



City of Petersburg Virginia

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February 7, 2023 - City Council Work Session

February 7, 2023
Petersburg Public Library
201 West Washington Street
Petersburg, VA 23803
5:00 PM

City Council

Samuel Parham, Mayor – Ward 3
Darrin Hill, Vice Mayor – Ward 2
Marlow Jones, Councilor – Ward 1
Charlie Cuthbert, Councilor – Ward 4
W. Howard Myers, Councilor – Ward 5
Annette Smith-Lee, Councilor – Ward 6
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. **Public Comments**
 6. **Approval of Consent Agenda (to include minutes of previous meetings):**
 - a. **Minutes: (Page 4)**
 - January 3, 2023-Organizational Meeting
 - January 3, 2023 - City Council Work Session
 - January 17, 2023 - Closed Session
 - January 17, 2023 - Regular Meeting
 - b. A request to schedule a public hearing on the consideration of an appropriation for a Community Flood Preparedness Fund (CFPF) Grant awarded by the Virginia Department of Conservation & Recreation (DCR) in the amount of \$2,800,878 to be used for construction costs for drainage improvement projects in the City of Petersburg's Lakemont area and authorizing the city manager to sign the Virginia Resources Authority MOU for Lakemont drainage improvements. **(Page 38)**
 - c. A request to hold a public hearing on February 21, 2023, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and New Light, LLC towards the sale of City-owned property at 703 Bank Street, Parcel ID- 012050017, 716 Wythe Street, Parcel ID 012330006, and 801 Bank Street, Parcel ID 012070031. **(Page 75)**
 - d. A request to hold a public hearing on February 21, 2023, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Properties Remembered towards the sale of City-owned property at 417 Jefferson Street, parcel ID 022390008. **(Page 124)**
 - e. A request to schedule a Public Hearing and consideration of an Ordinance authorizing the vacation of Right of Way along River Street between 3rd Street and 5th Street. **(Page 153)**

- f. Request to Schedule a Public Hearing for February 21, 2023 on An Ordinance to Amend and Re-Adopt Sections 110-10; 10-11; and 110-12 of the City Code Pertaining to Augmented Fine Streets. **(Page 199)**
- g. A request to schedule a public hearing on February 21, 2023, for the 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. **(Page 204)**
- h. A request to schedule a Public Hearing and consideration of an ordinance approving a Zoning Ordinance Text Amendment – To amend Article 15. - "B-2" General Commercial District Regulations, Section 2. Use Regulations, by changing permitted uses from those in the "B-1" Shopping Center District to those permitted in the "R-3" Two-Family Residence District and requiring a Special Use Permit for Multi Dwelling in B-2 and B-3 districts. **(Page 270)**
- i. A request to schedule a Public Hearing for February 21, 2023, for the consideration of City Code Appendix B. Zoning Text Amendment – To amend Article 4-A. "A" Agricultural District Regulations, Section 9. Special requirements, to permit a subdivision that creates one parcel that meets the dimension requirements of lots/parcels in the R-1A District. **(Page 278)**
- j. A request to schedule a public hearing for February 21, 2023, for the consideration of an ordinance to amend and re-adopt the City Code to include Section 98-25 - Bollards for Historic Properties. **(Page 284)**

7. Special Reports

- a. Presentation on the SCWA - Nutrient Reduction Upgrade by Robert Wilson, Executive Director of South Central Wastewater Authority. **(Page 287)**
- b. Presentation and Update on Wilcox Watershed Conservancy by Dr. Kenneth Lewis. **(Page 290)**

8. Monthly Reports

9. Finance and Budget Report

- a. Presentation by Davenport on City's Financial Status and consideration of a resolution. **(Page 349)**

10. Capital Projects Update

- a. Update and presentation on Southside Depot. **(Page 359)**

11. Utilities

12. Streets

- a. Presentation on speeding deterrents such as speed bumps, humps, rumble strips, signs, etc. including their advantages and disadvantages. **(Page 368)**
- b. Presentation on Speed Cameras in School Zones.

13. Facilities

14. Economic Development

- a. A presentation from Interface Studio, LLC on the Downtown 2040 Master Plan for Petersburg, VA. **(Page 374)**

15. City Manager's Agenda

16. Business or reports from the Clerk

17. Business or reports from the City Attorney

18. Adjournment



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM:

RE: Minutes: (Page 4)
-January 3, 2023-Organizational Meeting
-January 3, 2023 - City Council Work Session
-January 17, 2023 - Closed Session
-January 17, 2023 - Regular Meeting

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. January 3, 2023 Organizational Meeting Minutes
2. January 3, 2023 - Work Session city council minutes
3. January 17, 2023 Closed Session Meeting Minutes

4. January 17, 2023- regular city council minutes

The Organizational meeting of the Petersburg City Council was held on Tuesday, January 3, 2023, at the Petersburg Public Library. Council Member Parham called the meeting to order at 3:03p.m.

1. CALL TO ORDER

2. ROLL CALL:

Present: Council Member Charles H. Cuthbert, Jr.
Council Member Marlow Jones
Council Member W. Howard Myers
Council Member Arnold Westbrook, Jr.
Council Member Darrin Hill
Council Member Annette Smith-Lee
Council Member Samuel Parham

Absent: None

Present from City Administration:
Clerk of City Council Nykesha D. Jackson
City Manager John March Altman, Jr.
City Attorney Anthony Williams

3. BUSINESS OR REPORTS FOR/FROM THE MAYOR AND OTHER MEMBERS OF CITY COUNCIL:

a. Nominations and appointment of Mayor

Mrs. Lucas stated, "We are going to do nominations for the appointment of the mayor. We will start with just the nomination name then we will go down the list for roll call."

Council Member Myers asked, "Are we doing a slate or just individuals?"

Mrs. Lucas stated, "Whatever the majority would prefer."

Council Member Myers stated, "I would like to propose a slate. And that would be Mayor Parham and Councilman Hill."

Mrs. Lucas stated, "Okay. I will do the first slate and do roll call. If we get four or the majority, then that will be the vote. If it doesn't then I will go back down the list and split, it up. Is that agreeable with everyone?"

Council Member Myers nominated Council Member Parham to be the mayor and Council Member Hill to be vice mayor. The nomination was approved by roll call vote. On voice vote, voting yes: Cuthbert, Jones, Myers, Westbrook, Hill, and Parham; Voting No: Smith-Lee

23-R-1 A RESOLUTION APPOINTING SAMUEL PARHAM AS MAYOR AND DARRIN HILL AS VICE MAYOR OF THE CITY OF PETERSBURG FOR A TERM ENDING DECEMBER 31, 2024.

b. Nominations and appointment of Vice Mayor

This item was done under the nomination of mayor.

- c. Discussion and consideration of the Rules of Council.

Council Member Cuthbert made a motion to adopt the Rules of Council as presented.

Motion dies due to lack of second.

Council Member Myers made a motion to table the approval of the Rules of Council and the amendment to the Rules of Council with adding Conflict of Interest until the January 17th meeting. The motion was seconded by Council Member Smith-Lee. There was discussion on the motion. The motion was approved by roll call vote. On voice vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

- d. Consideration of a resolution to amend the Rules of Council and add Conflict of Interest.

This item is tabled until January 17, 2023.

4. CLOSED SESSION:

Mayor Parham stated, "I would like to entertain a motion to add the discussion of residual delinquencies of real property tax collections to the consultation with legal counsel portion of the closed session agenda."

Council Member Cuthbert made a motion to add the discussion of residual delinquencies of real property tax collections to the consultation with legal counsel portion of the closed session agenda. Vice Mayor Hill seconded the motion. The motion was approved by roll call vote. On voice vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

- a. Closed Session Items:

The purpose of this meeting is to convene in the closed session pursuant to:

1. §2.2-3711(A)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the City Attorney and legal consultation regarding the subject of specific legal matters requiring the provision of legal advice by the city attorney, 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 residual delinquencies of real property tax collections; and matter requiring legal advice of the city attorney; and Petersburg Circuit Court Case Number CL22-787; and under subsection §2.2-3711(A)(29) of the Code of Virginia for the purpose of discussion regarding the subject matter of a 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; and under subsection §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.

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

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

City Council entered closed session at 3:12 p.m.

CERTIFICATION:

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called this evening to certify in accordance with §2.2-3712 that the Code of Virginia that to the best of each members knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should so state prior to the vote indicating the substance for departure that in his or her judgment has taken place. This requires a roll call vote Mr. Mayor."

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

The motion was approved on roll call vote.

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

23-R-2 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 5:15 p.m.

5. ADJOURNMENT:

City Council adjourned at 5:16 p.m.

Clerk of City Council

APPROVED:

Mayor

The work session meeting of the Petersburg City Council was held on Tuesday, January 3, 2023, at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:16 p.m.

1. ROLL CALL:

Present:

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

Absent: None

Present from City Council Administration:

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

2. PRAYER:

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

Vice Mayor Hill led the council meeting in prayer.

3. PLEDGE OF ALLEGIANCE:

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

4. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum is present.

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

- a. A request to 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.
- 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 031-050039.
- c. A 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.
- 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

- 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.
- f. Consideration of an appropriation ordinance for DCJS ARPA – Law Enforcement Equipment and Technology – 1st Reading
- g. Minutes:
 - Minutes of December 13, 2022 – Closed Session
 - Minutes of December 13, 2022 – Regular City Council Meeting

Brian Moore, Director of Economic Development, asked about moving item “5d” so that action can be taken at tonight’s meeting.

Mayor Parham stated, “We would need a motion to suspend the Rules of Council to move forward with action on this item.”

Council Member Myers made a motion to suspend the Rules of Council. Vice Mayor Hill seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham; Abstain: Cuthbert

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

23-R-3 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.

Council Member Myers made a motion to approve the consent agenda with the removal of item “5d”. Vice Mayor Hill seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

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

Council Member Smith-Lee made a motion to move forward with the consideration of applicants for boards and commissions. Council Member Myers seconded the motion. There was discussion on the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

6. SPECIAL REPORTS:

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

7. MONTHLY REPORTS:

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

8. FINANCE AND BUDGET REPORT:

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

9. CAPITAL PROJECTS UPDATE:

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

10. UTILITIES:

Mr. Altman thanked Mr. Paul Johnson, Director of Public Works for his service to the City of Petersburg and wished him well on his future endeavors.

Michael P. Luning, Vice President from JMT, gave an overview with regard to the water and wastewater and Poor Creek.

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

Council Member Cuthbert stated, "Mr. Altman, can you send all of council an email letting us know when the RFP for design services has been posted. This is just such an important project. One third of the city has choked with wastewater. We cannot expand. In the best of future possibilities, it will not be until June of 2026."

Mr. Altman stated, "That is the deadline that we have to meet. It does not mean that we can do it earlier. We have to meet it because of the ARPA money. What we have done thus far is that we have already done the discussion of shrinking timeframes and shrinking the amount of time provided for the design. We need to get the design done in an expeditious manner so we can bid it earlier so we can finish earlier. We have a lot of thinks that are coming online that need to come on line and we do not need to just work until a deadline. We need to work to meet the deadline earlier. That is my push. And he can tell you that I have been vocal about getting things moving and getting things done sooner rather than later because we need to be finished not in June of 2026 but earlier than that. We need to be finished at the end of 2025 if we can. So, understand that when we get there, we are tearing up Crater Road. So, we are going down the median of Crater Road. So, I have been pushing them and everybody involved to get it done."

Council Member Cuthbert stated, "That is great and good to hear, and I am looking forward to that and seeing it happen. Now, when the RFP goes out it is going to ask that the engineering design service companies submit their proposal by the middle of March. Is that the case?"

Mr. Luning stated, "It should be by the end of January."

Mr. Johnson stated, "And then the city and its team will review the bids for the best responses and the lowest bidder."

Council Member Cuthbert stated, "I think there is no one on City Council who would disagree that sooner is a lot better than later. Thank you."

Council Member Jones stated, "So, I am looking at the submission dates in the presentation and I am noticing that on the approval and apply dates it is almost a month before we get anything back. Can you explain that?"

Mr. Luning stated, "Well you are getting state agencies and cumbersome bureaucracies and you make a submission and then you have to get to back from them to approve it. And sometimes in between they have questions that we have to respond to and answer. So, that is really simplistic at the top of the list and the cultural. When that is very quick when in October and came back in November. Petersburg Battlefield got the exact same submission and took an extra month to get it done. You are just dealing with bureaucracies. Everyone is cooperative. The agencies, DEQ, and VDH are very cooperative in these things. They are trying to

push things through faster also.”

Mayor Parham stated, “We are looking forward to it. It is the biggest development project in Petersburg in quite some time dealing with Poor Creek. And I want everyone to know that we have to get this done and the court complex about the same time. So, there is a lot of construction coming up. Again, Mr. Johnson thank you for all that you have done here in Petersburg. You will be missed and Godspeed on the next part of your journey. Next, I want to circle back to finance and budget report. I know Councilman Jones had a question for the city manager.”

Council Member Jones stated, “I think that it is not good taste but when we get to the finance and budget report, we say that there is nothing to report. We need to make sure that somebody is counting all the time. We need to know how much money we got and how much we spent and how much we owe. I think at the next one, city manager, we can at least have some kind of report of where we are. We want to count those pennies.”

Mr. Altman stated, “One of the things that we do is that you get a weekly report that has information from finance as the standing on a weekly basis. I sent one out today which you were included on that one. That goes out on a weekly basis. We are working towards a presentation to council. That report will be by the financial advisor who does our debit service for us to talk about the overall financial well-being of the city. We are looking at targeting that later this month into February to have that done. We are building towards that. Financially we are very strong. Our 21 audits came back with \$25 million of available fund balance. That is cash on hand. It is a total of \$46 million which is cash on hand and assets that are available to the city. When we talked about that the last couple of meetings ago, that is a turnaround of where we were in 2016 and 2017 of a negative \$19 million. The city is very healthy at this point in time. But we do provide you all with updates and you will get those every week. We are working on bringing a fiscal stability report.”

Council Member Jones stated, “We may get it but we have some counters out there too. I think that it is important that someone is counting behind us. Thank you.”

11. STREETS:

Vice Mayor Hill stated, “I think that we are behind on our leave collection. I think that my area was supposed to be done at the beginning part of December. I would like for public works to make sure that you come through the East Walnut Hill area and Oakhurst. I have a lot of constituents with bags and leaves already pushed to the curb. And if we get any snow then it is going to be chaotic. I can give you some street names. IT seems like I ride through a lot of streets, and I see that the leaves are pushed to the curb. Also, we already spoke about the liter. It seems like that last two weeks the liter has been out of control, and no one is picking it up. Can we make sure that we get people to focus on the main streets and the streets that are going into the neighborhood and things like that. At one time we were doing really good. No, it seems like we are reverting back.”

Mr. Altman stated, “I will let you know where we are with leave pickup and get back on schedule. You and I have talked, and I have written out some of those areas. We just have to get back on schedule.”

Vice Mayor Hill stated, “Thank you.”

12. FACILITIES:

Mr. Altman stated, “As council is aware, we are under court order for a new court. Also, we are under still an existing order for maintenance of the existing building. We have had our staff go over to talk to the judges. I have met with the clerks and the district court judge. We are putting together a plan to maintain the existing courthouse maintenance. The big thing is heat. We are looking at solving the problem of regulating heat within the building. So, we may be bringing something back to council to address that. I do not know if it will be on the 17th but as soon as we have that information and we know which direction we are going to go into then we will bring it back.”

13. ECONOMIC DEVELOPMENT:

*No items for this portion of the agenda.

14. CITY MANAGER'S AGENDA:

Mr. Altman stated, "At the last meeting, Councilman Cuthbert asked for an update on the Solomon's porch issue. And we can report that a field inspection was made, and photos were provided to Mr. Williams on the sign violation. And we are working through that process to get that taken back to court."

Mr. Williams stated, "Just a follow-up on that. We filed a motion for rule of show cause. We are just waiting on the judge to review it and see if he will issue it. If he does, we will bring the owner in front of the court, and it will be a criminal penalty for failure to properly comply with the courts order."

Council Member Cuthbert stated, "Mr. Williams, when will that be before the judge?"

Mr. Williams stated, "I called the judges secretary and she said that because of the holiday it will probably be delayed in viewing it. But I would hope to see something in the coming weeks on that."

Council Member Cuthbert stated, "The procedure is to send it to the judge for his review or is the procedure to schedule a hearing?"

Mr. Williams stated, "No, the judges review it and then determines if he is going to have a hearing because it is alleging a violation of the court order. So, the judge would have to review it and if he agrees he will issue a show cause which will cause the person to come before the court and explain why they haven't complied with his order."

Council Member Cuthbert stated, "Good. Mr. Altman, would you bring us up-to-date at our January 17th meeting on whether how the judge ruled or if the judge is ruling at that point?"

Mr. Altman stated, "I think between the two of us we can handle that. The other item that I have is that we have our recreation director here this evening to give us an overview on some of his success with the parade and some of the things that he would like to do moving forward. I hope you all enjoyed it. I think that we had a lot of good reviews on the route."

Marquis Allen, Director of Parks and Recreation, gave a review of the recreation department and the Christmas parade.

Key notes:

- The City of Petersburg holds an annual weekend of holiday festivities the first weekend in December.
- The goal is to provide citizens and visitors the opportunity to come out and celebrate, laugh, and have fun as a community together.
- The objective is to provide expose to business owners, to sustain and to increase parade entrants and boost attendance.
- Parade route changed to Sycamore Street to Olde Towne.
- New Partnership with Poplar Lawn Association.

Mayor Parham stated, "Thank you Mr. Allen for all the hard work that you all put in that whole week. My question that I have is, is there anyway, because you all put on an excellent grand illumination ceremony, to tie all that together with the parade instead of breaking it into two days. Is that possible?"

Mr. Allen stated, "Absolutely. It is possible. I spoke with the city manager and deputy city manager about that. I think that it is something that we can discuss with Poplar Lawn to adjust to what they are doing. Because that will put them out there a little bit later. I do agree with seeing if everything is possible in doing it in one day."

Vice Mayor Hill stated, "I was ready to ask you the same thing. I think it would be awesome to do it all in one day. Great job and we appreciate all the work."

Mr. Allen stated, "Absolutely. That has already been addressed so, that should not happen again. We are just looking to collab with other departments to see if we can pull it off on the same day."

Council Member Smith-Lee stated, "Many years ago, we used to have the Christmas Parade about 6pm. And we do have tree lighting during that time. If you can manage that I think it will probably get so much more participation. And I think that it will be a good asset for us."

Mr. Allen stated, "Absolutely, we can look at pushing it back potentially. One of the challenges that we had in the past was that the holiday parade or Christmas parade is the same day as Richmond. So, I do not know with some of the entries that we have would it be an opportunity for them to come down. That is a long day for some of our younger groups and bands. And that would be a 12–14-hour day. That is something that we can definitely explore."

Council Member Smith-Lee stated, "Do you think we can work it like on a Friday evening? Do you think that would be too much?"

Mr. Allen stated, "It may. It just depends. With the 61 entries that we had; I don't know if we will be able to sustain that with Richmond being the next day logistically. But that is something that we can definitely look at."

Council Member Cuthbert stated, "Mr. Allen, congratulations on a job well-done. I know that you felt like that you were reinventing the wheel because of the new location. I think you did absolutely superb handling lots of logistically issues caused by the switch. But I think that it is a great switch and I am delighted that it turned out well. I love seeing those photographs of everyone having a great time. Did no firearms signs get put up along the route?"

Mr. Allen stated, "Yes we had plenty. Public Works provided that throughout the route and as we ended."

Council Member Cuthbert stated, "Great. That is important. And one last comment, I would encourage you not to go light on the prize money. I think that we will have a fabulous Christmas parade this year on the new route. I think that if we put some more sugar plums as you might say for everybody, I bet we will have even more participation and even more vibrant event. Thank you for all of that."

Mayor Parham stated, "Thank you again Mr. Allen for all that you do."

15. BUSINESS OR REPORTS FROM THE CLERK:

Mrs. Lucas stated, "I have no items but Happy New Year everyone."

16. BUSINESS OR REPORTS FROM THE CITY ATTORNEY:

*No items for this portion of the agenda.

17. PUBLIC COMMENTS:

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "Good evening. First of all, welcome Councilor

Jones. It is so good to see you up there and I also want to congratulate Mayor Parham and Vice Mayor Hill on their election. I definitely wanted to come to the meeting for those reasons. You all had to compete with something going on in the US House of Representatives that is actually a little more dynamic and crazier than you all have ever done up there. I probably be gone back in a few minutes to watch that. Being that it is New Year's let me suggest a resolution for council and city administration. And that is based on, you all know that I am kind of picky, but I really often don't go out of my way to look for things. I am just studying materials of the city and sometimes I come upon these things that are not right. Several months ago, I brought a presentation up about the real estate tax to you and that was an accidental discovery of mines. Also, last year the newsletter had an area relating to the responsibilities of the neighborhoods in different wards. There have been a few different items over time. The resolution would be to pull all those things together. We can strive for perfection knowing that we will not get there but try hard to review the things that require an extra set of eyes to make sure that stuff is right. I think in the long run it saves a lot for city administration, citizens, and all of us. One thing tonight that brought up a lot of questions, I was looking tonight at the organizational meeting agenda on the council rules. I noticed that you all have on there the part about discussion of ordinance and resolutions. I think in the past the resolutions have gotten knocked out, but it looks like they are back on their again. What I am referring to is the fact that the citizens have an opportunity to comment on it after a motion and a second have been made. That is just a reminder because sometimes that has been something over the years that has been consistently observed. Most of the time it gets done but sometimes the opportunity does not get put out there. It just came to mind when we talked about the suspension of the rules to talk about this one item on the industrial revitalization fund and Hotel Petersburg. Which would have been a public hearing item, but you all put it on there and voted on it. I would have thought maybe not part of the suspension of rules would have been to say it's a resolution and we have a motion in a second and does anybody on the floor want to say anything. Probably with the group here tonight none of us did. It is just a reminder. Those are some things to think about in 2023. Again, congratulations to new member and new officers. Good to see you in the seat Vice Mayor Hill. Thank you."

Mayor Parham stated, "I would like to welcome our new council member Marlow Jones, my fellow classmate of PHS Class of 1993. Look forward to working with you. And I just want to give you a few moments to address the crowd."

Council Member Jones stated, "Thank you Mr. Mayor and thank you city council. I want to say thank you to the people in Ward 1 and all of you that voted me here. Thank you, I am forever in your debt. I am going to make sure that we be a team like you wanted us to be and you are going to see something nice and new and fresh from this body up here. Thank you."

Mayor Parham stated, "Thank you."

Council Member Smith-Lee stated, "I just wanted to say thank you for allowing me to be Vice Mayor for the last two years. It has been engaging and very wonderful. I thank Mr. Myers for nominating me and everyone who voted for me. But I believe and I know within my heart that Mayor Parham is doing a superb job and he will continue to do that. And Mr. Darrin Hill, Vice Mayor, will follow suite too. And I just wanted to say thank you for that beautiful opportunity."

Vice Mayor Hill stated, "I want to thank all who came out tonight. I want to thank the council for nominating me and electing me to this position. It is something that I do not take lightly. I just want to thank everyone and look forward to working with everyone. I am so excited that Marlow Jones is here with us. Especially that I ran against him, and he is a worthy opponent. Our ideas are inline with one another and he and I have been talking more over these last couple of months. I look forward to great things with the City of Petersburg. And I also want to acknowledge all of you all who have been hanging in with the city these last past years. I know that it has been rocky. Certain places that you go and mention the city, you are kind of embarrassed because of the things that you have read. But now we have turned the corner and better days are ahead of us. So, I look forward to this coming year and look forward to working with the citizens and council. Thank you, Mr. Mayor."

Council Member Jones stated, "I cannot leave out the fire department. I just want to say that I see you

here and tell you stay strong, stay the course, and stay focused. Help is on the way.”

18. ADJOURNMENT:

City Council adjourned at 7:00 p.m.

Clerk of City Council

APPROVED:

Mayor

DRAFT

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, January 17, 2023, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 4:00p.m.

1. ROLL CALL:

Present:

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

Absent: Council Member Arnold Westbrook, Jr. (Arrived after roll call)

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 discussion the acquisition of real property to tonight's closed session."

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

- 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, specifically including but not limit the legal advice to discussion regarding Petersburg Circuit Court Case No.: CL19000926-00 and matters requiring the legal advice of the city attorney; and 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; 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 under §2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of the acquisition and disposition of real property for a public purpose or the disposition of publicly held property where the discussion in an open meeting can affect the bargaining position or the negotiating strategy of the public body specifically including but not limited to the acquisition of real property.

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

*Audio available upon request.

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

City Council entered closed session at 4:04 p.m.

CERTIFICATION:

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called today to certify in accordance with §2.2-3712 that the Code of Virginia that to the best of each members knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should so state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote Mayor."

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

The motion was approved on roll call vote.

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

23-R-4 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 5:24 p.m.

3. ADJOURNMENT:

City Council adjourned at 5:25 p.m.

Clerk of City Council

APPROVED:

Mayor

The regular meeting of the Petersburg City Council was held on Tuesday, January 17, 2023, at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:25 p.m.

1. ROLL CALL:

Present:

Council Member Charles Cuthbert, Jr.
Council Member Marlow Jones
Council Member Annette Smith-Lee
Council Member W. Howard Myers
Council Member Arnold Westbrook, Jr.
Vice Mayor Darrin Hill
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, "Vice Mayor Hill will lead us in our opening prayer."

Vice Mayor 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. Proclamation for recognizing the 50th Anniversary celebration designating Martin Luther King, Jr. Day in the City of Petersburg.

Mayor Parham read the proclamation out loud and presented it to Wayne Crocker, Director of Petersburg Public Library, to hang in the library.

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. Consideration of an appropriation in the amount of \$10,158 from the Virginia Department of Environmental Quality (DEQ) for the City of Petersburg's Litter Prevention and Recycling Program activities for FY23 – 1st Reading

*Audio available upon request.

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

8. OFFICIAL PUBLIC HEARINGS:

- a. A public hearing on the consideration of an ordinance authorizing the city manager to execute a 2-year lease agreement between Marwaha Real Estate, LLC and the City of Petersburg for emergency telecommunications equipment, cabling, and antennae located on the exterior and in the interior of the property at 30 Franklin Street.

BACKGROUND: In the past, the City has leased the “premises” for the emergency telecommunications equipment, cabling, and antennae located on the exterior and in the interior of the property at 30 Franklin Street. The equipment was installed in the 2006/2007-time frame.

\$60,000 (\$2,500 per month for 24 months)

RECOMMENDATION: Recommend that City Council approves the lease for the Public Safety Equipment located at 30 Franklin Street.

Randal Williams, Assistant Director of Public Works and Utilities, gave a brief overview on the request.

Mayor Parham opened the floor for public comments.

Barbara Rudolph, 1675 Mt. Vernon Street, stated, “I have a lot of questions about this one. First to start off with, I did not see this public hearing item earlier on a consent agenda. If you look at most of the other official public hearings on this list, they were on the consent agenda at the last meeting. But I have never seen this one before, so I am kind of questioning how it came out to be a public hearing. I could not find anything on where it came up before. I guess that is a legal question for the city attorney. But responding to what is in the packet. There is something in there and I think that it mentioned 2006, 2007, or 2008. Which made it sound like some of this equipment or antennae was installed in the building then. But it is not clear to me that this is what it is. So, I do not know if this is a new lease going forward or if this is a continuation of something that has been going on for a number of years in that building. Because there needs to be more information on alternatives. Is this new or a continuation? The same concern comes up as did several months ago when the city decided to lease space in that building for economic development and other parts of city government. Since Councilor Myers is the building rental manager its questionable on why the city is doing business with this particular building owner. So, I think those would be good things for the city council to consider. If the equipment does not have to stay, there are other places it can be. We just do not know much about it. If it is permanently installed in that building and cannot be moved that is one thing. If there is some discretion in going somewhere else with it and eliminating this perceived conflict of interest even if it is not on some conflict of interest since the business has been done before. I think all of those are concerns then one other thing is we heard recently that the pipes broke in that building and there was a flood. And the space that the Petersburg offices occupied had to move out. I do not know how serious that was. I did hear unofficially that it was kind of service. So, I don’t know if that has any impact on this either. What is the condition of the building? So, while I know you are not probably going to get up there and answer all of my questions, I hope some of you on council are wondering about some of the same things. Thank you.”

Gary Talley, 2323 Fort Rice Street, stated, “I would like to kind of echo the comments. Is there not a city-owned building that we can use for free and spend that money on upgrading our communication system. Right now, I cannot text to 9-1-1. I can in Colonial Heights, Dinwiddie, and Patrick Henry Counties. But not

*Audio available upon request.

here. I am not the only deaf person in this city. But if I fell at home by myself stuck, I cannot reach out to get help. Use that money more beneficially to the citizens in the city.”

Mayor Parham closed the public hearing.

There was discussion among city council members and staff.

Council Member Cuthbert made a motion to approve the ordinance authorizing the city manager to execute a 2-year lease agreement between Marwaha Real Estate, LLC and the City of Petersburg for emergency telecommunications equipment, cabling, and antennae located on the exterior and in the interior of the property at 30 Franklin Street. Council Member Smith-Lee seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Westbrook, Hill, and Parham; Abstain: Myers

Council Member Myers stated, “For the record, I am going to abstain, but I do not receive any remuneration with respect to this building. I rent at this building, so I do not receive any funding from this building. So, I want to make the citizens understand why I am going to abstain just for the perception.”

23-ORD-1 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT FOR EMERGENCY TELECOMMUNICATIONS EQUIPMENT, CABLING, AND ANTENNAE CURRENTLY LOCATED AT 30 EAST FRANKLIN STREET.

- b. A public hearing to amend the FY23 Budget and appropriate funding to the YMCA (Young Men’s Christian Association)

BACKGROUND: The City desires to host afterschool programs to provide enrichment and care for students; and whereas, the city and the YMCA desire to enter into an agreement governing the use of the city facilities.

RECOMMENDATION: Recommend that council hold a public hearing to amend and appropriate the resolution.

Mr. Altman gave an overview of the request.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Cuthbert made a motion to approve the ordinance appropriating funding to the YMCA (Young Men’s Christian Association). Council Member Jones 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

23-ORD-2 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023, FOR THE GENERAL FUND, IN THE AMOUNT OF \$190,960.

- c. A public hearing 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

*Audio available upon request.

in the Virginia Economic Development Partnership Commonwealth Opportunity Fund Performance Agreement executed in August 2021.

BACKGROUND: The City of Petersburg has 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.

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.

Brian Moore, Director of Economic Development, gave an overview of the request.

Elsa DiFranco, General Manager of AMPAC, gave an update and overview of AMPAC.

Mayor Parham opened the floor for public comments.

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "Again I just have questions. I apologize but I read this several days ago, but I think that my recollection was that a part of this, the city would be foregoing machine and tools tax. Is that part of the agreement? I think that my comment would be that maybe if that is the policy of how you are going to deal with all the companies that are part of the pharmaceutical cluster, I think that maybe it would good to look at overall if there is a policy direction that the city wants to take. So, instead of coming in and doing something like this it is part of an incentive package. That is what I am trying to get at. I know that you have to do this now, but it is suggested the possibility of doing something like that since AMPAC is going to get what other companies think are concession or special privileges, you may want to think about the implications of that. If that is the direction that you want to take going forward, then you create a policy or statement so that you know how to deal with others. And perhaps it may attract other businesses to come into your pharmaceutical cluster area. Thanks."

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

Vice Mayor Hill made a motion to approve the ordinance as proposed. Council Member Myers

*Audio available upon request.

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

23-ORD-3 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.

Mayor Parham stated, "Thank you Mr. DiFranco for all that you do."

- d. 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.

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

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

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 Joel Erb towards the sale of city-owned property at 469 Byrne Street, parcel 031050039.

Joel Erb, petitioner, gave a brief update on the request and property.

Mayor Parham opened the floor for public comments.

*Audio available upon request.

Seeing no hands, Mayor Parham closed the public hearing.

There was discussion among city council and staff.

Council Member Myers made a motion to authorize by ordinance 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.

Council Member Cuthbert stated, "Mr. Myers would you add a modification to that motion to add provided that there be no requirement that the property be maintained as open space?"

There was discussion among city council and staff.

Council Member Cuthbert stated, "I will withdraw my request to Councilman Myers, and I will second his motion."

Council Member Cuthbert seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Smith-Lee, Myers, Westbrook, Hill, and Parham; Voting No: Jones

23-ORD-4 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.

- e. A public hearing 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.

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.

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

Brian Moore, Director of Economic Development, gave an overview of the request.

There was discussion among council and staff.

Mayor Parham opened the floor for public comments.

Jeff Fleming, 1819 Chuckatuck Avenue, stated, "I am all about stuff coming to Petersburg. We want businesses. But there is something that someone is not looking at. If you go back to the map it looks like trucks will be traveling on that road. Who is going to pay for the road maintenance? You have excessive trucks going around that road. You have trouble enough taking care of what we have. If you go back, if I am not mistaken that is the beginning point then the trucks are going to take this route all the way around through our city. How much truck traffic is that? Who is going to help us with road repairs? And like Mr. Cuthbert said we as well are giving away a parking lot that belongs to that building. And if we sell that building, they have no parking. I think that the state can find somewhere else for it. Thank you."

*Audio available upon request.

Vernel Gannaway, 652 Old Wagner Road, stated, "I am just listening to this and I am glad to be back. We are not in a situation where we are going back in to the giveaway. I understand that people have the opportunity but we do not need to be going back. When the next one come then they are going to say go to Petersburg and you can get another giveaway. I do not think that we should get into giveaways. Just like the gentleman said, find somewhere else with the need. That is all I have to say."

Gary Talley, 2323 Fort Rice Street, stated, "I am kind of on the same thing. The improvements that you are talking about is repaving a whole lot. As I recall from the meeting the last two weeks ago, the building was a modular building and not even a permanent structure. So, if we lose control of that maybe they can sell and make a bunch of money for themselves, and we will be left out in the cold. If you sell the Titmus building, where are they going to park."

Barbara Rudloph, 1675 Mt. Vernon Street, stated, "I am sorry to be repetitive but Mr. Cuthbert took the words right out of my mouth. Everything he said about the Titmus building is really and cannot be ignored. I heard Mr. Moore giving information about room for parking on the adjacent property where the Titmus complex is actually. I like what Mr. Williams had to say about tabling it until another meeting because I think more information needs to be put together and shared. Because right now, and I am glad Mr. Williams insinuated that acquisition clause to make us aware that it is a lease leading to potentially give up the property and regretting it later. But you all have a million dollars invested in buying Titmus. The city has to recover some of that, and I know that you are trying to sell that building. I know that you have applied for the Industrial Revitalization Fund Grant. It is still a key piece of the city's real estate portfolio that is in flux. And it seems like as much as having this DMV Operation would be a positive. I think looking at the bigger picture it is short sighted to go with that. So, I do hope that it will be tabled, and I hope that the city will come back with more information. I liked what Mr. Cuthbert said about maybe the Department of Motor Vehicles or the state can come up with something then just putting a modular building there as a testing site."

Joel Erb, 414 Harrison Street, stated, "I just want to add to what everyone else has said. I know this property has had particular interest from developers both within Petersburg and those without. Having a property with parking that is adjacent does deliver value at the end of the day. If we were to deliver a lease that was month to month or quarterly or every six months there were periods where it is not currently being used. It has not been sold. We can generate revenue great. But not restricting for the ability to sale that property to be developed and leverage the lot next to it, I think is important and that you should think through it. There is an incredible amount of opportunity for that property. And I say that as a member of EDA but also as a member of the community that we want to make as much money for the city now but also think about the future opportunities of that property long term."

Richard Stewart, 129 Rolfe Street, stated, "There is an old saying, 'welcome to the poor part of the city.' In that part of the city, the church that Reverend Bonner preaches at, poor folks and bootleggers are in that area. How is this going to effect the noise level in that area? How is this going to erode the roads? How is this going to improve the neighborhoods? The neighborhood is on its way down. And the people around there are not going to say anything but sit on their porch and drink their drinks. It is the poor part of town and they do not have a voice. Take in consideration all of the things that go along with that. That is a gold mine. And if that is a gold mine, make sure that the poor people in that area is not affected by the sound and noise. Think twice before you give that property away. Thank you."

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

Vice Mayor Hill made a motion to table with the direction of the city attorney for further review and then come back with another presentation. Council Member Westbrook seconded the motion. The motion was approved on roll call. There was discussion on the motion. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

*Audio available upon request.

- f. 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.

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.

RECOMMENDATION: Adopt the ordinance.

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

Mayor Parham opened the floor for public comments.

Mary Howard, 608 S. Park Drive, stated, "I was sitting here wondering exactly what this was and what would it entail and what kind of protocol this is. And when I see remove somebody that you all appointed at will, this ordinance is crazy to me. Because you all appoint us. And I am saying that because I sit on one of these boards and on it for 12 years. And for one of you all to say I don't want her there anymore, and I am truly qualified, but that gives you the right to say at-will to remove her. What is unqualified power of removal? At-will you appoint us. Why is this necessary? Because you all appoint us. That is what I have to say. So, I don't know this is about but it seems like something coming around the corner. Is there any other protocol because at-will is saying if you want her removed then you remove. So, what is the protocol behind what reasons which you have legally to do that. And when I say legally, watch what I am saying, to do that after someone has been appointed at-will. Thank you."

Jeff Fleming, 1819 Chuckatuck Avenue, stated, "I am not the smartest knife in the box but I look up the definition of unqualified. Unqualified definition is without reservation, limitation, total, and so that means if you do not like the way I look then you are off the books. I think that is hogwash. I can understand removing someone for cause because they messed up or made a mistake. But that gives you too much power. I cannot agree with that. You have to have a reason to remove someone. You cannot just go and say I don't like the way that he looks, and I am going to kick him off the board. Thank you."

Gary Talley, 2323 Fort Rice Street, stated, "I am kind of on the same thing. You appoint us you should be able to take us off. I agree with that wholeheartedly. But it has to be for a cause and not because you do not like someone or they are passing things along that can conflict with what you all think the way we are going. You should have the power to remove us, but it should be with cause."

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "I appreciate the comment the others have made, in particular Mary Howard and Jeff Fleming. I just wanted to comment and I am sorry that Mr. Williams has left the table but it is kind of ironic that the council has gone, I mean for many years you all have been talking about what is the procedure on how to appoint people for boards and commissions. And Mr. Williams came up with an excellent presentation a couple of years ago and made a lot of recommendations and I don't think that those were ever adopted. Council cannot seem to agree on how to appoint people to boards and commissions. You don't even have a methodology between each board. But the irony is that you all can get together and remove people. The hard part is getting appointed. We have even had conversations that if some members of council did not like a person then there was no way that they would ever be appointed. That really did not speak to the qualifications of the citizens. It just spoke to they were not in favor with some members of city

*Audio available upon request.

council. So, I think that if you are going to do this can you back up and look at the whole process and make this part of it. Because right now you have a crazy quilt of ways in putting people on boards and commissions. But we are going to make sure we have ways to take you off. I am struggling to not curse because I think this is crazy. So, please look at this and the information that Mr. Williams gave you a few years ago. The idea was to develop citizens. This just sounds like you all have problems with someone on the boards and commissions and we want to make sure that it is really easy to make a change. Thanks."

Vernel Gannaway, 652 Old Wagner Road, stated, "I haven't been here for a while. But just thinking back that there was a problem really to get people on the board. Then you appoint people on the board and then you want to just come dismiss them because of maybe how they look. We have to do better than this. I don't think none of us sitting here are perfect and a lot of us have flaws. How can you make a jurisdiction that the person that have a flaw based on what you say. Thank you."

Celeste Wynn, 319 E. Filmore Street, stated, "I did not even know that this was on the agenda. But as an appointed member of a board and a community service member, I am trying to do my part as a citizen. As a resident of the City of Petersburg I think that it is very unfair of the decisions that you are trying to make. I was appointed in 2012. I have learned a lot since I have been on the board of my duties and responsibilities in keeping the historical sites in Petersburg beautiful. So, the idea of you all being able to remove someone just on GP purposes is not to be a valid reason."

Richard Stewart, 129 Rolfe Street, stated, "I think that if you appoint someone to a board you should have the right to remove them. What boards are you talking about? I do not think that you should be on a committee for the rest of your life like the Supreme Court. What I am saying is that if a person commits like some type of crime or some type of violation against the ordinance then they should be removed. No if Joe Morrissey was on one of these committees, would you all remove him? That is what I am saying. You know what I am saying. You have the right to remove someone off a committee but what I saying is that it has to be a purpose. Thank you."

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

There was discussion among city council and staff.

Vice Mayor Hill made a motion to table until council has a workshop to see how they want to further it and look into how they appoint members and the criteria. Council Member Jones seconded the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

9. PUBLIC INFORMATION PERIOD: A public information period, limited in time to 30 minutes, shall be part of an Order of Business at each regular council meeting. Each speaker shall be a resident or business owner of the City and shall be limited to three minutes. No speaker will be permitted to speak on any item scheduled for consideration on the regular docket of the meeting at which the speaker is to speak. The order of speakers, limited by the 30-minute time period, shall be determined as follows:

- a) First, in chronological order of the notice, persons who have notified the Clerk no later than 12:00 noon of the day of the meeting,
- b) Second, in chronological order of their sign up, persons who have signed a sign-up sheet placed by the Clerk in the rear of the meeting room prior to the meeting.

Richard Stewart, 129 Rolfe Street, stated, "I am back here again about Pocohontas. First thing is that we need a stop light. I thank the police. I called them today because someone had broken down on the bridge and it was dangerous. I thank the police department for coming and solving that. Another thing about

*Audio available upon request.

Pocohontas is that we have homelessness. Councilman Jones had gone and covered the homeless person. The tents and things are still down there. And I believe once the weather gets warm the homeless person is going to come back. Something needs to be done about that. Another thing about Exit 52, you have torn the Ramada Inn down now what are you going to do with it. Also, 'Exit 52', the former Roper Brothers, every day we get somebody that wants to buy the land Is something going on in Petersburg and the people in Pocohontas do not know about it. Why is everyone making these offers to buy the property. With Exit 52 something needs to be done especially with dredging that river and making downtown Petersburg look perfect. Thank you."

Latisha Washington, 2626 Hatchett Road, stated, "I am also a member of the Richmond Association of Black social Workers. And my apologize in advance for if what I am going to ask has already been addressed in other meetings. Just point me in the right direction to find the answer. So, I read in 2022 the City of Petersburg received funding from the American Rescue Plan Act to implement data informed violence reduction initiatives in the system to support community programs. Can you share any progress that the city has made with the initiative so far? The second thing is that the wait list to get into homeless shelters is long and shelters to my knowledge is not immediate. Also, some people may not know where to get sheltered. What is the city's plan to make shelters more accessible to people in immediate need and how will this information be disseminated?"

V.V.K., 135 Old Street, stated, "I have two safety issues. I have a drag strip going down my street. We had accidents and people got hit. I would like to implicate speed bumps or some kind of limit. People do not stop at the stop signs, and I am afraid to walk in the crosswalk. I would like to have these issues resolved with speed bumps or something. I got that from one of my neighbors. If you put speed bumps it will tear up their cars and they will stop speeding. I call my wheelchair a Cadillac, but I do not have any protection. My other issue is that we have been having armed robberies and break-ins. I would like to implement some cameras to catch some of this and shootings. At 2am I hear a shoot out and it was not just a shootout I thought that I was in the Vietnam War or something. I know that cars were going around. Another thing is that some students from the Governor's school is going to refurbish the sidewalks with art or the one at the Artist and Loft Space. That is about it."

Tyson Lafollette, 129 Spring Street, stated, "I am a part of a community organization. Spring Street is the same way, and I would like to request speed bumps to help control the speeding."

Otis Hill, 2306 N. Whitehill Drive, stated, "I am concerned. About six months ago there was a shooting and I heard gun shots and I am concerned for my home. I remember after the police told me that they had a car out there and that they were watching. And about two years after that they stopped going out there watching. And I want to know what happened. I would like to see the police cars come back so that it is more save in that area. It has been happening often and I would like to see the gun violence in that area decrease. So, I am just worried about that."

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

Council Member Cuthbert stated, "I have no report."

Council Member Jones stated, "I have no report."

Council Member Westbrook, stated, "I have a very short report. First of all, thanks everyone for coming out and Happy New Year everybody. I would just like to say that I was very impressed with what occurred this past weekend at Virginia State Innovation Summit. Had a lot of people in the area that had great ideas. And I hope that Petersburg can ride that momentum and bring people that really want to change this area with their good ideas. But one thing that was said there is that change really starts at city council meetings. So, to the

*Audio available upon request.

five people who came tonight and the others who continue to come, please come to city council, and express yourself at the open forum. Because without you we cannot be held accountable as your city council members. Yes, we have a vision but we work for you. You put us in this space like those people in those committees and board. And with that also to and not because Mr. Atkinson is here, but it was also said that we need to be more or less control our narrative, good bad and ugly but be voices that can be heard. I know a lot of time people use social media and Facebook to get their perception and opinions out. I think we need to write it down and get it to Mr. Atkinson to put in the newspaper. I do know that we are in an internet age, but we still need the newspaper as an avenue to people to get their thoughts out on how we can move this city forward. And then lastly, I would like people to be more involved in what is going on with the Comprehensive Plan meetings that they are holding for the public. Again, everything is in the same vain on how we can move this city forward. We are trying to get a long-term vision. We do want to win today but we do need everybody to come together and to continue to craft this city's forward progress plan. This is my believe that we need ways to definitely continue to hold, retain, and pull back the city's talent that goes elsewhere because they feel like there is nothing for them here. Finally, I would just like to say that February 1st here at the library and we are still in final stages, but there will be a showcase between Virginia State and Petersburg High with a speech and debate competition. But it is more of a showcase. We do want to highlight the intellectual sport of conflict and resolution and basically again public speaking and debate. We can support out young people and let them know that even though they cannot play basketball or run football they can use the intellectual sport of the mind and actually have a way to say that I can see myself as a city council member, a leader, and someone upright who wants to speak for my community. And with that, thank you very much."

