Moore

RE: A request to schedule a public hearing for January 17, 2023, for the consideration of an ordinance authorizing the City Manager to execute a lease agreement between the City of Petersburg and the Commonwealth of Virginia, Department of Motor Vehicles for city-owned property located at 1004 Commerce Street. (Page 55)

PURPOSE: To provide City Council with the details for the Commonwealth of Virginia, Department of Motor Vehicles to create and operate a Commercial Driver's License Testing Center for this region.

REASON: The Commonwealth of Virginia, Department of Motor Vehicles would like to create and operate a Commercial Driver's License Testing Center for this region. They would be re-locating from their current location in Chesterfield County. They desire to have all improvements completed and be operational in March 2023.

RECOMMENDATION: The staff recommends City Council to approve and adopt the attached ordinance.

BACKGROUND: This opportunity came from the Partnership for Petersburg's initiatives to bring state agencies into the City. The Department of Motor Vehicles will rehabilitate the entire site, and estimate their improvements will total one (1) million dollars. They would be re-locating from their current location in Chesterfield County

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 1/3/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Economic Development, Planning, and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Lease Agreement Ordinance

ORDINANCE

An ordinance authorizing the City Manager to execute a lease agreement between the City of Petersburg and Commonwealth of Virginia, Department of Motor Vehicles for city-owned property located at 1004 Commerce Street.

WHEREAS, The Commonwealth of Virginia, Department of Motor Vehicles would like to create and operate a Commercial Driver's License Testing Center for this region. They would be re-locating from their current location in Chesterfield County; and

WHEREAS, They desire to have all improvements completed and be operational in March 2023; and

WHEREAS, This opportunity came from the Partnership for Petersburg's initiatives to bring state agencies into the City. The Department of Motor Vehicles will rehabilitate the entire site and estimate their improvements will total one (1) million dollars.; and

NOW, THEREFORE, BE IT ORDAINED, that the City Council of the City of Petersburg hereby authorize the City Manager to execute a lease agreement between the City of Petersburg and Commonwealth of Virginia, Department of Motor Vehicles for city-owned property located at 1004 Commerce Street.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 3, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: Travis Christian, Police Chief

FROM: Dustin Sloan

RE: **Consideration of an appropriation ordinance for DCJS ARPA - Law Enforcement Equipment and Technology - 1st Reading (Page 58)**

PURPOSE: To appropriate the DCJS ARPA - Law Enforcement Equipment and Technology Grant

REASON: These are the funds awarded to the City of Petersburg Department of Police and issued by the Commonwealth of Virginia Department of Criminal Justice Services.

RECOMMENDATION: Recommend that Council approve the appropriation ordinance of the DCJS ARPA - Law Enforcement Equipment and Technology Grant

BACKGROUND: The City of Petersburg has been awarded a grant from the Commonwealth of Virginia Department of Criminal Justice Services for Law Enforcement Equipment and Technology.

COST TO CITY: There is no monetary cost to the City.

BUDGETED ITEM: N/A

REVENUE TO CITY: \$749,900

CITY COUNCIL HEARING DATE: 1/17/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City of Petersburg Police Department

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. ARPA - Police Grant

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023
FOR THE GRANTS FUND.**

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

I. That appropriations for the fiscal year commencing July 1, 2022, in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2023.

Previously adopted	\$0.00
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ADD: ARPA – Law Enforcement Equipment and Technology 3-200-035237-0001	<u>\$749,900</u>
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Total Revenues	<u>\$749,900</u>
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II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2022 and ending June 30, 2023, the following sums for the purposes mentioned:

Previously adopted	\$0.00
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ADD: Other Operating Supplies 4-200-035237-3190	<u>\$749,900</u>
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Total Expenses	<u>\$749,900</u>
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City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 3, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Nykesha Lucas

RE: **Minutes: (Page 60)**
-Minutes of December 13, 2022 - Closed Session
-Minutes of December 13, 2022 - Regular City Council Meeting

PURPOSE: DRAFT City Council Minutes for council approval.

REASON: For informational and review of council minutes.

RECOMMENDATION: To approve minutes with the consent agenda.

BACKGROUND: See attached city council meeting minutes.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/3/2023

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. December 13, 2022 Closed Session Meeting Minutes
2. December 13, 2022 - regular city council minutes

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, December 13, 2022, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:01p.m.

1. ROLL CALL:

Present:

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

Absent:

Council Member Treska Wilson-Smith

Present from City Administration:

Clerk of Council Nykesha D. Lucas
City Manager John March Altman, Jr.
City Attorney Anthony Williams

2. CLOSED SESSION:

Mayor Parham stated, "I would entertain a motion to add discussion of the requirements of 15.2-2285 of the Code of Virginia to the consultation with legal counsel portion of the closed session."

Council Member Hill made a motion to add the discussion to closed session. Vice Mayor Smith-Lee seconded the motion. There was no discussion on the motion, which was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Westbrook, Hill, Smith-Lee, and Parham; Absent: Wilson-Smith

- a. The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update City Attorney and legal consultation regarding the subject of specific legal matters requiring the provision of legal advice by the city attorney, as of actual or probable litigation, specifically including but not limited to the requirements of Code of Virginia Title 58.1, Subtitle IV, Chapter 41, Article 1 through 11; and Petersburg Circuit Court Case Number CL22-787; and under §2.2-3711(A)(29) of the Code of Virginia for the purpose of discussion regarding the subject matter of public contract involving the expenditure of funds and terms or scope of such contract where discussion in an open session would adversely affect the bargaining or negotiating strategy of the public body, specifically including but not limited to the discussion of the award and terms of a public contract; under §2.2-3711(A)(5) of the Code of Virginia for the purpose of discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the businesses or industry' interest in locating or expanding its facilities in the community; and under §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion pertaining to performance, assignment, and appointment of a specific public officer of the City of Petersburg and discussion of the requirements of 15.2-2285 of the Code of Virginia to the consultation with legal counsel.

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

*Audio available upon request.

roll call vote.

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

City Council entered closed session at 3:05 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 Mayor."

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

The motion was approved on roll call vote.

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

22-R-78 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 5:31 p.m.

Mr. Williams stated, "The mayor would entertain a motion to add a resolution of City Council of the City of Petersburg selecting a preferred casino gaming operator pursuant of Chapter 41 of Title 58.1 of the Code of Virginia subject to the city being qualified as an eligible host city and further review; consideration; and ratification of the nine (9) items listed in 58.1-4107(b) of the Code of Virginia."

Council Member Myers made a motion to add a resolution of City Council of the City of Petersburg selecting a preferred casino gaming operator pursuant of Chapter 41 of Title 58.1 of the Code of Virginia subject to the city being qualified as an eligible host city and further review; consideration; and ratification of the nine (9) items listed in 58.1-4107(b) of the Code of Virginia. Council Member Hill seconded the motion. There was discussion on the motion. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

3. ADJOURNMENT:

City Council adjourned at 5:33 p.m.

*Audio available upon request.

Clerk of City Council

APPROVED:

Mayor

DRAFT

The regular meeting of the Petersburg City Council was held on Tuesday, December 13, 2022, at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:33 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. Lucas
City Manager John March Altman, Jr.
City Attorney Anthony C. Williams

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:

a. Presentation from The Cordish Company.

Mayor Parham stated, "Next, we will entertain Zed and The Cordish Company. Thank you for coming back. You know you were here at City Council and were discussing the plans of the prospective site and what it would look like in Petersburg. So, we thank you all for coming and believing in us. So, we will start off our consultant Lisa Speller."

Lisa Speller, consultant for City of Petersburg, stated, "I am here today to make the recommendation to staff that they hear the proposal from The Cordish Company. Here today we have Zed Smith and his team. He will move forward with a presentation to the public and city council."

Zed Smith, The Cordish Company, gave PowerPoint presentation.

Key notes:

- They are based in Baltimore, Maryland and they have been in business for 112 years.

*Audio available upon request.

- They are one of the largest, most respected developer-operators of upscale mixed-use, entertainment and casino resort destination in the United States.
- They started their business with real estate and expanded it to coworking spaces, entertainment districts, gaming, hotels, residential, restaurants and sports-anchored districts.
- They are in South Carolina, Texas, Missouri, and main headquarters in Maryland.
- They are urbanists at the heart and builders at the core.
- The proposed project is ideally at the intersection of Wagner Road and Interstate I-95, offering easy access on and off the east coast's major north-south interstate.
- When complete, the full build-out of the Live! Gaming & Entertainment District will create a \$1.4 billion world class mixed-use development that will generate \$10+ billion in economic stimulus to the region, \$1.1 billion in total tax revenues, 10,000 jobs, and 4 million square feet of overall mixed-use development.
- The Live! Casino & Hotel Virginia will feature more than 670,000 square feet of first-class gaming, hotel, dining and entertainment space, upscale 200-room hotel featuring 20 suites, resort pool and fitness center, over 2,000 slots and electronic table games and 60 live action table games including poker, sportsbook, state of the art center for top name entertainment, meetings, conventions, and social gatherings, over a dozen best in class dining and entertainment options and free surface parking.
- It will generate \$3.6 billion in economic stimulus to the region and \$675 million in gaming tax revenues including \$214 million to the city.
- It will create over 4,000 new construction and permanent jobs.

Mayor Parham stated, "Thank you Zed. Fabulous presentation. And I would like to thank city council for your commitment to growing a new economy here in the City of Petersburg. At this time, I want Armesha to put two minutes up and I want to open the floor for anyone who wants to comment on this. Because Cordish will be coming back next Monday with a community meeting. So, I want to get some feedback if anyone has nay questions that they can follow right back up at the next meeting."

Mayor Parham opened the floor for public comments.

Richard Taylor, 828 West Tuckahoe Street, stated, "Thank you Mr. Mayor. I didn't raise my hand, but you called on me, so I am going to have to say something. As you said and Zed has said, this is a transformational opportunity for the city. I have lived here for 79 years. And I have never seen anything like this come along. If we miss this opportunity, we are missing a huge opportunity for our children and grandchildren. Thank you."

Michael Packer, 1245 Woodland Road, stated, "I speak very much in favor of this project. When I first heard about it, I had mixed feelings. Especially relating to the gambling part of it. But nothing like this is as Mr. Taylor says has come along in Petersburg's modern history that could cause us to have a balance with industry, commerce and residential that would allow the city to provide the types of services that our citizens need. This will bring the income to the city that the city needs. My perspective is that we are in a David and Goliath situation right now. Our representatives have told us that it should be a one casino situation in central Virginia, either in Richmond or Petersburg. We happen to be the David in that situation. So, I would ask the citizens of Petersburg, especially those who come here so often and explain to the city council how the government has not accomplished what it needs to accomplish, and some comes rightfully so that for this particular project for this particular endeavor we need all of our citizens to take a close look and measure out the value against any detriments that may see. And if you agree with me and you see that the value far outweighs any detriments that we all go as one and that we make our David as large as we possibly can. As we go to Richmond and ask the Virginia General Assembly to see that Petersburg will or far more benefit from a casino than Richmond. When I went to the money committees and talk to them a bout that in Richmond back in the spring, I explained that the simple math and it had to be simple if I could do it. The simple math shows

*Audio available upon request.

that the amount of revenue coming to the City of Richmond to increase the size of their budget would be about three percent and that would be a nice increase at 3% increase to the City of Richmond. The increase in the City of Petersburg would exceed 30 of its general fund revenue. That is the salaries that our policemen deserve. That is the salaries that our firefighters deserve, and our public works people deserve. That's the streets that need to be replaced rather than the potholes having to be filled every year. This allows the government to do its job with the resources that it needs. So, to me it is no brainer. Please those of you who are on the fence or on the other side of the fence take a look at it closely and measure it out. Don't just be in line again to come in and be negative about something. Because that is what you are used to doing. On this particular one, please let us all stand together. Thank you."

Jeffrey Fleming, 1819 Chuckatuck Avenue, stated, "I would like to thank The Cordish Company for putting together a nice presentation. It looks like something that the city can really use. I have two concerned questions that was not answered in the presentation. First, would be on the infrastructure. It sounds like a city within a city. You are going to have a big impact on our current infrastructure. What will they be willing to do until the city reaps the tax benefits that are coming from the project to deal with these infrastructure problems. Second question is on the timeline. There was no timeline. I know that the casino and the hotel go first. What is the complete timeline for completion of the complete project. Those are the only two questions that I have. Other than that, looks like it will be wonderful. If they can answer those and deal with those issues, I have no problem with it. Thank you."

Richard Stewart, 129 Rolfe Street, stated, "The question that I want to ask is, this lady name Cathy Hughes proposed making some type of casino in Richmond. What is the difference in it? Donald Trump had a casino, why did that go up there. I have got some relatives that worked up there and they have gone under also. Another thing has any study been done to compare this to Las Vegas. Is Petersburg going to become the 'Sin City' of the south of gambling and all this type of stuff. Petersburg is one of the most poverty-stricken cities in the south. But what I am saying is that I understand that they said wager was \$30,000 but my thing is how are you going to go down to Dunlop House and Sycamore Towers where the poor people are. They cannot work these jobs. Crime right now in Petersburg is terrible. What are you going to do to improve the police department, fire department and so forth. Because when you expand, you will have to have someone to put the fire out. But take a very good look at this casino. I know it sounds good but why have you not done a study about Las Vegas out there in the west. Where they have crime, poverty, prostitution, and everything. Is this going to increase in Petersburg? Just think about it and take a good look at it."

Michael Edwards, 409 Grove Avenue, stated, "It is no secret that I support this. I have supported it from day one. So, I am going to say two things. Sin City, this is not Las Vegas, and we are nowhere comparable to Las Vegas. You walk down the street and see sin every day. You wake up and sin every day. Poverty is from coast to coast. So, rather than destroy let's embrace something that can build up. Far too long and years passed that I have sat out in this audience and listened to 'we can't do, and I can't do.' And it is always won't, won't, won't. As they say it once this is a generation opportunity. This is the city of my birth like many sitting in this audience. I never dreamed that I would see something like this within our city limits. No one has any idea how many cars travel 95 every day that bypass Petersburg because there is nothing here. So, when the time comes keep an open mind. Think of infrastructure and paved roads. Because we all have had our cars destroyed by roads. This solves the problems. Someone will say that you cannot put pink lipstick on a cow and think that it will look good. Before you complain ask the questions which is the opportunity that we have now. Embrace it and don't be negative. If you do not want it, vote no. But I encourage everyone in this room and listening online when the time comes vote yes. Think of your firefighters, police officers, transit workers, public works staff and your school system. Think of that when you vote. And vote yes."

Gary Talley, 2323 Fort Rice Street, stated, "I am not for or against it. I worked for a casino company for six years, Gold Strike Casino and Resort. I helped open that property. My question is really for Cordish. All these examples that they have given us are that they built big casinos and downtown in large cities. Is there

*Audio available upon request.

any comparable information for a small-town like us with building a casino on the edge. Up and down, I think that this could be a good thing for us. The tax revenue could be awesome. But Tunica, Mississippi has not changed at all. They are still a very tiny, small town. People do not go into Tunica. They come to Robinsonville which is where the casinos are. When the first casino opened up it was just casinos and no hotels or resort. First time I saw my company it was a big circus tent, and the dealers were dressed like clowns. It has changed and now it is Mandalay Resort Group high-end. But it does not do anything or help the community itself. Nobody is building houses in Robinsonville, and no one is moving down there. They drive down gamble and stay in the hotel and then they leave. One of the biggest surprises was that I volunteered for a high-end hotel. We were always dead-on holidays. We were empty. No so much in the casino industry. In the casino industry we were packed during the holiday. The tax revenue could benefit us quite a bit. But I am concerned about the location away from the city. People will come in and go there. Everything that they offer there is more than we have downtown. And we have restaurants and businesses closing now because we cannot find workers. I see the economic benefits of it. But the location on the edge of a small town like us, I would like Cordish to address that. How is that going to impact the development here in Petersburg and downtown. We have 2,000 blighted properties. How is that going to change? Our crime level, maybe having more police will help. Firefighters, again the tax revenue can help. But I am just concerned about the location and how this is going to benefit the city itself."

Celeste Wynn, 319 East Fillmore Street, stated, "I am standing here as a member of school board. And I have been a member of Petersburg since 2011. And I am for this project. You all know more than I know who are natives of Petersburg that our school system needs new schools. And I am not saying that we need to replace all of them, but we at least need one new school. Our kids need something to be inspired for and with. And getting a school, preferably the high school, would be the aspiration to make your grade to get your learning to achieve to get to that high school level. Which is a brand-new school. I am not saying that it will happen in ten years or fifteen years, but it is an avenue for us to accomplish getting a new school. Granted it is going to be on the outskirts of this city. But if you go east here, there is a little area called Williamsburg, VA. And Williamsburg, like Petersburg, already has a history in which people come to visit and enjoy sharing that history. So, we already know it will be a historical city. So, it is not really going to hurt us if we had something on the outskirts like Busch Gardens that they have. But they are going to come here and enjoy and also want to tour downtown to enjoy our historical sites. So, I find it a plus. Thank you."

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "I think that it would be helpful if the information given is more specific. Mr. Zed Smith did give a number of \$214 million for 15 years. That comes out to about \$14 million a year as additional revenue to the city. Mike Packer said 30% of the general fund budget which is probably about close to \$10 million more than that. So, that is enough of a difference that I think people would benefit from not just throwing numbers around but actually getting the specific data. I appreciate what Richard Stewart said which is talking about what is this doing for the people for Petersburg. Who is being left behind by this? And the efforts to depict people who have questions as being negative and not being on the team isn't really going to encourage people to come together. That is not directed to any of you up there. That is directed to some of the previous comments. So, I think that there is a lot more that we need to know. We need to know how Cordish Company is going to bring people to Petersburg in some of these jobs. That is what Richard Stewart was asking. And that is one of my questions too. The casinos are very particular of who they hire. And if it is going to be an economic boom to the city, I hope that we get some clarity about that. This is a big step and I love seeing the rendering and I appreciate you bringing that too us. So, I want to say thank you for that. I do not think that we need to see all of the presentation again. And this is the part that is the meat of what we are going to do. Thank you for it."

Thomas Hairston, 1201 Halifax Street, stated, "Thank you Cordish for coming. I speak in support of it. I hear everyone's concern. I come out of the entertainment industry where I worked in Hollywood, New York, and Atlanta. I visited a lot of the casinos across the country. And everyone is concerned about crime. But as many times as I have been to Vegas, I have never seen any crime on the Boardwalk. So, I don't know

*Audio available upon request.

necessarily if it is going to attract crime. My biggest concern and what people are saying is that they want to know how it is going to help the city. I think that by Cordish bringing people to the city helps the city. It is the city's job then to build things that attract people away from the casino. As far as schools I would love to see an education plan. I would like Cordish to say that they would build a school as soon as they build a casino. But I do not know if that is realistic. In my dream we would have three new schools. I would encourage you to fight for one of those being built in conjunction with the casino. How realistic, I do not know. I am in support of it because it will bring money to the city and money will solve may be not all of our problems but a lot of them. Thank you."