Council Member Myers stated, "Yes, I am going to be very brief. First of all, I want to thank Council Member Cuthbert for attending the grievance meeting at the Artist Space to listen to the tenants there and the troubles that they have been having. It was a very well perceived meeting. We also had the presence of our new Cameron Foundation president. It was quite delightful to have her there to see what is going on in Petersburg for herself. Also, I want to thank Ronnell Johnson and Richard Harris and the Department of Public Works for all that they do for the city. I appreciate you, thank you, and Happy New Year."

Council Member Smith-Lee stated, "Thank you. First I would like to say Happy Founder's Day to the members of Alpha Kappa Alpha Sorority Incorporated, 100 years of service to all mankind. Thank you to Marquis Allen. Marquis, excellent program and on Sunday. It was just phenomenal. Also, our keynote speaker was Major General Barry Price, US Retired Army. He shared so many things that I did not know. I thought I was a history buff, but he shared so many things about Martin Luther King that I did not even know. That his original name was Michael. Thank you, Mr. Rodney Stith, for putting on an awesome singing with your band. Best wishes because his album is going to drop in February, and he is going to be here. He is home grown in the City of Petersburg. Also, I want to give a shoutout to our former Councilwoman, Treska Wilson-Smith for her presence on the program for the Black History event. So, that is what I wanted to say. Thank you."

Vice Mayor Hill stated, "I just want to say Happy New Year to everyone. I hope all of us have a prosperous new year. To our city manager, I think because my business is on Sycamore Street, I have been getting complaints of the chair ramp that we put in front of our fiscal management building. A lot of people say that when they come pass, they almost hit it because it is out in the street. So, I think that we need to relook at it. Maybe we can just have one on one side. I am not sure how we do it. I do know that at the end of the street, I think that we have a dip there. A young lady who lives directly across the street says that she seen people hit it especially at night. Maybe we need to put up something that is more visible so that they will not hit it and mess their cars up. So, that is something that I want us to take a look at. I was not here at the MLK event this past weekend. I was doing the speech at another church that day. I am sorry that I missed it. I did celebrate the life and legacy of Martin Luther King. I am so glad that we have the Ramada Inn down now. Of course, they are cleaning it up now. I just want us to be positive about Petersburg. A lot of good things are coming to the city. I always say that we have to be ready, so we do not have to get ready. Just like today you all spoke up. There are certain that you want in the city and certain things that you do not. We are very transparent about

*Audio available upon request.

bringing those things to you all. We may not always agree but we all have the best interest for the city at hand. Ward 2 will try to have a meeting around the 1st of February. We are trying to find a location because COVID is still going on. There are a lot of restrictions with Good Shepherd Baptist Church where we normally have it at. Maybe we will have it here. That should be coming out soon. Other than that, I hope everyone has a prosperous new year."

Mayor Parham stated, "I want to piggy-back on some of the things that was already stated as well. Council Member Westbrook talked about the Big Dipper Innovation Summit that I was able to be a panelist to talk about our urban development in our city along with Mayor Stoney in Richmond, Mayor Benjamin of South Carolina, and Cedric Green of Dominion Energy. It is always good to come together and talk about our similarities and how we are all trying to create opportunities in our localities. Next, I cannot thank Marquis Allen enough for the event here on Sunday. He packed this place out. We had over 300 who came out. It was a very wonderful event. I have never heard anyone speak on Martin Luther King. Growing up as a kid when you talked about Martin Luther King you think of God or ordinary people. But he really showed how Martin Luther King was an extraordinary man but showed him as an ordinary person. To show that there is a place and person for everyone, find your mission. It starts by ordinary people taking a stand and doing something extraordinary. Also, I had an opportunity to attend another great event at Tabernacle Baptist Church with their Martin Luther King event hosted by Community Transformers. They had a day of service there which was really great. They gave out shots, flu vaccines, and CPR training. Also, something else that I had the opportunity to attend was the ribbon cutting of the Hangry Lion, formerly the old Alexander's Restaurant. I ask everyone to come out and support the Hangry Lion. That is something that is about Petersburg that is really special. We are so much of a foodie town. The city is still right for development and the continued growth of the downtown area. So, that is all I have so we will move on to next item."

11. ITEMS REMOVED FROM CONSENT AGENDA:

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

12. FINANCE AND BUDGET REPORT:

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

13. UNFINISHED BUSINESS:

- a. Discussion and consideration of the Rules of Council.

BACKGROUND: See attached Rules of Council.

RECOMMENDATION: To approve by resolution after changes have been made, if any.

Council Member Jones made a motion to adopt the rules as proposed except on page 109 for the work session that we move public comments up to number five. Council Member Cuthbert seconded the motion. There was discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

23-R-5 A RESOLUTION ADOPTING THE RULES OF COUNCIL WITH AMENDMENTS.

- b. Consideration of a resolution to amend the Rules of Council and add Conflict of Interest.

*Audio available upon request.

BACKGROUND: Council requested that the City Attorney prepare and present an amendment to the Rules of Council incorporating a summary of the provisions of the Virginia Conflict of Interest Act into the Rules of Council.

RECOMMENDATION: Recommend City Council adopt the resolution.

Council Member Cuthbert made a motion to adopt the resolution. Council Member Jones seconded the motion.

Council Member Smith-Lee made a substitute motion to table action on the item until the second meeting in February to get clarification on some items. Council Member Myers seconded the motion. There was discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Smith-Lee, Myers, Westbrook, Hill, and Parham; Voting No: Cuthbert and Jones

14. NEW BUSINESS:

- a. Consideration of a resolution in support of resolutions 22-R-49 and 22-R-50 to authorize the execution, delivery, and performance of certain grant documents to accept funds from the Industrial Revitalization Fund allocated by the General Assembly regarding the acquisition and demolition of the former Ramada Inn Building and the Promotion of Redevelopment of the land.

BACKGROUND: The City Council of the City of Petersburg, Virginia, a municipal corporation of the Commonwealth of Virginia (the “City”), adopted Resolutions 22-R-49 and 22-R-50, authorizing the interim City Manager to sign and submit appropriate documents for the submittal of the Industrial Revitalization Fund Proposal. The Department of Housing and Community Development, an agency of the Commonwealth of Virginia (the “Department”), has approved the City’s application for \$1,700,000.00 of aggregate funding (the “Grant Funds”) from the Industrial Revitalization Fund, subject to, and conditioned upon the City’s execution of a Memorandum of Understanding, grant agreements for the acquisition and the demolition of the former Ramada Inn Building, and a Deed of Trust, Assignment and Security Agreement (collectively, the “Primary Grant Documents”) and such other documents relating to the Grant Funds (along with the Primary Grant Documents, the “Grant Documents”).

RECOMMENDATION: Staff recommends the city adopt the resolution.

Brian Moore, Director of Economic Development, gave an overview of the resolution request.

Council Member Westbrook made a motion to approve the resolution. Vice Mayor Hill seconded the motion.

Mayor Parham opened the floor for public comments.

Barbara Rudolph, 1675 Mt. Vernon Street, stated, “That was a pretty interesting document in the packet. I would really like to know and maybe Mr. Williams can find this out, does the Department of Housing and Community Development, are all the contracts for Industrial Revitalization Fund money that is being given to localities, are they all written like that. Because if you all read it, it is scary. The DHCD and the state have a lot of discretion to take money back from the city. I don’t know is discretion is the right word maybe I should say authority after this is signed. I am not saying that this is wrong or right. I am saying that I hope that you all are aware, and you are not just voting on this because it is an item on the agenda, but that you made yourself aware of this. If there is anything that the state questions about how the money is being spent and how the site is redeveloped then it is all about taking money back from the city, which I as a city taxpayer is concerned about. I believe that I am not the only one that would be concerned about it. And it is a high visibility project. I

*Audio available upon request.

suggest that you all be cautious about what you are signing and also it would be a good thing to maybe come back and present some of this publicly to talk about. Not just to say these are our plans but to bring some substantive about what is going on to reassure all of us that it is proceeding and that the state will be satisfied and that the money given to Petersburg, \$1.7 million plus \$250,000 leverage money, that the state is satisfied that we have done our part. Thank you.”

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

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

23-R-6 A RESOLUTION TO AUTHORIZE THE EXECUTION, DELIVERY, AND PERFORMANCE OF CERTAIN GRANT DOCUMENTS TO ACCEPT FUNDS FROM THE INDUSTRIAL REVITALIZATION FUND ALLOCATED BY THE GENERAL ASSEMBLY REGARDING THE ACQUISITION AND DEMOLITION OF THE FORMER RAMADA INN BUILDING AND THE PROMOTION OF REDEVELOPMENT OF THE LAND.

- b. Consideration of appointments to the Central Virginia Waste Management Authority Board.

BACKGROUND: The Central Virginia Waste Management Authority (CVWMA) is a public service authority that implements solid waste management and recycling programs for thirteen local governments. Since its formation in 1990, the CVWMA has endeavored to provide efficient and economical waste management and recycling solutions for its member jurisdictions. The CVWMA's aim is to meet the local governments' waste management and recycling needs, through improving existing services and programs and expanding into new program areas. A board of directors including representatives from each member locality governs the actions of the authorities and daily operations are coordinated by experienced staff.

RECOMMENDATION: It is recommended that they be appointed to the Central Virginia Waste Management Authority Board with Mrs. Innis as primary and Mr. Williams as alternate.

Vice Mayor Hill made a motion to approve the appointment of Mrs. Innis as primary and Mr. Williams as alternate. Council Member Myers seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

23-R-7 A RESOLUTION APPOINTING TANGELA INNIS AS PRIMARY AND RANDALL WILLIAMS AS ALTERNATE WITH A TERM ENDING DECEMBER 31, 2027, TO THE CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY BOARD.

- c. Consideration of re/appointment to the Petersburg Redevelopment and Housing Authority.

BACKGROUND: The Petersburg Redevelopment and Housing Authority (PRHA) Board consists of seven (7) members who are appointed by City Council to serve four-year, staggered terms. PRHA was created to study blighted areas within the City and to recommend programs for the improvement of such areas; to provide quality housing for low-income families at rents within their ability to pay; and to serve as the duly designated agent of the City to contract with federal agencies for financial assistance in order to undertake urban redevelopment and low-rent housing programs approved by City Council.

RECOMMENDATION: Recommend City Council make re/appointment to the Petersburg Redevelopment and Housing Authority.

Council Member Cuthbert made a motion to adopt the resolution and appoint Michael Maszaros.

*Audio available upon request.

Council Member Jones seconded the motion.

Council Member Smith-Lee made a substitute motion to appoint Angela Dance. Council Member Myers seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Smith-Lee, Myers, Westbrook, Hill, and Parham; Voting No: Cuthbert and Jones

23-R-8 A RESOLUTION APPOINTING ANGELA DANCE WITH A TERM ENDING SEPTEMBER 30, 2025, TO THE PETERSBURG REDEVELOPMENT AND HOUSING AUTHORITY.

Vice Mayor Hill stated, "Have we ever had an alternate?"

Mayor Parham stated, "No."

Vice Mayor Hill stated, "I propose that we have an alternate. Do we have to change the code for that?"

Mr. Williams stated, "We may have to change the code to authorize an alternate."

Vice Mayor Hill stated, "That is okay. When we have this discussion when we have our workshop when it comes to boards and commissions."

- d. Consideration of a resolution amending the fiscal year 2022-2023 of the operating budget for the Sheriff's Department.

BACKGROUND: See attached resolution.

RECOMMENDATION: Recommend City Council approve the resolution amending the budget.

Mr. Altman gave a brief update on the request.

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

23-R-9 A RESOLUTION AMENDING THE FISCAL YEAR 2022-2023 OPERATING BUDGET FOR THE SHERIFF'S DEPARTMENT.

- e. Consideration of an appropriation ordinance for DCJS ARPA – Law Enforcement Equipment and Technology – 2nd Reading

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.

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

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

23-ORD-5 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023, FOR THE

*Audio available upon request.

GRANTS FUND IN THE AMOUNT OF \$749,900.

- f. Consideration of a resolution to direct the city manager to commence the process to designate a portion of High Street as an augmented fine street and reduce the speed limit in said portion from 25 to 20 miles per hour.

BACKGROUND: Councilman Myers received petitions from constituents to designate the portion of High Street to an augmented fine street and to reduce the speed limit from 25 to 20 mph. He has also requested that the City Attorney review and present a proposal to ease the process for the creation of augmented fine streets on non-state-maintained roads throughout the city by eliminating the petition and traffic study requirements if legally permissible.

RECOMMENDATION: Recommend approving resolution.

Mayor Parham opened the floor for public comments.

Kelsi Jewell Stated, "First of all, I would like to thank members of City Council for taking the first step of addressing ongoing speeding on High Street. For years we have had problems with speeders on our street. A traffic study that was performed about six years ago stated that the average rate of speed was 35 mph. As one of the largest residential streets in old town, this is and has been a major issue for the residents on that street. Since I was elected president of the High Street Association in 200, I promised my neighbors that I would advocate for the resident's safety. Over the last year and a half I have attended work groups on speeding with other citizens throughout the city that were sponsored by Councilman Myers and Cuthbert, the prior city manager and Police Chief Christian and was pleased to see the resolution on addressing reducing speed limit and increasing fines. Once passing my neighbors on the street along with Councilman Myers helped worked together to gather the signatures before you on these two petitions. As you can see there is overwhelming support of this effort. To close while my neighbors are hopeful of the reduced speed limit and increased fines, we do not genuinely believe that these things alone will be the end to our speeding problems. And we hope that the members of city council before us will continue to work with the High Street Association to address this issue going forward. And I will caveat that if you guys will allow 75% of the street to sign for speed bumps we would be more than happy to do that as well. Thank you."

Dale Pittman, 410 High Street, stated, "I have lived in Petersburg for 45 years. This speeding and reckless driving that brings us here tonight has been a long-standing problem where I live on High Street. You know I walk everywhere I go, and I see this all the time. It is a diversity of drivers. Age, gender, race, ethnicity just does not make any difference. If people are treating it like they are Virginia Motorsport any time day or night it is extremely dangerous if you have small children. We have small children, disabled people, elderly people and I just want to say that the High Street Association worked really hard to keep regular contact on this. Councilman Myers has been to three or more meetings to look at this with us. Chief Christian has been to at least one or two. I really appreciate your consideration to look at this favorably."

Mary Bullock, 311 High Street, stated, "I am very honored to live back in Petersburg. I lived in Petersburg when I was in my 20s which was 40 something years ago. I am really glad to live here. I do want to say that when I told my friends black and white that I was moving from Chesterfield to Petersburg they said why in the world would you do that. I said I love Petersburg and I love old town. So, I am here to help you as a city, and it takes a community to do that. We have a camera at our house, so I have direct access to Davis. I can see cars speeding up and down the street. But they pick up speed down the street. And I have a lot of camera footage especially of people going through the stop sign. But also speeding through the intersection and speeding down High Street. I have a son who you might see walking around Petersburg. He is a 30-year-old male who is totally blind. He has a guide dog that you might see him around town with. Her name is Alice, and she is a yellow lab. You might see him walking with his cane. He has no light perception at all. So, I am

*Audio available upon request.

particularly concerned about the gentleman that spoke about Old Street. I am an occupational therapist and I have worked in rehab for 33 years. My passion is to help people with disabilities live like everybody else does. So, I am very interested in making Petersburg a safer city especially for people with disabilities. High Street is with parking on one side of the street. So, people are constantly getting in and out of their cars. And so, I want to appeal to you that to reduce the speed limit and increase the fines in my opinion would be a good thing to do. And that is all that I have to say. And I am glad to be here. Thank you."

Mr. Nicholson stated, "Thank you for allowing us to speak. First I want to thank Kelsi Jewell for doing a tremendous job as our High Street Association President for these last couple of years in getting things done. Secondly, I have to really thank Councilman Myers for making things happen. And the staff that you have in the city for the sidewalks and other safety issues that we face on our street, their responsiveness has just been spectacular. So, I thank you for that. The speeding on High Street is a terrible particularly as you are heading on High Street East and coming up the hill. The traffic going down there and barely stopping is a great concern for me with the increase of pedestrians in the area. So, thank you for your attention to this matter and let's hope that we can get it resolved. I also would like to say on an unrelated topic if I may that today on our Board of Directors call for the Barbara Sinatra Children's Center, as a result of the success with the exhibit that we had with Beverly Johnson at the Petersburg Area Art League, we are now having talk with the Guggenheim and Metropolitan Museum of Art to do an exhibit at those two places because of the success of the 884 people that we had walk through the doors at PAAL. And I thank you all for the support for that and also to Sheriff Crawford. Thank you for letting me throw that in."

Council Member Myers stated, "I want to say thank you to the city attorney for doing this for me. Council Member Cuthbert thank you for helping with supporting this. I know that this is dear and very important to you. Hopefully, the road that we took to get here today would allow us to extend this without going through this entire process again throughout the City of Petersburg where the need is necessary."

Council Member Myers made a motion to approve the resolution. Vice Mayor Hill seconded the motion.

Council Member Cuthbert stated, "This raises an interesting topic. And that is what do we do about speed bumps. Reduced speed I want it and I am voting for it. Augmented fines I want it and I am voting for it. But it takes police officers to write the tickets and we are short staffed. So, is there something that you can do to kind of self-enforce it. I am sitting here asking myself and I am thinking yes it may well be speed bumps. Speed bumps do not have to have a police officer to jostle the car. The driver jostles the car. And it happens at 2am, 3am, 4am or whenever the car is speeding. So, it is self-executing. Doesn't take a policeman away from writing a ticket and I am not discouraging it in any type of way, and I thank Chief Christian when it does happen. He has been remarkably responsive whenever I ask the city manager to ask him will he do spot speed enforcing in a particular area. And they do. But it only lasts for a brief while. There is not going to be anyone on High Street to write the ticket that doubles the fine. So, Mr. City Manager do you have any thoughts. We heard from people that speed bumps would be a great idea. I would love to see that happen. Mr. City Manager do you have any response to that."

Mr. Altman stated, "Yes. It is not going to be the popular response. Just from a basic traffic and engineering prospective speed bumps are one of the last things that are typically utilized. And they are very much discouraged by an engineer in today's world. They present a set of different issues. But I think that Chief Christian and I have had conversations with regard to trying to establish and purchase some, you know how on Washington Street as you go closer to the Governor's School there is a speed limit sign that flashes when you go by. There are also enforcement trailers that will indicate your speed. So, we are looking at what we can do from that perspective to try to enforce speed without having an officer out. It allows you to do that in different areas."

Council Member Cuthbert stated, "Let me respond to that. My understanding is quite different from yours

*Audio available upon request.

as far as taking photographs of speeders. I think that the state statute allows that only in school zone and during school hours. So, let's say near the Appomattox Governor's School at 2am on a Saturday night, I do not think that we can do that. Do you know the answers to that Mr. Williams off top your head?"

Mr. Williams stated, "I do not think that you can do that for enforcement purposes except for the area that you designate."

Council Member Cuthbert stated, "And I think that it has to be schools and active use. and we certainly cannot do it on High Street because we do not have a school there. So, certainly it is a great idea, and it makes sense. But our big brother in Richmond ties our hands. So, speed bumps maybe the last resort but I am at last resort. This is where it goes speed bumps. Now this resolution that we have before us, I think it says that the city attorney is directed to bring forward recommendations for considerations for council at its next meeting in February to amend these statutes. And that is great but let me try to put some specifics to this. Mr. City Manager may we put this topic on the agenda for discussion at our February 7th work session. If last resort means in my mind that it is permissible. Traffic engineers are great titles, but they do not graduate from MIT. So, in any event Mr. Altman lets put this on our February 7th work session for discussion of speed bumps at that time."

Mr. Altman stated, "If that is what council chooses. I currently do not have a public works director, but I can bring someone in to discuss speed bumps if that is what council wants to do."

Council Member Cuthbert stated, "We have a motion on the table. So, once we vote on that I would like to make a motion that we discuss this at our work session on February 7th if that is permissible."

Council Member Myers stated, "I would be remiss if I didn't thank Kelsi for all that she did to help and everyone on High Street in helping to get this petition signed. Thank you all for what you all did. But Mr. Cuthbert, think about the rumble strips or inverted speed bumps. But they do destroy our apparatus as they fly through the streets to take care of our emergency situations. I guess we can discuss that at our next meeting. But look at the alternatives of speed bumps."

Council Member Cuthbert stated, "Those are good points. Let's vote on this and continue this discussion on February 7th."

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

23-R-10 A RESOLUTION TO DESIGNATE HIGH STREET BETWEEN MARKET STREET AND SOUTH STREET AS AN "AUGMENTED FINE STREET" PURSUANT TO SECTION 110-11 OF THE PETERSBURG CITY CODE.

Council Member Cuthbert made a motion to put on the work session agenda a discussion led by the city manager of speed bumps, dips, rumble strips and any other self-enforcing ways to slow traffic that do not require the act or presence of a police officer. Council Member Jones seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, Parham

15. CITY MANAGER'S AGENDA:

Mr. Altman stated, "No items this evening but I do want to note that on February 7th we will have Davenport here to do a presentation to council on our fiscal strength. Hopefully, that will overshadow the discussion of speed bumps because that is very important, but I just want to let folks know that we will have

*Audio available upon request.

Davenport here. Thank you.”

16. BUSINESS OR REPORTS FROM THE CLERK:

Mrs. Lucas stated that she has no items.

17. BUSINESS OR REPORTS FROM CITY ATTORNEY:

Mr. Williams stated that he has no items.

18. ADJOURNMENT:

City Council adjourned at 7:35 p.m.

Clerk of City Council

APPROVED:

Mayor



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Randall Williams

RE: **A request to schedule a public hearing on the consideration of an appropriation for a Community Flood Preparedness Fund (CFPF) Grant awarded by the Virginia Department of Conservation & Recreation (DCR) in the amount of \$2,800,878 to be used for construction costs for drainage improvement projects in the City of Petersburg's Lakemont area and authorizing the city manager to sign the Virginia Resources Authority MOU for Lakemont drainage improvements. (Page 38)**

PURPOSE: The Virginia Department of Conservation and Recreation (DCR) has awarded the City of Petersburg a Community Flood Preparedness Fund (CFPF) Grant for construction costs for drainage improvement projects in the Lakemont area.

REASON: To have Council approve and appropriate the grant funds awarded to the City of Petersburg.

RECOMMENDATION: Request Council adopt the attached appropriation ordinance in the total amount of \$2,800,878.

BACKGROUND: In 2019, a neighborhood drainage study was performed using grant funds for the Lakemont neighborhood as a continuation of multiple small grants awarded/implemented in that area since 2013. Several projects were identified from that drainage study as needing to be implemented or studied further. In 2022, the City of Petersburg (with assistance from external consultant) applied to DCR for grant assistance to help fund the implementation (construction) costs needed to complete the major projects. These projects from the drainage study were identified in the grant application as: the “North Whitehill Drainage Improvements”, the “Battlefield Flood Remediation and Drainage Improvements”, and the Hare Street Storm Sewer Improvements”.

DCR recognized the need, and in turn awarded \$2,800,878.00 for the estimated cost of construction while also approving the City’s request to waive the matching funds requirement. The CFPF Grants from DCR are all reimbursement grants requiring the funds be expended by the locality and then reimbursed quarterly by DCR through Virginia Resources Authority (VRA).

COST TO CITY: \$0

BUDGETED ITEM: No

REVENUE TO CITY: \$2,800,878

CITY COUNCIL HEARING DATE: 2/7/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Virginia Department of Conservation and Recreation (DCR)

AFFECTED AGENCIES: Department of Public Works and Utilities

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. DCR CFPF Grant Award Letter - Lakemont Area
2. DCR Community Fund Preparedness Grant Ordinance- Lakemont Area
3. VRA Grant Agreement - Lakemont Drainage Improvements



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

Darryl Glover
Deputy Director for
Dam Safety,
Floodplain Management and
Soil and Water Conservation

Laura Ellis
Interim Deputy Director for
Administration and Finance

September 30, 2022

Kenneth Miller, Acting City Manager
135 N. Union St
Petersburg, VA 23803
kmiller@petersburg-va.org

Re: **Community Flood Preparedness Fund (CFPF)**

CY2022 Round 3 Grant Application: Grant Number: CFPF-22-03-51-S
Application Category: LI -All other Projects - Low Income Geographic
Community Name: PETERSBURG, CITY OF, CID: 510112
Primary Contact: Darryl Walker Stormwater Program Manager
Primary Contact Email Address: dwalker@petersburg-va.org
Total Project Cost: \$2,800,878.00
Grant Amount Requested: \$2,624,498.00
Match Required: \$1,260,395.00

Dear Kenneth Miller:

This letter is to advise you that the Department of Conservation and Recreation (DCR) received your request to fund a Storm water system application. If the application category listed above is different from the initial application, a change was necessary based on DCR's assessment of the project or activity. A change in application category may have resulted in the recalculation in the CFPF and match percentages represented above.

DCR, in consultation with the Secretary of Natural and Historic Resources, has reviewed your application and your request for funding is approved. The total approved funding is as follows:

- CFPF Amount: \$2,800,878.00
- Match Amount: \$0.00
- Total Project Cost: \$2,800,878.00

Special terms, condition(s) or adjustments that apply to your award or that must be satisfied prior to reimbursement are as follows:

- Match waiver approved

- Property must remain undeveloped, as permanent open space and under ownership by the county in perpetuity.

In the coming weeks, you will receive an award package from Virginia Resources Authority (VRA) that will include an Award Letter detailing changes in award amounts, if any, and conditions related to the award. You will receive a Grant Agreement outlining all requirements related to this award including information on how to receive reimbursement, submit reports, and final deliverables for completed projects or activities. This package must be signed and returned to VRA within 90 days of receipt or funds will be rescinded.

Should you have any questions, please feel free to contact me at (804) 786-5099 or Wendy.Howard-Cooper@dcr.virginia.gov.

Sincerely,

A handwritten signature in blue ink that reads "Wendy Howard Cooper". The signature is fluid and cursive, with the first name "Wendy" being the most prominent.

Wendy Howard Cooper
Director, Dam Safety and Floodplain Management

cc: Darryl M. Glover, Deputy Director, DCR
Kimberly S. Adams, Senior Program Manager, VRA
Angela Davis, Flood Program Planner, DCR

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

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

I. That appropriations for the fiscal year commencing July 1, 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
ADD:	
Community Flood Preparedness Fund (CFPF) Grant	<u>\$2,800,878.00</u>
Total Revenues	<u>\$2,800,878.00</u>

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
ADD:	
Community Flood Preparedness Fund (CFPF) Grant	<u>\$2,800,878.00</u>
Total Expenses	<u>\$2,800,878.00</u>

GRANT AGREEMENT

Between

VIRGINIA RESOURCES AUTHORITY,

**as Administrator of the
Virginia Community Flood Preparedness Fund**

And

CITY OF PETERSBURG

Department of Conservation and Recreation

CFPF-22-03-51-S

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EXHIBITS

Exhibit A.	Grant Authorization
Exhibit B.	Project Description
Exhibit C.	Project Budget
Exhibit D.	Requisition Form
Exhibit E.	Financial Report Reimbursement Form
Exhibit F.	Quarterly Report Form and Instructions
Exhibit G.	Extension Request Form and Instructions

GRANT AGREEMENT

THIS GRANT AGREEMENT is made as of this first day of **November 2022** between the **VIRGINIA RESOURCES AUTHORITY**, a public body corporate and a political subdivision of the Commonwealth of Virginia (the “Authority”), as administrator of the **VIRGINIA COMMUNITY FLOOD PREPAREDNESS FUND**, and the **CITY OF PETERSBURG**, a **LOCAL GOVERNMENT** (the “Grantee”).

Pursuant to Article .3, Chapter 6, Title 0. of the Code of Virginia of 950, as amended (the “Act”), the General Assembly created a fund known as the “Virginia Community Flood Preparedness Fund” (the “Fund”). In conjunction with the Department of Conservation and Recreation (the “Department”), the Authority administers and manages the Fund. Following consultation with the Authority, the Secretary of Natural Resources and the Special Assistant to the Governor for Coastal Adaptation and Protection, the Department from time to time directs loans and grants from the Fund and authorizes the Authority to disburse monies to local governments in Virginia to fund the costs of flood prevention or protection projects and studies all within the meaning of the Act.

The Grantee has requested a grant from the Fund and such grant has been approved by the Department, as evidenced by **Exhibit A** to this Agreement. The Grantee will use the grant monies from the Fund to finance that portion of the Project Costs not being paid from other sources as set forth in the Project Budget.

ARTICLE I

DEFINITIONS

The capitalized terms contained in this Agreement shall have the meanings set forth below unless the context requires otherwise and any capitalized terms not otherwise defined herein shall have the meaning assigned to such terms in the Act:

“Act” means Article .3, Chapter 6, Title 0. of the Code of Virginia of 950, as amended.

“Agreement” means this Grant Agreement between the Authority, as Administrator of the Fund, and the Grantee, together with any amendments or supplements hereto.

“Authority” means the Virginia Resources Authority, a public body corporate and a political subdivision of the Commonwealth of Virginia.

“Authorized Representative” means any member, official or employee of the Grantee authorized by resolution, ordinance or other official act of the governing body of the Grantee to perform the act or sign the document in question.

“Certified Floodplain Manager” means a Certified Floodplain Manager according to the Association of State Floodplain Managers (<https://www.floods.org/certification-program-cfm/>) who is in the employ of any county, city, town, municipal corporation, authority, district, commission, or

political subdivision created by the General Assembly or pursuant to the Constitution of Virginia or laws of the Commonwealth of Virginia, or any state or federally recognized Virginia Indian Tribe.

“Department” means the Department of Conservation and Recreation.

“Fund” means the Virginia Community Flood Preparedness Fund.

“Grant Manual” means the Department’s 2022 Grant Manual for the Virginia Community Flood Preparedness Fund.

“Grantee” means the **CITY OF PETERSBURG, a LOCAL GOVERNMENT.**

“Local Project” means the particular project described in **Exhibit B** to this Agreement, consistent in all respects with the Grant Manual, to be undertaken and completed by the Grantee with, among other monies, the grant funds, with such changes thereto as may be approved in writing by the Authority and the Department as set forth herein.

“Project Budget” means the budget for the Local Project, a copy of which is attached to this Agreement as **Exhibit C**, with such changes therein as may be approved in writing by the Authority and the Department.

“Project Costs” means the costs described in the Project Budget and such other costs permitted by the Act as may be approved in writing by the Department, provided such costs are included in the definition of “cost” set forth in Section 0.-603.24 of the Act.

“Project Description” means the description of the Local Project to be undertaken using the grant funds made available by this Agreement, a copy of which is attached to this Agreement as **Exhibit B**, with such changes therein as may be approved in writing by the Authority and the Department.

“Resilience Plan” means a locally adopted plan that describes the Grantee’s approach to flooding and meets the following criteria: (i) it is project-based with projects focused on flood control and resilience; (ii) it incorporates nature-based infrastructure to the maximum extent possible; (iii) it includes considerations of all parts of a local government regardless of socioeconomics or race; (iv) it includes coordination with other local and inter-jurisdictional projects, plans, and activities and has a clearly articulated timeline or phasing for plan implementation; and (v) it is based on the best available science, and incorporates climate change, sea level rise, and storm surge (where appropriate), and current flood maps.

ARTICLE II

SCOPE OF SERVICES

The Grantee shall provide the services and work as set forth in the Project Description (**Exhibit B**) of this Agreement. All work performed under the “Project” and “Study” categories of the Grant Manual shall be in accordance with sound engineering, construction, and architectural principles, commonly accepted development and safety standards and shall be in compliance with all applicable

regulatory requirements, including the National Flood Insurance Program. Any work performed under the “Project” category of the Grant Manual shall be approved by a Certified Floodplain Manager as evidenced by a Certificate of Approval by Certified Floodplain Manager.

ARTICLE III

TIME OF PERFORMANCE

The Grantee’s work on the Local Project shall be completed, and evidence of completion presented to the Department, within thirty-six (36) months of the execution of this Agreement. Unless an extension is granted pursuant to Section 4.3 below, this Agreement shall terminate without notice and the Authority shall have no obligation to disburse funds hereunder if Grantee fails to complete the Local Project within the applicable timeframe and provide satisfactory evidence of same to the Authority and the Department. The Grantee shall make a request for reimbursement no later than ninety (90) days following the passage of the Local Project’s authorized completion date unless an extension is granted pursuant to Section 4.3 below.

ARTICLE IV

GRANT FUNDS

Section 4.1. Amount of Grant. The Grantee shall be reimbursed grant funds for the payment of Project Costs, in an amount not to exceed **100%** of the demonstrated total cost of the Local Project or **\$2,800,878**, whichever is lesser, for the purposes set forth in the Project Description. Disbursement of grant funds will be in accordance with payment provisions set forth in Section 4.2. Grantee acknowledges and agrees that while grant funds awarded from the Fund may be used as match for other sources of funding, grant funds awarded from the Fund may not be utilized as match funds for other monies from the Fund. Monies used to match grants from the Fund may not be used as match for other grants.

Section 4.2. Application of Grant Funds. The Grantee agrees to apply the grant funds solely and exclusively to the reimbursement of the Grantee for payment of Project Costs. The Authority, at the direction of the Department, shall disburse grant funds from the Fund to the Grantee upon receipt by the Authority and the Department of the following:

(a) A Requisition, along with a Certificate of Approval by Certified Floodplain Manager, in the form set forth in d Financial Report Reimbursement Form, in the form set forth in **Exhibit E**, approved by the Department (upon which the Authority shall rely), signed by the Authorized Representative and containing all receipts, vouchers, statements, invoices or other evidence of the actual payment of Project Costs to this Agreement, and all other information required by, and otherwise being in the form of, **Exhibit D** to this Agreement, including a Certificate of Approval by Certified Floodplain Manager where work is being performed under the “Project” category of the Grant Manual.

(b) A(n) **LI -All other Projects - Low Income Geographic** developed by the Grantee and approved by the Department as meeting all standards of applicable law;

(c) Evidence satisfactory to the Authority and the Department that all authorizations and approvals for the Local Project required to have been obtained as of the date of the delivery of this Agreement have been obtained, and, where the Local Project's completion is dependent on a variety of funding sources, in addition to the Fund, evidence satisfactory to the Authority and the Department that the Grantee has obtained satisfactory assurances of all necessary funds to fully finance the Local Project, including, where applicable, the appropriation of match funds;

(d) If the Local Project will require future maintenance, a maintenance and management plan for the Local Project satisfactory to the Authority and the Department demonstrating how the Local Project will be maintained with funds secured by the Grantee independent of the Fund over the lifespan of the Local Project;

(e) If the Local Project will be carried out in concert with a federal agency, evidence satisfactory to the Authority and the Department that the Grantee has authorization to enter into any necessary written agreement with the federal agency, including any provisions for cost-sharing; and

(f) To the extent the Local Project encompasses activities that include the development of flood protection facilities, acquisition of land, restoration of natural features, or other activities that involve design (including such design necessary to ensure the Local Project meets its intended purpose), construction or installation of facilities, a completed Resilience Plan satisfactory to the Authority and the Department was obtained as of the date of the delivery of this Agreement.

Upon receipt of the forgoing, the Authority shall disburse the grant funds hereunder to the Grantee in accordance with the submitted Requisition to the extent approved by the Department. The Department shall have no obligation to approve any Requisition, and the Authority shall have no obligation to disburse any such grant funds, if the Grantee is not in compliance with any of the terms of this Agreement.

Section 4.3. Agreement to Accomplish Local Project. The Grantee agrees to cause the Local Project to be completed as described in **Exhibit B** and if applicable, in accordance with plans and specifications prepared by the Grantee's Certified Floodplain Manager and approved by the appropriate regulatory agencies. The Grantee shall complete the Local Project by the date set forth in Article III unless approval for a later completion date is given by the Department and the Authority; however, all such Extension Requests, the form of which is attached hereto as **Exhibit G**, must be received by the Department no later than ninety (90) days prior to the date set forth in Article III, and the approved Local Project must have commenced within the first nine (9) months after the date of this Agreement. If the Local Project does not commence in a timely fashion to allow completion by the date set forth in Article III or such later completion date as approved by the Department and the Authority, funding will be withdrawn and may be redistributed to other qualifying projects at the discretion of the Department in

consultation with the Chief Resilience Office, and the Special Assistant to the Governor for Coastal Adaptation and Protection.

ARTICLE V

GENERAL PROVISIONS

Section 5.1. Reserved.

Section 5.2. Disclaimer. Nothing in this Agreement shall be construed as authority for either party to make commitments that will bind the other party beyond the covenants contained herein.

Section 5.3. Termination.

(a) The Authority may amend, modify or terminate this Agreement for any reason upon thirty (30) days' written notice to the Grantee. The Grantee shall not be paid for any services rendered or expenses incurred for which funding is not authorized by any action affecting the authority of the grant from the Fund.

(b) If any written or oral representation, warranty or other statement furnished or made by or on behalf of the Grantee to the Department or the Authority in connection with this Agreement or the Grantee's application for a grant from the Fund is false or misleading in any material respect, the Authority shall have the right immediately to terminate this Agreement.

(c) In the event of a breach by the Grantee of this Agreement, including the Department receiving notice that the Local Project is not proceeding in accordance with the Local Project Description, the Authority shall have the right to cease any further disbursements to the Grantee until such breach is cured. In addition, the Authority may give written notice to the Grantee specifying the manner in which this Agreement has been breached and providing the Grantee thirty (30) days within which to cure the breach. If such a notice of breach is given and the Grantee has not substantially corrected the breach within 30 days of receipt of such written notice, the Authority shall have the right forthwith to terminate this Agreement.

(d) In the event of a termination of this Agreement in accordance with paragraphs (b) or (c) of this Section 5.3, the Authority, at the direction of the Department, may require the Grantee to repay all grant proceeds disbursed hereunder.

Section 5.4. Integration and Modification. This Agreement constitutes the entire Agreement between the Grantee and the Authority with respect to the grant. No alteration, amendment or modification in the provisions of this Agreement shall be effective unless reduced to writing, signed by both the parties and attached hereto.

Section 5.5. Collateral Agreements. Where there exists any inconsistency between this Agreement and other provisions of collateral contractual agreements that are made a part of this Agreement by reference or otherwise, the provisions of this Agreement shall control.

Section 5.6. Non-Discrimination. In the performance of this Agreement, the Grantee warrants that it will not discriminate against any employee, or other person, on account of race, color, sex, religious creed, ancestry, age, national origin, other non-job related factors or any basis prohibited by law. To the extent required by law and upon request of the Department and the Authority, the Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

The Grantee shall, in all solicitations or advertisements for employees placed by or on behalf of the Grantee, state that such Grantee is an equal opportunity employer; however, notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this Agreement.

The Grantee shall include the provisions of the foregoing paragraphs of this section in every contract, subcontract or purchase order of over ten thousand dollars, so that such provisions will be binding upon each contractor, subcontractor or vendor.

Section 5.7. Applicable Laws. This Agreement shall be governed by the applicable laws of the Commonwealth of Virginia.

Section 5.8. Compliance. The Grantee shall comply with all laws, ordinances, rules, regulations, and lawful orders of any public authority bearing on the performance of the Local Project and shall give all Notices required thereby. The Grantee hereby consents to inspection by any state regulatory agency having jurisdiction over any part of the work performed with the assistance of the contract funds.

Section 5.9. Severability. Each paragraph and provision of this Agreement is severable from the entire Agreement; and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect, at the option of the Authority.

Section 5.10. Contingent Fee Warranty. The Grantee warrants that it has not paid or agreed to pay any company or person any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon the award or making of this Agreement. For breach of the foregoing warranty, the Authority shall have the right to terminate this Agreement without liability, or, in its discretion, to deduct from the agreed fee, payment or consideration, or otherwise recover the full amount of said prohibited fee, commission, percentage, brokerage fee, gift, or contingent fee.

Section 5.11. Conflict of Interest. The Grantee warrants that it has fully complied with the Virginia Conflict of Interests Act.

Section 5.12. Records Availability. The Grantee agrees to maintain complete and accurate books and records of the Project Costs, and further, to retain all books, records, and other documents relative to this Agreement for five (5) years after final disbursement of grant proceeds, or until completion of an audit commenced by the Commonwealth of Virginia within the five (5) years after final disbursement of funding of proceeds. The Authority, the Department, its authorized agents, and/or state auditors shall have full access to and the right to examine any of said materials during said period. Additionally, the Authority, the Department, and/or its representatives shall have the right of access to

worksites for the purpose of ensuring that the provisions of this Agreement are properly carried out and enforced. The Grantee agrees that the Authority, the Department and its authorized agents, reserve the right to make funding adjustments and implement fiscal corrective actions based on said examinations and reviews.

Section 5.13. Ownership of Documents. Upon the request of the Authority or the Department, the Grantee shall provide copies of any reports, studies, photographs, negatives, or other documents prepared by the Grantee in the performance of its obligations under this Agreement.

Section 5.14. Acknowledgments. The role of the Authority and the Department must be clearly stated in all press releases, news articles, and requests for proposals, bid solicitations and other documents describing the Local Project, whether funded in whole or in part. Acknowledgment of financial assistance, with the Department logo, must be printed on the cover of all reports, studies, web sites, map products or other products supported directly or indirectly by this Agreement. The Grantee is responsible for contacting Department staff in adequate time to obtain the Department logo in camera-ready or digital form. The acknowledgment should read as follows:

*This project received funding from the Virginia Community Flood Preparedness Fund Grant Program through the Virginia Department of Conservation and Recreation (DCR), via **CFPF-22-03-51-S.***

Section 5.15. Matching Funds. The required amount of matching funds to the cash contributions by the Grantee to the Local Project will be indicated on the Financial Report Reimbursement Form, **Exhibit E**, of these agreement documents. Matching contributions, if applicable, must reflect expenses directly related to the implementation of this project and incurred only during the time of performance listed in this Agreement. The decision of the Department with respect to approval of matching funds shall be final. Matching funds must be tracked and reported to the Department in the quarterly reports described below, both in narrative summary and on **Exhibit E**.

Section 5.16. Procurement and Subcontracts. The Grantee shall remain fully responsible for the work to be done by its subcontractor(s) and shall ensure compliance with all requirements of this Agreement. The Grantee shall comply with all applicable provisions of the Virginia Public Procurement Act, Section 2.2-4300 *et seq.* of the Code of Virginia of 1950, as amended, in making such awards.

Section 5.17. Reporting and Closeout. (a) The Grantee shall promptly provide the Department with Quarterly Reports, the form of which is attached hereto as **Exhibit E**, on performance and financial progress, detailing the progress of work with respect to the Local Project, and a final report upon completion of the Local Project. Incomplete or inaccurate reports may result in reimbursement delays. These reports shall be certified by an authorized agent of the Grantee as being true and accurate to the best of the Grantee's knowledge, as indicated by their signature on **Exhibit F**.

(b) Final deliverables defined in the approved Scope of Work for the Local Project are due to the Department within 30 days following the Local Project end date, unless another date is approved in writing by the Department, upon submission by Grantee of an Extension Request, the form of which is attached hereto as **Exhibit G**. The following shall apply to the submission of final deliverables:

1. All materials shall be provided digitally to the Department at cfpf@dc.virginia.gov.
2. All documents must be provided in PDF and/or a Microsoft Word compatible format, including any embedded maps or other figures/illustrations.
3. All engineering files (including hydrologic and hydraulic studies) and assumptions necessary to replicate various analyses or other calculations must be provided in a format compatible with the software used to perform those calculations; likewise, all output files are also required.
4. All tabular information not included in the engineering files above, whether contained within any report or appendix, which was used as the basis for any calculation, shall be provided in a Microsoft Excel compatible format or Microsoft Access compatible format.
5. All map data shall be delivered as a geodatabase or individual shapefiles. Additionally, maps shall be provided in a PDF format if not already included embedded within the report(s). If derived from CAD or another non-GIS workflow, data must be converted into a GIS format.
6. If digital submittal is not possible, printed materials, together with all attachments and supporting documentation, may be submitted to the Department at the address below:

Virginia Department of Conservation and Recreation
 Attention: Virginia Community Flood Preparedness Fund
 Division of Dam Safety and Floodplain Management
 600 East Main Street, 24th Floor
 Richmond, Virginia 23219

The final reimbursement request must be submitted with the final report and the Department will not reimburse any requests received more than ninety (90) days after the Local Project end date.