Kai Haskett, 2936 Brierwood Road, stated, "I am in support of it. They brought up a lot of interesting points. Do you all realize that we have absolutely nothing here? Like we have nothing. Not even a mall or a Chic-Fil-A. To the point about poverty, poverty is created when you give people nothing. So, if I wake up in the morning and I do not have anything to do I am going to probably get in trouble. I am probably going to do something that I am not supposed to. And as for giving money back to the city, when Mr. Packer said the thing about the 30%, I am not going to lie it did sound good. But she also came back, and rebuttal and she said that the statistics were not correct about what it would bring in \$214 million. But when you break it down in 15 years that \$214 million is a different number. So, I think that they already said that they would agree to help the community and bring businesses here and things like that. You can renegotiate the deal and bring more than the \$214 million. That would help the percentage go up for the city. I think that there are a lot of ways to get this done. With any idea there is a worst-case scenario and a best-case scenario. So, if every time you bring a scenario and you say compare it to Las Vegas. First of all, Las Vegas is not even the most dangerous city in the country, so those statistics do not even matter. Because they are not true. And every time you bring up situation you give us the worst-case scenario, you are going to continue to do nothing. What if this is awesome? Because people like me that about needing stuff like this and there are people back there that say that there is nothing in Petersburg and that we are looking for something. And as far as bringing it there are things that you can do. You can renegotiate this. What if they promise to train people in Petersburg for the job now that they can work in a casino. I think that there is a lot that you can do to fix it and there is a little bit that can go wrong. That is all I got."

Earl Beasley, Petersburg resident, stated, "I know the impact of a business packing up and moving out like Brown and Williamson did. And like the young man that just left, Petersburg, what we don't have is simple things like a bowling alley, a theater, and a new car dealership. I ask that the pros and cons be weighed carefully. I am for it."

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

There was discussion among council and The Cordish Group.

Mr. Williams stated, "So, the mayor asked me to give a brief summary of council's actions tonight. I think that the questions posed by some of the speakers will probably be vetted out in the meeting in a week or so. I guess the easiest way to explain where we are at is probably the first miles in a 10-mile radius. If you notice, this particular resolution has a lot of contingent subjects and that is just because council votes tonight don't mean that this is a done deal. The law provides that in order to select an eligible operator you must first be designated as an eligible host city. So, a lot of this is contingent upon what happens in the General Assembly. So, what council is saying by the adoption of this resolution is that if we are able to go forward, we would like to go forward with Cordish, however, the code also requires that council consider certain items. There are nine items listed in the code of perspective revenue of the proposed casino gaming establishment. And so, council must consider those. So, this resolution is contingent upon Cordish coming back presuming this Monday and satisfying those and making sure that they are covered. Most of them were covered in this presentation tonight and we are fairly confident that Cordish will come back and satisfy the remaining couple that are outstanding. But it is not a final action, and it doesn't get us a casino. You need to make sure that if

*Audio available upon request.

you want to support this you go to your state legislator and you say how much you want. I think that it would be good for Petersburg. After that there will be a referendum. So, get out and vote in favor of it if you are in favor of it. But that is what they are voting tonight. With that said, the mayor would consider a resolution of city council selecting a preferred casino gaming operator pursuant to Chapter 41 of Title 58.1 of the Code of Virginia subject to the city being qualified as an eligible host city and further review, consideration, and ratification by council of the nine (9) items listed in §58.1-4107(b) of the Code of Virginia.

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

22-R-79 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETERSBURG, VIRGINIA, SELECTING A PREFERRED CASINO GAMING OPERATOR PURSUANT TO CHAPTER 41 OF TITLE 58.1 OF THE CODE OF VIRGINIA SUBJECT TO THE CITY BEING QUALIFIED AS AN ELIGIBLE HOST CITY AND FURTHER REVIEW, CONSIDERATION AND RATIFICATION BY COUNCIL OF THE NINE (9) ITEMS LISTED IN §58.1-4107(B) OF THE CODE OF VIRGINIA.

Mayor Parham stated, "Thank everyone for the feedback. Cordish will be back next week. We have a meeting right here in the library to address any of the questions that you may have. So, thanks again Cordish Company look forward to the partnership."

6. RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

Mayor Parham stated, "That is under council communicates."

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

- a. Minutes:
 - October 25, 2022 – Special City Council Meeting
 - November 15, 2022 – Closed Session
 - November 15, 2022 – Regular City Council Meeting
- b. Consideration of an ordinance authorizing the City Manager to execute a Deed of Easement to Prince George for the purpose of a sanitary sewer force main realignment.
- c. A request to schedule a public hearing to amend the FY23 Budget and appropriate funding to the YMCA (Young Men's Christian Association).

Council Member Myers made a motion to approve the consent agenda. Vice Mayor Smith-Lee seconded the motion. There was discussion on the motion.

Council Member Cuthbert stated, "Mr. Mayor, I do not understand '7b'. Are we going to vote on '7b' tonight or are we going to have a public hearing at a future date? The consent agenda just says consideration of this ordinance."

Mr. Altman stated, "This evening we are requesting approval of this ordinance. Council has taken previous action and approved the ordinance. It was sent to Prince George. They made some minor changes to the ordinance and approved it and sent it back to us for final ratification."

Mr. Williams stated, "And it is my understanding, at least between the conversation that the clerk was

*Audio available upon request.

having with the manager, that the present public hearing on that was opened and closed already before the item went back to Prince George. So, the public hearing provision would satisfy it.”

There was discussion among City Council and staff.

Council Member Cuthbert made a substitute motion to remove 7b from this consent agenda and come back to it at item 11. Council Member Westbrook seconded the motion. 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 public hearing and consideration of an ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and ILM Group towards the sale of city-owned property at 118 West Street West, parcel ID 024-290024.

BACKGROUND: The Department of Economic Development received an application from SFG Developers on September 29, 2022, to participate in the auction on GovDeals to purchase City-owned property located at 118 West Street West, which is currently a vacant lot. On October 11, 2022, at the conclusion of the auction, it was determined that ILM Group was the highest bidder. They have submitted to staff the required documentation to prove they have the wherewithal to purchase and develop the property. The proposed use of the property is to develop 1647 square foot two family residential dwellings with three bedrooms and two bathrooms and a 407 square foot garage for each dwelling for rent at market rate (\$1200-1500).

The proposed purchase price for 118 West Street South is \$18,200, which is 143.30% of the assessed value, \$12,700. The purchaser will also pay all applicable closing costs.

This proposal is in compliance with the Guidelines for the City's Disposition of City Real Estate Property, Zoning, and the City's Comprehensive Land Use Plan

Property Information

The zoning of the parcel at 118 West Street West is zoned R-3, a two-family residential district.

Address: 118 West Street West
Tax Map ID: 024-290024
Zoning: R-3

RECOMMENDATION: Staff recommend City Council make a motion to approve the sale and ordinance.

Brian A. Moore, Director of Economic Development, stated, “I am here asking that you please move this to the 17th. Our petitioner had her baby today, so instead of her being here she is at the hospital. The newborn is doing well. So, we would ask that you move this to the 17th.

Council Member Hill made a motion to move the public hearing to January 17, 2023. Vice Mayor Smith-Lee seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

- b. A public hearing and consideration of an ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Entrusted Visions, LLC and Abe Development, LLC towards the sale of City-owned property at 1022 High Pearl Street, parcel ID 044-070009.

*Audio available upon request.

BACKGROUND: The Department of Economic Development received an application from Entrusted Visions, LLC and Abe Development, LLC on October 4, 2022, to participate in the auction on GovDeals to purchase City-owned property located at 1022 High Pearl Street which are currently a vacant residential dwelling. On October 11, 2022, at the conclusion of the auction, it was determined that Entrusted Visions, LLC and Abe Development, LLC was the highest bidder. They have submitted to staff the required documentation to prove they have the wherewithal to purchase and develop the property. The proposed use of the property is to renovate the existing single family residential dwellings and sell at market rate.

The proposed purchase price for 1022 High Pearl Street is \$20,300, which is 50% of the assessed value, \$10,100. The purchaser will also pay all applicable closing costs.

This proposal is in compliance with the Guidelines for the City's Disposition of City Real Estate Property, Zoning, and the City's Comprehensive Land Use Plan

Property Information

The zoning of the parcel at 1022 High Pearl Street is zoned R-2, single family residential district.

Address: 1022 High Pearl Street
Tax Map ID: 044-070009
Zoning: R-2

RECOMMENDATION: Staff recommend City Council makes a motion to approve the sale.

Brian A. Moore, Director of Economic Development, gave a briefing on an ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Entrusted Visions, LLC and Abe Development, LLC towards the sale of City-owned property at 1022 High Pearl Street, parcel ID 044-070009.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

There was discussion among the petitioner, council, and staff.

Council Member Wilson-Smith made a motion to approve the ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Entrusted Visions, LLC and Abe Development, LLC towards the sale of City-owned property at 1022 High Pearl Street, parcel ID 044-070009. Vice Mayor Smith-Lee seconded the motion. 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-71 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT BETWEEN THE CITY OF PETERSBURG AND ENTRUSTED VISIONS, LLC AND ABE DEVELOPMENT, LLC TOWARDS THE SALE OF CITY-OWNED PROPERTY AT 1022 HIGH PEARL STREET, PARCEL ID 044-070009.

- c. A public hearing and consideration of an ordinance approving an amendment to proffers previously adopted with the zoning for the properties located at 1200, 1220, 1225, and 1255 Harrison Creek Boulevard.

*Audio available upon request.

BACKGROUND: The City of Petersburg received a request from PBFL, LLC represented by C. Burton Cutright, to amend the proffers previously adopted with the rezoning for the properties located at 1200, 1220, 1225 and 1255 Harrison Creek Blvd, Tax Parcels # 040030805, TP# 040030806, and TP# 04003080. The purpose is to permit the construction of five (5) structures with a total of 120 units of housing, designed like the existing Aqua Luxury Apartment multi-family development on the parcels addressed as 1220, 1225 and 1255 Harrison Creek Boulevard.

History

The City Council adopted 08-Ord-20, February 19, 2008, which approved the rezoning of the Harrison Creek Boulevard properties to PUD with proffered conditions. The subject property was rezoned from M-1, Light Industrial District, with conditions, to Planned Unit Development (PUD) with proffered conditions. The purpose was to permit a PUD to be known as Harrison Creek, on a 36.216+/- acre parcel of land addressed as 2470 County Drive, further identified as Tax Parcel 040-03-0801. The Harrison Creek development proposal included "upscale office, commercial and lifestyle residential apartments in a mixed-use community. The proposal included Office/Retail (3.97+/- acres); a Commercial Mini-Storage site (2.02+/- acres); Community Center/Pool, Multi-Family residential complex, containing 336 dwelling units within fifteen (15) structures on 28.47+/- acres.