Section 5.18. Notices. Unless otherwise provided for herein, all notices, approvals, consents, correspondence and other communications under this Agreement shall be in writing and shall be deemed delivered to the following:

Fund: Virginia Resources Authority, as Administrator
 of the Virginia Community Flood Preparedness Fund
 East Main Street, Suite 1920
 Richmond, Virginia 23219
 Attention: Executive Director

Authority: Virginia Resources Authority
 East Main Street, Suite 1920
 Richmond, Virginia 23219
 Attention: Executive Director

Department: Virginia Department of Conservation and Recreation
600 East Main Street, 24th Floor
Richmond, Virginia 23219
Attention: Division Director, Dam Safety and Floodplain Management

Grantee: **CITY OF PETERSBURG**
35 N. Union St
Petersburg, VA 23803
Attention: John M. Altman, Jr., City Manager

A duplicate copy of each notice, approval, consent, correspondence or other communications shall be given to each of the other parties named.

ARTICLE VI

COUNTERPARTS

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

[Remainder of this page intentionally left blank]

WITNESS the following signatures, all duly authorized.

**VIRGINIA RESOURCES AUTHORITY, AS
ADMINISTRATOR OF THE VIRGINIA
COMMUNITY FLOOD PREPAREDNESS FUND**

By: _____
Shawn B. Crumlish
Executive Director

CITY OF PETERSBURG

By: _____
Name: John M. Altman Jr. _____
Title: City Manager _____

CFPF-22-03-51-S

Exhibit A

GRANT AUTHORIZATION

A copy of the Department's written grant approval is attached.

Virginia Department of Conservation and Recreation
Community Flood Preparedness Fund - Round 3 Application Recommendations
September 23, 2022

	Budget	Award Recommendation (27 Grants)	Remaining Budget	
Budget LIG Activities (At Least 25% LIG)	10,000,000.00	9,773,948.87	226,051.13	72%
Budget Non-LIG Activities	30,000,000.00	3,857,290.50	26,142,709.50	28%
Total Funds Available	40,000,000.00	13,631,239.37	26,368,760.63	
Approved/Approved w/Condition Only				

Application Types and Amounts Requested Round 3				
Count	Activity Type As Selected by the Applicant (May be Adjusted)	Total Project	Total CFPF Requested	Total Match Committed
10	LI - Planning and Capacity Building - Low Income Geographic	2,728,562.77	2,493,504.37	235,059.00
4	LI -Flood Prevention and Protection Studies - Low Income Geographic	829,008.52	781,845.00	47,163.00
6	LI - Projects that will result in nature-based solutions - Low Income Geographic	16,426,806.00	13,246,794.00	3,180,012.00
6	LI - Projects that will result in hybrid solutions - Low Income Geographic	50,270,293.69	33,795,691.00	16,474,603.00
1	LI -All other Projects - Low Income Geographic	2,800,878.00	2,624,498.00	1,260,395.00
9	Planning and Capacity Building	2,488,298.81	1,865,363.44	622,937.47
7	Flood Prevention and Protection Studies	2,541,391.69	1,306,535.33	1,278,606.36
8	Projects that will result in nature-based solutions	21,371,764.14	14,960,235.00	6,411,529.00
6	Projects that will result in hybrid solutions	21,295,685.00	12,777,410.00	8,518,275.00
7	All other Projects	16,427,848.00	8,620,174.00	7,807,674.00
64	Grand Total	137,180,536.62	92,472,050.14	45,836,253.83

CFPF Funding	Difference*
Recommended	Req vs Recom.
1,875,770.37	(617,734.00)
662,346.50	(119,498.50)
3,352,415.00	(9,894,379.00)
41,250.00	(33,754,441.00)
-	(2,624,498.00)
362,913.00	(1,502,450.44)
1,060,760.00	(245,775.33)
8,985,200.00	(5,975,035.00)
7,048,079.90	(5,729,330.10)
7,991,461.50	(628,712.50)
31,380,196.27	(61,091,853.87)

*Note: Difference includes changes in match based on correctio

Virginia Department of Conservation and Recreation
Community Flood Preparedness Fund - Round 3 Application Recommendations
September 23, 2022

Low Income Geographic Applications Recommended for Funding							
Count	Low Income Demographic (LIG) Certified Applications	Reviewer Score	Community	Project Description	Total Project	CFPF	Match
1	LI - Planning and Capacity Building - Low Income Geographic	253	Accomack-Northampton PDC	Staffing, planning and assessments	375,000.00	375,000.00	-
2	LI - Planning and Capacity Building - Low Income Geographic	253	Central Virginia Planning District Co	Resilience Plan	54,000.00	54,000.00	-
3	LI - Planning and Capacity Building - Low Income Geographic	253	TAZEWELL COUNTY	Staffing and planning assessments	369,450.00	332,505.00	36,945.00
4	LI - Planning and Capacity Building - Low Income Geographic	245	BUCHANAN, TOWN OF	Floodplain staff and resilience plan	60,000.00	54,000.00	6,000.00
5	LI - Planning and Capacity Building - Low Income Geographic	228	COVINGTON, CITY OF	Resilience Plan and floodplain staff capacity	140,590.00	140,590.00	-
6	LI - Planning and Capacity Building - Low Income Geographic	228	GRAYSON COUNTY	Resilience Planning	75,656.00	75,656.00	-
7	LI - Planning and Capacity Building - Low Income Geographic	188	CLINTWOOD, TOWN OF	Resilience Planning	57,000.00	51,300.00	5,700.00
8	LI - Planning and Capacity Building - Low Income Geographic	78	SHENANDOAH COUNTY	Staffing capacity	2,969.37	2,969.37	-
9	LI -Flood Prevention and Protection Studies - Low Income Geographic	158	COVINGTON, CITY OF	Drainage study	357,380.00	357,380.00	-
10	LI -Flood Prevention and Protection Studies - Low Income Geographic	158	FRONT ROYAL, TOWN OF	H&H Studies to Update FEMA Maps	100,000.00	90,000.00	10,000.00
11	LI -Flood Prevention and Protection Studies - Low Income Geographic	57	SUFFOLK, CITY OF	Finney Outfall to Nansemond River Drainage Area Study in Downtown Suffolk	72,881.00	65,593.00	7,288.00
12	LI - Projects that will result in nature-based solutions - Low Income Geographic	92	DICKENSON COUNTY	Acquisition, floodproofing, restoration	2,232,415.00	2,232,415.00	-
13	LI - Projects that will result in nature-based solutions - Low Income Geographic	68	NORFOLK, CITY OF	Riverside Memorial Cemetery Shoreline Stabilization	1,400,000.00	1,120,000.00	280,000.00
14	LI -All other Projects - Low Income Geographic	70	PETERSBURG, CITY OF	Storm water system	2,800,878.00	2,800,878.00	-
15	LI -All other Projects - Low Income Geographic	63	VIRGINIA BEACH, CITY OF	First Colonial Road and Oceana Boulevard Stormwater Improvements	3,675,750.00	2,021,662.50	1,654,087.50
					11,773,969.37	9,773,948.87	2,000,020.50

	Total Project	CFPF	Match
LI - Planning and Capacity Building - Low Income Geographic	1,134,665.37	1,086,020.37	48,645.00
LI - Projects that will result in hybrid solutions - Low Income Geographic	-	-	-
LI - Projects that will result in nature-based solutions - Low Income Geographic	3,632,415.00	3,352,415.00	280,000.00
LI - All other Projects - Low Income Geographic	6,476,628.00	4,822,540.50	1,654,087.50
LI - Flood Prevention and Protection Studies - Low Income Geographic	530,261.00	512,973.00	17,288.00
	11,773,969.37	9,773,948.87	2,000,020.50

Virginia Department of Conservation and Recreation
Community Flood Preparedness Fund - Round 3 Application Recommendations
September 23, 2022

Non-Low-Income Geographic Applications Recommended for Funding							
Count	Non-LIG Applications	Reviewer Score	Community	Project Description	Total Project	CFPE	Match
1	Planning and Capacity Building	210	FAIRFAX, CITY OF	Resilience Planning	159,673.00	119,755.00	39,918.00
2	Planning and Capacity Building	170	KING GEORGE COUNTY	Resilience Plan	40,400.00	30,300.00	10,100.00
3	Planning and Capacity Building	100	ALBEMARLE COUNTY	Floodplain staff and resilience plan	157,750.00	118,313.00	39,438.00
4	Planning and Capacity Building	73	HENRICO COUNTY	Resource Assessments, planning, strategies, development	126,060.00	94,545.00	31,515.00
5	Flood Prevention and Protection Studies	225	CHARLOTTESVILLE, CITY OF	2-Dimensional Stormwater Management Model for Meadow Creek and Rivanna River Watersheds	550,000.00	275,000.00	275,000.00
6	Flood Prevention and Protection Studies	175	Northern Virginia Regional Commission	Study to assess changes in watershed hydrology using existing streamflow and precipitation monitoring data from Four Mile Run	137,947.00	68,974.00	68,974.00
7	Flood Prevention and Protection Studies	88	SUFFOLK, CITY OF	Kimberly Bridge Feasibility Study	298,747.00	149,373.50	149,373.50
8	Flood Prevention and Protection Studies	50	FAIRFAX, CITY OF	Mosby Wood Floodplain Improvement Study	48,571.00	24,286.00	24,286.00
9	Flood Prevention and Protection Studies	35	CHESAPEAKE, CITY OF	Hydraulic and hydrologic study of the Goose Creek watershed/floodplain	185,000.00	92,500.00	92,500.00
10	All other Projects	70	ALEXANDRIA, CITY OF	Inlet Capacity and New Inlet Program ("Inlet Program")	1,528,000.00	764,000.00	764,000.00
11	All other Projects	67	ALEXANDRIA, CITY OF	Mount Vernon Dual Corrugated Metal Pipe Culvert Replacement and Optimazation	2,500,000.00	1,250,000.00	1,250,000.00
12	All other Projects	53	HENRICO COUNTY	Gambles Mill Pump Station	1,740,488.00	870,244.00	870,244.00
					7,472,636.00	3,857,290.50	3,615,348.50

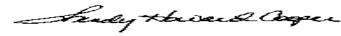
	Total Project	CFPE	Match
Flood Prevention and Protection Studies	1,220,265.00	610,133.50	610,133.50
Planning and Capacity Building	483,883.00	362,913.00	120,971.00
Projects that will result in nature-based solutions	-	-	-
Projects that will result in hybrid solutions	-	-	-
All Other Projects	5,768,488.00	2,884,244.00	2,884,244.00
	7,472,636.00	3,857,290.50	3,615,348.50

Virginia Department of Conservation and Recreation
Community Flood Preparedness Fund - Round 3 Application Recommendations
September 23, 2022

Approval of Funding Recommendations
 Concurrence must be received from the Secretary of Natural Resources

Round 3	Budget	Award Recommendation (27 Projects)	Remaining Budget	Round 3 %
Budget LIG Activities (At Least 25% LIG)	10,000,000.00	9,773,948.87	226,051.13	72% Recommends assessing based on awards made each SFY
Budget Non-LIG Activities	30,000,000.00	3,857,290.50	26,142,709.50	28%
Total Funds Available	40,000,000.00	13,631,239.37	26,368,760.63	

Cummulative Totals Round 1 and 2 Awarded during SFY2022	Budget	Award Recommendations	Remaining Budget	Cummulative %
Budget LIG Activities (At Least 25% LIG)	9,483,485.00	23,526,459.30	(14,042,974.30)	73% meets overall 25% requirement for awards SFY2022
Budget Non-LIG Activities	35,720,475.00	8,821,504.00	26,898,971.00	27%
Total Funds Available	45,203,960.00	32,347,963.30	12,855,996.70	



Signature: Wendy Howard Cooper, Division Director
 Dam Safety and Floodplain Management
 Department of Conservation and Recreation

9/23/2022

Date



Signature: Darryl M. Glover, Deputy Director
 Divisions of Dam Safety & Floodplain Management and Soil and Water Conservation
 Department of Conservation and Recreation

9/23/2022

Date



Signature: Matthew Wells, Director
 Department of Conservation and Recreation

9/23/2022

Date



Signature: Travis Voyles, Acting Secretary of Natural and Historic Resources

9/26/2022

Date

Exhibit B

PROJECT DESCRIPTION

The Local Project shall consist of the development of a **LI -All other Projects - Low Income Geographic** project for **Lakemont neighborhood storm water upgrades**, to be approved by the Department as meeting all standards of applicable law.

Exhibit C**PROJECT BUDGET**

ACTIVITY	ESTIMATED TOTAL COST	ESTIMATED FUNDING FROM GRANT	ESTIMATED FUNDING FROM OTHER SOURCES
LI -All other Projects - Low Income Geographic	\$2,800,878	\$2,800,878	\$0 (to be paid in full by Grantee)
	Personnel	\$0	\$0
	Fringe Benefits	\$0	\$0
	Travel	\$0	\$0
	Supplies	\$0	\$0
	Other	\$0	\$0
	Contractual	\$2,800,878	\$0

Exhibit D

REQUISITION FORM

[Date]

Division Director, Dam Safety & Floodplain Management
Department of Conservation and Recreation
600 E. Main Street, 24th Floor
Richmond, Virginia 23219

Re: **Virginia Community Flood Preparedness Fund**
CITY OF PETERSBURG
Grant Number: **CFPF-22-03-51-S**

Dear Division Director:

This requisition, Number ____, is submitted in connection with the Grant Agreement dated as of **November 1, 2022** (the “Grant Agreement”) between the Virginia Resources Authority, as Administrator of the Virginia Community Flood Preparedness Fund (the “Fund”), and the **CITY OF PETERSBURG**, a **LOCAL GOVERNMENT** (the “Grantee”). Unless otherwise defined in this requisition, all capitalized terms used herein shall have the meaning set forth in Article I of the Grant Agreement. The undersigned Authorized Representative of the Grantee hereby requests disbursement of grant proceeds under the Grant Agreement in the amount of \$_____, for the purposes of reimbursement of the Project Costs associated with **LI -All other Projects - Low Income Geographic**, which is submitted herewith. Additionally, enclosed is the Financial Report Reimbursement Form set forth in **Exhibit E** of this Agreement, detailed invoices relating to the items for which payment is requested and proof of payment for each associated invoice.

The undersigned certifies that (a) the amounts requested by this requisition will be applied solely and exclusively to the reimbursement of the Grantee for the payment, of Project Costs, and (b) any materials, supplies or other costs covered by this requisition are not subject to any lien or security interest or such lien or security interest will be released upon payment of the requisition.

The undersigned certifies to the Virginia Resources Authority, as Administrator of the Virginia Community Flood Preparedness Fund, that insofar as the amounts covered by this Requisition include payments for labor, such work was actually performed and payment for such work has been paid in full.

Sincerely,

(Authorized Representative of the Grantee)

**CERTIFICATE OF APPROVAL BY CERTIFIED FLOODPLAIN MANAGER (CFM)
FORM TO ACCOMPANY REQUEST FOR DISBURSEMENT
CFPF-22-03-51-S**

Note: This certification does not apply to Capacity Building, Planning or Studies and is only required for Projects funded under the Community Flood Preparedness Fund as such terms are defined in the Grant Manual.

This Certificate is being executed and delivered in connection with Requisition dated _____, 20__, submitted by the **CITY OF PETERSBURG**, a **LOCAL GOVERNMENT** (the “Grantee”), pursuant to the Grant Agreement dated as of **November 1, 2022** (the “Grant Agreement”) between the Virginia Resources Authority, as Administrator of the Community Flood Preparedness Fund (“VRA”), and the Grantee. Capitalized terms used herein shall have the same meanings set forth in Article I of the Grant Agreement referred to in the Requisition. The undersigned Certified Floodplain Manager for the Grantee hereby certifies to VRA that insofar as the work performed and amounts covered by this Requisition is for work that is in compliance with NFIP standards and meets the requirements of the local floodplain ordinance of the community where work under this Agreement is being performed.

Project deliverable _____

Total amount billed for this Project deliverable _____

Signature of Certified Floodplain Manager

Date

Exhibit E

FINANCIAL REPORT REIMBURSEMENT FORM

COMMONWEALTH OF VIRGINIA
Department of Conservation and Recreation

Financial Report Reimbursement Form
Virginia Community Flood Preparedness Fund
Agreement No: _____

CID #	_____	Phone #:	_____
Grantee:	_____	Email:	_____
Contact Person:	_____		
Mailing Address	_____		

Project Project Type:	_____		
Project Description	_____		
Reporting Period	January - March	_____	2022
(Select Qtr and Yr)	April - June	_____	2023
	July - September	_____	2024
	October - December	_____	2025

DCR Funds	Project Budget	Current Expenditures	Cumulative Expenditures	*Unexpended Project Balance
Personnel	_____	_____	_____	_____
Fringe	_____	_____	_____	_____
Travel	_____	_____	_____	_____
Supplies	_____	_____	_____	_____
Contractual	_____	_____	_____	_____
Other	_____	_____	_____	_____
*TOTAL	_____	_____	_____	_____

Total Reimbursement Request: \$ _____ -

MATCH Funds (N/A)	Project Match Budget	Current Match Expenditures	Cumulative Match Expenditures	*Unexpended Match Balance
Personnel	_____	_____	_____	_____
Fringe	_____	_____	_____	_____
Travel	_____	_____	_____	_____
Supplies	_____	_____	_____	_____
Contractual	_____	_____	_____	_____
Other	_____	_____	_____	_____
*TOTAL	_____	_____	_____	_____

Authorized Signature: _____
Title: _____
Date: _____

Exhibit F

QUARTERLY REPORTING FORM AND INSTRUCTIONS

Virginia Department of Conservation and Recreation
Virginia Community Flood Preparedness Fund Grant Program

Quarterly reports must be submitted within 30 days following the end of each quarter. Final reports are due within 30 days following the project end date. Due dates are as follows:

- Quarter ending September 30 – reports due October 30th
- Quarter ending December 31 – reports due January 30th
- Quarter ending March 31 – reports due April 30th
- Quarter ending June 30 – reports due July 30th

Agreement Number: _____ Calendar Year: _____

Quarter Ended: 9/30 _____ 12/31 _____ 3/31 _____ 6/30 _____

Grantee: _____ CID #: _____

Contact Name and Title: _____

Contact Phone No: _____ Contact Email: _____

Project Type: _____

Project Description: _____

Brief Description of Activity	
Progress Achieved Toward Milestone During this Quarter	
Progress Anticipated During Next Quarter	

Anticipated Completion Date for this Activity and Remaining Steps	
--	--

Printed Name: _____ Date: _____

Signature: _____

Title: _____

DCR Signature Approval and Date: _____

Exhibit G

EXTENSION REQUEST FORM AND INSTRUCTIONS

Virginia Department of Conservation and Recreation
Virginia Community Flood Preparedness Fund Grant Program

Request to Amend Contract between Virginia Resources Authority and Grant Recipient of the 2022 Virginia Community Flood Preparedness Fund Grant

All projects are required to be completed no later than 36 months following the issuance of a signed agreement between the applicant and VRA on behalf of the Department. A one-year extension may be granted at the discretion of the Department provided the project commenced within nine (9) months of award and such request is **received not later than 90 days prior to the expiration of the original agreement**. Requests should be emailed to cfpf@dcr.virginia.gov. If email is not available, please mail to:

Virginia Department of Conservation and Recreation
Attention: Virginia Community Flood Preparedness Fund
Division of Dam Safety and Floodplain Management
600 East Main Street, 24th Floor
Richmond, Virginia 23219

Grant Recipient: _____

Contact Name: _____

Mailing Address (1): _____

Mailing Address (2): _____

City: _____ State: _____ Zip: _____

Is this a new address? ☐ Yes ☐ No ***Has the Contact Name changed?*** ☐ Yes ☐ No

Telephone Number: (____) _____ Cell Phone Number: (____) _____

Email Address: _____

Grant Number: _____

Title of Project: _____

NFIP/DCRCID: _____

HE DEPARTMENT Use Only

Virginia Department of Conservation and Recreation	Date Approved	Date Denied
Printed Name	Title	

Reason for Denial

VRA Use Only

Virginia Resources Authority	Date Received	Date Grant Modified
Printed Name and Title		



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

Darryl Glover
Deputy Director for
Dam Safety,
Floodplain Management and
Soil and Water Conservation

Laura Ellis
Interim Deputy Director for
Administration and Finance

September 30, 2022

Kenneth Miller, Acting City Manager
135 N. Union St
Petersburg, VA 23803
kmiller@petersburg-va.org

Re: **Community Flood Preparedness Fund (CFPF)**

CY2022 Round 3 Grant Application: Grant Number: CFPF-22-03-51-S
Application Category: LI -All other Projects - Low Income Geographic
Community Name: PETERSBURG, CITY OF, CID: 510112
Primary Contact: Darryl Walker Stormwater Program Manager
Primary Contact Email Address: dwalker@petersburg-va.org
CFPF Award Amount: \$2,800,878.00
Match Amount Required: \$0.00
Total Approved Project Cost: \$2,800,878.00

Dear Kenneth Miller:

Congratulations! DCR, in consultation with the Secretary of Natural and Historic Resources, has reviewed your application for a Storm water system and your request for funding is approved as indicated above.

Special terms, condition(s) or adjustments that apply to your award or that must be satisfied prior to reimbursement are as follows:

- Match waiver approved
- Property must remain undeveloped, as permanent open space and under ownership by the county in perpetuity.

Please review the agreement documents emailed or enclosed with this communication as well as the grant manual used for application for important guidance information. Of particular note are the following requirements:

1. Virginia Resources Authority (VRA) will email Grant Agreements to recipients using the email address provided in the original application. If no email address is provided, the Grant

Agreements will be sent via U.S. mail. Recipients shall return the signed Grant Agreement ***within 90 days of receipt*** to:

Address:

Virginia Resources Authority
1111 E. Main Street, Suite 1920
Richmond, VA 23219

VRA will return the executed signature page to you via email unless otherwise requested. Grant agreements not signed and returned within 90 days will have all funds rescinded without further notice.

2. Progress reports are due quarterly and on the schedule as indicated in the grant agreement and must be submitted to cfpf@dcr.virginia.gov or other depository as determined by DCR. No reimbursement request will be processed without a quarterly progress report.
3. Grant funds may be disbursed on a quarterly basis. For low-income geographic areas, one-quarter of the grant award may be advanced upfront to the grant recipient to be offset against actual expenditures at the end of the grant award. All requests for disbursement shall be delivered to DCR for approval according to the reimbursement terms of the grant manual, using the form provided, and as outlined in the Grant Agreement. DCR shall forward the approved request to VRA for payment to the applicant. VRA will not disburse funds prior to receipt of a fully executed Grant Agreement.
4. Final reimbursement requests must be submitted within 90 days following passage of the authorized project completion date; this request must include completed and signed Reimbursement Request Form, signed Form of Requisition along with the signed Certificate of Approval Floodplain Management, proof of payment (canceled checks, bank statements, accounting system reports, etc.) and invoices to cfpf@dcr.virginia.gov or other depository as determined by DCR.
5. Projects, capacity building and planning and studies will be required to be completed after the beginning of the application period and not later than 36 months following the issuance of a signed agreement between the applicant and VRA on behalf of the Department.
6. If a project, study, capacity building or planning activity does not commence in a timely fashion to allow completion within the agreement period, funding will be withdrawn and the applicant may reapply during the next grant round, should funds be available.
7. An extension may be granted at the discretion of the Department; however, all extension requests must be received no later than 90 days prior to the expiration of the original agreement, and the approved activity must have commenced within the first nine months of the original agreement period.

8. Final project deliverables defined in the approved Scope of Work are due to the Department within 30 days following the project end date, unless another date is approved by the Department.

Again, congratulations on your selection as a grantee of the CFPF. Should you have any questions, please feel free to contact me at (804) 786-5099 or Wendy.Howard-Cooper@dcv.virginia.gov.

Sincerely,

A handwritten signature in blue ink that reads "Wendy Howard Cooper". The signature is fluid and cursive, with the first name "Wendy" being the most prominent.

Wendy Howard Cooper
Director, Dam Safety and Floodplain Management

cc: Darryl M. Glover, Deputy Director, DCR
Kimberly S. Adams, Senior Program Manager, VRA
Angela Davis, Flood Program Planner, DCR



**ACH DIRECT DEPOSIT OF GRANT DISBURSEMENTS
AUTHORIZATION AGREEMENT**

VRA is authorized to initiate credit entries to the Checking ☐ Savings ☐ account indicated below and the financial institution named below to credit the same to such account.

Bank Name:

Bank Address:

ABA / Routing Number:

Account Name:

Account Number:

This authority is to remain in full force and effect until VRA has received written notification of its termination in such time and in such manner as to afford VRA a reasonable opportunity to act on it.

By: _____

Title:

Date:

The representative listed below is the appropriate contact to which Virginia Resources Authority should direct disbursement letters and any other correspondence:

Name:	<input type="text"/>
Title:	<input type="text"/>
Address:	<input type="text"/>
Town, State, Zip:	<input type="text"/>
Phone Number:	<input type="text"/>
Email Address:	<input type="text"/>

Virginia Community Flood Preparedness Fund



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 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 February 21, 2023, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and New Light, LLC towards the sale of City-owned property at 703 Bank Street, Parcel ID- 012050017, 716 Wythe Street, Parcel ID 012330006, and 801 Bank Street, Parcel ID 012070031. (Page 75)

PURPOSE: To provide City Council with the details for the potential sale of 703 Bank Street, 716 Wythe Street, and 801 Bank 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 from New Light, LLC on November 7, 2022, to participate in the auction on GovDeals to purchase City-owned property located at 703 Bank Street which is currently a vacant residential structure. On November 8, 2022, at the conclusion of the auction, it was determined that New Light, 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 rent the units at market rate.

The proposed purchase price for 703 Bank Street is \$35,100, which is 50% of the assessed value, \$70,200. The purchaser will also pay all applicable closing costs.

The Department of Economic Development received an application from New Light, LLC on December 12, 2022, to participate in the auction on GovDeals to purchase City-owned property located at 801 Bank Street and 716 Wythe Street which are currently vacant residential lots. On December 13, 2022, at the conclusion of the auction, it was determined that New Light, 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 1200-1600 square foot two-story single- family dwelling with a minimum of three bedrooms and two bathrooms to sale at market rate.

The proposed purchase price for 716 Wythe Street is \$5,350, which is 50% of the assessed value, \$10,700. The purchaser will also pay all applicable closing costs.

The proposed purchase price for 801 Bank Street is \$4,551, which is 50% of the assessed value, \$9,102. 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 703 Bank Street is zoned B-2, business district.

Address: 703 Bank Street

Tax Map ID: 012-050017

Zoning: B-2

The zoning of the parcel at 716 Wythe Street is zoned R-3, multi-family residential.

Address: 716 Wythe Street

Tax Map ID: 012-330006

Zoning: R-3

The zoning of the parcel at 801 Bank Street is zoned B-2, business district.

Address: 716 Wythe Street

Tax Map ID: 012-070031

Zoning: B-2

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: 2/7/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

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

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. New Ligth LLC
2. Ordinance
3. Council Packet

Presentation for Council

703 Bank Street, 716 Wythe Street, 801 Bank Street

Purchase Agreement Proposal



Brian A. Moore
Director of Economic Development, Planning, and Community Development
Petersburg, Virginia
February 21, 2023

Introduction

This presentation will provide information on the proposed purchase agreement between the City of Petersburg and New Light, LLC for the purchase of City-owned property located at 703 Bank Street, 716 Wythe Street, 801 Bank Street

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Background

703 Bank Street



- Zoning – B-2
- Acreage – .054
- Current Use- Vacant Residential Structure
- Proposed Use –renovate existing structure to rent units at market rate
- Assessed Value - \$70,200
- Purchase Price-\$35,100

Background

716 Wythe Street



- Zoning – R-3
- Acreage – .134
- Current Use- Vacant Residential Lot
- Proposed Use –1200-1600 square foot two-story single-family dwelling with a minimum of three bedrooms and two bathrooms
- Assessed Value- \$10,700
- Purchase Price-\$5,350

Background

801 Bank Street



- Zoning – B-2
- Acreage – .1
- Current Use- Vacant Residential Lot
- Proposed Use –1200-1600 square foot two-story single-family dwelling with a minimum of three bedrooms and two bathrooms
- Assessed Value- \$8,400
- Purchase Price-\$4,551

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 New Light, llc for the City-owned property located at 703 Bank Street, 716 Wythe Street, 801 Bank Street.

ORDINANCE

an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and New Light, LLC towards the sale of City-owned property at 703 Bank Street, parcel ID- 012050017, 716 Wythe Street, parcel ID 012330006, and 801 Bank Street, parcel ID 012070031

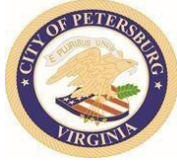
WHEREAS, the City of Petersburg has received a proposal from New Light, LLC and to purchase City-owned property at 703 Bank Street, parcel ID- 012050017, 716 Wythe Street, parcel ID 012330006, and 801 Bank Street, parcel ID 012070031; and

WHEREAS, the conveyance of this property shall be contingent upon the subsequent submission of a Development Agreement by Entrusted Visions, LLC and Abe Development, LLC accordance with the terms of the Purchase Agreement which Development Agreement must be approved by City Council by Resolution at its sole discretion within the due diligence period as outlined in the Purchase Agreement; and

WHEREAS, the potential benefits to the City include a reduction in the number of City-owned residential lots to be maintained and an 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 February 21, 2023, and

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg hereby approves Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and New Light, LLC towards the sale of City-owned property at 703 Bank Street, parcel ID- 012050017, 716 Wythe Street, parcel ID 012330006, and 801 Bank Street, parcel ID 012070031.



City of Petersburg Real Estate Application

Buyer Demographics:

Contact Name Mohammad Choudhry
Contact Address 15763 Beau Ridge Dr, Woodbridge, VA 22193
Contact Email Address shahroz@ameenare.com
Contact Phone Number 7036271352

Property you wish to bid on:

Property Address 703 Bank St, Petersburg, VA 23803

What is the intended use of the property:

Development Description-

We plan to fully rehab the property for retail sale

Buyer Experience:

Please detail experience you have in development

We work with residential and commercial properties rehabbing

Please email application to:

The Department of Economic Development

econdev@petersburg-va.org



City of Petersburg Real Estate Application

Buyer Demographics:

Contact Name Mohammad Choudhry
Contact Address 15763 Beau Ridge Dr, Woodbridge, VA 22193
Contact Email Address info@ameenare.com
Contact Phone Number 7036271202

Property you wish to bid on:

Property Address 716 Wythe St, Petersburg, VA 23803

What is the intended use of the property:

Development Description-
Build new construction

Buyer Experience:

Please detail experience you have in development
Commercial and residential real estate

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



City of Petersburg Real Estate Application

Buyer Demographics:

Contact Name Mohammad Choudhry

Contact Address 15763 Beau Ridge Dr, Woodbridge, VA 22193

Contact Email Address info@ameenare.com

Contact Phone Number 7036271352

Property you wish to bid on:

Property Address 801 Bank St, Petersburg, VA 23803

What is the intended use of the property:

Development Description-

Build new house

Buyer Experience:

Please detail experience you have in development

10 years of experince building new and rehabbing houses

Please email application to:

The Department of Economic Development

econdev@petersburg-va.org

REAL ESTATE PURCHASE AGREEMENT

Assessed Value: \$89,300

Consideration: \$45,001

Tax Map No: 012050071, 012330006, 012070031

This Real Estate Purchase Agreement (the "Agreement") is dated February 21, 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, New Light, LLC, 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: 703 Bank Street; Tax Map Number 012050017; 716 Wythe Street; 716 Wyth Street; Tax Map Number 012330006; 801 Bank Street, Tax Map Number 012070031 (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 forty five thousand one dollar (\$45,001) (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, four thousand five hundred dollars ten cent (\$4,500.10), (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) calendar 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. At or before the extinguishing of the Due Diligence Period, the Purchaser shall draft a Development Agreement in conformance with the proposal presented to City Council on February 21, 2023. Such proposal shall be reviewed by the City to determine its feasibility and consistency with the original proposal made on February 21, 2023. Approval and execution of the Development Agreement shall not be unreasonably withheld by either party, and execution of the Development Agreement by all parties shall be a condition precedent to closing on the property. The Development Agreement shall be recorded by reference in the deed of conveyance to the Property which shall include reverter to the City in the event that the Developer fails to comply with the terms of the Development Agreement.
- b. 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 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, ninety percent (90%) of the Purchase Price shall be returned to the Purchaser and ten percent (10%) 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 ninety percent (90%) of the Purchase Price shall be returned to the Purchaser and ten percent (10%) of the Purchase Price shall be disbursed to Seller from the Deposit held by Escrow Agent.

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

PURCAHSER:

New Light LLC
15763 Beau Ridge Dr
Woodbridge, VA 22193

COPY TO:


Cynthia Boone
135 N. Union St
Petersburg, VA 23803

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 orally, 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. **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.

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

PURCHASER: New Light LLC 
By: Mohammad Choudhry
Title: President
Date: 01/09/2023

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

New Light LLC

15763 Beau Ridge Dr
Woodbridge, VA 22193
703-627-1352

Jan 9, 2023

Proof Of Experience

New Light has over 10 years of experience in commercial and residential real estate. From buying and holding to rehabbing properties for sale. We have built new single family homes from the ground up. We have done complete gut rehabs. Please see our recent projects below

Property Use

703 W Bank St: The plan is to rehab the property completely and rent out the units.

716 Wythe Street: Build a two story single family house for sale

801 Bank Street: Build a two story single family house for sale.

Proof of Finances

Please see proof of funds for purchase and rehab cost.

Construction

703 W Bank St

Overview

New light LLC will hire a structural engineer to review the leaked roof and all of the framing of the property. Pull all necessary city permits. Install new roof, new plumbing as needed, new electrical as needed.

New HVAC units, mold removal services, drywall replacement as needed, new bathrooms, new kitchens, new doors, new flooring, new windows, new exterior siding as needed.

Landscaping, cutting all tree branches or trees on the property, fixing the driveway for parking

Cost

We are estimating the cost to rehab the property at \$100,000.

Timeline

We estimate the rehab to take six months from the start date.

716 Wythe Street - Residential Lot

Overview

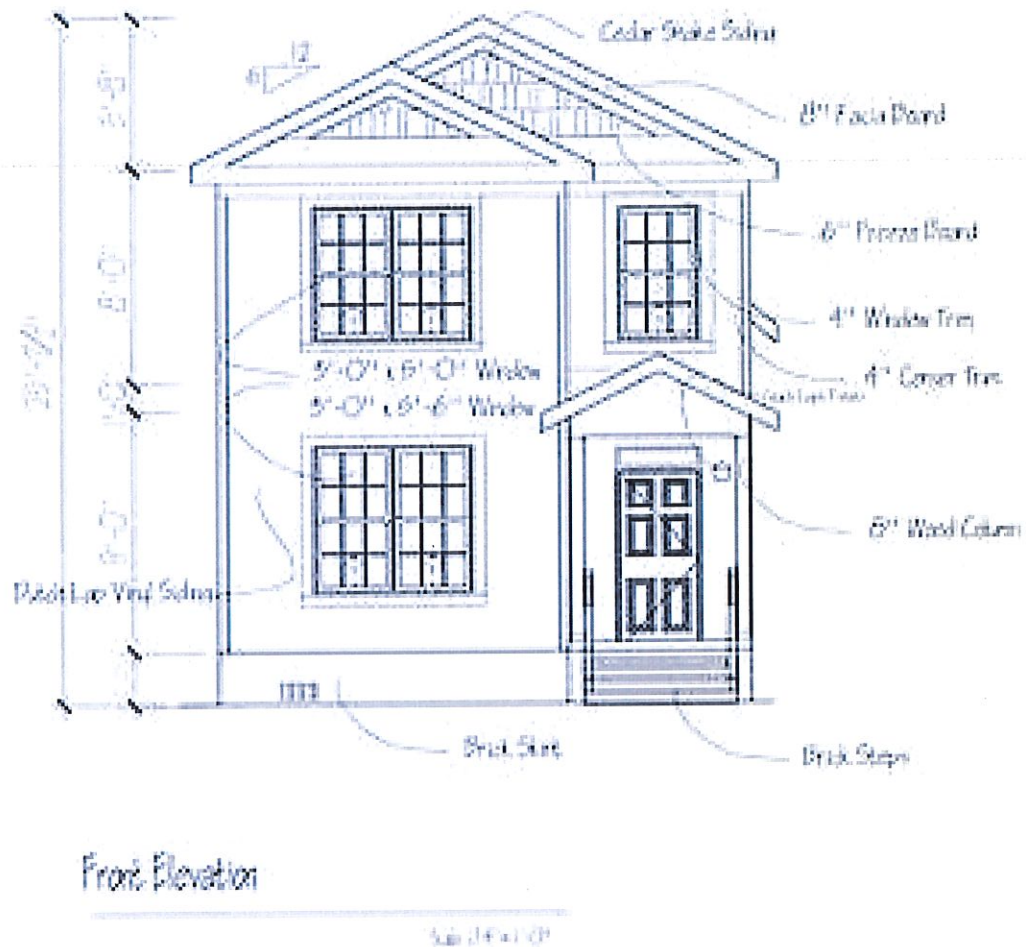
New light LLC will hire a surveyor to complete a full survey of the lot and accordingly with city guidelines build a two story single family house. We plan on building a 1200-1600 square foot house with a minimum of three bedrooms and two bathrooms. We will provide a detailed architectural drawing of the structure for approval.

Cost

We are estimating the cost to build a new house is \$140,000 to \$160,000

Timeline

We estimate the project to take 12 months to finish from the start date.



801 Bank Street - Residential Lot

Overview

New light LLC will hire a surveyor to complete a full survey of the lot and accordingly with city guidelines build a two story single family house. We plan on building a 1200-1600 square foot house with a minimum of three bedrooms and two bathrooms. We will provide a detailed architectural drawing of the structure for approval.

Cost

Pictures of Recent Projects

Baltimore, MD Commercial Warehouse

Installed new roof, installed AC units, fixed the joists of the entire building, created new driveway, installed commercial garage door

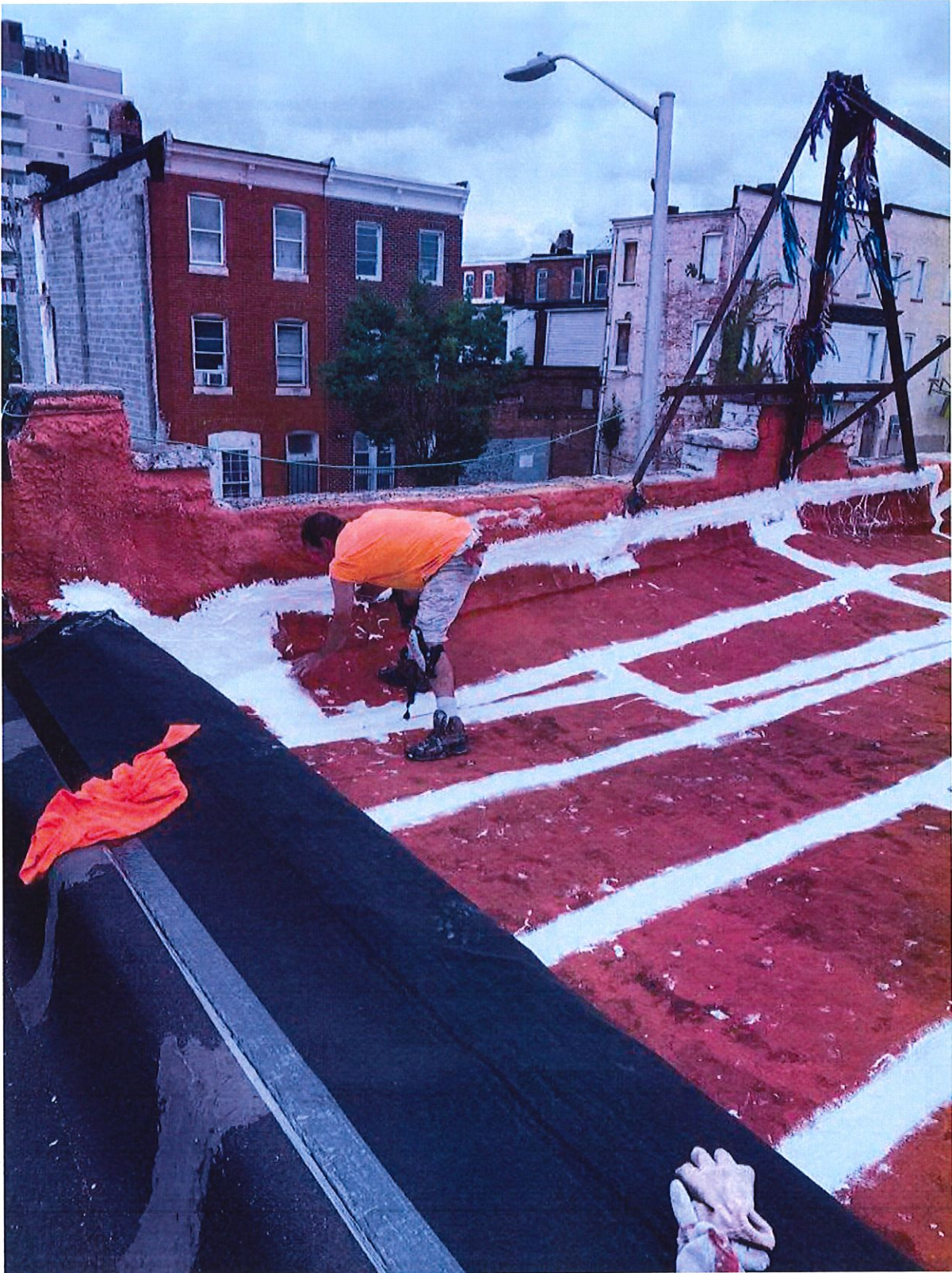












Petersburg, VA Residential House

Installed a new HVAC system, fixed all the drywall, new paint, new appliances, new carpets.