In 2021, the petitioners proposed an amendment to the proffered conditions that would allow the construction of up to 65 single-family detached rental homes on 6.26+/- acres of land located along Harrison Creek Blvd between Route 460 and Acqua Luxury Apartments.

The Planning Commission considered the petition to amend the proffered conditions previously approved with the rezoning of the property and voted unanimously on November 4, 2021, to recommend approval of the proposed proffer amendments.

The City Council subsequently considered the petition and referred it back to the Planning Commission.

The Planning Commission considered the petition during the January 20, 2022, meeting. During deliberations, the Commission asked about the impact of the proposed change to the proffered conditions on the City's sewer system capacity.

The Interim Director of Public Works at the time stated that while the current water/sewer system could support this development, the new development would limit future development in the area.

The Commission expressed concerns regarding a lack of home ownership, aging infrastructure, the capacity of the Poor Creek system, and the potential impact of the proposed change on the pharmaceutical cluster development.

A representative of the Developer stated that the developers originally invested \$228,000 in a pump station to create capacity. This capacity was then thought to be more than enough for the apartments and the retail space. They further stated that in the past 11 years, there has been active promotion in trying to bring in a grocery store, office establishments, and other commercial development, but there has not been any interest from any retail or grocery store in the location. There is, however, demand for off-base housing from Fort Lee. They stated that they believe that they have developed the capacity for the sewer on this site through the previous investment.

The Interim Director of Public Works stated that Petersburg has plenty of drinking water capacity, but not sewer capacity.

The Commission voted to recommend denial of the petition.

*Audio available upon request.

The Developer requested that the item be presented to the City Council for consideration on December 13, 2022.

Request

The Developer submitted an amended development plan that replaces the proposed cottage-style residential units with structures like those in the existing development. The proposed new development would include the construction of five (5) structures with a total of 120 new units including 60 1-bedroom units and 60 2-bedroom units. Residents will have access to the amenities and facilities of the existing Aqua apartment community.

RECOMMENDATION: It is recommended that the City Council holds a Public Hearing and considers an amendment to the zoning designation of the Harrison Creek Properties and related proffered conditions.

Reginald Tabor, Director of Planning and Community Development, gave a briefing on an ordinance approving an amendment to proffers previously adopted with the zoning for the properties located at 1200, 1220, 1225, and 1255 Harrison Creek Boulevard.

Mayor Parham opened the floor for public comments.

Council Member Cuthbert stated, "Mr. Mayor, if I may, what is the public hearing going to address? Is it going to address what was advertised or is it going to address suddenly what appeared in our agenda?"

Mr. Williams stated, "I think the point that Councilman Cuthbert is making is a well valid point. That is under 15.2-2285 of the Code of Virginia. Before council can adopt a zoning amendment it must first be commented on by the Planning Commission and have a recommendation in front of you. Because they changed the substantial plan after the public hearing was held. In other words, the Planning Commission considered 65 individual residential dwelling units and gave you a recommendation of that. Now you have a huge apartment complex, and the Planning Commission has not considered that. I recommend council consider sending it to the Planning Commission."

There was discussion among city council, petitioner, and staff.

Council Member Hill made a motion to table action until January 17th until the Planning Commission provides a recommendation to council that is required under 15.2-2285 of the Code of Virginia. Council Member Cuthbert seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

- d. A public hearing on December 13, 2022, for the consideration of an ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and SFG Developers towards the sale of City-owned property at 421 Jefferson Street South, parcel ID 022-390009.

BACKGROUND: The Department of Economic Development received an application from SFG Developers on October 6, 2022, to participate in the auction on GovDeals to purchase City-owned property located at 421 Jefferson Street South which is currently vacant lots. On October 11, 2022, at the conclusion of the auction, it was determined that SFG Developers, LLC was the highest bidder. They have submitted to staff the required documentation to prove they have the wherewithal to purchase and develop the property. The proposed use of the property is to develop a 1206 square-foot single family residential dwelling with three bedrooms and two bathrooms for sale at market rate.

The proposed purchase price for 421 Jefferson Street South is \$5550, which is 50% of the assessed value,

*Audio available upon request.

\$10,100. The purchaser will also pay all applicable closing costs.

This proposal is in compliance with the Guidelines for the City's Disposition of City Real Estate Property, Zoning, and the City's Comprehensive Land Use Plan

Property Information

The zoning of the parcel at 421 Jefferson Street South is zoned R-3, a two-family residential district.

Address: 421 Jefferson Street South

Tax Map ID: 022-390009

Zoning: R-3

RECOMMENDATION: Staff recommend City Council makes a motion to approve the sale and ordinance.

Brian A. Moore, Director of Economic Development, gave a briefing on the consideration of an ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and SFG Developers towards the sale of City-owned property at 421 Jefferson Street South, parcel ID 022-390009.

Mayor Parham opened the floor for public comments.

Richard Stewart, 129 Rolfe Street, stated, "I would like to ask a question because I get a lot of people that want to buy houses in Pocohontas and redo them. My question is, if a house is in a historic district and you make repairs on it, do you have to redo the house according to the requirements of the historical district? I see part of Walnut Hill that has been changed to historical district. And a friend of mine was asking me that question also."

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

There was discussion among city council and staff.

Council Member Wilson-Smith made a motion to approve the sale and ordinance. Council Member Hill seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham; Voting No: Cuthbert

Council Member Hill stated, "Councilman Cuthbert, I understand what you are saying about the numbers, but we cannot assume that because a person has a three-bedroom house that two children are going to live there. Some people buy homes just for the space. There would be a couple there and maybe have a guest room for guest and they may make one room as an office. I have many friends in the City of Petersburg as you do as well. And if it is a three-bedroom house, normally it is just a couple, and they normally have a guest room and an office. Or she has her she room and he have his man cave. So, we just cannot assume. I see the faces on our residents out here and they are really upset. I understand that we have to govern but we have to be a little more sensitive because we understand the fight that we have in the school age children and the numbers that we pay and things of that nature. We just cannot assume that a three-bedroom house has two children in there and things of that nature. I just wanted to clear that up. I want to say that I hear you, but I see you all as well. Thank you."

22-ORD-72 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT BETWEEN THE CITY OF PETERSBURG AND SFG DEVELOPERS TOWARDS THE SALE OF CITY-OWNED PROPERTY AT 421 JEFFERSON STREET SOUTH, PARCEL ID 022-390009.

*Audio available upon request.

- e. A public hearing and consideration of an ordinance authorizing the vacation of Right-of-Way along River Street between 3rd Street and 5th Street.

BACKGROUND: The City Council of the City of Petersburg adopted an ordinance authorizing the sale of property along River Street and the Appomattox River to establish green space and a location for outdoor events. The sale of the property has been closed, and the property was transferred to the new owner.

The City of Petersburg received a request from the owner of the adjacent properties to vacate City Right of Way on River Street, between 3rd Street and 5th Street, to facilitate use of the recently acquired property along River Street and the planned event space use.

The vacation would result in closure of the roadway along River Street between 3rd Street and 5th Street. The property owner owns property located at 240 River Street to the South of River Street, and 277 River Street to the North of River Street.

The owner of the adjacent properties has submitted a Traffic Impact Analysis (TIA) regarding the impact of the proposed right of way vacation. The TIA is based on the largest events will draw approximately 2,500 people. However, most events are anticipated to be smaller. The TIA includes an analysis of the traffic impact of 2,500 people leaving the site on a Saturday evening at approximately 10:00 PM after a concert or fireworks show.

Assuming an average occupancy of 2.5 people per vehicle, they expect approximately 1,000 vehicles to be parked near the site for the largest events. The TIA team identified four large parking areas that can be used:

1. Grass / gravel lot on the west side of Sapony Street
2. Grass / gravel lot between Joseph Jenkins Roberts Street and the U.S. 301 overpass
3. Asphalt lot on the north side of River Street west of U.S. 301
4. Paved lots on both sides of Bank Street between N. Sycamore Street and U.S. 301

These four lots combined have a capacity of approximately 1,160 spaces, which will accommodate even the largest events. The TIA assumes that many people will also choose to parallel park on the streets in the area.

Scope of the Traffic Analysis

Based on our traffic study scope meeting with the City on July 14, the study area includes the following intersections:

1. U.S. 301 at Bridge Street
2. Bollingbrook Street at 3rd Street
3. River Street at 3rd Street
4. River Street at Joseph Jenkins Roberts Street

Capacity analysis was performed at the study intersections during the Saturday Evening Peak Hour. Synchro, Version 11 was used to analyze the study intersections based on the Highway Capacity Manual (HCM) methodology and includes level of service (LOS), delay, and queue length comparisons for the turning movements analyzed. The capacity analysis results are summarized in the tables below and the Synchro output is included in the Appendix.

For unsignalized intersections, the average delays for the minor street turn movements are described as short delays (less than 25 seconds), moderate delays (between 25 and 50 seconds), and long delays (greater than 50 seconds). It is common for side street movements to experience long delays during the peak hours at intersections with major thoroughfares.

*Audio available upon request.

The TIA Consultants assumed a peak hour factor (PHF) of 0.50, which is equivalent to all vehicles leaving the parking areas within a 30-minute period after a large event.

TIA Findings and Recommendations

Based on the results of the capacity analysis, all four study intersections will operate acceptably after a large event with the following recommendations:

U.S. 301 at Bridge Street

Utilize officer control to help drivers exit from Bridge Street onto U.S. 301

The segment of River Street between 3rd Street and 5th Street carries just 200 vehicles per day (vpd), and just 5 vehicles during the Saturday Evening peak hour. Bollingbrook Street has a capacity of approximately 10,000 vpd, and is only carrying 4,100 vpd, so Bollingbrook Street can easily handle 200 additional vpd if River Street is removed.

Issues:

- Cul de Sacs that meet minimum dimensional requirements for Public Safety
- Accounting for any parking areas that may not be available due to property development
- Required Officer Control at intersections where needed

Site Plan, Land Disturbance Permit Application and Construction Permit Application submittal, review and approval would follow approval of the Right of Way vacation.

RECOMMENDATION: It is recommended that the City Council schedules a Public Hearing and considers an ordinance authorizing the vacation of Right of Way.

Reginald Tabor, Interim Director of Planning and Community Development, stated, "The applicant requested that this item be continued to the January 17th city council meeting."

Council Member Hill made a motion to continue to the January 17th city council meeting. Council Member Myers seconded the motion. The motion was approved on roll call. There was discussion on the motion. On roll call vote, voting yes: Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham; Voting No: Cuthbert

Mayor Parham stated, "Before we go into the public information period, we want to take this time to recognize Councilwoman Wilson-Smith. Let's have a round of applause for her. At this time Vice Mayor Smith-Lee will approach the microphone with some special presentations."

Ann Taylor, Lashrecse Aird, Yvette Robinson, Chief Chamblis for Petersburg Police Department, Charles Koonce, Brian Moore, Randall Williams, Lakishah White, Wayne Crocker, Norris Stevenson, Tina Watkins, Rev. Michael Shannon, and Ms. Rozelia Roy thanked Council Member Wilson-Smith for her service with the City of Petersburg.

Vice Mayor Smith-Lee stated, "On behalf of council we appreciate your service on City Council for 12 years. Thank you so much."

Council Member Wilson-Smith stated, "There are not enough ways to say thank you. My grandfather used to say that thank you isn't enough, but it is the same as cash. I appreciate each and every one of you. Those who are here and those who are not here. I have done the very best that I can do. It has been my mission to serve the city that I grew up in. Petersburg is my home. It is my mother's home, my siblings, all of us. Right here in Petersburg and I love where I live. I love the people. And it has been my mission to just serve

*Audio available upon request.

you to do what I could for you. To do whatever I could to make this city and help this city continue to grow. I just love you all so much. And I appreciate each and every one of you. You fooled me. You got me and I just told the mayor that you look like a little boy in high school who is saying 'gotcha.' Thank you all and thank this council for everyone that has worked with me and everyone that I have worked with. Whether we got along on Monday and made-up on Tuesday and didn't like each other on Wednesday and battled it out on Thursday. By the weekend we were okay. We all understood that we had to agree to disagree, and we all understood that there will be times when we just weren't on the same page. Just like in a marriage. Sometimes you are just not on the same page. But we are a group of seven with the same goal of making Petersburg prosperous. Thank you all so very much and I am going to give my car keys to the mayor and the guys will help take all this stuff out to the car. Thank you so much."

Vie Mayor Smith-Lee stated, "I want to say something else mayor. I forgot to mention this. Treska we really had a big surprise for you. Ms. Taylor was going to fly your son in from California, but he had other obligations. So, he will be here to see you pretty soon."

Council Member Hill stated, "I just want to state at this time that today is my mother's birthday. And they are having a big party for her now and my phone has been ringing like crazy. My family told me that I was a pastor, and that family comes first. But I couldn't stop this opportunity to thank Councilwoman Treska Wilson-Smith for all the hard work that she has done. As she said we do not always see eye to eye, but we all have the same common goal to move the city forward. And I know that her heart is in the right place. I want to thank her for when Mike Ross passed away, she was one of the council members that voted me on council for that short period of time and then run in a special election and then having to run again. I thank you for all the sacrifices and the sleepless nights that you had dealing with council and the citizens of Petersburg. I will keep you in my prayer and thoughts. And I appreciate all that you do and for the City of Petersburg. Now with that said, I have to go see my mom. I will be in the doghouse if I don't get to 1409 Lincoln Street. You all excuse me. Be blessed and have a great day. I am only a phone call away."

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.

Barbara Hoosier, 2335 Anderson Street, stated, "The reason that I am here tonight is that over one year ago in April 2021, I submitted to this council a petition asking that you all consider an amendment to the Charter of Petersburg. Allowing the citizens of Petersburg to vote for the mayor rather than have one forced upon us. I have never received an answer from you. I hate to keep ringing this same bell, but I would really like to have that answered this year. I also recently saw documentation that someone had issued to you all the same thing. So, now it has been six years and this same question is just left hanging. So, if you can just tell us why or why not and maybe we can make it go away. So, that is what I am hoping for tonight. That we can answer that question before this year is out since it has been lingering for six years. There is another item that I want to bring to you attention. I did see something in the Progress-Index stating that the City of Petersburg is renting a building to Social Services for over \$400,000 a year. When I read it, I was just so shocked. It is like a wild factor. Because we are supposed to be so poor. So, where do we have the money to rent a building for \$400,000 a year when there are so many other needs here. And how long will we rent this building. So, that is one of the things that I would like to ask right now. And if you can just tell us something to end the speculations

*Audio available upon request.

and to lessen the wild factor when we read stuff like that in the paper. I would appreciate it. Thank you.”

Richard Stewart, 129 Rolfe Street, stated, “I commend you Mrs. Smith. I have known you ever since you were a child. I was superfly during that time. Congratulations. What I am here about is that I am glad you all took up the issue of the museum. The question that I always think about is why the Colonial Heights is, Hopewell, Dinwiddie, Chesterfield, and all that are on that I-95 Corridor, why is there no coordination between the areas here to talk about the casino. Because whatever that casino do is going to affect the whole I-95. The other thing that I am concerned about is the Martin Luther King Bridge. Coming out of Pocahontas is a dangerous place and if you don’t cut the trees back you cannot see. Someone is going to get killed out there. But I appreciate the police department and that state writing a lot of tickets on Crater Road because that is a dangerous place. Another thing that I want to speak about is the Martin Luther King Bridge. Now beneath that bridge there are homeless people sleeping down there. They put up tents and they sit all day, and they sleep during the night. Do they have the right to sleep down there. Is there any kind of ordinance? I think that something should be done about it. Mrs. Treska spoke about homeless and Central State Hospital. I hope that something will be looked at because they are down there sleeping beneath that bridge. Something might happen to them. I thank you.”

Barbara Rudolph, 1675 Mt. Vernon Street, stated, “Mostly, I stuck around because I also wanted to recognize Treska Wilson-Smith for her outstanding service. She has been responsive to all citizens. Not just those in her ward but she has been very willing and open to people all over the city. She has done a lot to try to bring information to citizens through the citizens academy. She has done a whole lot to try to engage people in their government. And I applaud that and hold the same values and hope that I can contribute to it as well. She comes to the meetings, and she is prepared. She keeps up with what is going on. It is very unusual that she is conversive with the issues that you are talking about. I am probably missing some things. I did not write any notes or anything. But I just think that she has been a huge asset to council and the city. And I would just ask each of you as her colleagues to please do all you can to emulate Mrs. Smith. Respond to your constituents. Even be open to responding to constituents that are not in your ward. Be prepared when you come to the meetings and know what is going on. Have meetings with citizens and do things that help everyone stay engaged, informed, and interested. I also want to add, Treska I hope that you continue to be involved from the other side of the stage. If we see you sitting out here that would be cool. I want to bring up one other thing that came up a little while ago. I apologize because I missed some of the public hearing. So, maybe it is just a lack of understanding. But Mr. Cuthbert said something about we are going in the wrong direction to sell these lots for infill and building the small houses on them and part of the discussion about the schools and all that. What is the city going to do with the land if you are not going to sell it or develop it. You are selling a .15-acre lot which is the one in that example. You are not going to build a mansion on there and sell it for \$300,000 to a couple who does not have kids so that you can generate more property tax revenue. I don’t understand the alternative. I get that we are doing this calculation that it cost more for the schools but are we just going to let the property sit there and not have anything done with them. I am just really puzzled, and I know that we are not going to answer that tonight. But I hope that we will in the future. Thank you.”

Jeffrey Fleming, 1819 Chuckatuck Avenue, stated, “First, I want to thank Mrs. Treska Wilson-Smith for her wonderful caring and giving of her selfless self to the city for the past 12 years. I promised people that I would be good tonight. But certain circumstances started. Everyone knows how much my mom has molded me into the person that I am. She always told me that a hit dog will always yelp. There is a certain one among council that any time there is anything to develop in this city they treat someone like they are in a courtroom for someone wanting to buy half an acre of land to develop it and make this a better city. And yet that same person keeps bringing up toilets. If I am not mistaken did, we do not get a grant to renovate the Poor Creek project. And I believe would be done in 2025-2026. I believe that is after the completion of the Poor Creek. Just help me grasp this. Because remember what I said a hit dog will yelp. That council person is complaining about the water and so forth, but yet he voted on a carwash. It runs water every day. Then you mention schools. You fight so much about students and how many households have students. I do not see you fighting to get money

*Audio available upon request.

in the schools to help the schools. But yet you are quick to put them down. So, I ask myself why he always shuts stuff down. Doesn't he want the city to improve. Maybe it is not his best interest. Maybe he has his hands somewhere else, and it is taking the money out of his pockets. May be not, I am not accusing but I will let you know one thing that I have learned in life. Perception is greater than value. Thank you."