Northern Virginia Rehabs

<https://www.homesnap.com/VA/Woodbridge/14814-Dixon-Court>









Working on new construction

<https://www.homesnap.com/VA/Fredericksburg/9617-Leavells-Road>





Petersburg, Virginia

Parcel: 012330006

Summary

Owner Name	CITY OF PETERSBURG	National Historic District:	
Owner Mailing Address	135 N. Union St Petersburg , VA 23803	Enterprise Zone:	
Property Use	100	Opportunity Zone:	51730810100
State Class:	7 Exempt Local	VA Senate District:	16
Zoning:	R-3	Va House District:	63
Property Address	716 E WYTHE ST Petersburg , VA	Congressional District:	4
Legal Acreage:	.134	City Ward:	1
Legal Description:	LOTS E & GW.J. MOORE PLAT	Polling Place:	Blandford Academy
Subdivision:	Moore	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8101
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):		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
	2/6/2007	\$8,000	2007/774

Assessments

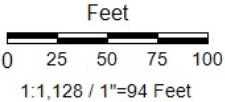
Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$10,700	\$10,700	\$10,700	\$10,700	\$10,700
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$10,700	\$10,700	\$10,700	\$10,700	\$10,700

Property Tax (Coming Soon)

Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 012330006

Date: 1/18/2023

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

Petersburg, Virginia

Parcel: 012070031

Summary

Owner Name	CITY OF PETERSBURG	National Historic District:	
Owner Mailing Address	135 N. Union St Petersburg , VA 23803	Enterprise Zone:	
Property Use	100	Opportunity Zone:	51730810100
State Class:	7 Exempt Local	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	801 BANK ST Petersburg , VA	Congressional District:	4
Legal Acreage:	.1	City Ward:	1
Legal Description:	LTS 1 & 2 BRUNER PLAT	Polling Place:	Blandford Academy
Subdivision:	Bruner	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8101
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):		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
	4/4/2006	\$7,700	2006/1626

Assessments

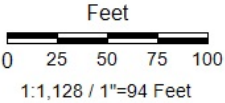
Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$8,400	\$8,400	\$8,400	\$8,400	\$8,400
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$8,400	\$8,400	\$8,400	\$8,400	\$8,400

Property Tax (Coming Soon)

Petersburg, Virginia

Legend

-  County Boundaries
-  Parcels



Parcel #: 012070031

Date: 1/18/2023

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Petersburg, Virginia

Parcel: 012050017

Summary

Owner Name	CITY OF PETERSBURG	National Historic District:	
Owner Mailing Address	135 N. Union St Petersburg , VA 23803	Enterprise Zone:	
Property Use	101	Opportunity Zone:	51730810100
State Class:	7 Exempt Local	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	703 BANK ST Petersburg , VA	Congressional District:	4
Legal Acreage:	.054	City Ward:	1
Legal Description:	ANDREWS PLAT 35.7X66.5ON CRATER ROAD 8.5X36.5	Polling Place:	Blandford Academy
Subdivision:	Old Blandford	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8101
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	1,944	Shed:	
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	2
Enclosed Porch:	100	Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	50%

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	2/28/2012	\$0	2012/523
HARRIS RICKY A/SPEC COMM	2/28/2012	\$0	2012/0523

Assessments

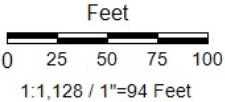
Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$4,800	\$4,800	\$4,800	\$4,800	\$4,900
Improvement Value	\$64,000	\$64,000	\$64,000	\$64,000	\$65,300
Total Value	\$68,800	\$68,800	\$68,800	\$68,800	\$70,200

Property Tax (Coming Soon)

Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 012050017

Date: 1/18/2023

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Proposal to Purchase City-Owned Property



Purchaser									
Project Name	New Light LLC								
Property Address	703 Bank Street, 801 Bank Street, 716 Wythe Street								
Parcel Number									
Year Constructed									
Project Developer	New Light LLC								
Contact Name	Mohammad Chourdry								
Address	15763 Beau Ridge, Dr 7036271352								
	Woodbridge, VA 22193								
Email	shahroz@ameenare.com								
Experience/Qualifications	10 years experience								
Development Description	703 Bank Street- Renovate Structure 801 Bank Street and 716 Wythe Street- construct two-story single family dwelling								
Offered Purchase Price	\$89,300			Construction Costs	\$		420,000.00		
				Total Investment	\$		509,300.00		
Description of Financing (%)	self								
Community Benefit	improvements to area by maintenance of a vacant lot								
Due Diligence Period (days)	120								
Construction Start Date					Completion Date	12 months			
Number of Projected Jobs	Temp/Const. Jobs				Permanent Jobs				
Average Wage									
Contingencies									
City Assessment									
Outstanding Obligations									
Proposed Land Use	Residential Lot			Yes	No				
Comp Plan Land Use				Conformance	Yes				
Zoning	R3, B2			Conformance	Yes				
Enterprise Zone	NA				Yes				
Rehab/Abatement	Yes								
New Construction	Yes								
Historic District									
Assessed Value	\$		178,600.00		Appraised Value	\$		-	
								Date	
City Revenue from Sale	\$		(89,300.00)						
Projected Tax Revenue	Abatement		Year 1		Year 5		Year 20		
Real Estate Tax	\$	-	\$	2,268.22	\$	11,341.10	\$	108,362.75	
Personal Property Tax	\$	-	\$	-	\$	-	\$	-	
Machinery and Tools Tax	\$	-	\$	-	\$	-	\$	-	
Sales and Use Tax	\$	-	\$	-	\$	-	\$	-	
Business License Fee	\$	-	\$	-	\$	-	\$	-	
Lodging Tax	\$	-	\$	-	\$	-	\$	-	
Meals Tax	\$	-	\$	-	\$	-	\$	-	
Other Taxes or Fees	\$	-	\$	-	\$	-	\$	-	
Total	\$	-	\$	2,268.22	\$	11,341.10	\$	108,362.75	
Total Tax Revenue			\$	2,268.22	\$	11,341.10	\$	108,362.75	
Waivers & Other Costs to the City			\$	-	\$	-	\$	-	
City ROI (Revenue - Cost)	\$	-	\$	2,268.22	\$	11,341.10	\$	108,362.75	
Staff Recommendation									
Last Use Public					Comm. Review Date				
Council Decision					Council Review Date				
Disposition Ord #					Ord Date				



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 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 February 21, 2023, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Properties Remembered towards the sale of City-owned property at 417 Jefferson Street, parcel ID 022390008. (Page 124)**

PURPOSE: To provide City Council with the details for the potential sale of 417 Jefferson 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 from Properties Remembered on September 8, 2022, to participate in the auction on GovDeals to purchase City-owned property located at 417 Jefferson Street, which is currently a vacant residential lot. On October 11, 2022, at the conclusion of the auction, it was determined that Properties Remembered 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 for rent.

The proposed purchase price for 417 Jefferson Street is \$7100, which is 77.17% of the assessed value, \$9,200. The purchaser will also pay all applicable closing costs.

Property Information

The zoning of the parcel at 417 Jefferson Street is zoned R-3, multifamily residential.

Address: 417 Jefferson Street
 Tax Map ID: 022-390008
 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: 2/7/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

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

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 417 Jefferson Street
2. Ordinance
3. 417.421 Jefferson Street. Petersburg Auction Application
4. 417 Jefferson Street Purchase Agreement
5. 417 Jefferson Street Tax Map
6. 417 Jefferson Street Assessment
7. 417 S. Jefferson Building Plan View
8. 417 S. Jefferson Building Section
9. 20200116_155207
10. 20200116_155918
11. 20200610_100200
12. 20201031_142125
13. Rehab Progress photo

Presentation for Council 417 Jefferson Street Purchase Agreement Proposal



Brian A. Moore
Director of Economic Development, Planning, and Community Development
Petersburg, Virginia
February 21, 2023

Introduction

This presentation will provide information on the proposed purchase agreement between the City of Petersburg and Properties Remembered for the purchase of City-owned property located at 417 Jefferson Street.

Background



- Zoning – R3
- Acreage – .172
- Current Use- Vacant Residential Lot
- Proposed Use – 2000 square foot single family dwelling with three bedrooms and two bathrooms
- Assessed value- \$9,200
- Purchase Price-\$7,100

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 Properties Remembered for the City-owned property located at 417 Jefferson Street.

ORDINANCE

A request to hold a public hearing on February 21, 2023, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Properties Remembered towards the sale of City-owned property at 417 Jefferson Street, parcel ID 022390008.

WHEREAS, the City of Petersburg has received a proposal from Properties Remembered to purchase City-owned property at 417 Jefferson Street, parcel ID 022390008; and

WHEREAS, the conveyance of this property shall be contingent upon the subsequent submission of a Development Agreement by Entrusted Visions, LLC and Abe Development, LLC accordance with the terms of the Purchase Agreement which Development Agreement must be approved by City Council by Resolution at its sole discretion within the due diligence period as outlined in the Purchase Agreement; and

WHEREAS, the potential benefits to the City include a reduction in the number of City-owned residential lots to be maintained and an 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 February 21, 2023, and

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg hereby approves Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Properties Remembered towards the sale of City-owned property at 417 Jefferson Street, parcel ID 022390008.



City of Petersburg Real Estate Application

Buyer Demographics

Contact Name: Properties Remembered

Contact Address: 29 Franklin Street, Unit 2473, Petersburg, VA 23804

Contact Email Address: PropertiesRemembered@gmail.com

Contact Phone Number: 718-864-2471

Real Estate Information

Property Address: **-417 JEFFERSON ST., Petersburg, VA 23803**

-421 JEFFERSON ST., Petersburg, VA 23803

Parcel Number: **- 022-390008** **-022-390009**

Project Details

Development Description-

With the approval of necessary plans and permits, we intend to develop a building on each parcel so that it can be occupied for residential use as allowed in the zoning ordinances.

Construction Costs- \$180,000

(Buyer agrees that construction of a residential home on the property must start within 9 months after the date of transfer on the deed and must be completed within 12 months after that date. The date of completion of construction under this term shall be the date that a certificate of occupancy has been issued for the home)

Description of Financing (%) - 30-50% of project cost may be financed

(Please note that proof of financial wherewithal to complete project will be required prior to the sale of property)

Community Benefit-

This development will contribute to community development and improvement. This will provide the opportunity to improve living conditions for the occupants and the surrounding neighborhood. Developing properties will contribute to an increase in property value and real estate tax revenue. Additionally, we hire local contractors in order to contribute to the stimulation of employment in the Petersburg community.

Job Creation: Yes, during construction.

Construction Timeline- 12-month, contingent upon plans, permits, and construction conditions

Buyer Experience

Please detail experience you have in development

We have previously fully developed properties and fully restored historic homes throughout Petersburg. We also have experience conducting extensive renovations that include every component of construction. We have a team of licensed and qualified contractors that have experience in residential and commercial construction (new and existing construction).

Please email application to:

The Department of Economic Development

econdev@petersburg-va.org

REAL ESTATE PURCHASE AGREEMENT

Assessed Value: \$9,200

Consideration: \$7,100

Tax Map No: 022390008

This Real Estate Purchase Agreement (the "Agreement") is dated February 21, 2022, between the CITY OF PETERSBURG, a municipal corporation of the Commonwealth of Virginia, hereinafter referred to as "Seller" and party of the first part, Properties Remembered, 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: 417 Jefferson Street; Tax Map Number 022390008 (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 seven thousand one hundred dollars (\$7,100) (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, seven hundred ten dollars (\$710), (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) calendar 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. At or before the extinguishing of the Due Diligence Period, the Purchaser shall draft a Development Agreement in conformance with the proposal presented to City Council on February 21, 2023. Such proposal shall be reviewed by the City to determine its feasibility and consistency with the original proposal made on February 21, 2023. Approval and execution of the Development Agreement shall not be unreasonably withheld by either party, and execution of the Development Agreement by all parties shall be a condition precedent to closing on the property. The Development Agreement shall be recorded by reference in the deed of conveyance to the Property which shall include reverter to the City in the event that the Developer fails to comply with the terms of the Development Agreement.
- b. 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 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, ninety percent (90%) of the Purchase Price shall be returned to the Purchaser and ten percent (10%) 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 ninety percent (90%) of the Purchase Price shall be returned to the Purchaser and ten percent (10%) of the Purchase Price shall be disbursed to Seller from the Deposit held by Escrow Agent.

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

PURCAHSER:

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 orally, 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. **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.

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

PURCHASER: _____

By: _____, _____

Title: _____

Date: _____

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

Petersburg, Virginia

Parcel: 022390008

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:	51730811300
State Class:	7 Exempt Local	VA Senate District:	16
Zoning:	R-3	Va House District:	63
Property Address	417 JEFFERSON ST Petersburg , VA	Congressional District:	4
Legal Acreage:	.172	City Ward:	4
Legal Description:	50 X 150	Polling Place:	Union Train Station
Subdivision:	Bolling (Central Park)	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8108
Local Historic District:		Elementary School:	Cool Springs
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):		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
	5/15/1991	\$4,200	487/240

Assessments

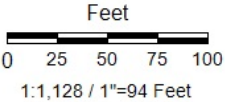
Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$9,200	\$9,200	\$9,200	\$9,200	\$9,200
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$9,200	\$9,200	\$9,200	\$9,200	\$9,200

Property Tax (Coming Soon)

Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 022390008

Date: 1/18/2023

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.

Proposal to Purchase City-Owned Property



Purchaser									
Project Name	417 Jefferson Street								
Property Address	417 Jefferson Street								
Parcel Number	022-390008								
Year Constructed									
Project Developer	Properties Remembered								
Contact Name	Caron Nazario								
Address	29 Franklin Street							718-864-2471	
	Petersburg, VA								
Email	propertiesremembered@gmail.com								
Experience/Qualifications									
Development Description	single family residential dwelling								
Offered Purchase Price	\$7,100			Construction Costs	\$		230,000.00		
				Total Investment	\$		237,100.00		
Description of Financing (%)	investors								
Community Benefit	improvements to area by maintenance of a vacant lot								
Due Diligence Period (days)	120								
Construction Start Date					Completion Date	12 months			
Number of Projected Jobs	Temp/Const. Jobs				Permanent Jobs				
Average Wage									
Contingencies									
City Assessment									
Outstanding Obligations									
Proposed Land Use	Residential Lot			Yes	No				
Comp Plan Land Use				Conformance	Yes				
Zoning	R3			Conformance	Yes				
Enterprise Zone	NA				Yes				
Rehab/Abatement	NA								
New Construction	Yes								
Historic District									
Assessed Value	\$		9,200.00		Appraised Value	\$		-	
								Date	
City Revenue from Sale	\$		(2,100.00)						
Projected Tax Revenue	Abatement		Year 1		Year 5		Year 20		
Real Estate Tax	\$	-	\$	116.84	\$	584.20	\$	45,751.75	
Personal Property Tax	\$	-	\$	-	\$	-	\$	-	
Machinery and Tools Tax	\$	-	\$	-	\$	-	\$	-	
Sales and Use Tax	\$	-	\$	-	\$	-	\$	-	
Business License Fee	\$	-	\$	-	\$	-	\$	-	
Lodging Tax	\$	-	\$	-	\$	-	\$	-	
Meals Tax	\$	-	\$	-	\$	-	\$	-	
Other Taxes or Fees	\$	-	\$	-	\$	-	\$	-	
Total	\$	-	\$	116.84	\$	584.20	\$	45,751.75	
Total Tax Revenue			\$	116.84	\$	584.20	\$	45,751.75	
Waivers & Other Costs to the City			\$	-	\$	-	\$	-	
City ROI (Revenue - Cost)	\$	-	\$	116.84	\$	584.20	\$	45,751.75	
Staff Recommendation									
Last Use Public					Comm. Review Date				
Council Decision					Council Review Date				
Disposition Ord #					Ord Date				



BUILDING PLAN VIEW

417 S. JEFFERSON ST

24'

50'

REAR YARD

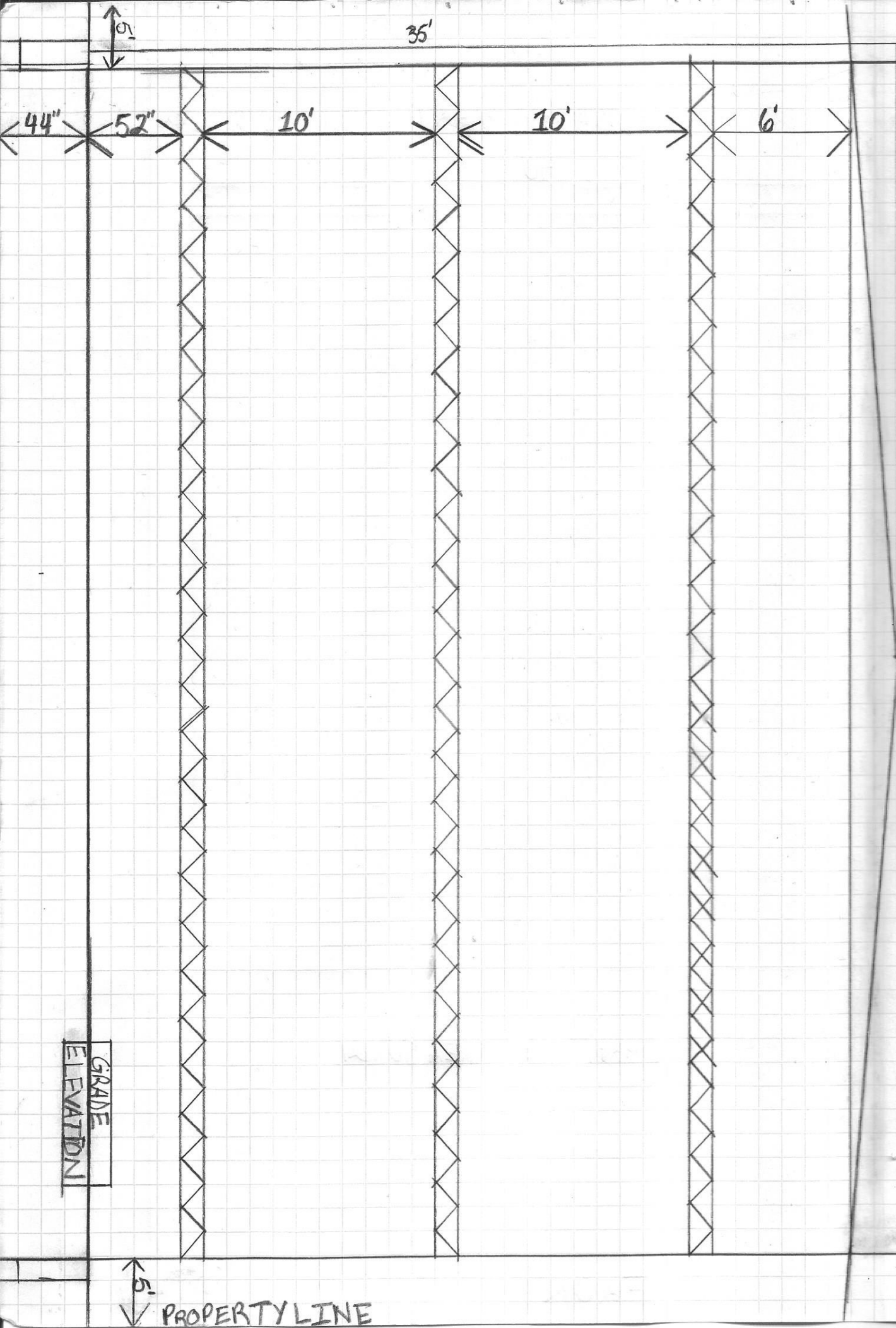
40'

PARKING AREA 50'x21'

FRONT

417 S. JEFFERSON ST.

BUILDING SECTION











CITY of PETERSBURG

Department of Neighborhood Services
Code Compliance Division
Operations Manual





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Reginald Tabor

RE: A request to schedule a Public Hearing and consideration of an Ordinance authorizing the vacation of Right of Way along River Street between 3rd Street and 5th Street. (Page 153)

PURPOSE: To request to schedule a public hearing on February 21, 2023, and consideration of an Ordinance approving the vacation of Right of Way.

REASON: To comply with applicable procedures and laws regarding the consideration of 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.

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 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 is requesting the vacation of 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.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Real Estate Tax revenue and revenue from use of the property.

CITY COUNCIL HEARING DATE: 2/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor, Public Works, Police, Fire, Fire Marshal, Planning and Community Development.

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Ordinance authorizing the sale of property at 277 River Street.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0223_2022JJRPUpdatedProposed
2. 0207_2023OrdinanceVacationROWRiverSt
3. 0914_2022FINALHarborRedevelopmentTIA



Joseph Jenkins Roberts Park

Proposed Conditions

Program Key

Proposed Action

- P1 Dredge Waterway
- P2 Close Joseph Jenkins Roberts Road
- P3 Provide Parking
- P4 Protective Fencing at Railway
- P5 Open Lawn for Large Gatherings
- P6 Repurpose Concrete Pad
- P7 Clear Vegetation for Park Usage
- P8 Clear Vegetation for Water Access
- P9 Create Space for Temporary Events

Proposed Activities

- Concerts
- Dog Park / Dog Run
- Courts
- Community Events
- Fireworks
- Water Access
- Recreation Trails

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETERSBURG
APPROVING THE RIGHT OF WAY VACATION AND THE CLOSURE OF
RIVER STREET BETWEEN 3RD STREET AND 5TH STREET**

WHEREAS, 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; and

WHEREAS, the sale of the property has been completed, and the property was transferred to the new owner; and

WHEREAS, the property owner/developer owns property located at 240 River Street to the South of River Street, and 277 River Street to the North of River Street; and

WHEREAS, the property owner/developer is requesting the vacation of City Right of Way (ROW) on River Street, between 3rd Street and 5th Street, to facilitate the planned event space use; and

WHEREAS, the vacation would result in closure of the roadway along River Street between 3rd Street and 5th Street; and

WHEREAS, during the May 3, 2022, City Council Meeting, the City Council requested reports on the impact of the proposed ROW vacation on Street, Public Works and Public Safety; and

WHEREAS, the property owner/developer has submitted a Traffic Impact Assessment (TIA) completed by a qualified engineering consultant to illustrate traffic circulation following the proposed street vacation/closure and traffic impacts of planned events; and

WHEREAS, the TIA found that 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, and 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; and

WHEREAS, the TIA recommends that officer control be utilized to help drivers exit from Bridge Street onto U.S. 301.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg does hereby approve the vacation of the Right of Way along river street between 3rd street and 5th street.

BE IT FURTHER ORDAINED, that mitigation is required for right of way vacation impacts in accordance with the conditions and recommendations of the September 2022 “Harbor Redevelopment Traffic Impact Analysis” prepared by Gorove Slade Transportation Planners and Engineers, and any deviations will have to be approved by the City of Petersburg.

Traffic Impact Analysis

Harbor Redevelopment

Petersburg, Virginia

September 2022



Prepared for:

Waukeshaw Development, Inc.

245 E. Bank Street

Petersburg, Virginia 23802

GOROVE SLADE

Transportation Planners and Engineers

Introduction

Waukeshaw Development, Inc. is proposing to establish a festival / special event site on property they own on the north side of River Street / Joseph Jenkins Roberts Street across from 3rd Street. They envision holding several events throughout the year, such as concerts, wine festivals, and fireworks shows. As part of the development plan, they are proposing to remove River Street between 3rd Street and 5th Street to make the property more suitable for events. This Traffic Impact Analysis (TIA) is based on our meeting with the City on July 14.

We are assuming the largest events will draw approximately 2,500 people, but most events will be much smaller. To be conservative, we analyzed 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, we expect approximately 1,000 vehicles to be parked near the site for the largest events. The team has identified four large parking areas that can be used:

- Grass / gravel lot on the west side of Sapony Street
- Grass / gravel lot between Joseph Jenkins Roberts Street and the U.S. 301 overpass
- Asphalt lot on the north side of River Street west of U.S. 301
- 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. 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:

- U.S. 301 at Bridge Street
- Bollingbrook Street at 3rd Street
- River Street at 3rd Street
- River Street at Joseph Jenkins Roberts Street

Figure 1 shows the site location and study intersections.



Figure 1: Site Location and Study Intersections

Existing (2022) Conditions

Existing Roadway Network

U.S. 301 (Boulevard) is a four-lane Principal Arterial with a current average daily traffic (ADT) volume of 15,000 vehicles per day (vpd) and a posted speed limit of 25 mph.

Bollingbrook Street is a two-lane Minor Arterial with a current ADT volume of 4,100 vpd and an unposted speed limit.

3rd Street is a two-lane Major Collector with a current ADT volume of 410 vpd and an unposted speed limit.

River Street is a two-lane roadway that includes segments that are classified as Minor Collector and Major Collector with a current ADT volume of 200 vpd and a posted speed limit of 25 mph.

The existing lane configuration is shown in Figure 2.

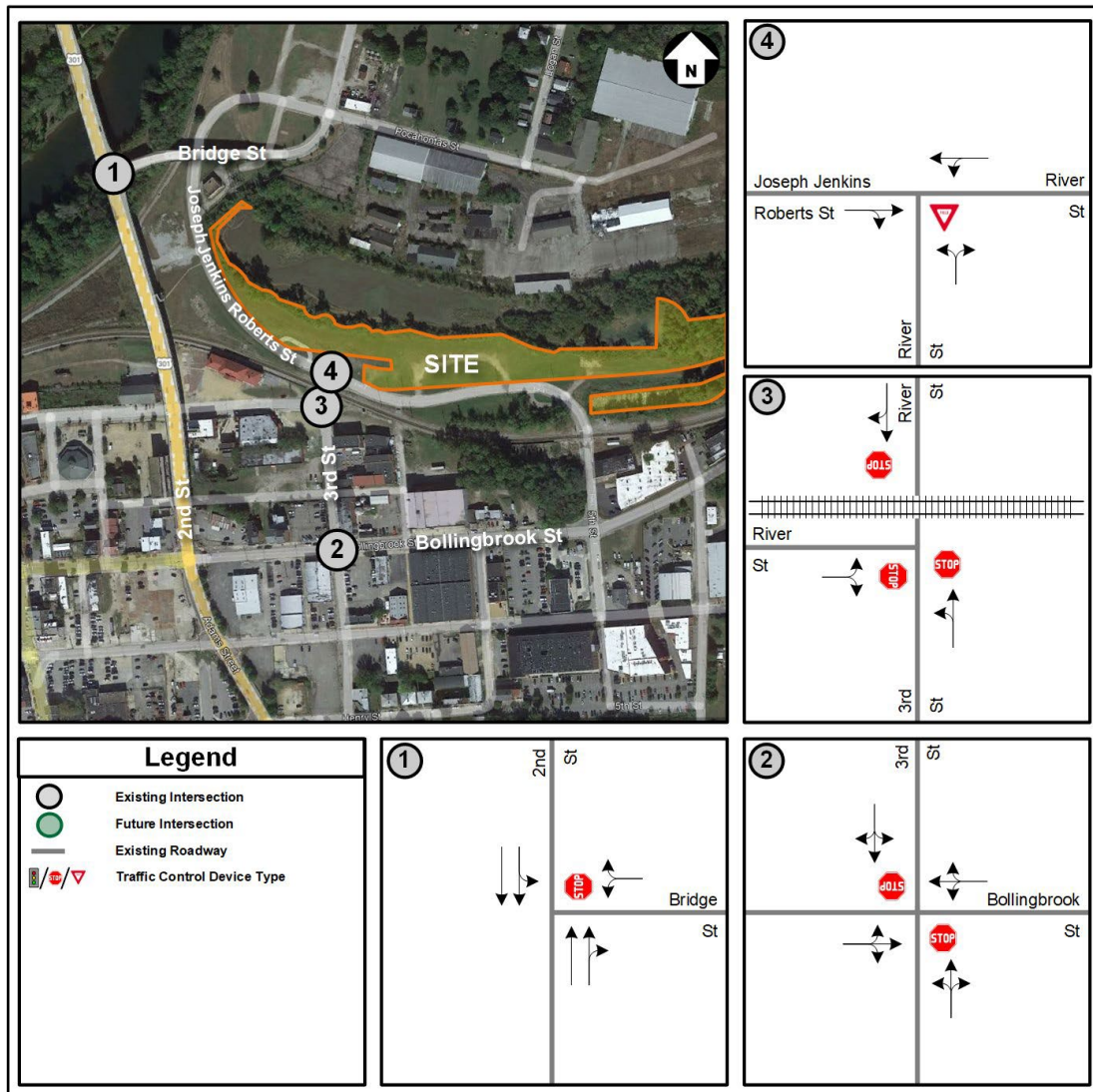


Figure 2: Existing Lane Configuration

Existing Pedestrian and Bicycle Accommodations

There are currently no bus stops or bicycle lanes in the vicinity of the site. Sidewalks are present along all roadways in the study area except Joseph Jenkins Roberts Road.

Existing (2022) Traffic Volumes

Turning movement counts for the Saturday evening peak hour (9:30 to 11:30 PM) were conducted by Burns Services, Inc. on June 30, 2022 at the following intersections:

- U.S. 301 at Bridge Street
- Bollingbrook Street at 3rd Street
- 3rd Street at River Street
- Joseph Jenkins Roberts Street at River Street

The existing Saturday evening peak hour volumes are shown in Figure 3.

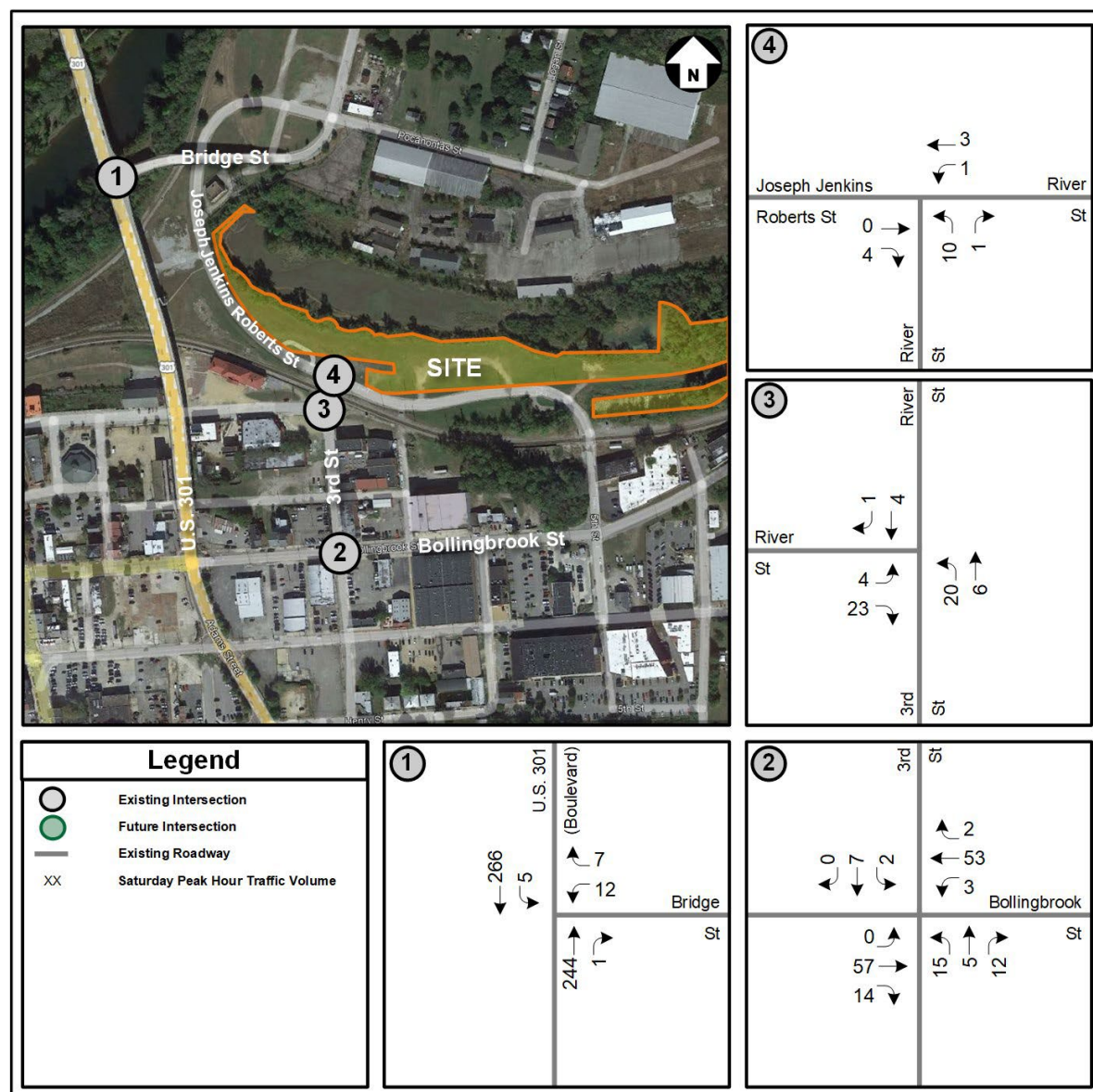


Figure 3: Existing 2022 Saturday Evening Peak Hour Traffic Volumes

Build (2025) Conditions

Regional Growth

To be conservative, the existing traffic volumes were increased by 1.0% per year for three years to estimate the projected 2025 traffic volumes.

Event Trips

Since the festival space will be used for a variety of events, the site generated trips were considered based on the available parking spaces associated with the site. Figure 4 shows the four large parking areas that will be used for large events.

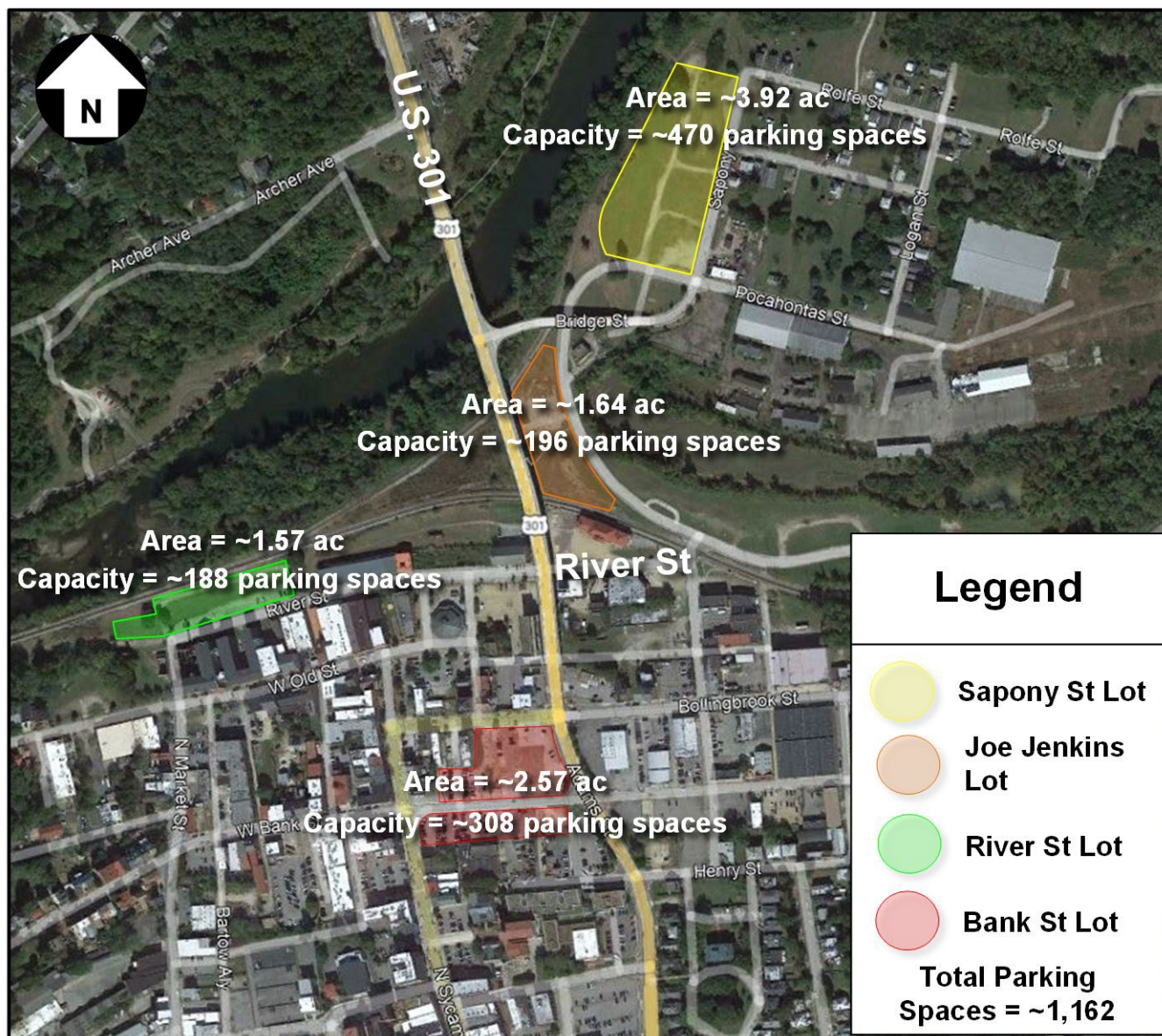


Figure 4: Parking Areas and Capacities

Each parking area was evaluated on a conceptual level to determine an approximate amount of parking spaces that would be available in each section. It was assumed that one acre can accommodate approximately 120 parked vehicles.

Event Traffic Distribution

For the purposes of this analysis, only the outbound trips were included in the analysis. Patrons are expected to arrive in a staggered manner, however once the event ends, it is assumed that all patrons will attempt to leave around the same time.

Then, each area was given a separate trip distribution to disperse the vehicles throughout downtown based on Google Map directions and some engineering judgement accounting for potential alternate routes through the grid network. In order to create a more comprehensive depiction of the site trips, the exiting vehicle pathways are included in the Appendix. The trip distributions for Areas 1 – 4 are shown in Figure 5 through Figure 6. The trip assignments are shown in Figure 9 through Figure 12. The total trips are shown in Figure 13.