Cory Harris, 2316 Anderson Street, stated, "First Councilwoman, thank you. I am here today because my wife mainly wanted me to come here because we have a gift for you. Now you told me that you were going to start a non-profit. My business will donate \$10,000 worth of advertising to help you start your non-profit. That is what my wife wanted me to tell you. We are going to have your back every step of the way. Good luck to you. First, let me start of by saying that I also love the city, but I am done. I am done with the politics of Petersburg because I do not think that we know our priorities. Believe it or not, I am not talking about you them. The City of Petersburg was dangerously close in breaking a homicide record. I think that we are at 20 and the record is 23. Where is the passion when it comes to solutions in stopping violence. Where is that passion when it come to poverty in the City of Petersburg. I do not see it. I grew up in those neighborhoods and I have family in those neighborhoods. And when you see so much energy from the casino and don't have that same passion to preserve human life. I cannot be a part of this. I simply cannot. As someone from Pecan Acres, I can say this, I worked hard for my business. And with this business I have had the privilege and honor to be around ambassadors the world. I have learned a lot from them. But what I have learned mostly when it comes to these individuals is why they do not come to certain cities like Petersburg. And that is one of the main reasons for poverty. If we do not do anything to decrease the poverty rate, how can we have major retailers come to the city. It is impossible but you have citizens as well as you who are focused on things and not focused on your priority. And the first priority is to preserve human life. Not a blighted building but human life. It is more important. But no, we do not have that passion in the City of Petersburg. We do not focus on the children sleeping outside. I know that I have never been over the minute. I respected the three minutes and I want you to respect me. And I am going to finally say this, in here you guys call me the angry black man. You know what is in the paper, this paper shows a letter from the former State Attorney General on how to remove councilors. And Brian Telfair requested it. If I am such an angry black man, I could have used this. Think about what I said."

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

Council Member Cuthbert stated, "Thank you Mr. Mayor, a couple of things. Let me start with Solomon's porch sign at 1721 South Sycamore Street. If the city manager can bring us up to date to the status of the city's effort to take that sign down. I hope that you went all the way to Supreme Court of Virginia on a challenge for that sign. The owner of the sign challenged the city when the city said take the sign down, we won with the Supreme Court of Virginia. Can you bring us up-to-date on the city's efforts to take that sign down Mr. Altman."

Mr. Altman stated, "We are working on getting it removed with the city attorney. We are working to take the necessary legal steps to remove it. We are working with staff to make sure that it is taken down properly. So, I do not want to comment too much on what we are doing."

Council Member Cuthbert stated, "Good. At each meeting of council from this point forward until the sign is down if you could give us an update so that council can stay up to speed on that. That is great thank you. I understand the Christmas parade was a great success. I am sorry that I was out of town, but I was a huge component of making it a success. I would like for us to do a postmortem to discuss what we did well and what we might can think about improving in the future. I would like that postmortem to take place on January 3rd during our work session. Mr. Altman is that something that we can do and get staff to do?"

*Audio available upon request.

Mr. Altman stated, "When you say postmortem, do you want an interactive meeting or just presentation from staff as what we thought was successful and what we thought could be improved?"

Council Member Cuthbert stated, "Well that would get the conversation start and we can see where it goes from there. I do not know whether any prize money was offered to floats or bands, but I think that would kind of spice things up and give it a vitality that it has not had in the past. So, that is one specific and what staff thinks about doing that in the future. Maybe staff didn't have enough time to think about it or maybe staff wanted to get the approval of council. I can understand both of those explanations. If it is a lack of council support, then council can consider it. But at least we will know that it was the bottleneck on establishing a very small fund to encourage high school and college marching bands. I look forward to that on January 3rd. Also, on January 3rd I would like to talk about this farming development. I am grateful to the city manager for the memo that he sent to all of council today that talked about farmer development. But it really boils down to the city manager scheduling meetings with Civica RX to discuss this and site needs. I just wonder do we need to be a bit more aggressive. For example, we should obtain a third party to be a business generator to help get not only the three pharmaceutical plants that we got here, to have them to expand but to attract more. I think that may take a special skill set. I wonder if that might make sense. We have to get aggressive on this because all of our neighbors are trying to eat out lunch on this. In the memo that the city manager sent city council, he stated that the main factor for Civica to build its research lab in Meadowville Technology Park in Chesterfield and not in the City of Petersburg, was the availability of a shovel ready site that was cleared and available. And that seems to me to be a pretty good subscription of the former Southside Regional Medical Center. It is not served by the Poor Creek Wastewater Plant. We are facing that bottleneck. I was disappointed when I heard that they were putting the research lab in Chesterfield County rather than in Petersburg. Let me go to Ms. Hoosier point or question about the elected mayor and then I will turn things back over. Ms. Hoosier thank you for raising that issue. I think that is an important one. And I cannot certainly speak for the other members of council, but I can share with you, my thoughts. I think on balance that the plus and minuses of the elected mayor approach is just as there are plus and minus to so many things in life. It is not a clear cut yes or no. But in my estimation the minus of going to an elected mayor outweighs the plus. And these are the two minus that I see that I think are really big. One is that if we had an elected mayor, we would have seven show boaters up here trying to impress the city about how great we were. And how we would make a better candidate for city mayor than someone else. So, it can result easily in show boating council. But unfortunately, we don't have that. But I think that we would tend in that direction if we did have an elected mayor. Again, this is just my perception. But the other is that, because council elects the mayor it creates a cohesiveness among the members of council. It helps us work better as a team. And I think that is important and we foster that and encouraged that. And I think that we have achieved that. And I think that we would be going in the wrong direction if we did an elected mayor. Again, we would all be in competition with each other. If you want to see a good example of a system that does not work, look at the City of Richmond. They have a strong mayor as well as an elected mayor. I realize that it is not a one-on-one comparison. But its like two armed cams in Richmond, city council on one end and the mayor on the other instead of working together as a team to move the city forward. So, I understand the desire to elect the mayor and all representatives, but I would suggest that the way to go about it is to do away with the ward system and elect all seven members of council. So, that people who do not live in Ward 4, can vote against me if they do not want me. Right now, only 1/7 of the people in Petersburg can vote for me or against me and that is true for every member of council. Those are my thoughts and others may have other thoughts and I certainly welcome the discussion. But I did not want to diss you Ms. Hoosier or the topic. It is a worthy topic, and it desires serious discussion. Thank you."

Council Member Wilson-Smith stated, "I would like to thank this council again and people in the audience for the many gifts and kind words and all that you have ever done for me and the City of Petersburg. I truly want to thank you. I want to also bring attention to the fact that Sheriff Vanessa R. Crawford has been tapped to lead the National Law Enforcement Organization. The Small and Rural Law Enforcement Executive Association recently met in Orlando, Florida to hold their first in person conference since being organized two years ago. Sheriff Crawford is now the chair of the board of the Governors for that organization moving up from

*Audio available upon request.

vice chair at the conference. The organization is made up of police chiefs, sheriffs and tribal chiefs and their staff from across the country. Since starting the organization has grown in record numbers and currently has over 6,200 members. And a woman from Petersburg, VA, our very own Sheriff Vanessa Crawford is the Chair of that Organization. And as my parting statement, which I had written and left in the car. During these 12 years, I have been quite adamant about processes, procedures, and policies. During our many discussions throughout the 12 years I have often questioned use on council about the correct process or what is the procedure and what policy we are following. And I have done that because I have learned in life that process, procedure, and policies are the guiding force that takes you in the right direction. Just like for some people, that bible is that document which guides you. Our charter is that document which guides us on this council. At the last council meeting, the mayor spoke about an article that had been in the Progress-Index. And that article mentioned a former councilperson, John Hart. One of the other 'p' words that I want to leave this council with is peace. I will have peace of mind, heart, and soul. In order for me to do that I must let you know that I never in my entire life on paper, email or verbally said that I did not want to help John Hart. Not only did I not do that I would not do that. I would take care of my enemy if I had to because that is how I am. And that is what I believe in. What I did say was that I thought with my reading and discussing with attorneys outside of our own and with HR personnel that we did not follow the correct procedures in what we did. And that was all that I felt. Although our attorney told us that we could do that, the motion read that we would give a severance package. And our attorney agreed that we can do that. But although someone tells me something, I go back and study it for myself. I go back and ready it. I ready everything and, in my reading, and studying elected officials do not get severance packages. So, I brought that to the attention of the attorney. In other words, wait a minute I think we made a mistake. Our charter says that we cannot do it and we didn't take it to the public. Those were my issues with it. No matter how someone may feel about me or think that I might be ignorant or disgusting or repulsive that is how I feel about it. I would do anything in the world for John Hart or anyone else sitting up here. I had the right to study it and come back with my opinion. It is different from what the city attorney told us. That is just my opinion. I thank you all once again for everything that you have ever done for me. I have enjoyed my time working with you and for you. I have enjoyed the many lunches and sitting down talking with you. I have enjoyed you all. I will still be here, and I will still be fighting for you and doing whatever I can for you. And always remember my theme, 'There is no Petersburg without 'u'. You are Petersburg. Not me by myself. You take that 'u' out of Petersburg, and it will not spell Petersburg anymore. Thank you."

Council Member Westbrook stated, "Good evening, everyone. Hope that everyone is in good spirits. I will try to be as short and brief as possible, but there are some things that are on my mind. First of all, I would like to thank the non-profits of the city. In my year of being on council, it has been amazing seeing the people that are really trying to not be done with Petersburg. I heard that comment about I am done but you have a choice to make. Either you walk away and talk about it, or you pull your bootstraps up and do something about it. I do feel like there are a lot of people who want to do something about it. I say that because this past Saturday I went to lending helping hands along with non-profit joint function where they gave toys to area kids. Over 300 kids were serviced with that. So, I would just like to thank the non-profits for continuing to move forward with what they are doing for the city and our citizens. Second, in my partnerships that I have been making and in talking with the Treasurer, Paul Mullin, I am a great component of dogs. I am a dog lover. And I would like to see the city and residents get behind registering your dogs properly and filling out the paperwork with billing and collections. And just registering your pets. Recently, two weeks ago I was in Africa, and I saw the number of cats roaming the city. As an animal lover all together I was saying how can I come back home and utilize what I saw there. And again, people helped out the cats, and I see a dog. And it breaks my heart to see them. But again, I know that there is this growing Petersburg Bully. Can we just register our dogs properly. Third, I am going to get to the children. Because the children are what I stood on when I was running. I am concerned about our kids. First of all, it troubles me as an educator. I think that there is a perfect storm going on right now that a lot of people may not be aware of. COVID has exposed some things that people are not aware of. I work at Virginia State University, and we have a problem with attendance and work production. Now I commend, and I am not trying to throw the school board under the bus in any manner. I definitely want to meet with the new superintendent, Dr. Sterling, to get her opinion on things. I know that they have done