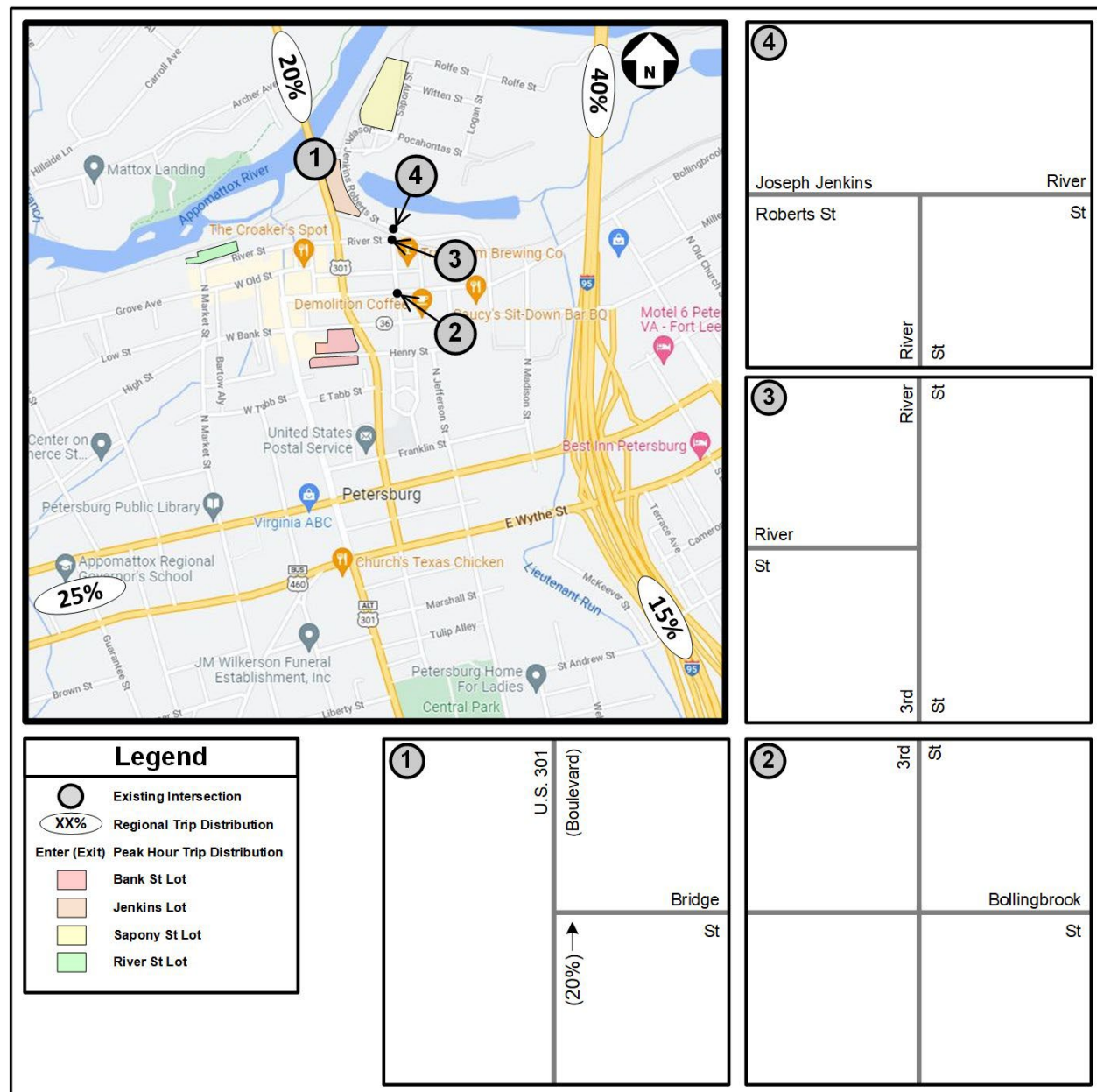


Figure 5: Bank Street Lot Vehicle Distribution

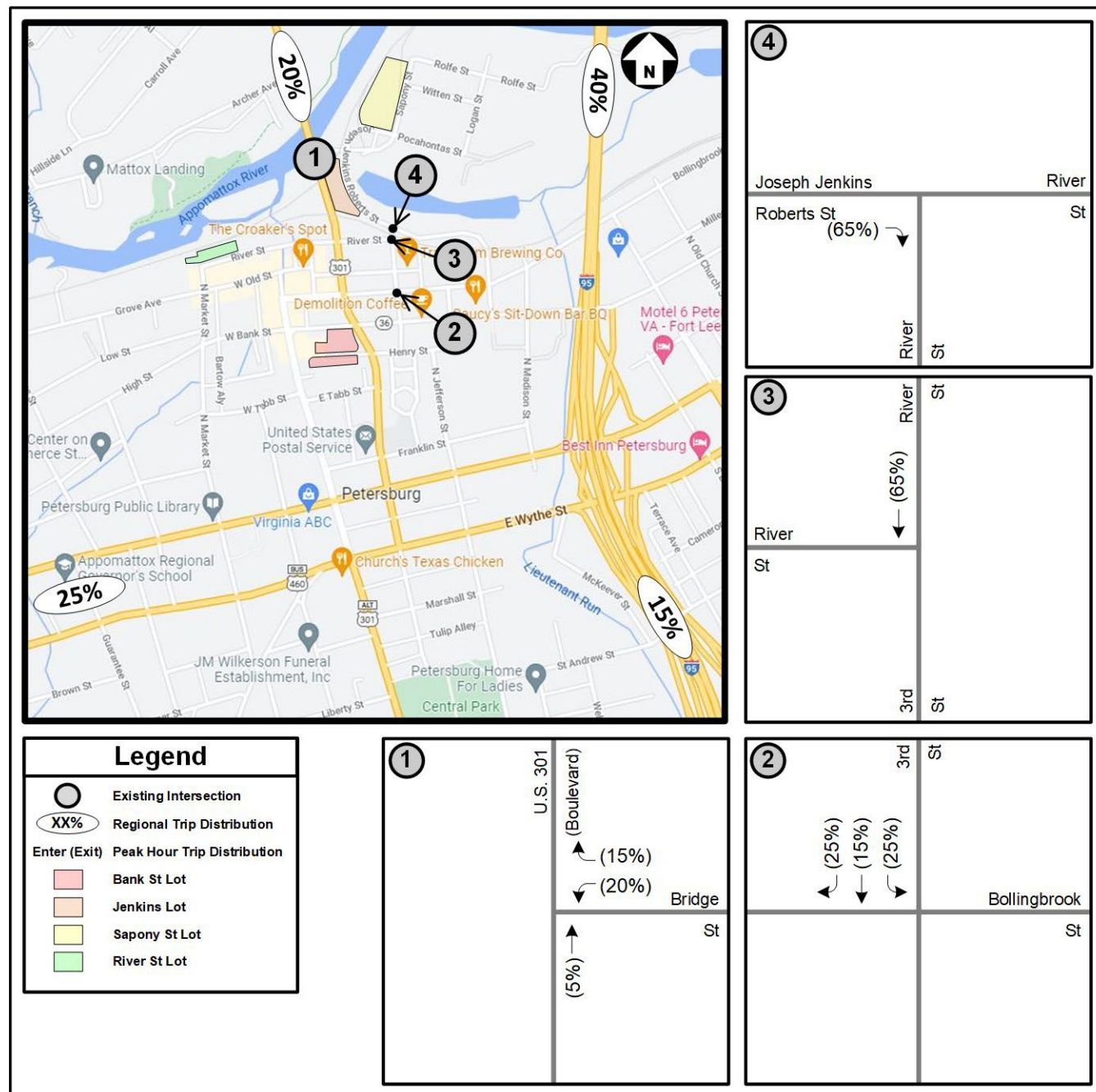


Figure 6: Joseph Jenkins Roberts Street Lot Vehicle Distribution

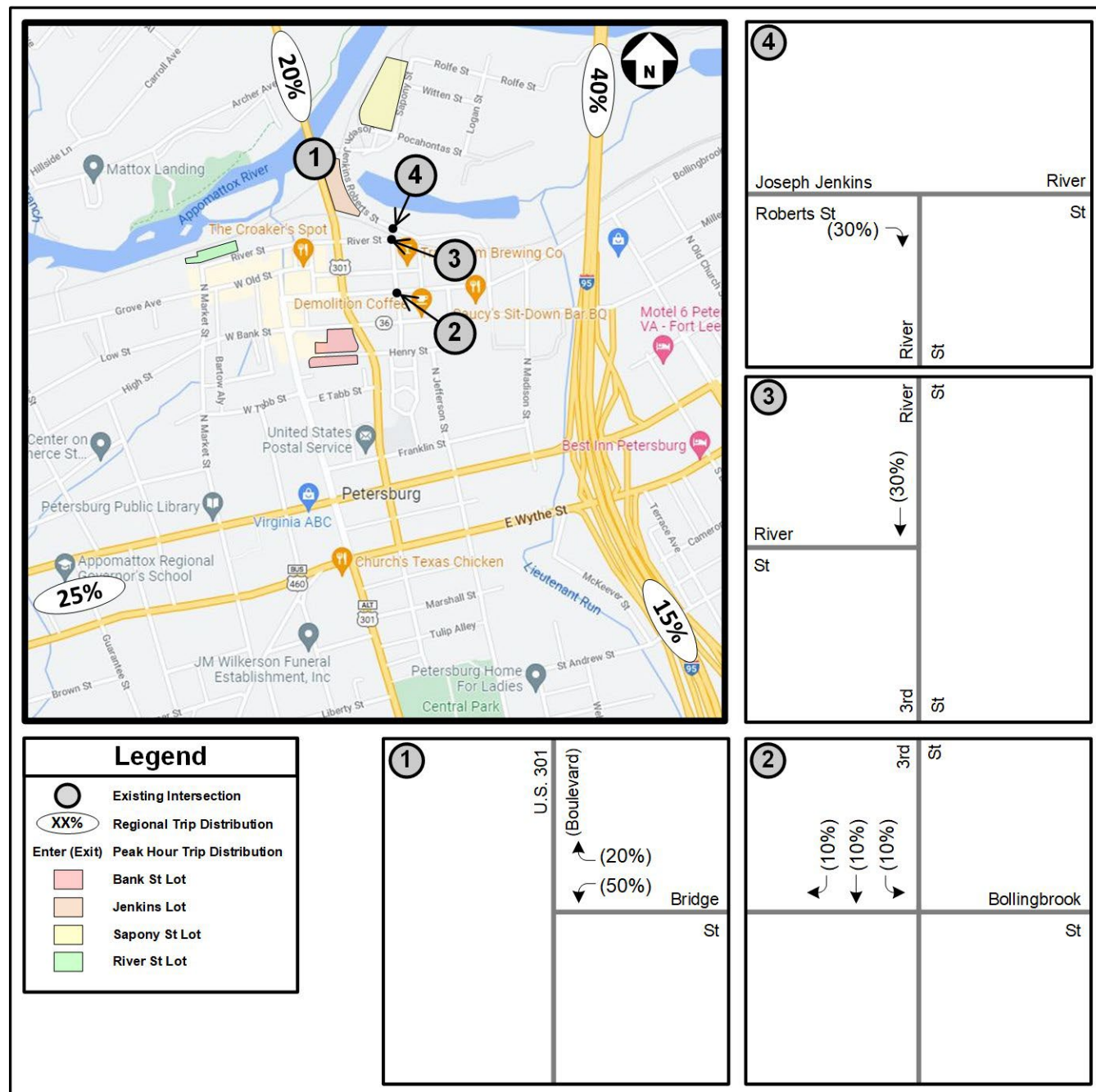


Figure 7: Sapony Street Lot Vehicle Distribution

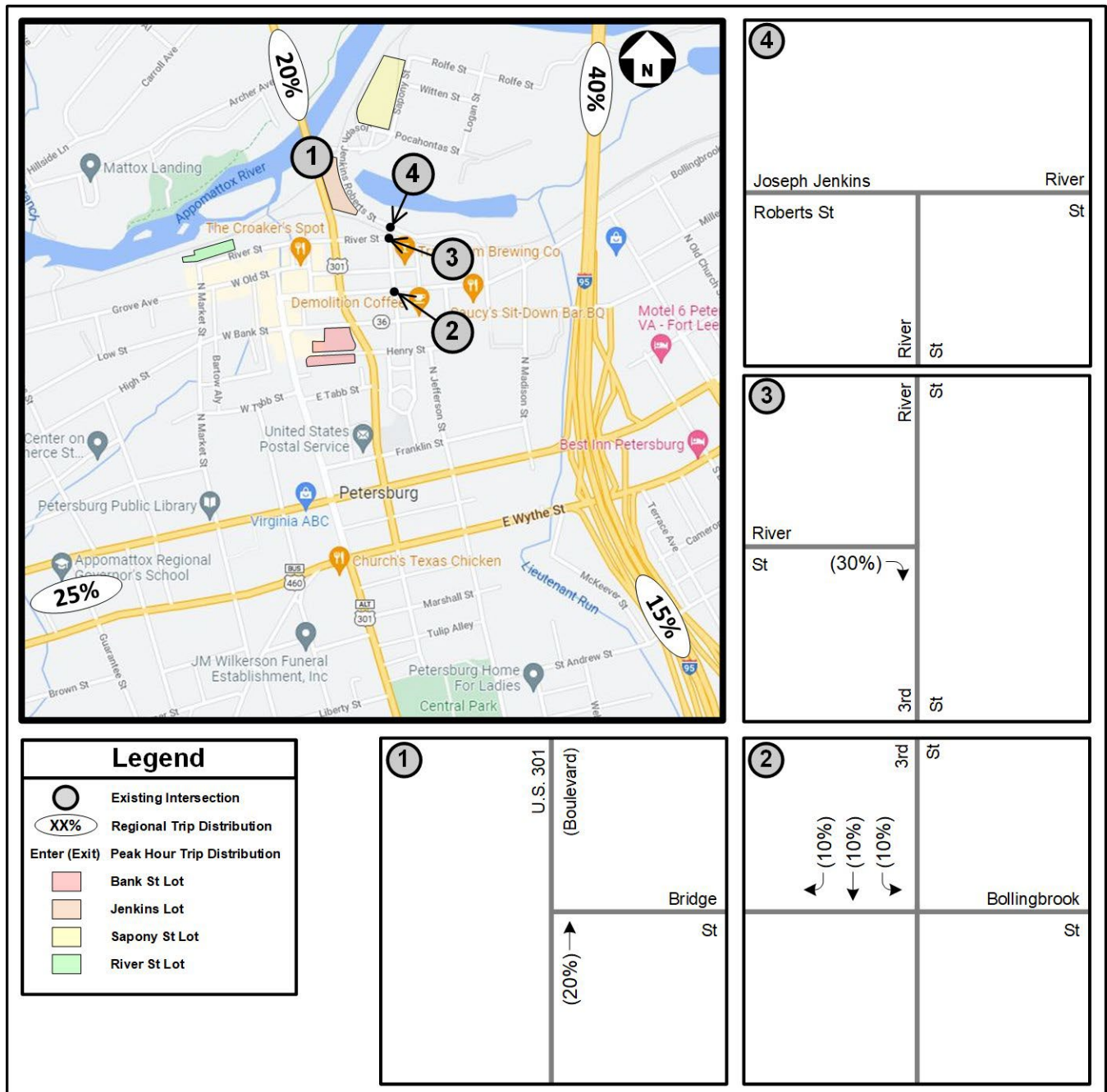


Figure 8: River Street Lot Vehicle Distribution

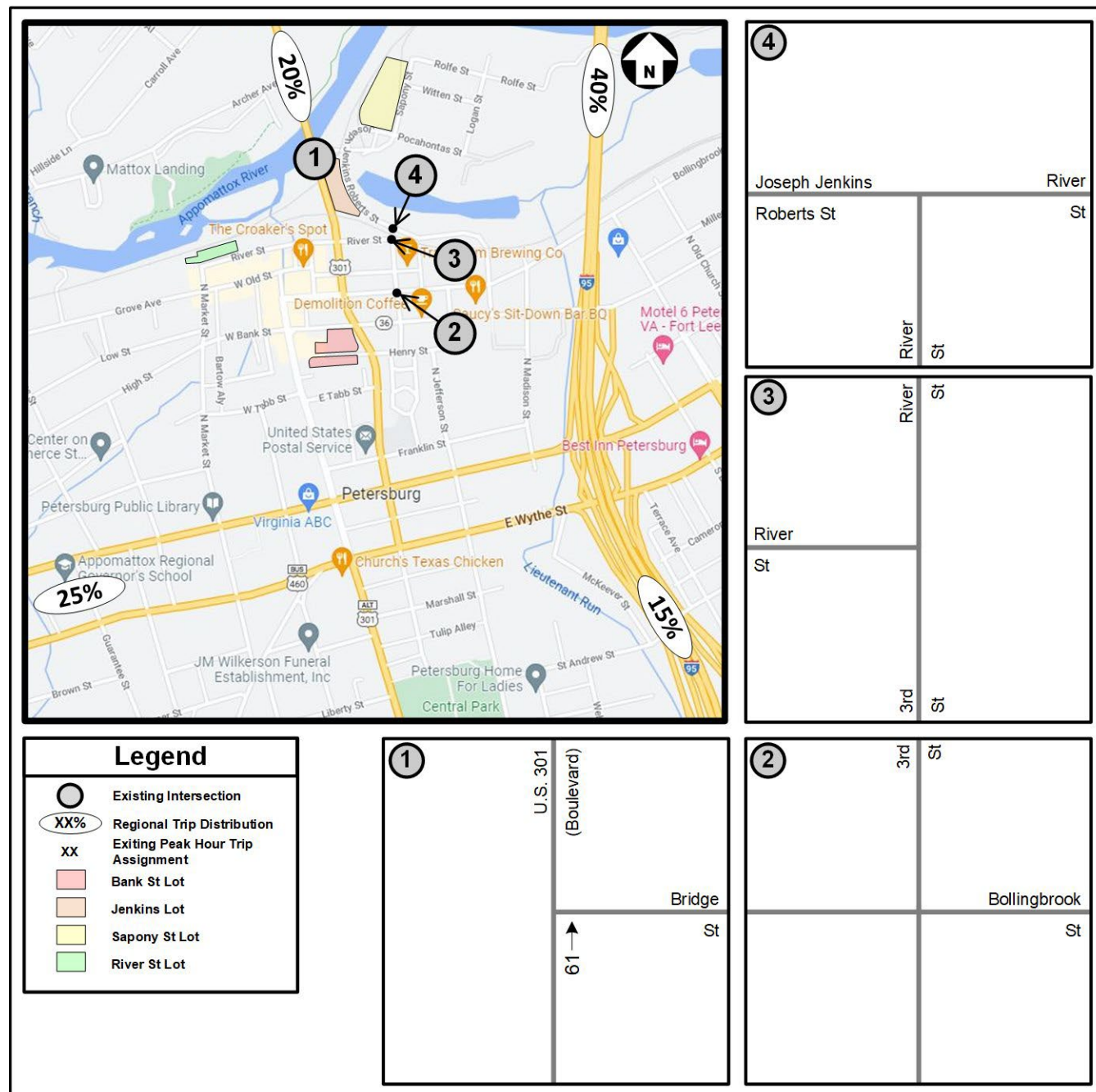


Figure 9: Bank Street Lot Vehicle Assignment

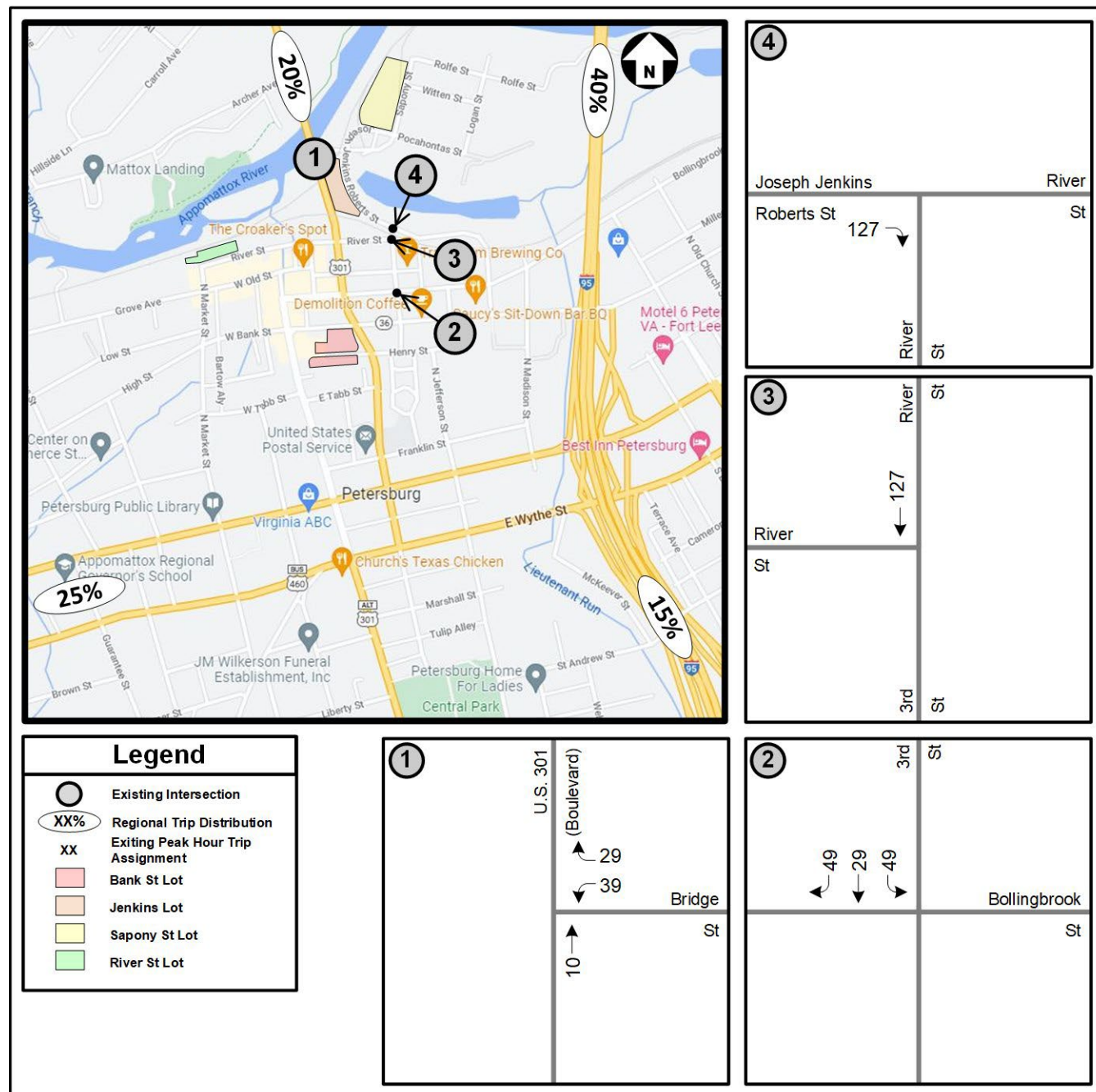


Figure 10: Joseph Jenkins Roberts Street Lot Vehicle Assignment

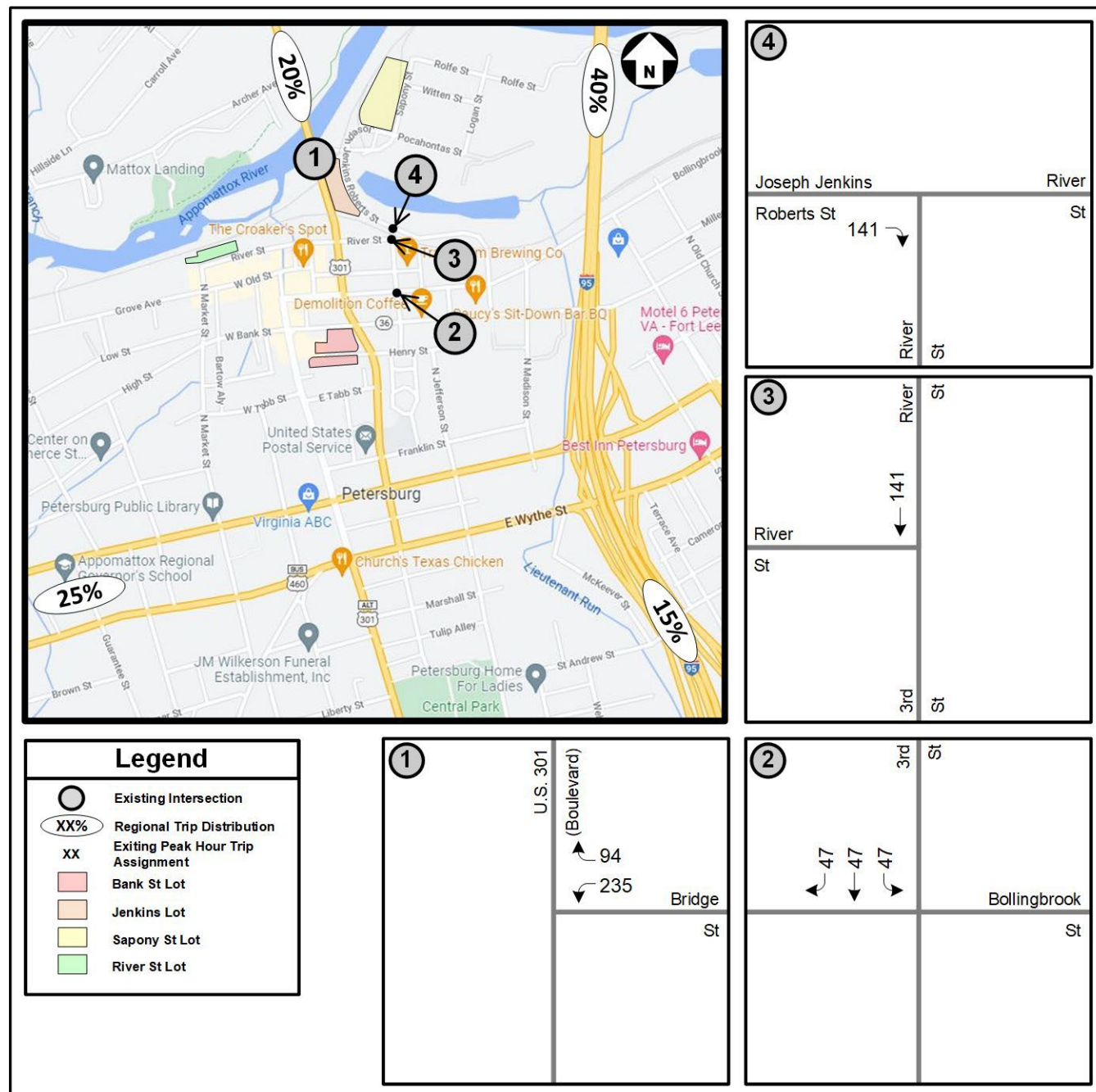


Figure 11: Sapony Street Lot Vehicle Assignment

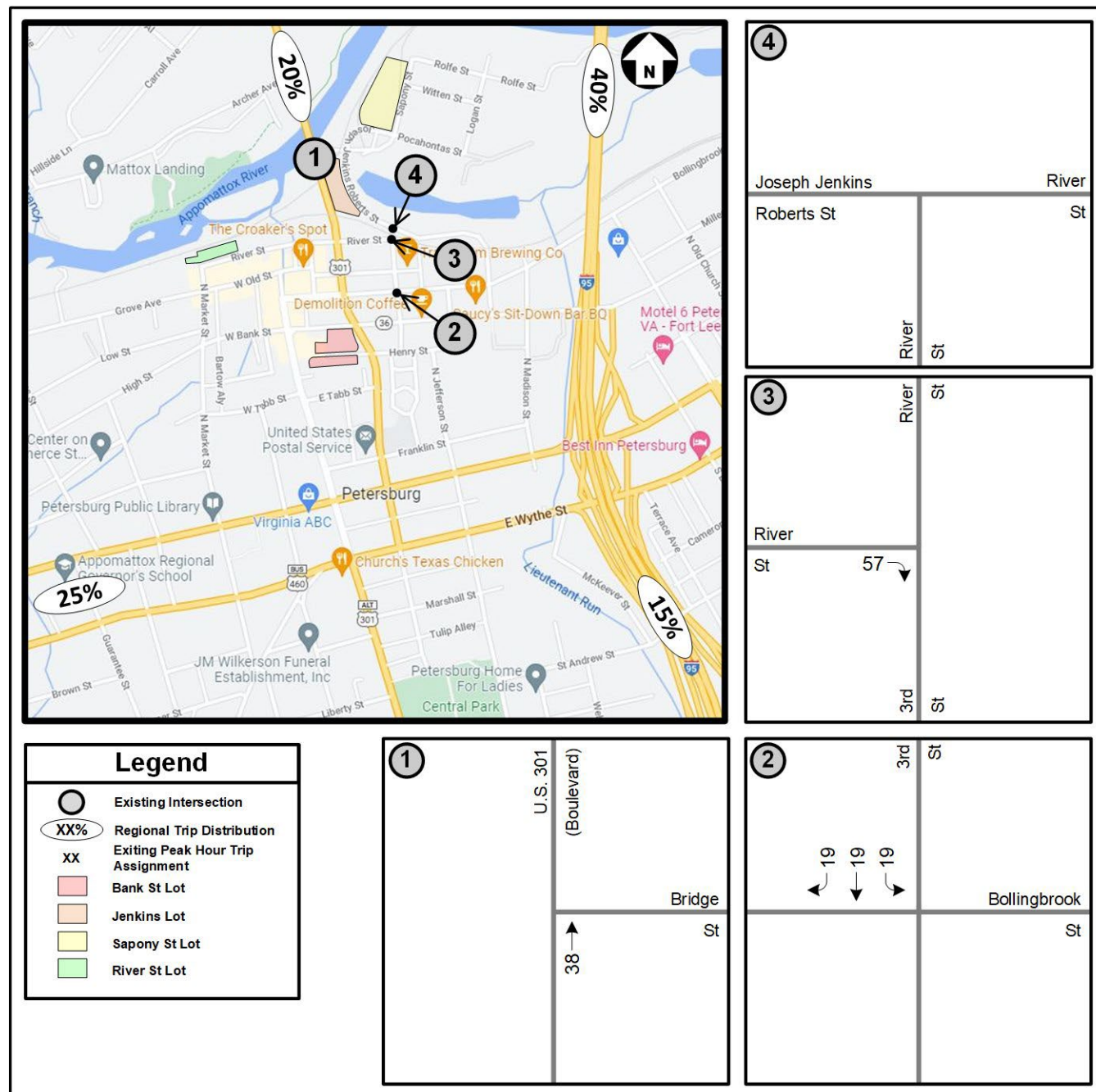


Figure 12: River Street Lot Vehicle Assignment

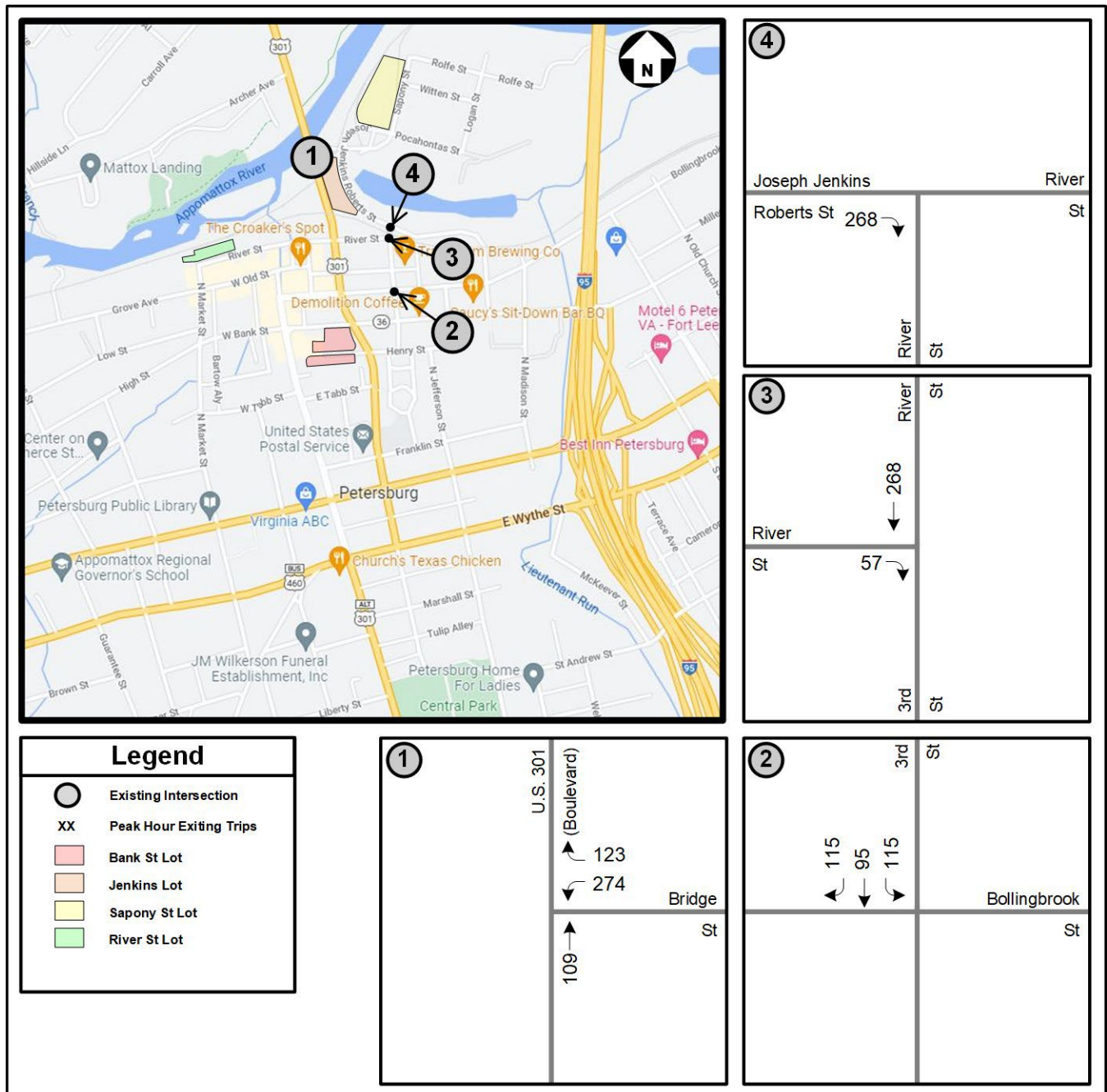


Figure 13: Total Event Vehicle Trips

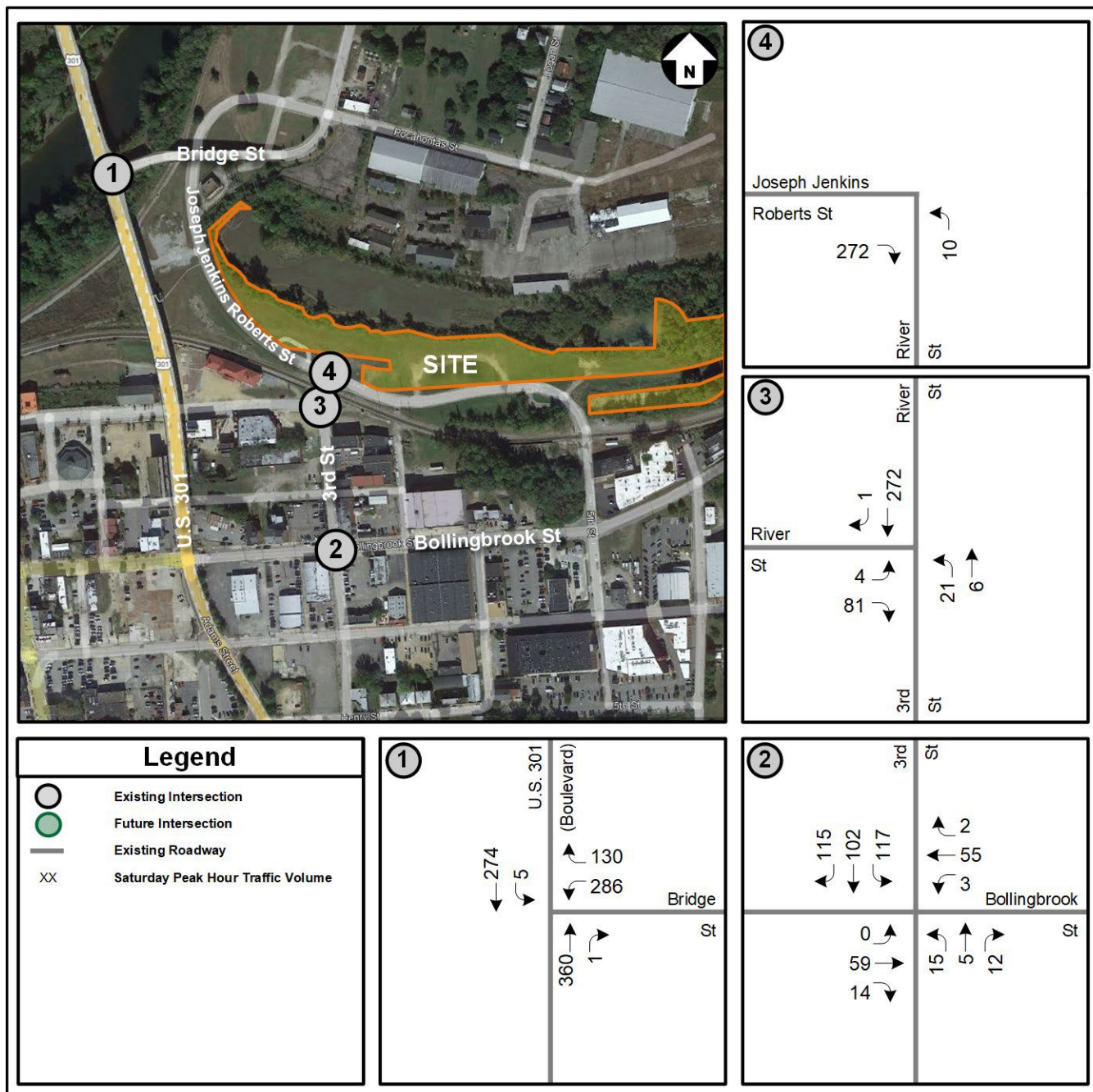


Figure 14: Build (2025) Saturday Evening Peak Hour Traffic Volumes

Capacity Analysis

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.

To be conservative, we 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.

Table 1 shows the traffic capacity results for the intersection of U.S. 301 at Bridge Street for the existing and 2025 conditions.

Table 1: Level-of-Service Summary for U.S. 301 at Bridge Street

Condition	Lane Group	Lane Storage (ft.)	Saturday Evening Peak Hour			
			LOS	Delay (sec)	Queue (ft.)	Overall LOS
Existing (2022) Traffic Conditions	WBL/R	-	B	11.0	3	N/A
	NBT/R	-	-	-	-	
	SBL/T	-	A	7.8	0	
Build (2025) Traffic Conditions	WBL/R	-	F	890.8	1,810	N/A
	NBT/R	-	-	-	-	
	SBL/T	-	A	9.2	0	
Build (2025) Traffic Conditions Officer Control	WBL/R	-	C	29.5	136	C (23.8 sec)
	NBT/R	-	C	21.1	84	
	SBL/T	-	B	18.8	66	

Based on the capacity analysis, the minor street left-turn movement currently operates with short delays during the Saturday Evening peak hour. Under build conditions, the minor street left-turn movement is expected to operate with long delays during the Saturday Evening peak hour with very long queues on Bridge Street. The intersection was modeled as a two-phase traffic signal in Synchro to simulate officer control. With officer control, the intersection is expected to operate at LOS C during the Saturday Evening peak hour with a queue of six vehicles on Bridge Street.

Table 2 shows the traffic capacity results for the intersection of Bollingbrook Street at 3rd Street for the existing and 2025 conditions.

Table 2: Level-of-Service Summary for Bollingbrook Street at 3rd Street

Condition	Lane Group	Lane Storage (ft.)	Saturday Evening Peak Hour			
			LOS	Delay (sec)	Queue (ft.)	Overall LOS
Existing (2022) Traffic Conditions	EBL/T/R	-	A	7.4	0	N/A
	WBL/T/R	-	A	7.4	0	
	NBL/T/R	-	A	9.6	5	
	SBL/T/R	-	B	10.0	3	
Build (2025) Traffic Conditions	EBL/T/R	-	A	7.4	0	N/A
	WBL/T/R	-	A	7.5	0	
	NBL/T/R	-	B	14.8	13	
	SBL/T/R	-	E	42.8	325	

Capacity analysis indicates that the minor street left-turn movement currently operates with short delays during the Saturday Evening peak hour. Under build conditions, the minor street left-turn movement is expected to operate with moderate delays

during the Saturday Evening peak hour. The queue length on southbound 3rd Street is projected to be approximately 13 vehicles, but it clears relatively quickly because there is light cross traffic on Bollingbrook Street.

Table 3 shows the traffic capacity results for the intersection of 3rd Street at River Street for the existing and 2025 conditions.

Table 3: Level-of-Service Summary for 3rd Street at River Street

Condition	Lane Group	Lane Storage (ft.)	Saturday Evening Peak Hour			
			LOS	Delay (sec)	Queue (ft.)	Overall LOS
Existing (2022) Traffic Conditions	EBL/R	-	A	6.8	5	A (7.1 sec)
	NBL/T	-	A	7.4	5	
	SBT/R	-	A	7.0	0	
Build (2025) Traffic Conditions	EBL/R	-	A	8.6	5	C (24.2 sec)
	NBL/T	-	A	9.2	23	
	SBT/R	-	C	15.9	130	

Capacity analysis indicates that this intersection currently operates at LOS A during the Saturday Evening peak hour with queue lengths of one vehicle or less. Under build conditions, the intersection is expected to operate at LOS C with queue lengths of six vehicles or less. This intersection has Stop signs on the northbound 3rd Street and eastbound River Street approaches, but was modeled as a three-way Stop intersection in Synchro to be conservative.

Table 4 shows the traffic capacity results for the intersection of Joseph Jenkins Roberts Street at River Street for the existing and 2025 conditions.

Table 4: Level-of-Service Summary for Joseph Jenkins Roberts Street at River Street

Condition	Lane Group	Lane Storage (ft.)	Saturday Evening Peak Hour			
			LOS	Delay (sec)	Queue (ft.)	Overall LOS
Existing (2022) Traffic Conditions	EBT/R	-	-	-	-	N/A
	WBL/T	-	A	1.8	0	
	NBL/R	-	A	8.7	2	
Build (2025) Traffic Conditions	EBT/R	-	-	-	-	N/A
	WBL/T	-	A	2.1	0	
	NBL/R	-	B	10.2	2	

Capacity analysis indicates that the minor street left-turn movement currently operates with short delays during the Saturday Evening peak hour. Under build conditions, the minor street left-turn movement is expected to continue to operate with short delays during the Saturday Evening peak hour with queue lengths of one vehicle or less.

Table 5 shows the average daily traffic (ADT) volumes we counted on Bollingbrook Street and River Street from September 1 through September 4. The tube count data are enclosed for reference.

Table 5: Average Daily Traffic (ADT) Volumes

Street Segment	Thursday Sept 1	Friday Sept 2	Saturday Sept 3	Sunday Sept 4
Bollingbrook Street between 3 rd Street and 5 th Street	4,148 vpd	4,115 vpd	3,286 vpd	2,538 vpd
River Street between 3 rd Street and 5 th Street	204 vpd	227 vpd	157 vpd	132 vpd

Summary 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 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.

Figure 15 shows the existing lane configuration and recommended traffic control measures.

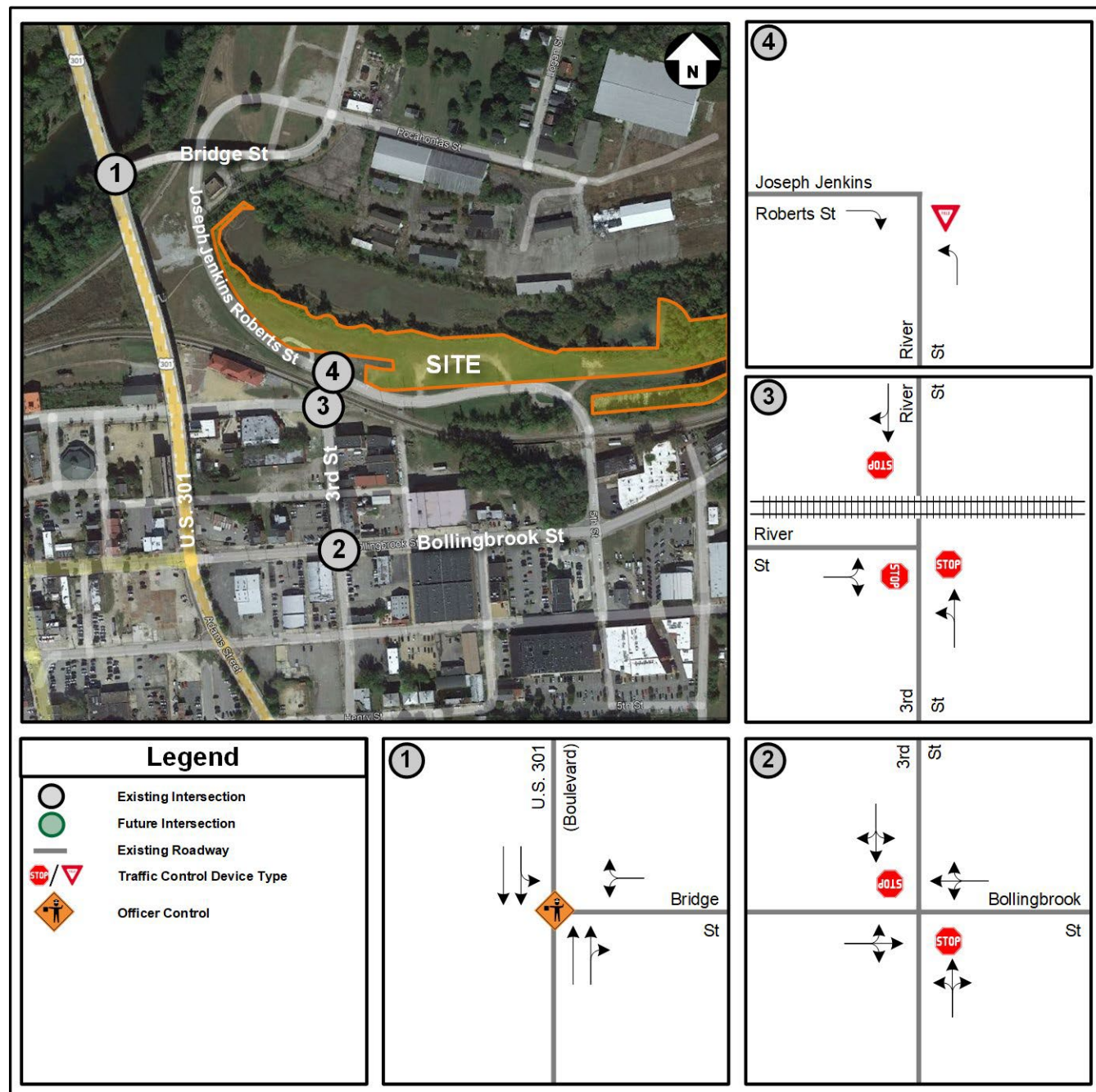


Figure 15: Recommended Lane Configuration and Traffic Control



TRAFFIC DATA COLLECTION

File Name : Petersburg(Bridge St and Dr Martin Luther King Jr Memorial Bridge)
 Site Code :
 Start Date : 1/27/2022
 Page No : 1

Groups Printed- Cars + - Trucks

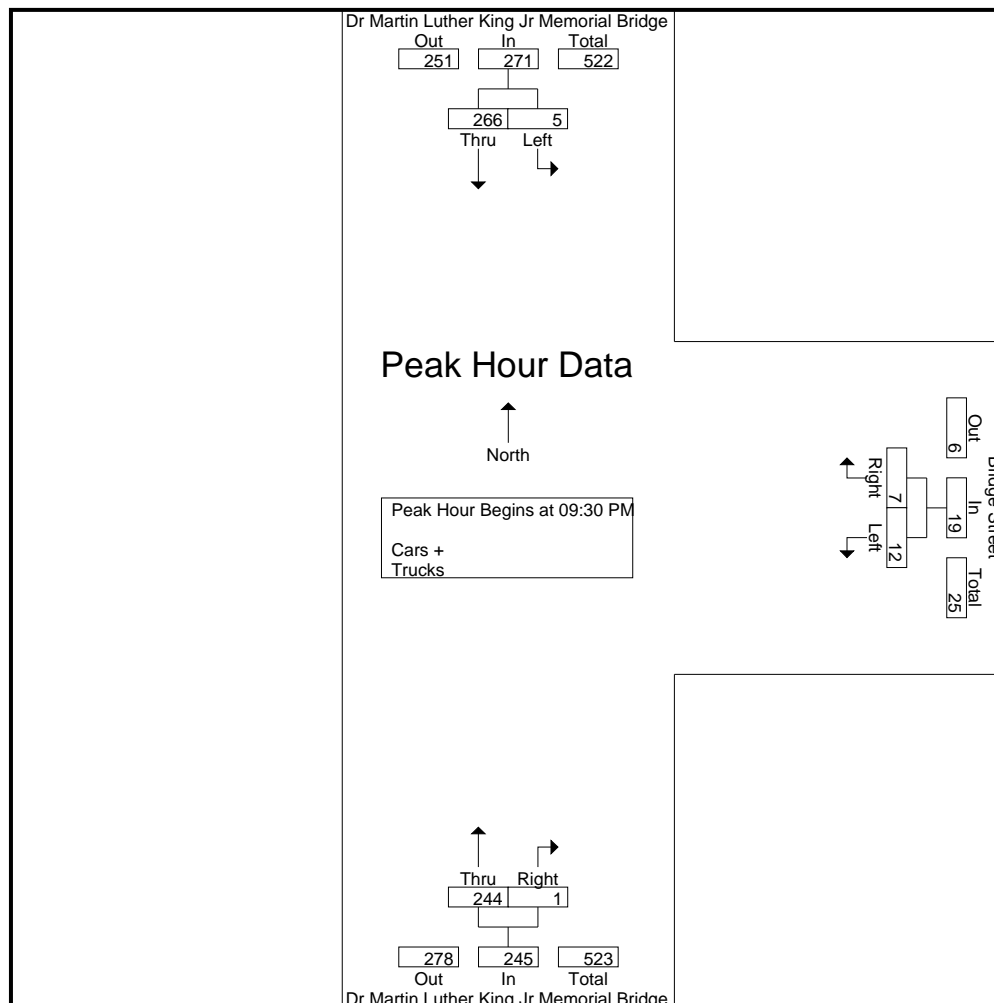
	Dr Martin Luther King Jr Memorial Bridge Southbound			Bridge Street Westbound			Dr Martin Luther King Jr Memorial Bridge Northbound			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
09:30 PM	72	0	72	3	3	6	1	76	77	155
09:45 PM	59	2	61	2	3	5	0	59	59	125
Total	131	2	133	5	6	11	1	135	136	280
10:00 PM	75	1	76	2	3	5	0	50	50	131
10:15 PM	60	2	62	0	3	3	0	59	59	124
10:30 PM	79	0	79	0	3	3	0	56	56	138
10:45 PM	83	1	84	2	1	3	0	45	45	132
Total	297	4	301	4	10	14	0	210	210	525
11:00 PM	72	1	73	0	1	1	0	58	58	132
11:15 PM	57	2	59	0	0	0	0	49	49	108
Grand Total	557	9	566	9	17	26	1	452	453	1045
Apprch %	98.4	1.6		34.6	65.4		0.2	99.8		
Total %	53.3	0.9	54.2	0.9	1.6	2.5	0.1	43.3	43.3	
Cars +	557	9	566	9	17	26	1	452	453	1045
% Cars +	100	100	100	100	100	100	100	100	100	100
Trucks	0	0	0	0	0	0	0	0	0	0
% Trucks	0	0	0	0	0	0	0	0	0	0



TRAFFIC DATA COLLECTION

File Name : Petersburg(Bridge St and Dr Martin Luther King Jr Memorial Bridge)
 Site Code :
 Start Date : 1/27/2022
 Page No : 2

	Dr Martin Luther King Jr Memorial Bridge Southbound			Bridge Street Westbound			Dr Martin Luther King Jr Memorial Bridge Northbound			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Peak Hour Analysis From 09:30 PM to 11:15 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 09:30 PM										
09:30 PM	72	0	72	3	3	6	1	76	77	155
09:45 PM	59	2	61	2	3	5	0	59	59	125
10:00 PM	75	1	76	2	3	5	0	50	50	131
10:15 PM	60	2	62	0	3	3	0	59	59	124
Total Volume	266	5	271	7	12	19	1	244	245	535
% App. Total	98.2	1.8		36.8	63.2		0.4	99.6		
PHF	.887	.625	.891	.583	1.00	.792	.250	.803	.795	.863





TRAFFIC DATA COLLECTION

File Name : Petersburg-Petersburg(Third St and Bollingbrook St)
 Site Code :
 Start Date : 7/30/2022
 Page No : 1

Groups Printed- Cars + - Trucks

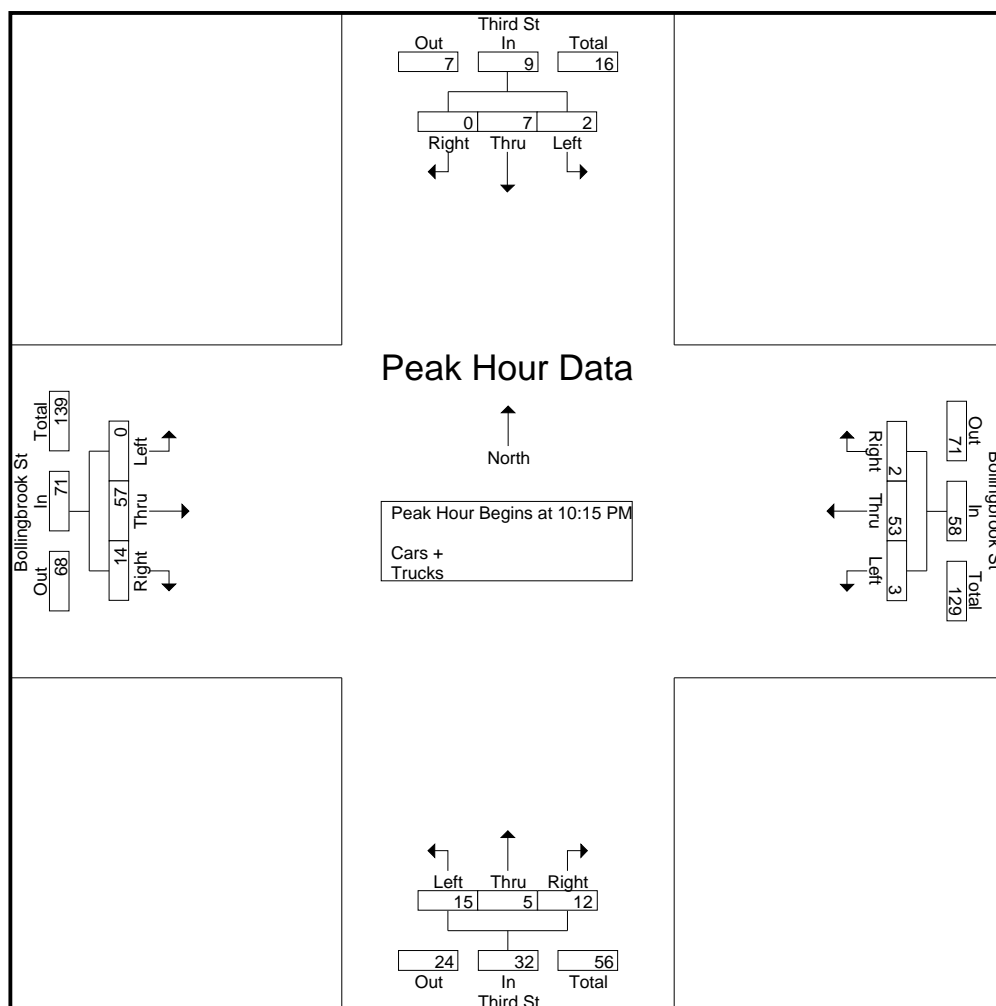
Start Time	Third St Southbound				Bollingbrook St Westbound				Third St Northbound				Bollingbrook St Eastbound				Int. Total
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	
09:30 PM	1	1	0	2	1	17	1	19	7	2	3	12	0	17	0	17	50
09:45 PM	0	2	1	3	0	17	0	17	1	2	5	8	0	7	0	7	35
Total	1	3	1	5	1	34	1	36	8	4	8	20	0	24	0	24	85
10:00 PM	0	1	1	2	2	7	3	12	3	0	3	6	3	14	0	17	37
10:15 PM	0	0	0	0	0	13	0	13	3	1	6	10	3	12	0	15	38
10:30 PM	0	6	0	6	0	15	1	16	8	2	4	14	7	15	0	22	58
10:45 PM	0	0	2	2	1	12	0	13	1	0	4	5	3	13	0	16	36
Total	0	7	3	10	3	47	4	54	15	3	17	35	16	54	0	70	169
11:00 PM	0	1	0	1	1	13	2	16	0	2	1	3	1	17	0	18	38
11:15 PM	0	1	4	5	0	12	1	13	1	2	0	3	5	12	0	17	38
11:30 PM	0	0	0	0	0	1	0	1	0	0	1	1	0	0	0	0	2
Grand Total	1	12	8	21	5	107	8	120	24	11	27	62	22	107	0	129	332
Apprch %	4.8	57.1	38.1		4.2	89.2	6.7		38.7	17.7	43.5		17.1	82.9	0		
Total %	0.3	3.6	2.4	6.3	1.5	32.2	2.4	36.1	7.2	3.3	8.1	18.7	6.6	32.2	0	38.9	
Cars +	1	12	8	21	5	107	8	120	24	11	27	62	22	107	0	129	332
% Cars +	100	100	100	100	100	100	100	100	100	100	100	100	100	100	0	100	100
Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



TRAFFIC DATA COLLECTION

File Name : Petersburg-Petersburg(Third St and Bollingbrook St)
 Site Code :
 Start Date : 7/30/2022
 Page No : 2

	Third St Southbound				Bollingbrook St Westbound				Third St Northbound				Bollingbrook St Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 09:30 PM to 11:30 PM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 10:15 PM																	
10:15 PM	0	0	0	0	0	13	0	13	3	1	6	10	3	12	0	15	38
10:30 PM	0	6	0	6	0	15	1	16	8	2	4	14	7	15	0	22	58
10:45 PM	0	0	2	2	1	12	0	13	1	0	4	5	3	13	0	16	36
11:00 PM	0	1	0	1	1	13	2	16	0	2	1	3	1	17	0	18	38
Total Volume	0	7	2	9	2	53	3	58	12	5	15	32	14	57	0	71	170
% App. Total	0	77.8	22.2		3.4	91.4	5.2		37.5	15.6	46.9		19.7	80.3	0		
PHF	.000	.292	.250	.375	.500	.883	.375	.906	.375	.625	.625	.571	.500	.838	.000	.807	.733





TRAFFIC DATA COLLECTION

File Name : Petersburg-Petersburg(3rd Street and River Street)
 Site Code :
 Start Date : 7/30/2022
 Page No : 1

Groups Printed- Cars + - Trucks

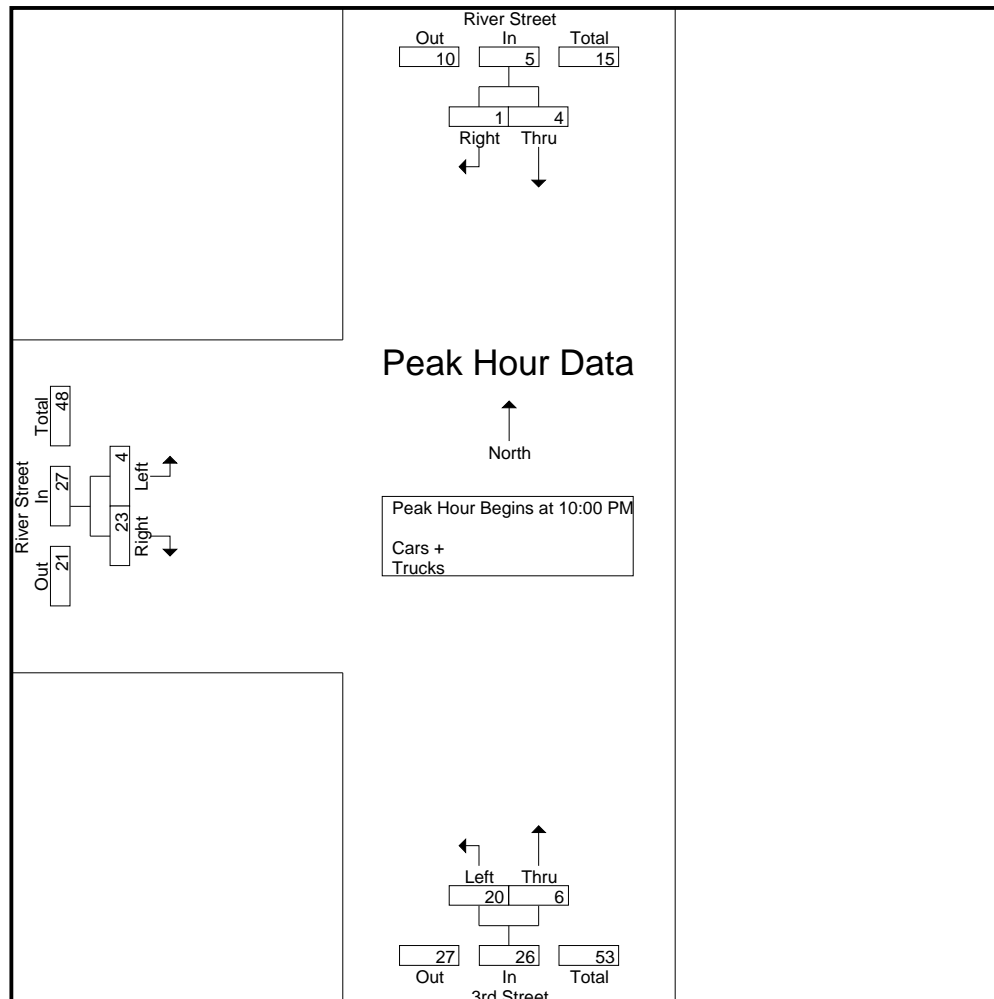
	River Street Southbound			3rd Street Northbound			River Street Eastbound			
Start Time	Right	Thru	App. Total	Thru	Left	App. Total	Right	Left	App. Total	Int. Total
09:30 PM	0	2	2	2	3	5	8	2	10	17
09:45 PM	0	1	1	1	2	3	4	0	4	8
Total	0	3	3	3	5	8	12	2	14	25
10:00 PM	0	0	0	1	7	8	2	1	3	11
10:15 PM	0	0	0	0	2	2	7	1	8	10
10:30 PM	0	0	0	4	9	13	12	1	13	26
10:45 PM	1	4	5	1	2	3	2	1	3	11
Total	1	4	5	6	20	26	23	4	27	58
11:00 PM	0	0	0	0	3	3	2	0	2	5
11:15 PM	1	0	1	0	2	2	1	0	1	4
11:30 PM	0	0	0	0	0	0	1	0	1	1
Grand Total	2	7	9	9	30	39	39	6	45	93
Apprch %	22.2	77.8		23.1	76.9		86.7	13.3		
Total %	2.2	7.5	9.7	9.7	32.3	41.9	41.9	6.5	48.4	
Cars +	2	7	9	9	30	39	39	6	45	93
% Cars +	100	100	100	100	100	100	100	100	100	100
Trucks	0	0	0	0	0	0	0	0	0	0
% Trucks	0	0	0	0	0	0	0	0	0	0



TRAFFIC DATA COLLECTION

File Name : Petersburg-Petersburg(3rd Street and River Street)
 Site Code :
 Start Date : 7/30/2022
 Page No : 2

	River Street Southbound			3rd Street Northbound			River Street Eastbound			
Start Time	Right	Thru	App. Total	Thru	Left	App. Total	Right	Left	App. Total	Int. Total
Peak Hour Analysis From 09:30 PM to 11:30 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 10:00 PM										
10:00 PM	0	0	0	1	7	8	2	1	3	11
10:15 PM	0	0	0	0	2	2	7	1	8	10
10:30 PM	0	0	0	4	9	13	12	1	13	26
10:45 PM	1	4	5	1	2	3	2	1	3	11
Total Volume	1	4	5	6	20	26	23	4	27	58
% App. Total	20	80		23.1	76.9		85.2	14.8		
PHF	.250	.250	.250	.375	.556	.500	.479	1.00	.519	.558





TRAFFIC DATA COLLECTION

File Name : Petersburg-Petersburg(River Street and Joseph Jenkins Roberts St)
 Site Code :
 Start Date : 7/30/2022
 Page No : 1

Groups Printed- Cars + - Trucks

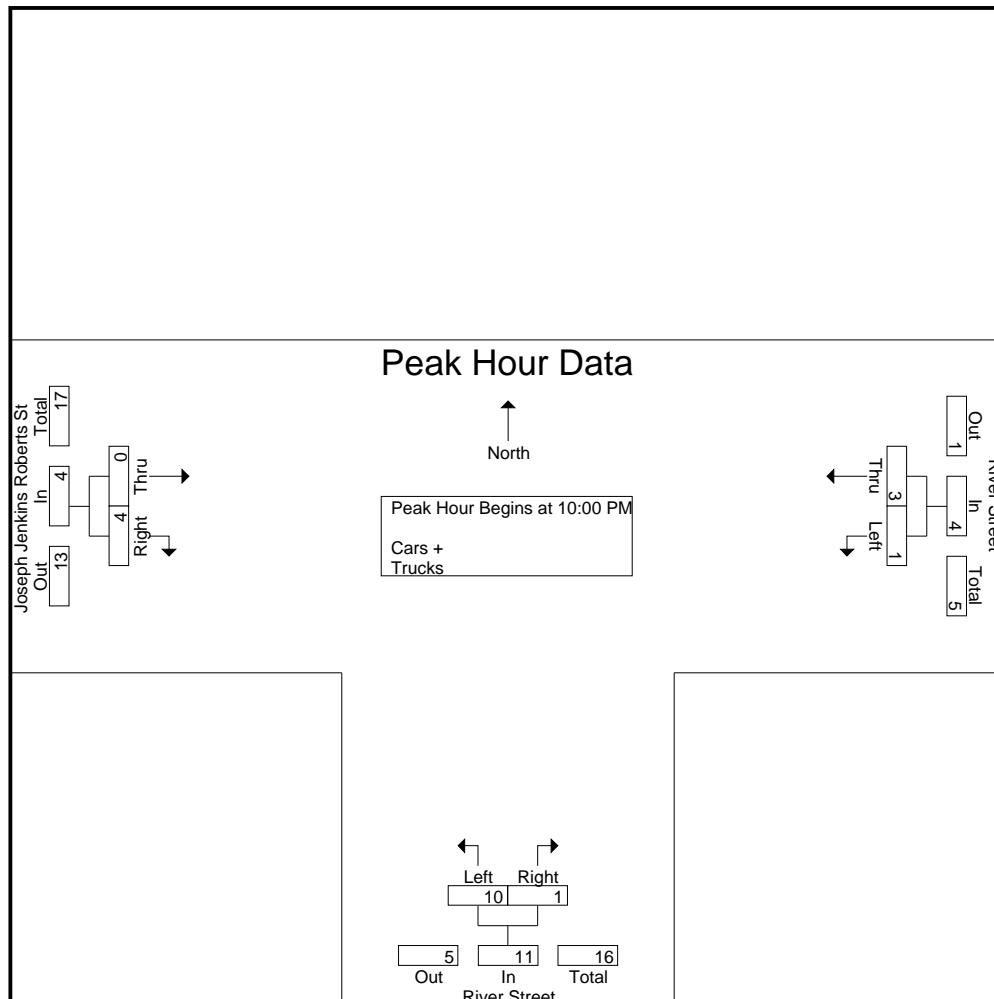
Start Time	River Street Westbound			River Street Northbound			Joseph Jenkins Roberts St Eastbound			Int. Total
	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	
09:30 PM	0	0	0	0	4	4	2	0	2	6
09:45 PM	0	0	0	0	1	1	1	0	1	2
Total	0	0	0	0	5	5	3	0	3	8
10:00 PM	0	0	0	0	2	2	0	0	0	2
10:15 PM	0	0	0	0	1	1	0	0	0	1
10:30 PM	1	0	1	1	4	5	0	0	0	6
10:45 PM	2	1	3	0	3	3	4	0	4	10
Total	3	1	4	1	10	11	4	0	4	19
11:00 PM	0	0	0	0	0	0	0	1	1	1
11:15 PM	0	1	1	0	0	0	0	0	0	1
Grand Total	3	2	5	1	15	16	7	1	8	29
Apprch %	60	40		6.2	93.8		87.5	12.5		
Total %	10.3	6.9	17.2	3.4	51.7	55.2	24.1	3.4	27.6	
Cars +	3	2	5	1	15	16	7	1	8	29
% Cars +	100	100	100	100	100	100	100	100	100	100
Trucks	0	0	0	0	0	0	0	0	0	0
% Trucks	0	0	0	0	0	0	0	0	0	0



TRAFFIC DATA COLLECTION

File Name : Petersburg-Petersburg(River Street and Joseph Jenkins Roberts St)
 Site Code :
 Start Date : 7/30/2022
 Page No : 2

	River Street Westbound			River Street Northbound			Joseph Jenkins Roberts St Eastbound			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Peak Hour Analysis From 09:30 PM to 11:15 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 10:00 PM										
10:00 PM	0	0	0	0	2	2	0	0	0	2
10:15 PM	0	0	0	0	1	1	0	0	0	1
10:30 PM	1	0	1	1	4	5	0	0	0	6
10:45 PM	2	1	3	0	3	3	4	0	4	10
Total Volume	3	1	4	1	10	11	4	0	4	19
% App. Total	75	25		9.1	90.9		100	0		
PHF	.375	.250	.333	.250	.625	.550	.250	.000	.250	.475



Daily Vehicle Volume Report

Study Date: Thursday, 09/01/2022

Unit ID: Joseph Jenkins Roberts St

Location: Joseph Jenkins Roberts Street

	Westbound Volume	Eastbound Volume	Total Volume
00:00 - 00:59	0	0	0
01:00 - 01:59	0	0	0
02:00 - 02:59	0	0	0
03:00 - 03:59	0	0	0
04:00 - 04:59	3	1	4
05:00 - 05:59	0	0	0
06:00 - 06:59	7	2	9
07:00 - 07:59	5	7	12
08:00 - 08:59	6	5	11
09:00 - 09:59	7	6	13
10:00 - 10:59	3	7	10
11:00 - 11:59	12	6	18
12:00 - 12:59	6	9	15
13:00 - 13:59	8	1	9
14:00 - 14:59	8	6	14
15:00 - 15:59	6	16	22
16:00 - 16:59	7	6	13
17:00 - 17:59	6	6	12
18:00 - 18:59	4	6	10
19:00 - 19:59	9	0	9
20:00 - 20:59	6	4	10
21:00 - 21:59	3	6	9
22:00 - 22:59	1	0	1
23:00 - 23:59	0	3	3
Totals	107	97	204
AM Peak Time	10:44 - 11:43	07:23 - 08:22	10:52 - 11:51
AM Peak Volume	13	10	18
PM Peak Time	19:15 - 20:14	14:58 - 15:57	14:36 - 15:35
PM Peak Volume	12	17	26

Daily Vehicle Volume Report

Study Date: Friday, 09/02/2022

Unit ID: Joseph Jenkins Roberts St

Location: Joseph Jenkins Roberts Street

	Westbound Volume	Eastbound Volume	Total Volume
00:00 - 00:59	1	1	2
01:00 - 01:59	1	0	1
02:00 - 02:59	1	3	4
03:00 - 03:59	0	0	0
04:00 - 04:59	0	1	1
05:00 - 05:59	2	0	2
06:00 - 06:59	6	2	8
07:00 - 07:59	3	5	8
08:00 - 08:59	6	6	12
09:00 - 09:59	8	6	14
10:00 - 10:59	6	6	12
11:00 - 11:59	6	7	13
12:00 - 12:59	9	9	18
13:00 - 13:59	8	10	18
14:00 - 14:59	9	6	15
15:00 - 15:59	8	12	20
16:00 - 16:59	6	6	12
17:00 - 17:59	8	6	14
18:00 - 18:59	4	9	13
19:00 - 19:59	5	6	11
20:00 - 20:59	6	5	11
21:00 - 21:59	2	0	2
22:00 - 22:59	3	6	9
23:00 - 23:59	5	2	7
Totals	113	114	227
AM Peak Time	09:05 - 10:04	07:36 - 08:35	07:36 - 08:35
AM Peak Volume	9	9	16
PM Peak Time	14:32 - 15:31	13:09 - 14:08	14:33 - 15:32
PM Peak Volume	13	12	25

Daily Vehicle Volume Report

Study Date: Saturday, 09/03/2022

Unit ID: Joseph Jenkins Roberts St

Location: Joseph Jenkins Roberts Street

	Westbound Volume	Eastbound Volume	Total Volume
00:00 - 00:59	2	1	3
01:00 - 01:59	1	3	4
02:00 - 02:59	2	0	2
03:00 - 03:59	0	0	0
04:00 - 04:59	0	1	1
05:00 - 05:59	2	0	2
06:00 - 06:59	2	2	4
07:00 - 07:59	5	2	7
08:00 - 08:59	2	1	3
09:00 - 09:59	4	4	8
10:00 - 10:59	4	2	6
11:00 - 11:59	8	1	9
12:00 - 12:59	4	7	11
13:00 - 13:59	5	4	9
14:00 - 14:59	1	8	9
15:00 - 15:59	3	6	9
16:00 - 16:59	2	4	6
17:00 - 17:59	6	5	11
18:00 - 18:59	10	7	17
19:00 - 19:59	6	5	11
20:00 - 20:59	1	3	4
21:00 - 21:59	3	3	6
22:00 - 22:59	3	6	9
23:00 - 23:59	5	1	6
Totals	81	76	157
AM Peak Time	10:49 - 11:48	09:08 - 10:07	09:08 - 10:07
AM Peak Volume	8	6	11
PM Peak Time	18:04 - 19:03	14:20 - 15:19	17:25 - 18:24
PM Peak Volume	11	9	18

Daily Vehicle Volume Report

Study Date: Sunday, 09/04/2022

Unit ID: Joseph Jenkins Roberts St

Location: Joseph Jenkins Roberts Street




	Westbound Volume	Eastbound Volume	Total Volume
00:00 - 00:59	4	5	9
01:00 - 01:59	0	1	1
02:00 - 02:59	0	0	0
03:00 - 03:59	0	0	0
04:00 - 04:59	0	0	0
05:00 - 05:59	3	2	5
06:00 - 06:59	0	1	1
07:00 - 07:59	1	1	2
08:00 - 08:59	3	1	4
09:00 - 09:59	3	4	7
10:00 - 10:59	3	0	3
11:00 - 11:59	3	5	8
12:00 - 12:59	5	6	11
13:00 - 13:59	5	3	8
14:00 - 14:59	2	6	8
15:00 - 15:59	5	7	12
16:00 - 16:59	9	2	11
17:00 - 17:59	5	5	10
18:00 - 18:59	5	11	16
19:00 - 19:59	2	4	6
20:00 - 20:59	3	2	5
21:00 - 21:59	1	1	2
22:00 - 22:59	0	0	0
23:00 - 23:59	3	0	3
Totals	65	67	132
AM Peak Time	09:47 - 10:46	00:09 - 01:08	00:00 - 00:59
AM Peak Volume	5	6	9
PM Peak Time	15:27 - 16:26	18:00 - 18:59	15:20 - 16:19
PM Peak Volume	11	11	18

Harbor Redevelopment
1: 2nd St & Bridge St

Existing (2022) Conditions
Timing Plan: Sat Peak Hour

Intersection

Int Delay, s/veh 0.4

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	12	7	244	1	5	266
Future Vol, veh/h	12	7	244	1	5	266
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	14	8	284	1	6	309

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	452	143	0
Stage 1	285	-	-
Stage 2	167	-	-
Critical Hdwy	6.84	6.94	-
Critical Hdwy Stg 1	5.84	-	-
Critical Hdwy Stg 2	5.84	-	-
Follow-up Hdwy	3.52	3.32	-
Pot Cap-1 Maneuver	536	879	-
Stage 1	738	-	-
Stage 2	845	-	-
Platoon blocked, %		-	-
Mov Cap-1 Maneuver	533	879	-
Mov Cap-2 Maneuver	533	-	-
Stage 1	738	-	-
Stage 2	840	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11	0	0.1
HCM LOS	B		





Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	623	1274
HCM Lane V/C Ratio	-	-	0.035	0.005
HCM Control Delay (s)	-	-	11	7.8
HCM Lane LOS	-	-	B	A
HCM 95th %tile Q(veh)	-	-	0.1	0

Harbor Redevelopment
2: 3rd St & Bollingbrook St

Existing (2022) Conditions
Timing Plan: Sat Peak Hour

Intersection

Int Delay, s/veh 2.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	57	14	3	53	2	15	5	12	2	7	1
Future Vol, veh/h	1	57	14	3	53	2	15	5	12	2	7	1
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	73	73	73	73	73	73	73	73	73	73	73	73
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	1	78	19	4	73	3	21	7	16	3	10	1

Major/Minor	Major1		Major2		Minor1		Minor2					
Conflicting Flow All	76	0	0	97	0	0	178	174	88	184	182	75
Stage 1	-	-	-	-	-	-	90	90	-	83	83	-
Stage 2	-	-	-	-	-	-	88	84	-	101	99	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1523	-	-	1496	-	-	784	719	970	777	712	986
Stage 1	-	-	-	-	-	-	917	820	-	925	826	-
Stage 2	-	-	-	-	-	-	920	825	-	905	813	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1523	-	-	1496	-	-	772	716	970	756	709	986
Mov Cap-2 Maneuver	-	-	-	-	-	-	772	716	-	756	709	-
Stage 1	-	-	-	-	-	-	916	819	-	924	824	-
Stage 2	-	-	-	-	-	-	905	823	-	881	812	-

Approach	EB		WB		NB		SB
HCM Control Delay, s	0.1		0.4		9.6		10
HCM LOS					A		B




Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	825	1523	-	-	1496	-	-	739
HCM Lane V/C Ratio	0.053	0.001	-	-	0.003	-	-	0.019
HCM Control Delay (s)	9.6	7.4	0	-	7.4	0	-	10
HCM Lane LOS	A	A	A	-	A	A	-	B
HCM 95th %tile Q(veh)	0.2	0	-	-	0	-	-	0.1

Harbor Redevelopment
3: 3rd St & River St

Existing (2022) Conditions
Timing Plan: Sat Peak Hour

Intersection










Intersection Delay, s/veh 7.1
Intersection LOS A

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	4	23	20	6	4	1
Future Vol, veh/h	4	23	20	6	4	1
Peak Hour Factor	0.56	0.56	0.56	0.56	0.56	0.56
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	7	41	36	11	7	2
Number of Lanes	1	0	0	1	1	0
Approach	EB		NB		SB	
Opposing Approach			SB		NB	
Opposing Lanes	0		1		1	
Conflicting Approach Left	SB		EB			
Conflicting Lanes Left	1		1		0	
Conflicting Approach Right	NB				EB	
Conflicting Lanes Right	1		0		1	
HCM Control Delay	6.8		7.4		7	
HCM LOS	A		A		A	

Lane	NBLn1	EBLn1	SBLn1
Vol Left, %	77%	15%	0%
Vol Thru, %	23%	0%	80%
Vol Right, %	0%	85%	20%
Sign Control	Stop	Stop	Stop
Traffic Vol by Lane	26	27	5
LT Vol	20	4	0
Through Vol	6	0	4
RT Vol	0	23	1
Lane Flow Rate	46	48	9
Geometry Grp	1	1	1
Degree of Util (X)	0.054	0.048	0.01
Departure Headway (Hd)	4.18	3.548	3.934
Convergence, Y/N	Yes	Yes	Yes
Cap	860	1007	910
Service Time	2.191	1.577	1.955
HCM Lane V/C Ratio	0.053	0.048	0.01
HCM Control Delay	7.4	6.8	7
HCM Lane LOS	A	A	A
HCM 95th-tile Q	0.2	0.2	0

Harbor Redevelopment
4: River St & Joseph Jenkins Roberts St




Existing (2022) Conditions
Timing Plan: Sat Peak Hour

						
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (veh/h)	1	4	1	3	10	1
Future Volume (Veh/h)	1	4	1	3	10	1
Sign Control	Free			Free	Yield	
Grade	0%			0%	0%	
Peak Hour Factor	0.48	0.48	0.48	0.48	0.48	0.48
Hourly flow rate (vph)	2	8	2	6	21	2
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			10		16	6
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			10		16	6
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			100		98	100
cM capacity (veh/h)			1610		1001	1077
Direction, Lane #	EB 1	WB 1	NB 1			
Volume Total	10	8	23			
Volume Left	0	2	21			
Volume Right	8	0	2			
cSH	1700	1610	1007			
Volume to Capacity	0.01	0.00	0.02			
Queue Length 95th (ft)	0	0	2			
Control Delay (s)	0.0	1.8	8.7			
Lane LOS		A	A			
Approach Delay (s)	0.0	1.8	8.7			
Approach LOS			A			
Intersection Summary						
Average Delay			5.2			
Intersection Capacity Utilization			13.3%	ICU Level of Service		A
Analysis Period (min)			15			

Harbor Redevelopment 1: 2nd St & Bridge St

Build (2025) Conditions
Timing Plan: Sat Peak Hour

Intersection

Int Delay, s/veh	351					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	286	130	360	1	5	274
Future Vol, veh/h	286	130	360	1	5	274
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	50	50	50	50	50	50
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	572	260	720	2	10	548

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	1015	361	0	0	722
Stage 1	721	-	-	-	-
Stage 2	294	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14
Critical Hdwy Stg 1	5.84	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22
Pot Cap-1 Maneuver	~ 234	636	-	-	876
Stage 1	~ 443	-	-	-	-
Stage 2	730	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	~ 230	636	-	-	876
Mov Cap-2 Maneuver	~ 230	-	-	-	-
Stage 1	~ 443	-	-	-	-
Stage 2	718	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	890.8	0	0.3
HCM LOS	F		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	287	876
HCM Lane V/C Ratio	-	-	2.899	0.011
HCM Control Delay (s)	-	-	890.8	9.2
HCM Lane LOS	-	-	F	A
HCM 95th %tile Q(veh)	-	-	72.4	0










Notes

~: Volume exceeds capacity \$: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

Harbor Redevelopment
1: 2nd St & Bridge St

Build (2025) Conditions - Officer Control




Timing Plan: Sat Peak Hour

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	286	130	360	1	5	274
Future Volume (vph)	286	130	360	1	5	274
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	6.0		6.0			6.0
Lane Util. Factor	1.00		0.95			0.95
Frt	0.96		1.00			1.00
Flt Protected	0.97		1.00			1.00
Satd. Flow (prot)	1725		3538			3536
Flt Permitted	0.97		1.00			0.93
Satd. Flow (perm)	1725		3538			3308
Peak-hour factor, PHF	0.50	0.50	0.50	0.50	0.50	0.50
Adj. Flow (vph)	572	260	720	2	10	548
RTOR Reduction (vph)	17	0	0	0	0	0
Lane Group Flow (vph)	815	0	722	0	0	558
Turn Type	Prot		NA		Perm	NA
Protected Phases	3		2			2
Permitted Phases					2	
Actuated Green, G (s)	29.3		16.4			16.4
Effective Green, g (s)	29.3		16.4			16.4
Actuated g/C Ratio	0.51		0.28			0.28
Clearance Time (s)	6.0		6.0			6.0
Vehicle Extension (s)	3.0		3.0			3.0
Lane Grp Cap (vph)	875		1005			940
v/s Ratio Prot	c0.47		c0.20			
v/s Ratio Perm						0.17
v/c Ratio	0.93		0.72			0.59
Uniform Delay, d1	13.3		18.6			17.8
Progression Factor	1.00		1.00			1.00
Incremental Delay, d2	16.2		2.5			1.0
Delay (s)	29.5		21.1			18.8
Level of Service	C		C			B
Approach Delay (s)	29.5		21.1			18.8
Approach LOS	C		C			B
Intersection Summary						
HCM 2000 Control Delay			23.8		HCM 2000 Level of Service	C
HCM 2000 Volume to Capacity ratio			0.85			
Actuated Cycle Length (s)			57.7		Sum of lost time (s)	12.0
Intersection Capacity Utilization			44.9%		ICU Level of Service	A
Analysis Period (min)			15			
c Critical Lane Group						

Harbor Redevelopment
1: 2nd St & Bridge St

Build (2025) Conditions - Officer Control

Timing Plan: Sat Peak Hour





			
Lane Group	WBL	NBT	SBT
Lane Group Flow (vph)	832	722	558
v/c Ratio	0.93	0.72	0.59
Control Delay	33.2	23.7	21.3
Queue Delay	0.0	0.0	0.0
Total Delay	33.2	23.7	21.3
Queue Length 50th (ft)	243	122	91
Queue Length 95th (ft)	136	84	66
Internal Link Dist (ft)	441	435	437
Turn Bay Length (ft)			
Base Capacity (vph)	948	1048	980
Starvation Cap Reductn	0	0	0
Spillback Cap Reductn	0	0	0
Storage Cap Reductn	0	0	0
Reduced v/c Ratio	0.88	0.69	0.57
Intersection Summary			

Harbor Redevelopment
2: 3rd St & Bollingbrook St

Build (2025) Conditions
Timing Plan: Sat Peak Hour

Intersection

Int Delay, s/veh 29.6

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	59	14	3	55	2	15	5	12	117	102	115
Future Vol, veh/h	1	59	14	3	55	2	15	5	12	117	102	115
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	50	50	50	50	50	50	50	50	50	50	50	50
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	2	118	28	6	110	4	30	10	24	234	204	230

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	114	0	0	146	0	0	477	262	132	277	274	112
Stage 1	-	-	-	-	-	-	136	136	-	124	124	-
Stage 2	-	-	-	-	-	-	341	126	-	153	150	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1475	-	-	1436	-	-	498	643	917	675	633	941
Stage 1	-	-	-	-	-	-	867	784	-	880	793	-
Stage 2	-	-	-	-	-	-	674	792	-	849	773	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1475	-	-	1436	-	-	281	640	917	647	630	941
Mov Cap-2 Maneuver	-	-	-	-	-	-	281	640	-	647	630	-
Stage 1	-	-	-	-	-	-	866	783	-	879	790	-
Stage 2	-	-	-	-	-	-	376	789	-	815	772	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.1	0.4	14.8	42.8
HCM LOS			B	E

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	431	1475	-	-	1436	-	-	718
HCM Lane V/C Ratio	0.148	0.001	-	-	0.004	-	-	0.93
HCM Control Delay (s)	14.8	7.4	0	-	7.5	0	-	42.8
HCM Lane LOS	B	A	A	-	A	A	-	E
HCM 95th %tile Q(veh)	0.5	0	-	-	0	-	-	13




Harbor Redevelopment

3: 3rd St & River St

Build (2025) Conditions
Timing Plan: Sat Peak Hour

Intersection

Intersection Delay, s/veh 13.9
Intersection LOS B










Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	4	81	21	6	272	1
Future Vol, veh/h	4	81	21	6	272	1
Peak Hour Factor	0.50	0.50	0.50	0.50	0.50	0.50
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	8	162	42	12	544	2
Number of Lanes	1	0	0	1	1	0
Approach	EB		NB		SB	
Opposing Approach			SB		NB	
Opposing Lanes	0		1		1	
Conflicting Approach Left	SB		EB			
Conflicting Lanes Left	1		1		0	
Conflicting Approach Right	NB				EB	
Conflicting Lanes Right	1		0		1	
HCM Control Delay	9.2		8.6		15.9	
HCM LOS	A		A		C	

Lane	NBLn1	EBLn1	SBLn1
Vol Left, %	78%	5%	0%
Vol Thru, %	22%	0%	100%
Vol Right, %	0%	95%	0%
Sign Control	Stop	Stop	Stop
Traffic Vol by Lane	27	85	273
LT Vol	21	4	0
Through Vol	6	0	272
RT Vol	0	81	1
Lane Flow Rate	54	170	546
Geometry Grp	1	1	1
Degree of Util (X)	0.076	0.224	0.668
Departure Headway (Hd)	5.096	4.74	4.407
Convergence, Y/N	Yes	Yes	Yes
Cap	699	755	819
Service Time	3.153	2.784	2.444
HCM Lane V/C Ratio	0.077	0.225	0.667
HCM Control Delay	8.6	9.2	15.9
HCM Lane LOS	A	A	C
HCM 95th-tile Q	0.2	0.9	5.2

Harbor Redevelopment

4: River St & Joseph Jenkins Roberts St

Build (2025) Conditions
Timing Plan: Sat Peak Hour

						
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (veh/h)	1	272	1	3	10	1
Future Volume (Veh/h)	1	272	1	3	10	1
Sign Control	Free			Free	Yield	
Grade	0%			0%	0%	
Peak Hour Factor	0.50	0.50	0.50	0.50	0.50	0.50
Hourly flow rate (vph)	2	544	2	6	20	2
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			546		284	274
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			546		284	274
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			100		97	100
cM capacity (veh/h)			1023		705	765
Direction, Lane #	EB 1	WB 1	NB 1			
Volume Total	546	8	22			
Volume Left	0	2	20			
Volume Right	544	0	2			
cSH	1700	1023	710			
Volume to Capacity	0.32	0.00	0.03			
Queue Length 95th (ft)	0	0	2			
Control Delay (s)	0.0	2.1	10.2			
Lane LOS		A	B			
Approach Delay (s)	0.0	2.1	10.2			
Approach LOS			B			
Intersection Summary						
Average Delay			0.4			
Intersection Capacity Utilization			26.9%	ICU Level of Service		A
Analysis Period (min)			15			



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: Anthony Williams

RE: Request to Schedule a Public Hearing for February 21, 2023 on An Ordinance to Amend and Re-Adopt Sections 110-10; 10-11; and 110-12 of the City Code Pertaining to Augmented Fine Streets. (Page 199)

PURPOSE: To schedule a public hearing on An Ordinance to Amend and Re-Adopt Sections 110-10; 10-11; and 110-12 of the City Code Pertaining to Augmented Fine Streets

REASON: Requested by City Council.

RECOMMENDATION: Adopt ordinance.

BACKGROUND: On January 17, 2022, City Council adopted a Resolution directing the City Attorney to "to bring forward recommendations for consideration by Council at its next meeting in February or as soon thereafter as practicable, to amend Sections 110-10, 11, and 12 of the City Code to facilitate other local, non-state through ways throughout the City of Petersburg without the requirement of a petition or traffic-study, to the extent permissible under the Code of Virginia."

COST TO CITY: 0

BUDGETED ITEM: NA

REVENUE TO CITY: UNK

CITY COUNCIL HEARING DATE: 2/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. AN ORDINANCE TO AMEND AND RE

**AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 110-10; 110-11; AND 110-12
PERTAINING TO AUGMENTED FINE STREETS**

WHEREAS, Section 46.2-878.2 of the Code of Virginia authorizes localities to adopt ordinances to facilitate the imposition of augmented penalties for certain streets in “residence districts” to provide for a fine of \$200 in addition to other penalties provided by law; and

WHEREAS, the City of Petersburg has adopted Sections 110-10; 110-11; and 110-12 to regulate the imposition of such fines on such “augmented fine streets;” and

WHEREAS, such Code Sections require that in order to designate a street as an augmented fine street:

1. The City Manager must receive a petition signed by at least 75 percent of all residential structures having lot frontage upon a residential through street; AND
 - a. Upon receipt of such a petition, the Manager shall cause traffic studies and other investigations to be conducted; OR
 - b. The Petersburg Bureau of Police must make a formal determination that a hazard exists on the residential through street warranting an increase in fines;
2. Upon the preparation of such information, the City Manager or his designee shall present a recommendation to Council who may adopt Resolution making the augmented street designation

WHEREAS, on January 17, 2023, City Council for the City of Petersburg adopted a Resolution directing the City Attorney “to bring forward recommendations for consideration by Council at its next meeting in February or as soon thereafter as practicable, to amend Sections 110-10, 11, and 12 of the City Code to facilitate other local, non-state through ways throughout the City of Petersburg without the requirement of a petition or traffic-study, to the extent permissible under the Code of Virginia; and

WHEREAS, 46.2-878.2 of the Code of Virginia allows for the locality to establish criteria for the erection of such signs under its jurisdiction.

NOW therefore be it ORDAINED that Sections 110-10; 110-11; and 110-12 are hereby amended and re-adopted as follows:

Sec. 110-10. Additional \$200.00 fine for speed limit violation; eligible streets.

Residential through streets in the city which are maintained by the City (not state maintained roads); are not dead end streets; and which have a posted speed limit of not more than 25 miles per hour shall be eligible for designation by the city council as an augmented fine street.

(Ord. No. 14-109, 12-9-2014)

State law reference(s)—Code of Virginia, § 46.2-878.2.

Sec. 110-11. Procedure for council authorization of additional fine.

- (a) ~~Upon receipt by the city manager of a petition signed by at least 75 percent of all residential structures having lot frontage upon a residential through street, the city manager shall cause such traffic studies and other investigation as he shall deem material to be conducted and shall thereupon present such petition together with a city staff report to the city council for consideration; or~~ Upon request by any Member of City Council, the City Manager shall direct the investigation and issuance of a report by the Chief of Police of any hazard which may exist on a residential through street which may warrant an increase in fines pursuant to Section 110-10.
- (b) The City Manager shall thereafter, as soon as practicable, present said report along with any other information relevant to the issue to City Council for its consideration.
- (b) ~~Upon determination by the Petersburg Bureau of Police that a hazard exists on a residential through street warranting an increase in fines, pursuant to section 110-10, on any residential street. The Chief of Police may initiate such an investigation as described in paragraph (a) without the direction of the City Manager and submit such report through the City Manager to City Council for its consideration.~~

(Ord. No. 14-109, 12-9-2014)

Sec. 110-12. City council designation procedure.

- (a) *Procedure.* If, based upon the ~~petition and staff~~ report required under section 110-11, and upon such other information and considerations as the city council shall deem necessary, the city council finds that the additional fine provided for in section 110-10 should apply to the residential through street in question, then the council shall pass a resolution ordinance designating said residential through street as an augmented fine street, whereupon the city manager shall take all actions necessary to erect signs as prescribed by Virginia Commonwealth Transportation Board in order to put such additional fine into effect.

- (b) *Definitions.*

Augmented fine street means a street which based upon resolution ordinance of the city council is subject to the additional fine provided for in Code of Virginia, § 46.2-878.2.

Dead end street means a street which connects with another street at only one end.

Hazard means a dangerous situation that poses a threat to life, health, or property.

Residence district as defined in Code of Virginia, § 46.2-100, means the territory contiguous to a street, not comprising a business district, where 75 percent or more of the property contiguous to such street on either side thereof, for a distance of 300 feet or more along the street is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes.

Residential through street means any street in a residence district having a posted speed limit of not more than 25 miles per hour which is not a dead end street.

Street means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the city, including streets and alleys, and for law enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically subject to city enforcement of city motor vehicle laws by an ordinance adopted by the city council.

(Ord. No. 14-109, 12-9-2014)

1



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager
Tangela Innis, Deputy City Manager
Brian Moore, Director of Economic Development

FROM: Reginald Tabor

RE: **A request to schedule a public hearing on February 21, 2023, for the 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. (Page 204)**

PURPOSE: To hold a Public Hearing and consider approval of amendments to the preferred conditions approved with the rezoning of 1200, 1220, 1225 and 1255 Harrison Creek Boulevard, Tax Parcels: 040030801, 040030805, 040030806 and 040030807, respectively.

REASON: To comply with applicable procedures and laws regarding the consideration of amendments to Zoning designations and related proffered conditions.

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.

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.

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.

COST TO CITY:N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from the increased value of the developed property.

CITY COUNCIL HEARING DATE: 12/13/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

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

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: 08-Ord-20

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 1213_2022OrdinanceRezoningHarrisonCreekProperties
2. 1205_2022ExhibitA
3. Updated Narrative Beco Asset Harrison Creek (CLEAN) (11-15-2022)
4. Updated Harrison Creek Pictures + Renderings (11-15-2022)
5. 08Ord20
6. 1104_2021StaffReportHarrisonCreek

**AN ORDINANCE AMENDING THE PROFFERED CONDITIONS
PREVIOUSLY ADOPTED WITH THE REZONING OF THE PROPERTIES
LOCATED AT 1220 HARRISON CREEK BLVD, TP# 040030805, 1225
HARRISON CREEK BLVD, TP# 040030806, AND 1255 HARRISON CREEK
BLVD, TP# 040030807**

WHEREAS, the City of Petersburg received a request from PBFL, LLC represented by C. Burton Cutright, to amend the proffered conditions previously adopted with the rezoning of the properties located at 1220 Harrison Creek Blvd, TP# 040030805, 1225 Harrison Creek Blvd, TP# 040030806, And 1255 Harrison Creek Blvd, TP# 040030807; and

WHEREAS, the City Council adopted 08-ORD-20 in 2008 approving the Planned Unit Development (PUD) with proffered conditions, to permit multi-family residential, commercial, office space and recreational spaces; and

WHEREAS, the subject property was previously rezoned from M-1, Light Industrial District, with conditions, to PUD, with proffered conditions, to permit a Planned Unit Development 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; and

WHEREAS, 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; and

WHEREAS, the developers completed the construction of the multi-family dwellings with the Community Center/Pool which is now known as “Acqua Luxury Apartments” and addressed as 1200 Harrison Creek Boulevard; and

WHEREAS, in 2021, the Petitioner initially proposed an amendment to the proffered conditions to allow the construction of 62 single-family detached rental homes on 6.25 +/- acres of land located along Harrison Creek Blvd between Route 460 and Aqua Luxury Apartments; and

WHEREAS, in 2022, the Developer submitted an amended development plan and roposed amendment to the proffered conditions that replaces the cottage-style residential units with structures like those in the existing Multi-Family development; and

WHEREAS, 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, and the new residents will have access to the amenities and facilities of the existing Aqua apartment community; and

WHEREAS, the subject property is approximately 272,990.52 sq. ft. and has a public street frontage of approximately 261.06 feet, and the density of allowed development shall be controlled by zoning conditions and ordinance standards; and

WHEREAS, adjacent properties located along County Drive are zoned B-2, General Commercial, R-1A and R-1, Single-Family Residence District, and M-1, Light Industrial District; and

WHEREAS, the 2014 Comprehensive Plan Future Land Use Plan designates the subject property as commercial and industrial use; and

WHEREAS, both commercial and residential uses front along US 460, County Drive; and

WHEREAS, the proposed amendment to the proffered conditions will allow for the development of currently vacant parcels of land; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, the Planning Commission held a public hearing on November 4, 2021 and considered a resolution recommending approval of the amendment to the proffered conditions, and the public hearing was advertised, in accordance with applicable laws; and

WHEREAS, the Planning Commission voted to recommend approval of the petition to amend the proffered conditions; and

WHEREAS, the City Council subsequently considered the petition and referred it back to the Planning Commission; and

WHEREAS, the Planning Commission considered the petition during the January 20, 2022 meeting, and the Commission asked about the impact of the proposed change on the sewer system capacity; and

WHEREAS, the Interim Director of Public Works at the time stated that while the water/sewer system we have today could support this development, it would then limit future development in the area; and

WHEREAS, the Commission voted to adopt a resolution recommending denial of the petition; and

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

WHEREAS, in 2022, the Petitioner submitted an amended development plan and proposed amendment to the proffered conditions that replaces the proposed cottage-style residential units with structures like those in the existing development, to include the construction of five (5) structures with a total of 120 new units, with 60 1-bedroom units and 60 2-bedroom units.

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg approves the amendment to the proffers approved with the rezoning of the properties 1220 Harrison Creek Blvd, TP# 040030805, 1225 Harrison Creek Blvd, TP# 040030806, and 1255 Harrison Creek Blvd, TP# 040030807, as indicated in (**Exhibit A**).