*Audio available upon request.

something about truancy, or they are working on truancy to get our kids back in school. But I see that on a college level that the kids don't come to class. They feel like hey I do not have to come to class. But there is a perfect storm brewing again because of the work production. Something I feel like has to be done when a 'D' is now passing. And it has been for a while. Is this social promotion or no child left behind? Because the children that are being left behind are Petersburg when we are trying to build a state of the art, top notch resort, but our kids are suffering with education. I understand that there are state standards and policy and procedures, but Petersburg is in a position to be a trendsetter and do something to say that no longer should we allow a 'D' to be passing to get to the next grade. Hopefully, we can all get behind that. Just like everyone wants to point the finger at city council hopefully we can start pointing the finger at school board and say that it is unacceptable. But again, with the kids, let's support our winter sports. Our girls' basketball and not just boys' basketball, track, and wrestling. Again, just support all the sports. In Petersburg, sports have always been one of the main things to do and we support our kids. So, please support them through the winter sports. And lastly with the kids, I just would like to question again on can we get back to field trips. Again, this study abroad that Virginia State is championing for our residents is growing. And we really want to expose our children, people, and young youth to more. Whether it is Africa, South America, or Asia. But just getting them out of the State of Virginia is a start. Let's get them up to the National African American Museum in Washington, DC, the Smithsonian Museum. There is so much that our children need to see. There is life outside of Petersburg so that they can aspire to be more. And I remember taking field trips. And I understand that COVID has crippled us. But it is time for us to come out of that crippling and get our kids back to seeing the world around us. Mrs. Treska, you have been a lot to me, and I hope to work with you more going forward. She is a voice of reason and a voice that I would like to hopefully pattern some of my things that I do on council. Again, hopefully she will continue to work with all of us and not just me. Merry Christmas, Happy Kwanzaa, Happy New Year, and don't wait until January 1st to start your goals. I close with helping out 7th Ward. I will meet again with Mr. Brian Moore. Hopefully, we can look more at how the Enterprise Zone on Washington Street is working and is it attracting businesses. Is it doing what it is supposed to do? Because again, over in 7th Ward we have a long trip from the corridor of daycare all the way to the old Pepsi-Cola plant. Again, I would like to see that Enterprise Zone thrive. More people have an opportunity of brick and mortar and a place for their business and not just on the internet. But hopefully, I will be able to follow up at future council meetings with the productivity, effectiveness, and efficiency of the Enterprise Zone that runs along Washington Street. And with that I will close with, please come out to vote on Tuesday. I know that the voting season was very crucial for the four of us up here, but it is not over. With the passing of our Honorable Congressman McEachin, we do have an election that we need to look forward too. And I hope that we pick the best candidate for Petersburg. I just looked at that there are three polling places in Richmond and only one in Petersburg. I hope that on Tuesday we do come out to support the candidate of whoever you feel like is going to best help the City of Petersburg. And I close with that."

Mayor Parham stated, "The beauty of this facility is that our meetings are live. And school board chairman, Ken Pritchett, says please tell him to call me. He was to address your concerns."

Council Member Westbrook stated, "Thank you very much Mr. Pritchett."

Council Member Myers stated, "Thank you Mr. Mayor. First, I would like the works department to please provide us with information respect to the transformer that went out at Albert Jones Field and if that has been fixed. And also, I want to say Merry Christmas to everybody. Treska, you know how much I love you and I am going to miss you too. No one knows about our late-night conversations, but they do know that we are always friends even though we debate on the stage. So, I will miss you as well, and really, I am sorry to see you go. But thank you all for being here and please have a very Merry Christmas and Happy New Year."

Vice Mayor Smith-Lee stated, "Thank you everybody for coming out tonight. I want to give a special thank you to Bishop Wesley Taylor at Cavalry Temple Church that is on the corner of Dunlop, Hinton, and Commerce Street. Because they are a model organization, church, and facility. They are always cleaning that area up and I truly appreciate that. I just want to say have a Happy Holiday to you and your family. Just

*Audio available upon request.

remember the reason for the season. Also, just pray for the sick, needy, and the shut in. And Treska, you are going to be missed. I am so excited, and I know the new journey that you are going to embark. And if you should need any help, just give me a call. Because we can make things work. And may God continue to Bless you and your family, and I thank God that you got some good news in reference to your husband. Just remember to put God first and he will guide you."

Mayor Parham stated, "I just want to say thank everyone for coming out for Council Member Wilson-Smith, very special day. She has been a special part of my life since day one. People do not understand that she was at Zion before she was at Tabernacle Baptist with me when I was a young kid. And we were terrified of the days that she would come up to the school to check Buster and Spanky. Everybody was like man your mommy is about to tear your butt up. It was some really good memories and an honor to serve with you and appreciate your compassion. This is just turning a page on another chapter. You are still young, and we still expect great things many more years to come. I wish you and the family the best and we keep you in prayer and support you in all your endeavors that come your way. Also, with that I think it was a great celebration. I want to thank Vice Mayor Smith-Lee and the rest of city council and our clerk, Mrs. Nykesha Lucas, and everyone that was involved in putting this together today. It was something that we really wanted to show out for you. It was really a big surprise, and we like to catch you by surprise. Again, Merry Christmas to everyone and Happy New Year. This is our last meeting of the year, so we wish everyone a Merry Christmas and a prosperous 2023. And our next meeting will be in January."

11. ITEMS REMOVED FROM CONSENT AGENDA:

Council Member Cuthbert stated, "Are we meeting next week?"

Mayor Parham stated, "Next week is not our formal council meeting. This is our last council meeting. But we will have the library setup for a discussion with Cordish so that they can answer a lot of questions that were not answered tonight as a follow up."

Council Member Cuthbert asked, "What time will that meeting start?"

Mayor Parham stated, "Right now we are looking at 5pm. Most people are off work during that time."

(Item 7b)

-Consideration of an ordinance authorizing the city manager to execute a Deed of Easement to Prince George County for the purpose of a sanitary sewer force main realignment.

BACKGROUND: See attached.

RECOMMENDATION: Public Works & Utilities recommends approval of the ordinance granting the City Manager authorization to execute a Deed of Easement to Prince George County for the purpose of a sanitary sewer force main realignment.

There was discussion among City Council and staff.

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

22-ORD-73 AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A DEED OF EASEMENT FOR PRINCE GEORGE COUNTY SEWER LINE PROJECT ACROSS THE PROPERTY OWNED BY THE CITY LOCATED AT 3101 COUNTY DRIVE, PARCEL ID NO.:

*Audio available upon request.

06001003.

12. FINANCE AND BUDGET REPORT:

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

13. UNFINISHED BUSINESS:

- a. Consideration of an ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Harold Beasley towards the sale of City-owned property at 215 Jones Street South, parcel 023-280005.

BACKGROUND: The Department of Economic Development received an application on October 6, 2022, from Willie Mitchell IV to participate in the auction on GovDeals to purchase City-owned property located at 215 Jones Street South, which was a vacant residential lot. On October 11, 2022, at the conclusion of the auction, it was determined that Mr. Beasley was the highest bidder. He has submitted to staff the required documentation to prove he has the wherewithal to purchase the property. The proposed use of the property is to adjoin the property to his adjacent residential property located at 211 Jones Street South and maintain it as open space.

The proposed purchase price for the parcel is \$2950, which is 50% of the assessed value, \$5900. The purchaser will also pay all applicable closing costs.

This proposal is in compliance with the Guidelines for the City's Disposition of City Real Estate Property, Zoning, and the City's Comprehensive Land Use Plan.

Property Information

The zoning of the parcel at 215 Jones Street south is zoned R-3, a two-family residential district.

Address: 215 Jones Street South

Tax Map ID: 023-280005

Zoning: R-3

RECOMMENDATION: Staff recommend City Council makes a motion to approve the sale and ordinance.

There was discussion among City Council and staff.

Council Member Cuthbert made a motion to approve the sale of 215 South Jones Street provided that the deed limits the use of 211-215 to a single-family dwelling.

Vice Mayor Smith-Lee made a motion to approve the sale and ordinance. Council Member Wilson-Smith 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: Hill

22-ORD-74 AN ORDINANCE TO AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT BETWEEN THE CITY OF PETERSBURG AND HAROLD BEASLEY TOWARDS THE SALE OF CITY-OWNED PROPERTY AT 215 JONES STREET SOUTH, PARCEL ID 02380005.

- b. Consideration of a resolution authorizing the city manager to exercise the right of reversion and

*Audio available upon request.

amend the development agreement between the City of Petersburg and Griffin Cigar, LLC for the property at 108 East Washington Street.

BACKGROUND: On July 2, 2019, the City of Petersburg entered into a development agreement with Griffin Cigar, LLC for the development of property located at 108 East Washington Street. The construction timeline was for a period not to exceed three years except by the written consent of the City as approved by Petersburg City Council (letter F). The development schedule calls for the project to be completed within three phases over a three-year period from closing on the building. Closing occurred on August 12, 2019, and as of November 15, 2022, a Certificate of Occupancy has not been obtained.

The development agreement states (letter G) "The failure of The Purchaser to timely comply with all requirements of the project summary documents shall be considered a material breach of this Agreement."

The development agreement further states (letter H), "Upon material breach of this Agreement, the City shall provide The Purchaser with written Notice describing the breach."

On September 12, 2022, the Economic Development staff sent a Notice of Breach of Development Agreement to JC Bynum by certified mail. However, on September 27, 2022, while communicating with the developer, they stated they had not received the letter in the mail.

At that time, staff emailed the notice to them, and Griffin Cigar, LLC sent an electronic acknowledgement of receipt of the notice. On October 11, 2022, Griffin Cigar, LLC submitted a letter requesting an extension of the project for a period of one year (September 2023).

RECOMMENDATION: Staff will make a recommendation after the developer's presentation to the City Council.

Brian Moore, Director of Economic Development, gave a brief summary of the updated findings of 108 East Washington Street.