Exhibit A:

The Proffers are as follows:

1. The Property shall be developed in general conformance with the Plan (prepared by Porterfield Design Center, dated January 10, 2008) and the Application for Planned Unit Development submitted with this case, however, the vacant parcels designated as "Outparcel Site" and "Office/Retail Site", zoned Planned Unit Development (PUD) shall be developed for residential use in general conformance with the Conceptual Plan prepared by David Taylor dated September 29, 2022, dated January 20, 2022, to allow for the construction of up to 120 multi-family units/60 single family detached rental houses on the three parcels. The exact boundaries and acreage of each land use designation may be shifted to a reasonable degree at the time of site plan for each development area/use in order to accommodate engineering or reasonable design considerations. These conditions apply to the Applicant or its successors or assigns.
- ~~2. The "OutParcel Site" and "Office/Retail Site" on the Plan (prepared by Porterfield Design Center, dated January 10, 2008) shall be developed in a manner consisted with the "B-2", General Commercial District Regulations of the Zoning ordinance of the City of Petersburg with all permitted uses allowed by the Ordinance, except the following and similar such uses shall not be permitted: used vehicles sales, vehicle rebuilding or vehicle body shops or vehicle repairing facilities, used tire sales, towing lots, salvage dealers or vehicle service operations which employ any form of outside storage of inoperative motor vehicles shall not be permitted as uses within this area, new automobile sales; adult entertainment uses of any kind, nightclubs, tattoo parlor. This land area shall not exceed 4.0 acres.~~
- ~~3. The life style (multi-family) land use designation on the Plan (prepared by Porterfield Design Center, dated January 10, 2008) shall be developed in accordance with the conceptual plan submitted for Harrison Creek Apartments and shall consist of not more than 336 multi-family units, with the unit mix set out in the Application, on a parcel of land within the PUD (Multi-family Land Use Designation) not to exceed an area of 29.0+/-acres. Accessory Uses such as garage parking, clubhouse/community center/pool and other recreational amenities are uses allowed within this land area. The net density of multi-family uses in this land area shall not exceed a gross density of 12.85 dwellings per acre. There shall be no other residential uses on any land use designations within the PUD.~~
- ~~2.~~
- ~~5. The land area designated as "Office Site", as shown on the Plan (prepared by Porterfield Design Center, dated January 10, 2008) shall not exceed 1.60+/- acres nor shall the structures developed for office use exceed 12,000 square in area. Parking spaces shall be provided at a ratio of one space for every 200 square feet of floor area.~~
- ~~6. The Applicant shall execute a "Declaration of Covenants and Restrictions" (Declaration), approved in advance by the City Attorney as consistent with the Ordinance adopted approving this zoning case, and so by create the Harrison Creek Association (HCA). The HCA shall enforce the standards for development, consistent with the zoning conditions, and assure the quality of development, architectural compatibility, environmental protection and other elements of development control. The Declaration shall be recorded among the land records of the City of~~

Commented [LNR1]: Is this still accurate? Any changes necessary?

Commented [LNR2]: Is this still accurate? Any changes necessary?

Commented [A3R2]: This is existing 1200 Acqua description

~~Petersburg prior to the conveyance of any properties by the Applicant to third parties and as soon as practicable upon approval of the zoning case.~~

~~The HCA shall be funded by all owners of property within the Harrison Creek development by payment of dues to the HCA based upon the owner's pro-rata share of the total land area, excluding the wetlands areas. The HCA shall appoint a Board of Architectural Review (BAR) which shall, prior to site plan approval by the City, review and approve all site plans, architectural designs, building heights, signage, landscaping, parking fields, lighting, pedestrian circulation plans, stormwater management facilities and such other submissions as are necessary to ensure that development within Harrison Creek achieves the high standards established by the Conceptual Site Plan, the Declarations, and the zoning conditions.~~

~~7.3.~~ The Applicant shall provide when applicable, its proportionate costs, dedications of rights or way, and/or construction of roadway segments as set forth in the Conceptual Site Plan and as determined by updated TIA (Traffic Impact Analysis) submitted at the time of site plan review and subject to approval by the City. Prior to approval by the City of any site plan for development within Harrison Creek, an updated TIA shall be performed and the report submitted to the City as part of the site plan submission. The Applicant shall install suitable traffic management and control measures, as determined ~~by the City in the TIA~~, at the intersection of the "80' Right-of-Way and County Drive", and at the intersection of the "Secondary Access to Apartments" as a condition precedent of approval of a site plan for any development within the subject PUD.

~~8.4.~~ Landscaping shall be in general conformance with the Plan prepared by Porterfield Design Center, dated January 10, 2008, and in general conformance with the Conceptual Plan prepared by David Taylor Dated September 29, 2022, subject to approval and/or modification by the Department of Planning and Department of Public Works at the time of any site plan submission.

~~9.5.~~ Parking fields shall be in general conformance with the "Article 19 of the Zoning Ordinance of the City of Petersburg" subject to approval and/or modification by the Zoning Administrator. ~~Applicant acknowledges this proffered condition.~~

~~4.6.~~ Signage shall be in general conformance with the purposes of Article 21 (Sign Regulations) of the Zoning Ordinance of the City of Petersburg ~~and consistent with the unified system of signage set forth in the PBFL, LLC Zoning Request dated 08/06/07 prepared by Future Law, L.L.C.~~ All signs shall require a sign permit issued under the provisions of Article 21 of the Zoning Ordinance of the City of Petersburg.

~~5.7.~~ The pedestrian circulation system shall be in general conformance with the zoning request and the Conceptual Plan prepared by David Taylor dated September 29, 2022, ~~the provisions for Recreation Amenities and Natural Area set forth in the PBFL, LLC Zoning request dated 08/06/07 prepared by Future Law, L.L.C. and as illustrated in the Plan prepared by Porterfield Design Center, dated January 10, 2008.~~

~~8.~~ ~~All uses shall be connected to public water and sewer as part of the development of the Property. The Applicant shall be responsible for the design and construction of all onsite and off-~~

Commented [LNR4]: Is this still accurate? Any changes necessary?

Commented [LNR5]: Is this still accurate? Any changes necessary?

site water and sewer lines necessary to provide service to the particular land use being developed, in accordance with the applicable requirements of the City and the Commonwealth of Virginia. All lines shall be sized to serve the drainage shed in which they are located in accordance with the applicable requirements of City of Petersburg. The Applicants shall be responsible for provision of a pro-rata share of the costs of offsite improvements to the sanitary sewer capacity and conveyance system for the Poor Creek Sanitary Sewer Basin. The actual costs to be determined in consultation with the Department of Public Works at or before the time of Site Plan submission for the development as a whole or any individual or separate developments within the PUD. All uses shall be connected to public water and sewer as part of the development of the Property. The Applicant shall be responsible for the design and construction of all on-site water and sewer lines necessary to provide service to the particular land use being developed, in accordance with applicable requirement of the City and the Commonwealth of Virginia. All lines shall be sized and designed by an engineer and certified by an engineer for site plan submission. The Applicant shall be responsible for the prorated share of off-site improvements to the sanitary sewer conveyance system for the Poor Creek Sanitary Sewer Basin. The prorated share for sanitary sewer conveyance is \$3,902.80 per dwelling unit. Such prorated share shall be in addition to any connection fees enumerated in the City Code at such time said fees are due and shall be paid by the Applicant prior to the issuance of a Certificate of Occupancy on a per unit basis. If any prorated share contribution is not paid by the end December 31, 2022, the prorated share amount shall be escalated according to the ENR Construction Cost Index. Prorated share escalation shall be indexed to June 2022, or the most recent available index period which predates June 2022. The Developer may pre-pay pro-rata shares at any time, on a per unit basis.

10.

- 11.9. Stormwater management facilities shall be owned and maintained by the Developer. The stormwater management ponds shall be constructed by the Developer as determined to be necessary and appropriate by the City, based on a Stormwater Management Plan consistent with the laws of the Commonwealth of Virginia and the requirement of the City of Petersburg. Such plans shall be required at the time of site plan submission. Stormwater management ponds shall primarily be wet ponds and shall be designed so as to enhance the areas in which the ponds are located. The design and location of the various ponds shall be approved by the City of Petersburg at the time of Site Plan submission.

- 12.10. The Applicant shall grant utility easements or such other easements as are necessary and appropriate for the development of Harrison Creek. The party requesting an easement shall provide a copy of the proposed easement document for review and approval in advance, such easement shall be of a minimum width necessary and shall be located in such a way that it does not reasonably interfere with the productive use of the grantor's property, and the grantee of the easement shall indemnify the grantor for any and all damages that may result of the installation and/or maintenance of such easement.

- 13.11. The developer shall, prior to the issuance of any building permit to commence construction of any building on the Property, record a restrictive covenant running with the land that provides that the subject property will not be used or operated in whole or in part as affordable rental housing described in the provisions of (i) 26 U.S.C. § 42, 26 U.S.C. § 142(d), 24 CFR § 983, 24 CFR § 236, 24 CFR § 241(f), 24 CFR § 221(d)(3), or any successors thereto; (ii) applicable state law, or (iii) similar local ordinance adopted by the locality wherein such real property is located."

Commented [LNR6]: Is this still accurate? Any changes necessary?

12. There shall be an appropriate buffering plan, which shall include keeping as many of the existing larger trees along the boundary lines as possible, determined as part of the site plan review, to provide a natural vegetative buffer between that portion of the Property developed as multi-family and the existing ~~single-family~~single-family residences along the western boundary line (N 0009'11"), 2073.27 in length (the "Western Boundary Line"). Further, there shall be no building within 20 feet of the Western Property Line.

~~6. Further, there shall be no building within 30 feet of the Western Property Line.~~

14.13. There shall be a decorative fence surrounding the Property, the final location and design of which will be determined as part of the site plan review, however, the fence shall be at least 6 feet in height, surround the entire portion of the Property developed as Multifamily, and shall be designated to create a "gated residential community." The location of the fence shall be designed to keep many of the existing larger trees along the boundary line as possible.

~~15.14.~~ All utilities shall be underground.

16.15. Except for timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the City and the approved devices installed.

PROJECT SUMMARY

APARTMENTS AT HARRISON CREEK

INTRODUCTION

Introducing the Apartments at Harrison Creek

The Apartments at Harrison Creek is a proposed development of 120 multi-family apartment units to be built for the residents of the City of Petersburg. The proposed apartment community will include a mix of 1-bedroom/1-bathroom (60 units) and 2-bedroom/ 2-bathroom (60 units) multi-family apartment units and will be located on approximately 6.267+/- total acres along Harrison Creek Boulevard between Route 460 and 1200 Acqua Luxury Apartments. The Apartments at Harrison Creek development embraces the positives of luxury apartment-style living. The development will consist of multi-family apartment units that are interconnected by sidewalks and separated by private and community green space. Residents will enjoy the affordability and convenience of living in rental units as an apartment-style community and surrounding green space areas will be maintained by a professional management company. Residents will have access to common apartment-living group amenities such as a fitness room and pool. The shared clubhouse, pool, hot tub, and putting green were recently renovated in spring and summer 2022. New walking trails will connect the community to the existing 1200 Acqua Luxury Apartments to allow for convenient access to group amenities. The proposed medium-density development will provide a high-quality and affordable housing option to the residents of Petersburg.

ZONING CLASSIFICATION

Existing to Proposed

The current zoning of the three parcels, which total approximately 6.26+/- acres, is Planned Unit Development “PUD”. The three subject parcels are the remainder of a larger 36.216+/- parcel that was rezoned from M-1(c) Light Industrial District (with restrictions) to PUD classification by adoption of city ordinance, 08-Ord-20 (“Ordinance”). The Ordinance modified the zoning classification of the entire 36.216-acre parcel and encumbered the three subject parcels with certain proffered restrictions and requirements. The Ordinance prevents the three subject parcels from being used for residential uses. The Ordinance restricted residential uses to the portion of the Applicant’s conceptual plan that was designated as lifestyle/multi-

family (1200 Acqua Luxury Apartments, the 336-unit luxury apartment community located to the south of the proposed development). Additionally, two of the parcels must be developed in a manner consistent with “B-2” General Commercial District Regulations and the third parcel is limited to use as office use (with certain lot, structure, and parking requirements/limitations.)

BACKGROUND

In 2008, the Applicant intended to develop the three parcels for commercial, retail and office space as designated on its concept plan for the planned development known as Harrison Creek. Harrison Creek followed the Petersburg Comprehensive Plan and the Applicant’s vision of a mixed-use development. For years, the Applicant aggressively marketed the parcels in attempt to attract commercial and business partners to enter this area, but it has been unsuccessful in its efforts. It is well-known that there has been great disruption in the commercial market over the last several years. The recent global pandemic has added to the decline and businesses have closed. Currently, there is significant square footage of open commercial space and business store front in the Petersburg area. An in-house analysis of the Petersburg submarket historical leasing data shows that the availability of available space is increasing. While market rental rates appear to be mostly stable, Fiscal Quarter 2 of 2021 showed leasing demand net absorption square footage at negative 27,627 SF. As businesses appear to be moving away from brick-and-mortar buildings to online platforms and delivery-based enterprises, it is unclear whether the pandemic has created a temporary disruption or a permanent change to “business as usual.” Additional unoccupied commercial, business and office space is not needed and will not benefit the City or its residents. The subject parcels are currently vacant. Vacant land does not create jobs, attract residents, or generate much tax revenue. As stated in the Comprehensive Plan, Petersburg needs additional and diverse housing options for its residents. The proposed development can help the City meet its objective.

ISSUE

The current proffers prevent the Applicant from developing the parcels for a medium-density residential use. The Applicant believes that the proposed use for medium density residential development is the highest and best use of the land and that this use will offer the greatest benefit to Petersburg and its citizens.

REQUEST

The Applicant respectfully requests that the City remove the proffered restrictions in the Ordinance that prevent the property from being developed for residential use.

COMPREHENSIVE PLAN

The proposed Apartment at Harrison Creek development will be located on Harrison Creek Boulevard at the entrance of 1200 Acqua Luxury Apartments. The proposed development has approximately 261 feet of frontage along Route 460. The Route 460 corridor is strategically located between Interstate 95 and Interstate 295. The proposed development would be easily accessible from anywhere in the Petersburg/Richmond area and would be exceptionally convenient to the “back gate” of Fort Lee.

The expansion of Fort Lee has brought roughly 11,000 new residents to the Petersburg region. According to the Comprehensive Plan, the areas surrounding Petersburg have had an increase in housing while Petersburg has experienced a decline in the total number of housing units. (Comprehensive Plan, p. 55). The proposed development will add much needed units to Petersburg’s housing inventory.

In the 2040 Draft Comprehensive Plan, the City sets an objective to continue to encourage the creation of a variety of residential uses and compatible neighborhood arrangements in order to offer a variety of housing options to its residents. Article 26 of the Petersburg Zoning Ordinance explains that an objective of the PUD designation is to foster a variety of housing options that will give the home occupant greater choice in the selection of environment and housing units. (Zoning Ordinance, Art. 26, Sec. 1(4)). The proposed development supports the City’s objective as found in the Comprehensive Plan and is in accordance with the PUD classification as found in the Zoning Ordinance. The Applicant is proposing a flexible, innovative land use which is consistent with modern and future planning practices that will help to provide a diverse housing inventory and accommodate the growing housing needs of Petersburg. The units are designed to offer the renter the community-centered lifestyle. The pandemic has given us a greater appreciation of outdoor spaces. The proposed development includes abundant shared green space and trails are to be incorporated in the site development plan stage. Residents will enjoy the amenities of luxury apartment living like access

to a community pool, dog parks, and property management services. For those that prefer living in an apartment, renting removes the risk and uncertainty that comes with timing a home purchase given the volatility of the real estate market, especially for those who may be subject to short-term ownership due to the transient nature of their employment.

“BECO” and Petersburg have enjoyed the success of 1200 Acqua Luxury Apartments since its construction in 2010. BECO Asset Management, LLC, an affiliated company, manages 1200 Acqua. BECO Asset Management will also serve as the professional management company for The Apartments at Harrison Creek and will offer residents the same high-quality renting experience as is known at 1200 Acqua. BECO Asset Management’s dedicated marketing department will develop a detailed plan to attract prospective residents to the proposed development. Through the diligent efforts of BECO Asset Management and its marketing department, all BECO Asset Management managed properties enjoy high retention and occupancy rates. For example, 1200 Acqua consistently has an occupancy rate of 97%.

THE PLANNED UNIT DEVELOPMENT APPLICATION

The Applicant respectfully requests that the City approve an amendment to the current zoning ordinance which removes the limitations placed on the three parcels for the reasons stated in this project summary. As required by the zoning ordinance, the Applicant presents the following information for consideration and review.

CONCEPT PLAN. Included with the Application are three copies of the Conceptual Plan prepared by David Taylor, dated September 29, 2022, showing the proposed concept for The Apartments at Harrison Creek development. Also included are three copies of a map showing the location of the proposed development in relation to the surrounding area including the location of streets, utilities, schools, and commercial facilities.

The three subject parcels total approximately 6.26 +/- acres, including 0.4 +/- acres of wetlands. The proposed development will include 120 multi-family apartment units located along Harrison Creek Boulevard between 1200 Acqua Luxury Apartments (an affiliated multi-family community) and County Drive/Rt. 460. The mix of one bedroom unit and two bedroom unit will range in size from 769 sq. ft. to 1,069 sq. ft. The apartments will be linked by

interconnected sidewalks and shared open green spaces. The Apartments at Harrison Creek will provide the affordability, convenience, and amenity access of apartment living.

WETLANDS. Three copies of the Wetlands Delineation report prepared by MAP Environmental, Inc. are included with the Application. This report summarizes the soil conditions, general topography, and location and character of surface water. MAP Environmental is currently coordinating with the Army Corps of Engineers to gain wetlands certification. A copy of the COE certification will be forwarded upon our receipt.

DRAINAGE MANAGEMENT. The proposed development will utilize the storm water facility located on the back of the 1200 Acqua, LLC property to accommodate the reduced flow – impervious space that is created by its construction. The stormwater management plan that was implemented when the original 32.261 +/- acre mixed use project was rezoned to PUD included and considered the development of the three subject parcels for commercial, business and retail office use. The proposed development will incorporate significant amounts of green area and pervious areas in contrast to the mostly impervious areas that were originally contemplated. The storm water facility is sufficient to handle the proposed development.

TRANSPORTATION. The Apartments at Harrison Creek is positioned in the Route 460 Corridor and has easy access to both Interstate 95 and Interstate 295. The proposed development is located along Harrison Creek Boulevard between Route 460 and 1200 Acqua Luxury Apartments. At the time the larger 32-acre parcel was rezoned to the PUD classification, traffic to these parcels was considered and planned for. The current proposed use as medium density residential use would generate less traffic than the commercial and retail use that was originally planned. Presently, there are both a right- and left-turn lane along Route 460 with approximately 200 feet of storage and 200 feet of taper, which is more than adequate to address the increase in traffic resulting from the proposed development. Also, Harrison Creek Boulevard provides for separate left and right turn exit lanes which will reduce delays when exiting the site.

SURROUNDING USES. The subject property is bounded to the north partially by Route 460/County Drive (parcels to the north of Route 460 are classified as B-2) and partially by B-2 zoned parcels, to the south by a parcel classified as PUD (1200 Acqua Luxury Apartments), to the east by an access road to 1200 Acqua Luxury Apartments classified as PUD (land east of

road is zoned R-1), and to the west by parcels with “null” or no listed zoning classification, which appear to be used as residential.

The proposed construction of 5 multifamily buildings with 24 units each on 6.26+/- acres would result in a density of 19.17 units per acre. This medium density development provides an appropriate and necessary transitional buffer between the R-1 zoned land that is located nearby (adjacent to the emergency access road located to the east of the proposed development), the land of unknown classification (appears to be residential use) to the west, and the B-2 zoned property located to the north (along Harrison Creek Boulevard) and the nearby B-2 zoned property located to the north of Route 460. Petersburg will also benefit from the increase in real estate tax revenue that will be generated by the development of the land.

VEGETATION, BUFFERING AND SCREENING. There is extensive existing landscaping along Route 460/County Drive and Harrison Creek Boulevard and along the adjacent lot boundary lines. To the extent possible, mature landscaping will be preserved. This existing tree cover will be supplemented with additional planting. A key feature of The Apartments at Harrison Creek is the open green space that will be incorporated throughout the development to create an established neighborhood feel. Existing and proposed landscaping will provide shading, screening, and a sense of privacy and separation between the development and adjacent lots and public roadways.

PARKING. The proposed development will include 220 paved and marked parking spaces (1.83 per unit), with dimensions that comply with the zoning ordinance. All parking areas will be screened from public streets and adjacent land uses. Existing mature landscaping along Route 460 and Harrison Creek Boulevard will be retained, to the extent possible, and enhanced with additional landscape materials as shown on the Concept Plan.

SIGNAGE. The Apartments at Harrison Creek will incorporate a signage system that consists of high-quality materials and utilizes color, lighting, shapes, and other design elements to promote a cohesive and unified image that is consistent with the zoning ordinance and the “BECO brand.”

“BECO” has been a Petersburg community partner since 2008. We are excited to grow our relationship with the City and its residents by expanding our investment in this community. We thank you for your consideration of this request. If you have any questions or require

additional information, please do not hesitate to contact me at bcutright@becoasset.com or 757-514-1515, or you may reach Jon Babineau, General Counsel, at jbabineau@becoasset.com or 757-842-6369. We look forward to working with you.

Respectfully submitted,

C. Burton Cutright, Manager
PBFL, LLC





Aerial View of the Property



Main Entrance



Bedroom



Kitchen and Living Room



Seating area inside the clubhouse at 1200 Acqua



Firepit @ Nite



Putting Practice Green



Car Care Center



Pool and Sun Deck



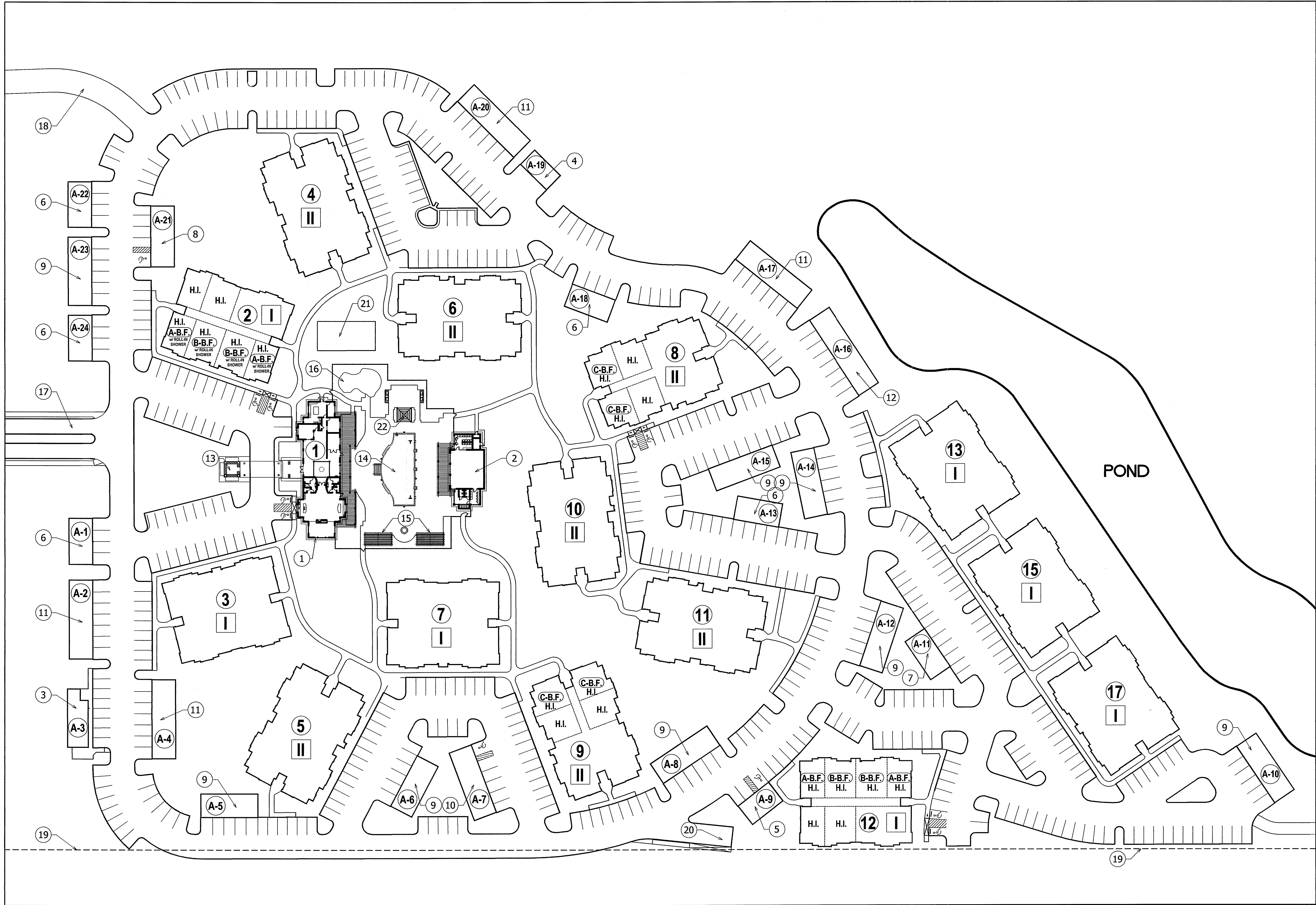
Pool



Outdoor Lanscaping



We're Pet Friendly



1 SITE PLAN
SCALE: 1" =50'-0"

GENERAL NOTES:

- REFER TO THE CIVIL DRAWINGS - ISSUED UNDER SEPARATE COVER FOR THE FOLLOWING:
A. ALL SITE DIMENSIONS AND BUILDING LOCATIONS.
B. ALL SITE GRADING & FINISH FLOOR ELEVATIONS.
C. ALL ON-SITE PAVING AND SIDEWALKS - VERIFY LOCATION OF SPECIAL PAVING AND SLEEVES FOR IRRIGATION AND SITE LIGHTING WITH OWNER/ CONTRACTOR PRIOR TO POURING DRIVES.
D. ALL PARKING DIMENSIONS AND DETAILS, INCLUDING ADA SPACES AND RAMPS.
E. ALL SITE SIGNAGE INFORMATION, LOCATIONS, AND DETAILS.
- UTILITY LOCATIONS AND SERVICE CONNECTIONS TO BE VERIFIED BY CONTRACTOR.
- THE SCOPE OF THIS WORK INCLUDES SEVEN (7) TYPE I APARTMENT BUILDINGS, SEVEN (7) TYPE II APARTMENT BUILDINGS, FOR A TOTAL OF FOURTEEN (14) APARTMENT BUILDINGS, ONE (1) COMMUNITY CENTER BUILDING, ONE (1) FITNESS CENTER BUILDING, ONE (1) CAR WASH BUILDING, ONE (1) MAINTENANCE BUILDING, TWENTY TWO (22) GARAGE BUILDINGS, AND ONE (1) GAZEBO.

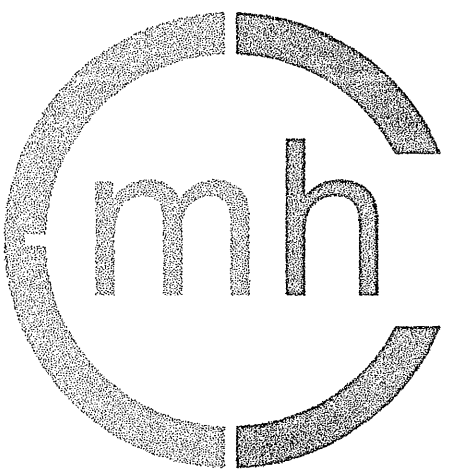
KEY NOTES:

- COMMUNITY BUILDING
- FITNESS CENTER
- MAINTENANCE BUILDING
- CAR WASH BUILDING
- 3 - CAR ADA GARAGE
- 4 - CAR GARAGE
- 5 - CAR GARAGE
- 5 - CAR ADA GARAGE
- 6 - CAR GARAGE
- 6 - CAR ADA GARAGE
- 7 - CAR GARAGE
- 8 - CAR GARAGE
- 9 - CAR GARAGE
- 10 - CAR ADA GARAGE
- 11 - 7 - CAR GARAGE
- 12 - 8 - CAR GARAGE
13. MAIL KIOSK
14. SWIMMING POOL
15. TRELLIS
16. PUTTING GREEN
17. ACCESS ROAD
18. SECONDARY ACCESS ROAD
19. 30' BUILDING SETBACK LINE
20. TRASH COMPACTOR LOCATION
21. SAND VOLLEYBALL COURT
22. GAZEBO

REFERENCE LEGEND:

- # = DENOTES BUILDING NUMBER
= DENOTES BUILDING TYPE
= DENOTES BARRIER FREE / H.I. UNIT
H.I. = HEARING IMPAIRED UNIT

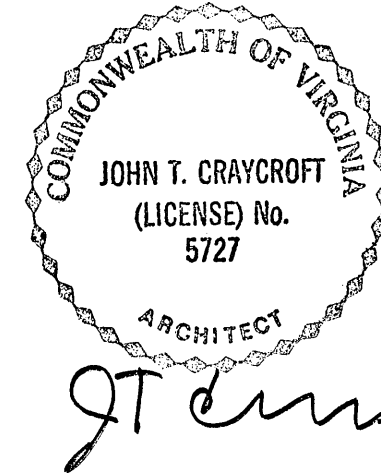
TOTAL PROJECT DATA					
# UNITS	UNIT TYPE	DESCRIPTION	AREA	EXT. AREA	
80	A	1 BR./ 1 BA.	769 S.F.	61,520 S.F.	
80	B	2 BR./ 2 BA.	1,069 S.F.	85,520 S.F.	
80	C	2 BR./ 2 BA.	962 S.F.	76,960 S.F.	
84	C-alt	2 BR./ 2 BA.	985 S.F.	82,740 S.F.	
4	A-BF	1 BR./ 1 BA.	769 S.F.	3,076 S.F.	
4	B-BF	2 BR./ 2 BA.	1,069 S.F.	4,276 S.F.	
4	C-BF	2 BR./ 2 BA.	962 S.F.	3,848 S.F.	
336 TOTAL UNITS			SUBTOTAL: 317,940 S.F.		
COMMUNITY CENTER			4,671 S.F.		
FITNESS CENTER			2,571 S.F.		
3-CAR ADA GARAGE (x 1)			793 S.F.		
4-CAR GARAGE (x 5 @ 911 S.F.)			4,555 S.F.		
5-CAR GARAGE (x 1)			1,137 S.F.		
5-CAR ADA GARAGE (x 1)			1,246 S.F.		
6-CAR GARAGE (x 8 @ 1,364 S.F.)			10,912 S.F.		
6-CAR ADA GARAGE (x 1)			1,472 S.F.		
7-CAR GARAGE (x 4 @ 1,590 S.F.)			6,360 S.F.		
8-CAR GARAGE (x 1)			1,816 S.F.		
CAR WASH BUILDING			701 S.F.		
MAINTENANCE BUILDING			1,110 S.F.		
			TOTAL GROSS AREA: 355,284 S.F.		
BUILDING TYPE I PROJECT DATA					
BLDG #	# UNITS	UNIT TYPE	UNIT TYPE DESC.	AREA	EXTENDED AREA
BLDG. # 3	12	A	1 BR./ 1 BA.	769 S.F.	9,228 S.F.
	12	B	2 BR./ 2 BA.	1,069 S.F.	12,828 S.F.
	24 TOTAL UNITS			GROSS AREA: 22,056 S.F.	
BLDG. # 7	12	A	1 BR./ 1 BA.	769 S.F.	9,228 S.F.
	12	B	2 BR./ 2 BA.	1,069 S.F.	12,828 S.F.
	24 TOTAL UNITS			GROSS AREA: 22,056 S.F.	
BLDG. # 2	10	A	1 BR./ 1 BA.	769 S.F.	7,690 S.F.
	10	B	2 BR./ 2 BA.	1,069 S.F.	10,690 S.F.
	2	A-B.F.	1 BR./ 1 BA.	769 S.F.	1,538 S.F.
	2	B-B.F.	2 BR./ 2 BA.	1,069 S.F.	2,138 S.F.
	24 TOTAL UNITS			GROSS AREA: 22,056 S.F.	
BLDG. # 12	10	A	1 BR./ 1 BA.	769 S.F.	7,690 S.F.
	10	B	2 BR./ 2 BA.	1,069 S.F.	10,690 S.F.
	2	A-B.F.	1 BR./ 1 BA.	769 S.F.	1,538 S.F.
	2	B-B.F.	2 BR./ 2 BA.	1,069 S.F.	2,138 S.F.
	24 TOTAL UNITS			GROSS AREA: 22,056 S.F.	
BLDG. # 17	12	A	1 BR./ 1 BA.	769 S.F.	9,228 S.F.
	12	B	2 BR./ 2 BA.	1,069 S.F.	12,828 S.F.
	24 TOTAL UNITS			GROSS AREA: 22,056 S.F.	
BLDG. # 15	12	A	1 BR./ 1 BA.	769 S.F.	9,228 S.F.
	12	B	2 BR./ 2 BA.	1,069 S.F.	12,828 S.F.
	24 TOTAL UNITS			GROSS AREA: 22,056 S.F.	
BLDG. # 13	12	A	1 BR./ 1 BA.	769 S.F.	9,228 S.F.
	12	B	2 BR./ 2 BA.	1,069 S.F.	12,828 S.F.
	24 TOTAL UNITS			GROSS AREA: 22,056 S.F.	
BUILDING TYPE II PROJECT DATA					
BLDG #	# UNITS	UNIT TYPE	UNIT TYPE DESC.	AREA (S.F.)	EXTENDED AREA
BLDG. # 5	12 - C & 12 - C-alt	2 BR./ 2 BA.	962 / 985	23,364 S.F.	
	24 TOTAL UNITS			GROSS AREA: 23,364 S.F.	
BLDG. # 9	10	C	2 BR./ 2 BA.	962 S.F.	9,620 S.F.
	12	C-alt	2 BR./ 2 BA.	985 S.F.	11,820 S.F.
	2	C-B.F.	2 BR./ 2 BA.	962 S.F.	1,924 S.F.
	24 TOTAL UNITS			GROSS AREA: 23,364 S.F.	
BLDG. # 11	12 - C & 12 - C-alt	2 BR./ 2 BA.	962 / 985	23,364 S.F.	
	24 TOTAL UNITS			GROSS AREA: 23,364 S.F.	
BLDG. # 10	12 - C & 12 - C-alt	2 BR./ 2 BA.	962 / 985	23,364 S.F.	
	24 TOTAL UNITS			GROSS AREA: 23,364 S.F.	
BLDG. # 8	10	C	2 BR./ 2 BA.	962 S.F.	9,620 S.F.
	12	C-alt	2 BR./ 2 BA.	985 S.F.	11,820 S.F.
	2	C-B.F.	2 BR./ 2 BA.	962 S.F.	1,924 S.F.
	24 TOTAL UNITS			GROSS AREA: 23,364 S.F.	
BLDG. # 6	12 - C & 12 - C-alt	2 BR./ 2 BA.	962 / 985	23,364 S.F.	
	24 TOTAL UNITS			GROSS AREA: 23,364 S.F.	
BLDG. # 4	12 - C & 12 - C-alt	2 BR./ 2 BA.	962 / 985	23,364 S.F.	
	24 TOTAL UNITS			GROSS AREA: 23,364 S.F.	



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**HARRISON
CREEK, L.L.C.**

**HARRISON
CREEK
APARTMENTS**

PETERSBURG, VIRGINIA

DATE 10.20.08

BID SET 03.20.09

PERMIT SET 10.20.08

CONSTRUCTION SET 03.20.09

REVISIONS

- | | | |
|---|--------------------------|--|
| Δ | 02.27.09 | |
| | REV. PER OWNER | |
| Δ | 03.02.09 | |
| | BLDG. #'s REV. PER OWNER | |

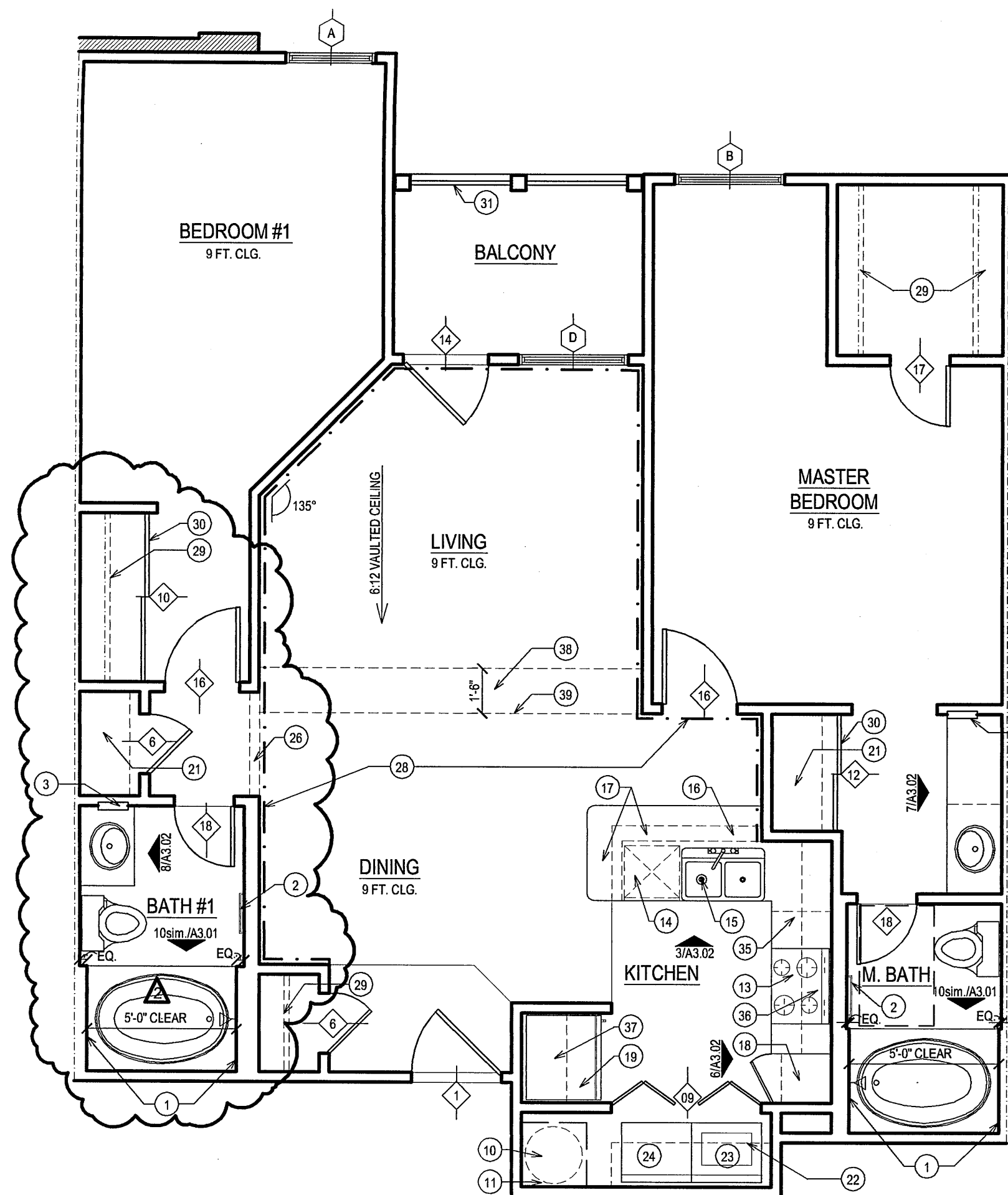
PROJECT NO.