Mr. Moore stated, "There is an extensive amount of work that has been done to the facility. The developer is requesting a one-year extension. He has presented invoices of probably about \$60,000 into the project. He says that he will be done before that. But one of the things that I had spoken with the city attorney is that if we do the one-year extension, we would do it with a caveat of a reversion clause. Mr. Williams, would like to explain it?"

Mr. Williams stated, "This was one of the first properties that we utilized with a reverter or reversion provision in as we moved forward doing years. This is the first time that council used that tool before the developer performed as we are supposed. And as such, it is a little bit weaker reversion than the current ones that we do. Under this the provision require that council actual authorize repayment of its purchase price less certain amount. In this case \$25,000 for the property to revert. Under your current reversers, it reverts, and you pay them nothing. So, you get the property as well as the purchase price. So, just to make council aware the current one is a much weaker thing, and you will be repaying at about \$110,000 for this property if you exercise it. So, I would recommend supporting what Mr. Moore is recommending. We strengthen that reversion clause in the ensuing deed, and we make sure that they have it completed in that one year and if not take it back."

There was discussion among City Council.

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

*Audio available upon request.

22-R-80 A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE RIGHT OF REVERSION AND AMEND THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PETERSBURG AND GRIFFIN CIGAR, LLC FOR THE PROPERTY AT 108 EAST WASHINGTON STREET.

14. NEW BUSINESS:

- a. Consideration of a resolution supporting efforts to use the Resiliency Adaption Feasibility Tool (RAFT) to enhance resiliency in Petersburg.

BACKGROUND: The Resilience Adaptation Feasibility Tool (RAFT) is a collaborative, community-driven process and full-service tool developed to help Virginia's coastal localities improve resilience to flooding and other coastal storm hazards while striving to thrive both economically and socially. A multi-university, interdisciplinary academic partnership initiated The RAFT in 2015 to create an assessment and response decision framework to assist coastal communities in evaluating risks to coastal flooding, prioritizing action to increase resilience, and identifying sources of technical assistance and funding.

The RAFT Team is a three-university partnership that includes: The University of Virginia Institute for Engagement & Negotiation (IEN); The William & Mary Law School Virginia Coastal Policy Center (VCPC) and The Old Dominion University Institute for Climate Adaptation and Resilience (ICAR) and works in partnership with the Crater Planning District Commission (CPDC).

The RAFT Team has worked in communities throughout the Commonwealth, including Cape Charles, Portsmouth, Gloucester in 2017-2018, Eastern Shore Communities in 2018-2019, Northern Neck Communities in 2019-2020, Middle Peninsula Communities in 2021-2022, and the Crater Communities of Hopewell and Petersburg in 2022-2023.

The RAFT is an 18-month community-driven resilience planning and action support process that includes three parts, Part 1: An independent assessment of locality resilience by the university partnership using a scorecard that covers resilience in the locality, Part 2: Developing one-year resilience action priorities by, first, sharing findings and opportunities for building resilience with locality leadership (City Council, City Manager), Part 3: Implementation of resilience projects over a 12-month period to build resilience. The assessment areas include: 1) policy leadership, and collaboration; 2) risk assessment and emergency management; 3) infrastructure; 4) planning; and 5) community engagement, health, and wellbeing.

The primary goal of the RAFT is to help establish a resilient community that is able to anticipate, adapt, endure, and thrive in the face of change, uncertainty, and adversity. Objectives of the effort include providing support to new networks and connections among local organizations for building on community strengths to improve resilience planning and responsiveness, and to support a focus on increasing social equity in resilience planning and implementation.

This is a resolution of support for the efforts of the RAFT to enhance the resilience of the City of Petersburg.

RECOMMENDATION: It is recommended that the City Council adopts the resolution supporting the RAFT.

Reginald Tabor, Interim Director of Planning and Community Development, gave a review of the request to adopt the resolution supporting the RAFT.

Council Member Myers made a motion to approve the resolution. Vice Mayor Smith-Lee seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers,

*Audio available upon request.

Westbrook, Smith-Lee, and Parham; Absent: Hill

22-R-81 A RESOLUTION SUPPORTING THE EFFORTS TO USE THE RESILIENCE ADAPTION FEASIBILITY TOOL (RAFT) TO ENHANCE RESILIENCY IN PETERSBURG.

- b. Consideration of a “Fleets Branch Stream Restoration” Project – Memorandum of Understanding (MOU).

BACKGROUND: As a Phase II Municipal Separate Storm Sewer System (MS4), the City of Petersburg is required to reduce stormwater pollutants discharged to receiving waters, known as the Total Maximum Daily Load (TMDL), as part of its MS4 General Permit administered by DEQ. These TMDL reduction requirements set by DEQ include a 40% pollutant reduction by June 30, 2023. Virginia State University, also an MS4 entity, began a stream restoration project for Fleets Branch (Phase 1); however, VSU did not need the additional pollutant removal credits to complete the project (Phase 2). On the other hand, the City of Petersburg is in significant need of pollutant removal opportunities due to the land cover, topography, and ownership challenges specific to the city. Therefore, a collaborative effort was envisioned between the two MS4s where the stream restoration project could be completed with combined financial assistance from both the NFWF Grant, and Petersburg funding and the resulting pollutant removal credits would be given to Petersburg to help meet its TMDL goals. Because of the collaborative nature of this project and the resultant need for cooperation between the City of Petersburg and VSU, an MOU is required by the grantor (NFWF) to ensure that all grantee responsibilities are covered, and the two entities permanently codify the term of their relationship with respect to these responsibilities. The City Manager needs to be authorized by Council to execute the attached Proposed MOU so that this grant project (fully funded with the final appropriation approved by Council on September 20, 2022) can move forward.

RECOMMENDATION: It is recommended that the City Council authorizes the City Manager to execute the attached Proposed MOU for the “Fleets Branch Stream Restoration” project.

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

- c. Consideration of a resolution supporting the Virginia America 250 Commission.

BACKGROUND: See attached resolution.

RECOMMENDATION: City Council approve the resolution supporting the Virginia America 250 Commission.

Council Member Wilson-Smith made a motion to approve the resolution supporting the Virginia America 250 Commission. 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, Smith-Lee, and Parham; Absent: Hill

22-R-82 A RESOLUTION OF CITY COUNCIL OF THE CITY OF PETERSBURG RELATING TO THE SUPPORT OF THE VIRGINIA AMERICA 250 COMMISSION.

- d. Consideration of a resolution of support for Richard Bland College transition to an independent governance structure.

BACKGROUND: See attached resolution.

*Audio available upon request.

RECOMMENDATION: For city council to approve the resolution supporting Richard Bland College transition to an independent governance structure.

Terrell Robinson, Richard Bland College, gave a brief update on the request.

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

22-R-83 A RESOLUTION OF SUPPORT FOR RICHARD BLAND COLLEGE TRANSITION TO AN INDEPENDENT GOVERNANCE STRUCTURE.

15. CITY MANAGER'S AGENDA:

a. Presentation on Code Enforcement Efforts

Mr. Altman stated, "First under the city manager's report, we have a presentation regarding our Code Enforcement Efforts in the city. We wanted to talk about some good things that happened with regard to the response to the hotel issue that we had. We have Mr. Reid and staff to walk us through the presentation."

A PowerPoint was shown with pictures that show different properties in their before and after looks with code enforcement involvement.

There was discussion among City Council and staff.

b. Presentation from Dominion Energy on Smart Meters.

Brittany Edward, External Affairs Representative for State and Local Affairs with Dominion Energy, gave a brief presentation on Smart Meters.

Ms. Edward stated, "Before I begin, I definitely want to say to you Councilwoman Wilson-Smith, I have enjoyed working with you. It has been such a pleasure. I wish you much luck in your future endeavors."

Key Notes:

- Dominion Energy Virginia has completed its installation of Smart Meters in the Petersburg District Office in 2021.
- It included 19,111 customers in Petersburg.
- Postcards are mailed two to three weeks prior to installation. Door hangers are provided the day of installation.
- They offer opt-out for customers that are eligible. For those who opt-out, they will receive a non-communicating meter.

Mr. Altman stated, "The only other item I have is that I would like to congratulate Councilwoman Wilson-Smith for her 12 years on council. Knowing you and knowing about you while I was in Hopewell, you have always been a voice for those who didn't have a voice. And I will say this, and people will laugh, but congratulations you have your life back. You get to enjoy your Tuesday evenings and family. And with the great news about your husband, there is a lot too enjoy. You will be missed. We will see you around. I expect you to continue working on the things in the community that you love. Congratulations and thank you for all your service."

*Audio available upon request.

16. BUSINESS OR REPORTS FROM THE CLERK:

Mrs. Lucas stated, "I only have a couple of items. Real short and sweet. Councilwoman Wilson-Smith, it has been a journey for the last 12 years. I appreciate the talks, the work, and everything. This is not the last road for us. I will still be at your disposal as always and you will always be Council Member Wilson-Smith to me. Also, just for the record, I am the clerk who puts the council packet together. I just want it to go on record that these packets are put together and given to council and staff and department heads at least a minimum of five days prior to the council meeting. This includes three business days and the weekend for everyone to look at. So, I just don't want it to be where the packets are given the day of the meeting for reviews. But they are sent out in a timely manner from my office. The next and only last thing is that I want to wish everyone a safe and Merry Christmas. Feliz Navidad. And just enjoy time with your family. See you guys' next year and Happy New Year."

17. BUSINESS OR REPORTS FROM CITY ATTORNEY:

Mr. Williams stated, "I guess the only thing that I have is that I can echo all the wonderful statements that have been made about Councilwoman Wilson-Smith. I think every governing body has members that are very passionate about what they do. Councilwoman Wilson-Smith has been a driving force and passionate about the things that she wants to support and better the city on. So, we thank you for that. And that is all I have tonight."

18. ADJOURNMENT:

City Council adjourned at 9:25 p.m.

Clerk of City Council

APPROVED:

Mayor