08101

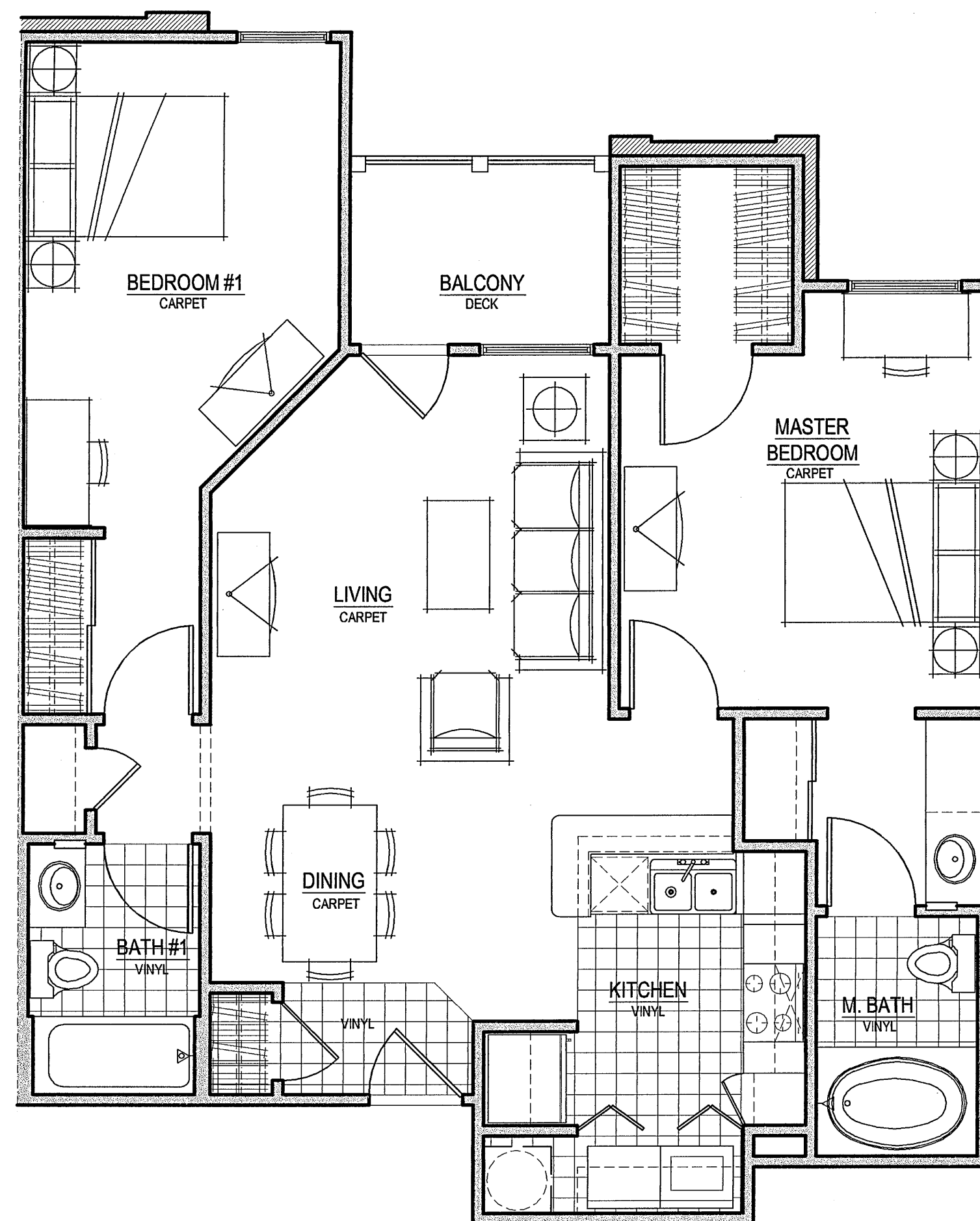
SHEET NO. w/ TITLE

A1.01

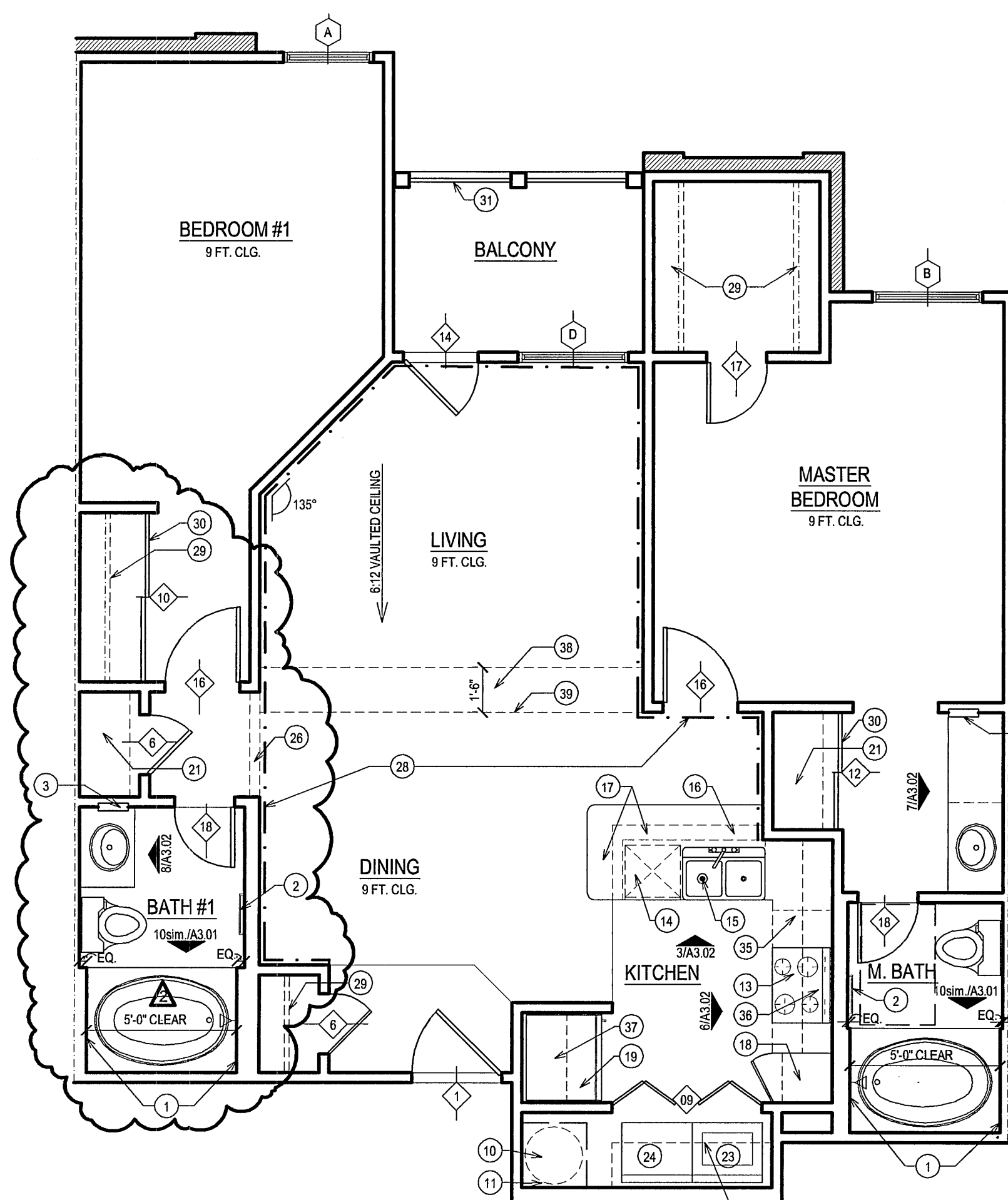
SITE PLAN



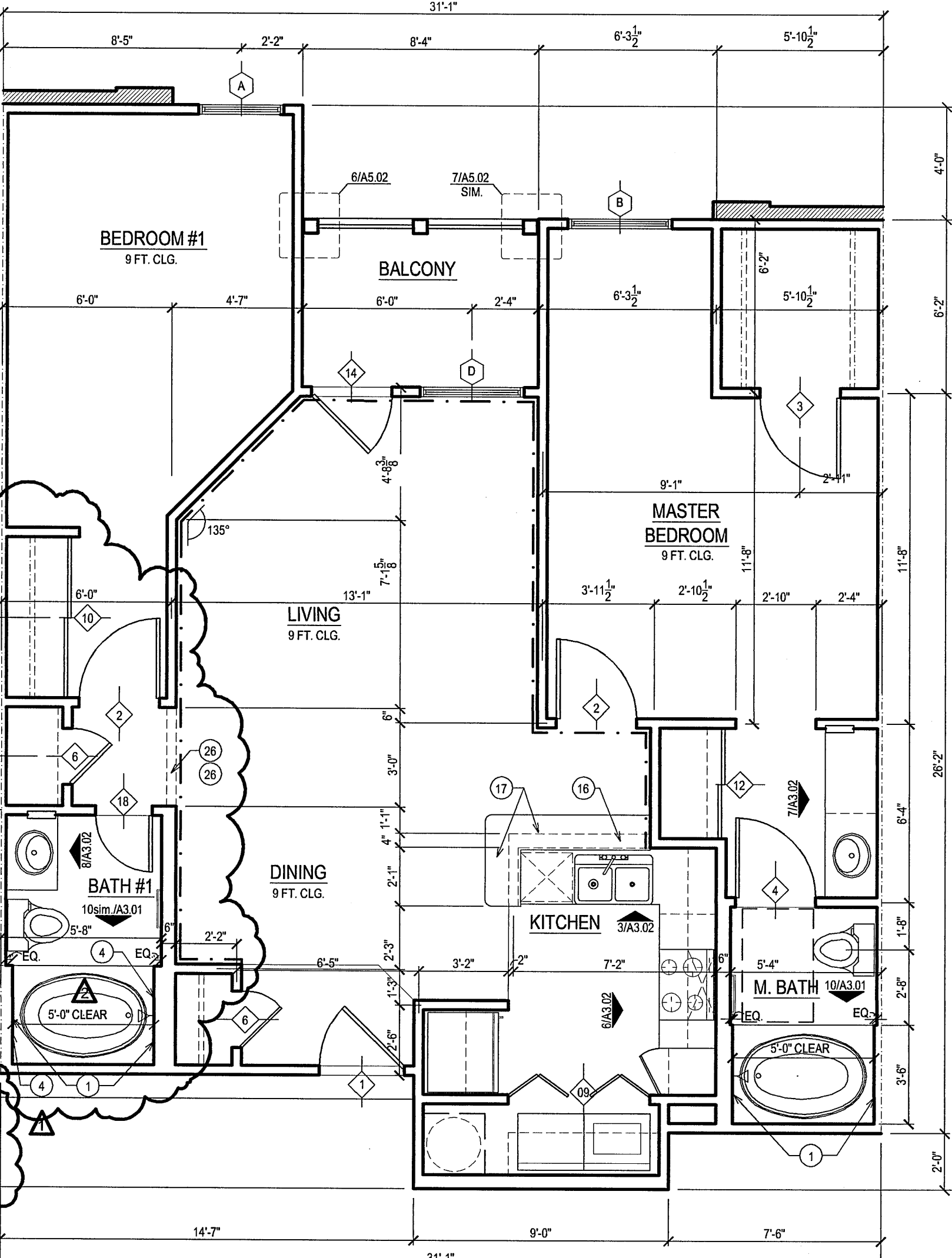
6 UNIT C-alt - SECOND/THIRD FLOOR
 1/4" = 1'-0" TOTAL NUMBER OF UNITS = 24
 REFER TO 1/8" BUILDING-II PLANS FOR LOCATION UNIT SIZE: 985 S.F.



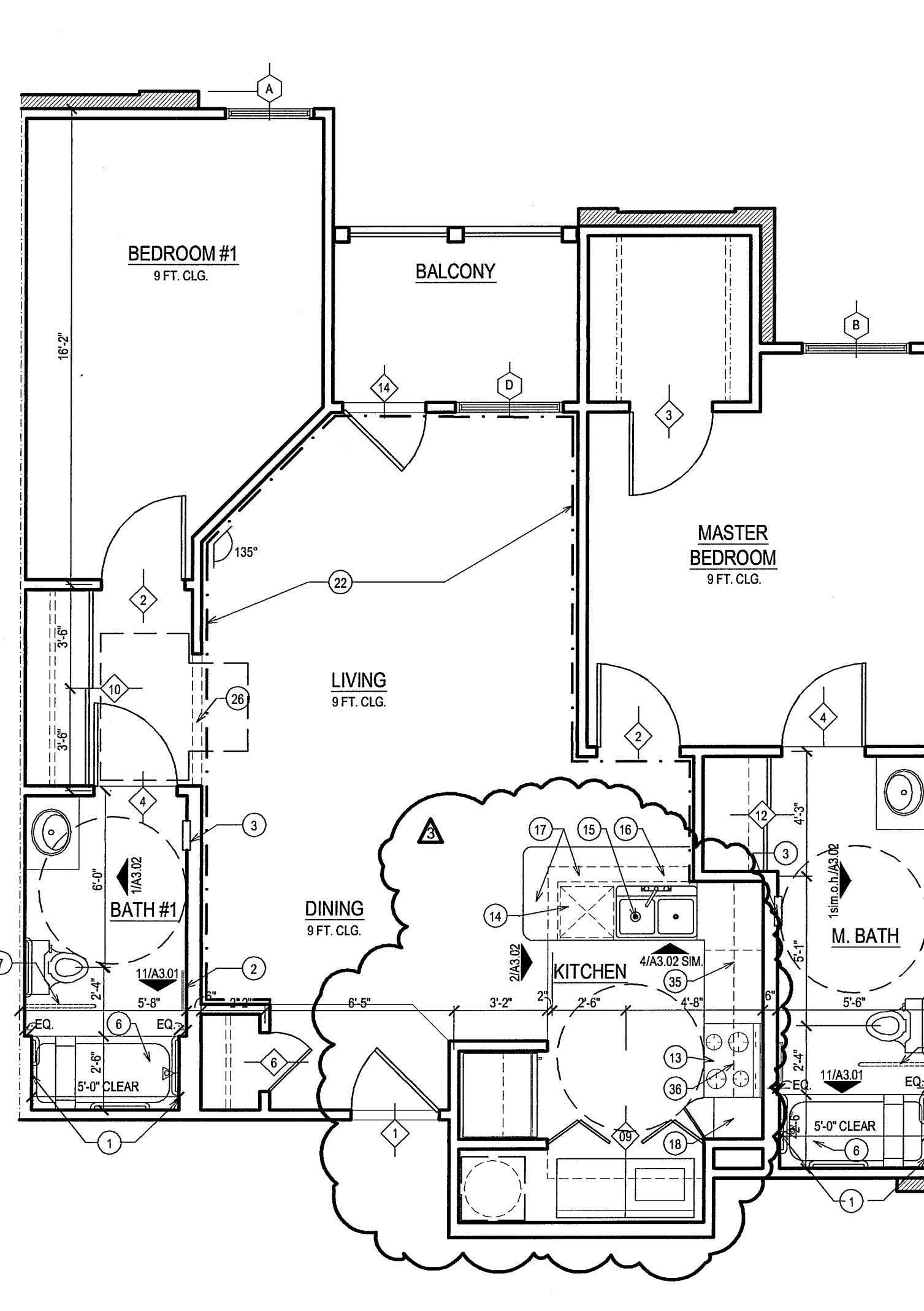
4 UNIT C - FURNITURE PLAN
 1/4" = 1'-0" UNIT SIZE: 962 S.F.



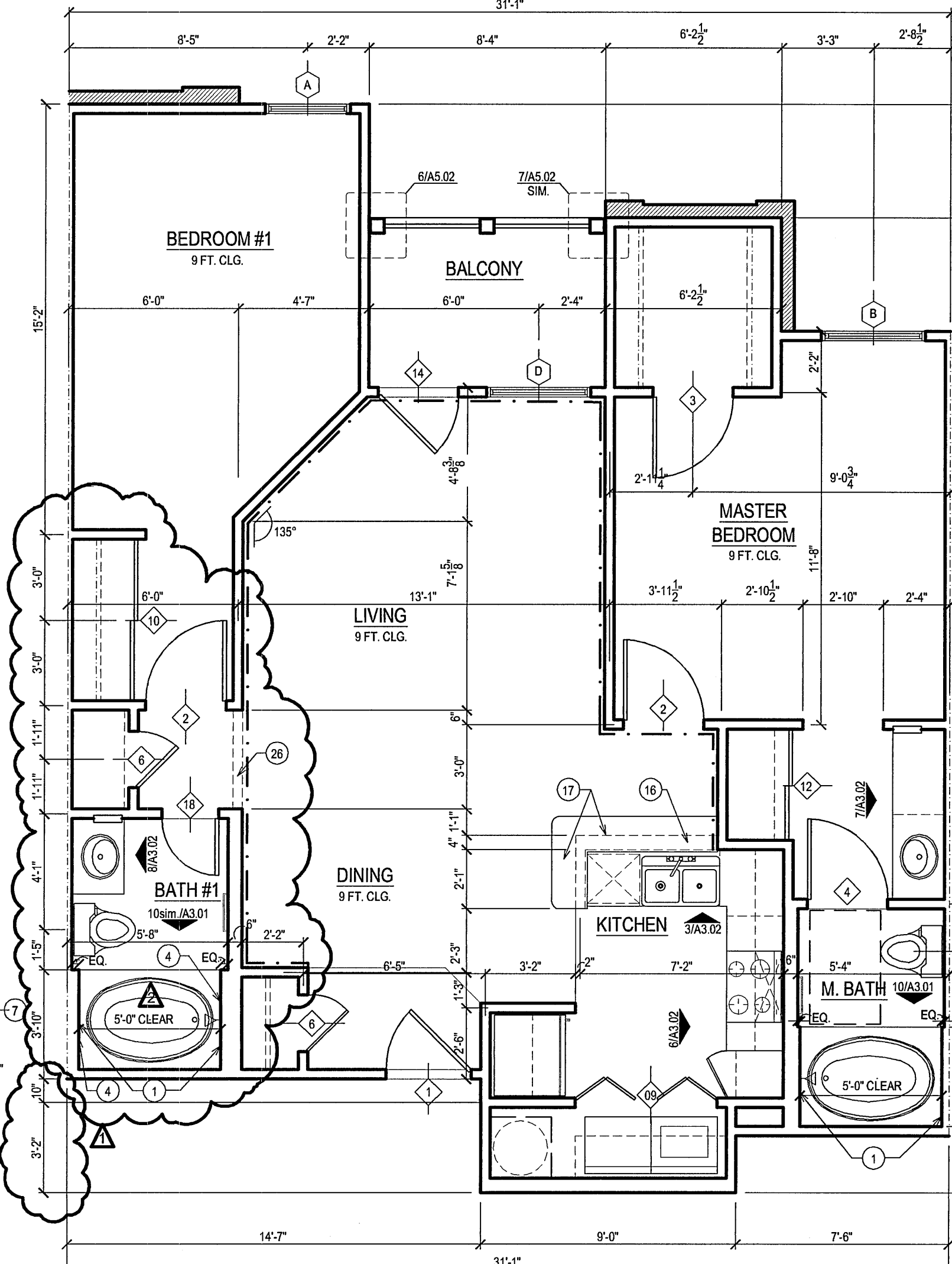
2 UNIT C - SECOND/THIRD FLOOR
 1/4" = 1'-0" TOTAL NUMBER OF UNITS = 24
 REFER TO 1/8" BUILDING-I PLANS FOR LOCATION UNIT SIZE: 962 S.F.



5 UNIT C-alt - FIRST FLOOR (ADAPTABLE)
 1/4" = 1'-0" TOTAL NUMBER OF UNITS = 12
 REFER TO 1/8" BUILDING-II PLANS FOR LOCATION UNIT SIZE: 985 S.F.



3 UNIT C - 1st FLOOR (BF - w/ tub)
 1/4" = 1'-0" TOTAL NUMBER OF UNITS = 2
 REFER TO 1/8" BUILDING-I PLANS FOR LOCATION UNIT SIZE: 962 S.F.



1 UNIT C - FIRST FLOOR (ADAPTABLE)
 1/4" = 1'-0" TOTAL NUMBER OF UNITS = 10
 REFER TO 1/8" BUILDING-I PLANS FOR LOCATION UNIT SIZE: 962 S.F.

GENERAL NOTES

- THE BATH TUBS GRAPHICALLY SHOWN ON THESE UNIT PLANS ARE EITHER 32"x 60" STANDARD OR 42"x 60" GARDEN TYPES. IF THE OWNER CHOOSES DIFFERENT SIZES THEN, ALL THE SURROUNDING SPACES NEED TO BE ADJUSTED FOR SPATIAL COMPLIANCE. REFER TO INTERIOR ELEVATIONS FOR FURTHER DETAILS.
- INSTALL FINISHED FLOORING CONTINUOUS UNDER REMOVABLE CABINETS AT ALL ADAPTABLE UNITS.
- COORDINATE WITH OWNER'S INTERIOR DESIGNER DRAWINGS.
- VARY STUD SIZE AND SPACING WITH STRUCTURAL AND WITH APPLICABLE CODE REQUIREMENTS AND FIRE ASSEMBLIES.
- REFER TO DATA SHEET A0.01 FOR MORE DETAILS & REQUIREMENTS FOR ALL BARRIER FREE, ADAPTABLE (FAIR HOUSING) & HEARING IMPAIRED UNITS.
- NON-CASED OPENING TO BE GYP. BD. ONLY @ 6'-8" A.F.F.; NO TRIM REQ'D. PROVIDE MTL CORNER REINFORCING AT ALL OUTSIDE CORNERS, U.N.O.
- REFER TO DRAWING 1 FOR TYP. DIMENSIONS THAT APPLY TO ALL TYPE C UNITS ON THIS SHEET U.N.O.
- REFER TO DRAWING 2 FOR TYP. KEYNOTES THAT APPLY TO ALL TYPE C UNITS ON THIS SHEET U.N.O.

DIMENSION CONTROL NOTES:

BUILDING PLANS AND OTHER HORIZONTAL DIMENSIONS

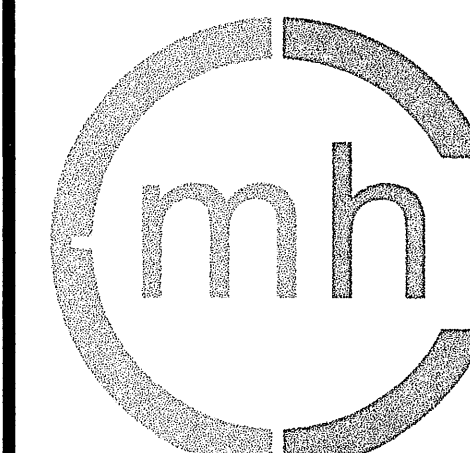
- BUILDING EXTERIOR PERIMETER DIMENSIONS ARE SHOWN FROM EXTERIOR FACE OF STUDS TO EXTERIOR FACE OF STUDS WHERE FRAMING ALIGNS WITH EXTERIOR FACE OF STRUCTURAL GRADE BEAMS. THIS INCLUDES INSIDE AND OUTSIDE OFFSETS IN EXTERIOR PERIMETER WALLS. BREEZEWAY WALLS ARE CONSIDERED EXTERIOR WALLS. CENTERLINES OF WINDOWS AND DOORS ARE SHOWN DIMENSIONED TO THE CENTERLINE OF AN ADJACENT INTERIOR PARTITION, OR TO THE OUTSIDE FACE OF AN ADJACENT EXTERIOR WALL. DOORS SHOWN IN THE CORNER OF A SPACE ARE ASSUMED TO BE 4" FROM THE CORNER AND NEED NOT TO BE DIMENSIONED UNLESS NOTED OTHERWISE.
- WHERE EXTERIOR MASONRY IS SHOWN, PERIMETER DIMENSIONS ARE SHOWN TO EXTERIOR FACE OF MASONRY LEDGES.
- BUILDING EXTERIOR PERIMETER DIMENSIONS MUST MATCH ON ALL WORK: ARCHITECTURAL, STRUCTURAL, CIVIL, LANDSCAPE AND MEP.
- INTERIOR PARTITION DIMENSIONS ARE SHOWN FROM CENTERLINE OF PARTITION TO CENTERLINE OF NEXT PARTITION.
- UNIT PARTY WALLS ARE CONSIDERED INTERIOR WALLS.

BUILDING SECTIONS, ELEVATIONS, DETAILS AND OTHER VERTICAL DIMENSIONS

- FINISHED FLOOR ELEVATION, OR DATUM, OF 1st FLOOR IS 100'-0". SEA LEVEL ELEVATIONS ARE SHOWN ONLY ON THE CIVIL DRAWINGS AND ARE CONVERTED TO DATUM 100'-0" FOR DETAILING PURPOSES.
- FINISHED FLOOR ELEVATIONS ARE 10'-8" VERTICALLY FROM FLOOR TO FLOOR. MODULAR MASONRY JOINTS ALIGN WITH FINISHED FLOOR LINES.

KEY NOTES - A2.03

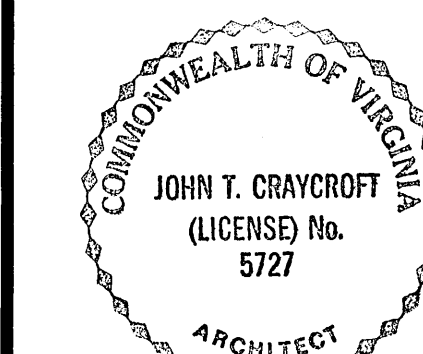
- 5'-0" CLEAR REQ'D FROM FACE OF GYP. BD. TO FACE OF GYP. BD. SO THAT TUB CAN BE INSTALLED AND MAINTAIN 1-HR. RATING
- TOWEL BARS - PER SPEC 102800
- RECESSED MEDICINE CABINET - PER SPEC 102800
- 2x 8 BLOCKING FOR FUTURE GRAB BARS - PER SPEC 061000
- NOT USED.
- REMOVABLE SEAT - PER SPEC 102800
- SWING UP GRAB BAR - PER SPEC 102800
- ROLL-IN SHOWER w/ CERAMIC TILE SURROUND - PER SPEC 093000
- FLOOR DRAIN (F.D.) - PER M.E.P.
- 26"x 26" DRAIN TRAY BELOW W.H. PER M.E.P.
- W.H. BELOW WITH A/C UNIT ABOVE - PER M.E.P.
- SELF-VENTING MICROWAVE ABOVE - PER SPEC 113100
- OVEN / RANGE - PER SPEC 113100
- DISHWASHER - PER SPEC 113100
- KIT. DISPOSAL / COMPACT MODEL @ B.F. UNITS - PER SPEC 113100
- 2x 4 WALL @ 42" A.F.F. - 1st FL.; OR 43" A.F.F. - 2nd & 3rd FLOORS - PER OWNER AND SPEC 064023
- 15" WIDE BCTR @ 42" A.F.F. - PER SPEC 064023
- PANTRY CABINET - PER SPEC 064023
- REFR. - PER SPEC 113100
- 30" WIDE (MIN.) REMOVABLE BASE CABINET - PER SPEC 064023
- FOUR (4) SHELVES - EQUALLY SPACED - PER SPEC 064023
- ONE (1) SHELF AT 42" A.F.F. (TYP.) - PER SPEC 064023
- WASHER - PER SPEC 113100
- DRYER - PER SPEC 113100
- 1-HR RATED BOXES & OUTLETS REQ'D - PER M.E.P.
- 6'-8" A.F.F. NON-CASED GYP. BD. OPENING - PER SPEC 092900
- TRANSOM ABOVE - REF. TO DOOR SCHEDULE ON SHEET A7.01
- CROWN MOLDING - PER SPEC 061000
- 1R / 1S @ 5'-8" A.F.F. TO TOP OF SHELF (4'-0" MAX. @ B.F.)
- PROVIDE VALANCE TRIM @ WARDROBE SLIDING DOOR - TYP. - PER SPEC 081510
- METAL OR PVC RAILING - VERIFY ALTERNATE SELECTION w/ OWNER - PER SPEC 012300
- 6"x 6" WD. POST @ 2ND FLR. ONLY - REF. TO STRUC. DWG'S FOR DETAILS
- NOT USED
- NOT USED
- COUNTERTOP MICROWAVE - PER SPEC 113100
- VENTLESS HOOD ABOVE RANGE w/ ACCESSIBLE CONTROLS - PER SPEC 113100
- OPTIONAL CABINET ABOVE REFR. - VERIFY w/ OWNER
- 18" DEEP PLANT SHELF ABOVE IN VAULTED CEILING @ 3RD FLOOR UNITS ONLY - REF. TO STRUCTURAL DRAWINGS FOR DETAILS.
- LINE OF VAULTED CEILING ABOVE @ 3RD FLOOR UNITS ONLY - REF. TO STRUCTURAL DRAWINGS FOR DETAILS.



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John T. Craycroft

**HARRISON
CREEK, L.L.C.**

**HARRISON
CREEK
APARTMENTS**

PETERSBURG, VIRGINIA

DATE	10.20.08
BID SET	03.20.09
PERMIT SET	10.20.08
CONSTRUCTION SET	03.20.09
REVISIONS	
Δ 01.30.09	REV. PER COORDINATION
Δ 02.27.09	REV. PER OWNER
Δ 03.02.09	REV. PER OWNER

PROJECT NO. **08101**
 SHEET NO. w/ TITLE
A2.03
 1/4" UNIT TO FLOOR PLANS

SITE DATA:	
TOTAL AREA	6.3 +/- AC
WETLANDS	0.4 +/- AC
NET AREA	5.9 +/- AC
TOTAL UNITS	120
PARKING	220 SPACES (1.83 SPACES/ UNIT)



HARRISON CREEK APARTMENTS - PETERSBURG,VA

Conceptual Development Plan - September 29, 2022

Patrons – All Members of Council

Approved as to form and legality by the City Attorney

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PETERSBURG, AS AMENDED, BY AMENDING THE DISTRICT MAP CONSTITUTING A PART OF SAID ORDINANCE, AS AMENDED, SO AS TO CHANGE CERTAIN PROPERTY HAVING A CURRENT ADDRESS OF 2470 COUNTY DRIVE, FURTHER IDENTIFIED AS TAX PARCEL 040-03-0801, FROM M-1(C), LIGHT INDUSTRIAL DISTRICT (WITH CONDITIONS), TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, WITH CONDITIONS.

WHEREAS, PBFL, LLC, owner of certain property having a current address of 2470 County Drive, further identified as tax parcel 040-03-0801, through its attorney-in-fact, John G. “Chip” Dicks of Future Law, LLC, petitioned the City Council through its Planning Commission to amend the City’s zoning ordinance; and

WHEREAS, the subject property, having a current address of 2470 County Drive, further identified as tax parcel 040-03-0801, contains approximately 36 acres of land and is located along the south line of U. S. 460/County Drive; and

WHEREAS, the amendment sought by the owner of the subject property would modify the zoning designation of the subject property from “M-1”(c), Light Industrial District, with conditions, to PUD, Planned Unit Development District, with proffered conditions; and

WHEREAS, such proposed amendment is sought to facilitate the development of a planned development to be known as Harrison Creek and to contain commercial, office/retail, and multi-family units; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendment on November 7, 2007, pursuant to notice thereof as required by law; and

WHEREAS, at that public hearing, adjoining property owners and other interested parties raised concerns regarding (i) the impact of traffic expected to be generated by the

proposed development along County Drive because it is a four-lane highway without a median or designated turning lanes, (ii) the proposed density of the multi-family residential development portion of the proposed development, and (iii) the perceived negative impact of railway traffic at the southern boundary of the site; and

WHEREAS, by letter dated February 19, 2008, the owner PBFL, LLC, and BECO Construction Company, Inc., agreed to accept the conditions proposed by Planning Department staff in the staff report dated October 31, 2007, and proffered additional conditions to mitigate the impact of the proposed amendment upon surrounding properties and land uses; and

WHEREAS, the Planning Commission finds that the proposed amendment, to the extent it would authorize multi-family residential development, is not fully consistent with the Comprehensive Plan 2000 General Land Use Plan (Map), which Plan identifies light industrial/flexible uses as appropriate for a substantial portion of the subject property; and

WHEREAS, the Planning Commission finds that the proposed amendment, to the extent it would authorize commercial and retail uses, is consistent with the Comprehensive Plan; and

WHEREAS, the Planning Commission observes that the land use circumstances and development patterns for the affected area of the City are in flux; and

WHEREAS, the Planning Commission has made a recommendation to City Council, via the Comprehensive Plan 2000-Amendment (2007-02), relative to a proposed amendment to the Comprehensive Plan 2000 General Land Use Plan (Map), which recommendation is based on the Planning Commission's finding that an incremental approach to amending the General Land Use Plan for the corridor within which the subject property is located is not in the best interest of the community and is inconsistent with general planning practices; and

WHEREAS, the Planning Commission finds that the conditions proffered by the owner PBFL, LLC, and BECO Construction Company, Inc., which proffered conditions include the conditions proposed by the Planning Department staff, appear to be capable of mitigating the potential for the proposed development to have adverse impacts on traffic, adjacent property owners, and the surrounding uses and values of the existing neighborhood; and

WHEREAS, the Planning Commission recommends that City Council approve the proposed amendment, with the conditions proffered by the petitioner, attached hereto and made a part hereof; and

WHEREAS, the City Council has held a public hearing on February 19, 2008, pursuant to notice thereof as required by law, on the proposed amendment to the zoning ordinance; and

WHEREAS, the City Council of the City of Petersburg has determined that the proposed amendment to the zoning ordinance should be granted, with the conditions proffered by the petitioner, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Petersburg:


1. That the zoning ordinance, as amended, be amended further by amending the District Map constituting a part of said ordinance, as amended, so as to change the designation of the following described property from "M-1(c)", Light Industrial District (with conditions), to PUD, Planned Unit Development District, with the proffered conditions attached hereto and made a part hereof.

that certain 36.216 +/- acre parcel of land situate and being in the City of Petersburg, Virginia along the south line of U.S. Route 460/County Drive, with approximately four hundred (400') feet of frontage thereon, addressed as 2470 County Drive and further identified as Tax Parcel 040-03-0801.

2. That this rezoning is conditioned upon the compliance by the owner or owners with all of the proffered conditions contained in the attachment to this ordinance, designated "Conditions for REZ-PUD 2007-04", which is attached to, incorporated into, and made a part of this ordinance. These conditions, having been proffered by the owners or owners accepted by the City, shall continue in full force and effect until a subsequent amendment to the City's Zoning Ordinance changes the zoning of the parcel rezoned by this ordinance and specifically repeals such conditions.

3. That if the current or future owner or owners of the subject property fail to fulfill the proffered conditions incorporated into this ordinance by March 1, 2013, the Petersburg City Council may, by duly adopted ordinance, deem such conditions void, repeal this ordinance, and rezone the property.

4. That this ordinance shall take effect immediately upon adoption.

Ordinance 08-Ord-20
Adopted by the City of Petersburg Council
on 02/19/08

Mayor

Harrison Creek, LLC
609 Independence Parkway
Chesapeake, VA 23320
Phone: 757-547-1515
Fax: 757-547-5579
becohomes.com

February 19, 2008

Leonard A. Muse
Director Planning and Community Development
City of Petersburg
City Hall, Room 204
135 N. Union Street
Petersburg, Virginia 23803

RE: Proffers Relative to Harrison Creek
PBFL, LLC and BECO Construction Company, Inc., Applicants
Property Address: 2470 County Drive
REZ-PUD 2007-04

Dear Mr. Muse:

The Applicant is pleased to submit the following proffers for the above-referenced Rezoning Request to rezone Tax Parcel 040-03-0801 at 2470 County Drive, in the City of Petersburg, Virginia, consisting of 36.216 acres, more or less, from Light Industrial ("M-1") to Planned Unit Development ("PUD"). The purpose of the Rezoning Request is to permit the development of the Harrison Creek Planned Unit Development including the following land uses: Commercial/Office/Retail (4.0 acres, more or less), Office Site (1.5 acres, more or less); and Multifamily Residential containing 336 units (29.0 acres, more or less).

The proffers are as follows:

1. The Property shall be developed in general conformance with the Plan (prepared by Porterfield Design Center; dated January 10, 2008) and the Application for Planned Unit Development submitted with this case. The exact boundaries and acreage of each land use designation may be shifted to a reasonable degree at the time of site plan for each development area/use in order to accommodate engineering or reasonable design considerations. These conditions apply to the Applicant or its successors or assigns.
2. The "OutParcel Site" and "Office/Retail Site" on the Plan (prepared by Porterfield Design Center; dated January 10, 2008) shall be developed in a manner consistent with the "B-2", General Commercial District Regulations of the Zoning ordinance of the City of Petersburg with all permitted uses allowed by the Ordinance, except the following and similar such uses shall not be permitted: used vehicles sales, vehicle rebuilding or vehicle body shops or vehicle repairing facilities, used tire sales, towing lots, salvage dealers, or vehicle service operations which employ any form of outside storage of inoperative motor vehicles shall not be permitted as uses within this area, new automobile sales; adult entertainment uses of any kind, nightclubs, tatoo parlor. This land use area shall not exceed 4.0 acres.

3. The life style (multi-family) land use designation on the Plan (prepared by Porterfield Design Center; dated January 10, 2008), shall be developed in accordance with the conceptual plan submitted for Harrison Creek Apartments, and shall consist of not more than 336 multi-family units, with the unit mix set out in the Application, on a parcel of land within the PUD (Multi-family Land Use Designation) not to exceed an area of 29.0± acres. Accessory uses such as garage parking, clubhouse/community center /pool and other recreational amenities are uses allowed within this land area. The net density of multi-family uses in this land area shall not exceed a gross density of 12.85 dwelling units per acre. There shall be no other residential uses on any land use designations within the PUD.
5. The land area designated as "Office Site", as shown on the Plan (prepared by Porterfield Design Center; dated January 10, 2008) shall not exceed 1.60± acres nor shall the structures developed for office use exceed 12,000 square in area. Parking spaces shall be provided at a ratio of one space for every 200 square feet of floor area.
6. The Applicant shall execute a "Declaration of Covenants and Restrictions" (Declaration), approved in advance by the City Attorney as consistent with the Ordinance adopted approving this zoning case, and so by create the Harrison Creek Association (HCA). The HCA shall enforce the standards for development, consistent with the zoning conditions, and assure the quality of development, architectural compatibility, environmental protection and other elements of development control. The Declaration shall be recorded among the land records of the City of Petersburg prior to the conveyance of any properties by the Applicant to third parties and as soon as practicable upon approval of the zoning case.

The HCA shall be funded by all owners of property within the Harrison Creek development by payment of dues to the HCA based upon the owner's pro-rata share of the total land area, excluding the wetlands areas. The HCA shall appoint a Board of Architectural Review (BAR) which shall, prior to site plan approval by the City, review and approve all site plans, architectural designs, building heights, signage, landscaping, parking fields, lighting, pedestrian circulation plans, stormwater management facilities and such other submissions as are necessary to ensure that development within Harrison Creek achieves the high standards established by the Conceptual Site Plan, the Declarations and the zoning conditions.

7. The Applicant shall provide when applicable, its proportionate costs, dedications of rights or way, and/or construction of roadway segments as set forth in the Conceptual Site Plan and as determined by updated TIA (Traffic Impact Analysis) submitted at the time of site plan review and subject to approval by the City. Prior to approval by the City of any site plan for development within Harrison Creek, an updated TIA shall be performed and the report submitted to the City as part of the site plan submission. The Applicant shall install suitable traffic management and control measures, as determined by the City, at the intersection of the "80' Right-of-Way and County Drive", and at the intersection of the "Secondary Access to Apartments" as a condition precedent of approval of a site plan for any development within the subject PUD.

8. Landscaping shall be in general conformance with the Plan prepared by Porterfield Design Center, dated January 10, 2008, and subject to approval and/or modification by the Department of Planning and Department of Public Works at the time of any site plan submission.
9. Parking fields shall be in general conformance with the "Article 19 of the Zoning Ordinance of the City of Petersburg" subject to approval and/or modification by the Zoning Administrator.
10. Signage shall be in general conformance with the purposes of Article 21 (Sign Regulations) of the Zoning Ordinance of the City Of Petersburg and consistent with the unified system of signage set forth in the PBFL, LLC Zoning Request dated 08/06/07 prepared by Future Law, L.L.C. All signs shall require a sign permit issued under the provisions of Article 21 of the Zoning Ordinance of the City of Petersburg.
11. The pedestrian circulation system shall be in general conformance with the provisions for Recreation Amenities and Natural Areas set forth in the PBFL, LLC Zoning Request dated 08/06/07 prepared by Future Law, L.L.C. and as illustrated in the Plan prepared by Porterfield Design Center, dated January 10, 2008.
12. All uses shall be connected to public water and sewer as part of the development of the Property. The Applicant shall be responsible for the design and construction of all on-site and off-site water and sewer lines necessary to provide service to the particular land use being developed, in accordance with the applicable requirements of the City and the Commonwealth of Virginia. All lines shall be sized to serve the drainage shed in which they are located in accordance with the applicable requirements of City of Petersburg. The Applicants shall be responsible for provision of a pro-rata share of the costs of off-site improvements to the sanitary sewer capacity and conveyance system for the Poor Creek Sanitary Sewer Basin. The actual costs to be determined in consultation with the Department of Public Works at or before the time of Site Plan submission for the development as a whole or any individual or separate developments within the PUD.

13. Stormwater management facilities shall be owned and maintained by the Developer. The stormwater management ponds shall be constructed by the Developer as determined to be necessary and appropriate by the City, based on a Stormwater Management Plan consistent with the laws of the Commonwealth of Virginia and the requirements of the City of Petersburg. Such plans shall be required at the time of site plan submission. Stormwater management ponds shall primarily be wet ponds and shall be designed so as to enhance the areas in which the ponds are located. The design and location of the various ponds shall be approved by the City of Petersburg at the time of Site Plan submission.
14. The Applicant shall grant utility easements or such other easements as are necessary and appropriate for the development of Harrison Creek. The party requesting an easement shall provide a copy of the proposed easement document for review and approval in advance, such easement shall be of a minimum width necessary and shall be located in such a way that it does not reasonably interfere with the productive use of the grantor's property, and the grantee of the easement shall indemnify the grantor for any and all damages that may result of the installation and/or maintenance of such easement.
15. The developer shall, prior to the issuance of any building permit to commence construction of any building on the Property, record a restrictive covenant running with the land that provides that the subject property will not be used or operated in whole or in part as affordable rental housing described in the provisions of (i) 26 U.S.C. § 42, 26 U.S.C. § 142(d), 24 CFR § 983, 24 CFR § 236, 24 CFR § 241(f), 24 CFR § 221(d)(3), or any successors thereto; (ii) applicable state law; or (iii) similar local ordinances adopted by the locality wherein such real property is located."
16. There shall be an appropriate buffering plan, which shall include keeping as many of the existing larger trees along the boundary lines as possible, determined as part of site plan review, to provide a natural vegetative buffer between that portion of the Property developed as multifamily and the existing single family residences along the western boundary line (N 0009'11"), 2073.27 feet in length (the "Western Boundary Line"). Further, there shall be no building constructed within 30 feet of the Western Property Line.
17. There shall be a decorative fence surrounding the Property, the final location and design of which will be determined as part of site plan review, however, the fence shall be at least 6 feet in height, surround the entire portion of the Property developed as Multifamily, and shall be designed to create a "gated residential community". The location of the fence shall be designed to keep as many of the existing larger trees along the boundary lines as possible.
18. All utilities shall be underground.
19. Except for timbering approved by the Virginia Department of Forestry for the

pose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the City and the approved devices installed.

We are pleased to make these proffers in the spirit of a commitment to excellence in the development of the Harrison Creek project, as the Applicant makes a significant investment in this area of the City and in the City of Petersburg as a whole.

The Applicant reserves the right to amend, alter or supplement these proffers until this application comes before the City Council for consideration.

With warm regards, I respectfully submit this and remain,

Very truly yours,



Jeffrey E. Miller
Director of Development

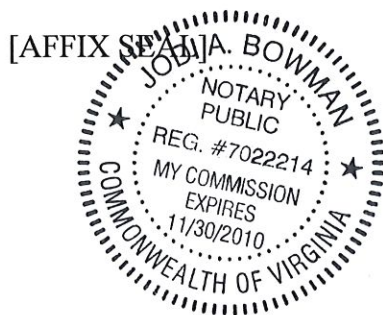
Commonwealth of Virginia:

Subscribed and sworn to before me this 19th day of February, 2008, by Jeffrey E. Miller.

My Commission Expires: 11/30/2010


NOTARY PUBLIC

Virginia Notary Registration #: 7022214





City of Petersburg

Department of Planning and
Community Development
804-733-2308

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

Memorandum

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

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

Date: November 1, 2021

Subject: Case REZ-2021-04
1220, 1225 and 1255 Harrison Creek Boulevard.
Tax Parcel: 040030805, 040030806 and 040030807

Request by PBFL, LLC represented by C. Burton Cutright, to rezone property located at 1220 Harrison Creek Blvd, 1225 Harrison Creek Blvd and 1255 Harrison Creek Blvd, future identified as TP# 040030805, TP# 040030806, and TP# 040030807, from PUD, B-2, General Commercial District with conditions to PUD, no restrictions. This action will also require an amendment change of the district to the zoning map from PUD with conditions to PUD, no restrictions. The proposed rezoning will allow the applicant to construct 52 single-family detached rental homes on 6.26+/- acres of land located along Harrison Creek Blvd between Route 460 and Acqua Luxury Apartments. The subject property is approximately 272,990.52 sq. ft. and has a public street frontage of approximately 261.06 feet. The density of allowed development shall be controlled by zoning conditions and ordinance standards.

I. Statement of Fact

The subject property was previously rezoned from M-1, Light Industrial District, with conditions, to PUD, Planned Unit Development District, to permit a Planned Unit Development District (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 purpose of that request was to facilitate a development offering "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. The developers completed the construction of the multi-family dwellings with the Community Center/Pool which is now known as "Acqua Luxury Apartments" and addressed as 1200 Harrison Creek Boulevard. The applicants met with the Department of Planning and Community Development staff to discuss their desire to **amend the existing PUD** from the commercial uses to the construction of an additional 52 detached single-family rental dwelling units. Staff advised the developers that their request would be required to undergo a rezoning review by the Planning Commission and the City Council for approval of the amended changes from those uses that were originally approved. Hence, the developers are looking for the favorable recommendation from the Planning Commission and City Council approval.

II. Surrounding Conditions:

The subject property is zoned PUD, approved for both commercial and residential usage. The multi-family (apartment) usage is currently developed at the site. This development is known as "Acqua Luxury Apartments" and all properties located along the north side of County Drive are zoned B-2, General Commercial, R-1A and R-1, Single-Family Residence District. Pinetree Apartments are located further south along County Drive. The subject property is located near the entrance of Roma Plaza Inc., (Roma's Pizza) which is in a shopping center across the road along County Drive and is zoned B-2, General Commercial District in addition to a two-story strip commercial building containing roughly 5,344 square foot of retail/office space and has been designated as commercial since annexation into the City of Petersburg in 1972. There is a large parcel 75.18 parcel of land which fronts County Drive, addressed as 2588 County Drive located along County Drive and abuts the rear portion of the original PUD which is zoned M-1, Light Industrial District. The I-95 and I-295 interchange is near the subject property. Much of the property along County Dr (US 460) occurred during the 1950's and 60's, and since that time there's been limited scattered development.

II. Findings

- A. The 2014 Comprehensive Plan designates the subject property for Commercial use those properties fronting along US 460 and Residential usage.
- B. The property is currently zoned as "PUD", Planned Unit Development District which allows for multi-family residential and a mixture of commercial, office and recreational uses. The recommendation to approve was granted on December 5, 2007, by the Planning Commission and City Council granted the approval of the existing PUD, at its February 19, 2008, meeting under Ordinance, 08-ORD-20, to permit multi-family residential, commercial, office space and recreational spaces. The proposed use will blend with the existing residential space and provide a variety of housing types in the area to those persons or families desiring more of a single-family style of development.
- C. The proposed use to amend the PUD, along the County Drive corridor at Harrison Creek Blvd coincides with the vision of the comprehensive plan that high density residential activities should be limited to areas near major transportation arteries offering good access to employment centers, such as Fort Lee and the Tri-Cities area.
- D. It is not believed that the proposed location will pose a burden to the existing neighborhood as the existing businesses have been operating in and around this corridor for several years.
- E. There shall be any increase in noise after construction is completed nor is it expected at the property boundaries. The proposed location is a major corridor and has the capacity to handle anticipated traffic.
- F. The proposed rezoning will allow for the development of currently vacant parcels of land thereby increasing and boosting tax revenue for the city.
- G. The site is currently served by water and sewer, and no indication has been given by the utilities department that the proposed development would overburden existing facilities. The previous petition was presented and approved with the intention of further development of the subject parcels. Any future construction activity will be subject to site plan review prior to undertaking land disturbing activity. Such activity requires the submission of a Land Disturbance Permit Application, stormwater management calculations, and the preparation of an Erosion and Sediment Control Plan.
- H. The subject property is not located within a Historic District.

III. Statement of Law

Article 26, "PUD" Planned Unit Development District, of the Zoning Ordinance of the City of Petersburg, Provides that Single-use zoning often has tended to constrain imaginative design for new community projects. The Planned Unit Development District, by offering developers the opportunity to overcome traditional zoning limitations, is intended to encourage innovative design approaches to large-scale subdivisions and commercial development. The purpose of this article is to establish procedures and standards for planned unit developments in order to achieve the following objectives: (1) Promote the use of land planning and design techniques that will result in the efficient, economical, and convenient arrangement of differing land uses, including residential and

commercial, and their supporting infrastructure; (2) Encourage flexibility in design to retain natural land features, including but not limited to floodplains, steep slopes and unique geological formations as well as historical and archeological areas; (3) Provide the reservation of land for public or private community facilities, including open space for scenic and recreational use; and (4) Encourage the creation of a variety of residential uses and compatible neighborhood arrangements that give the home occupant greater choice in the selection of types of environment and housing units.

Definition. A planned unit development is herein defined as a complete development scheme. This scheme should include development programs and plans for all land and structural improvements within the planned area and should be in accord with the comprehensive plan and other such guidelines and objective as may be established by the city council. Such development may be permitted on tracts of at least ten (10) acres which are under unified ownership or control.

IV. Recommendation

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

V. Exhibits

- 1) Tax Parcel Map Extract
- 2) Zoning Map Extract
- 3) Tax Assessor File Record
- 4) Comprehensive Plan 2014 Existing Land Use
- 5) Applicants Petition w/Exhibits
- 6) Applicants Project Summary attached to application



City of Petersburg
Department of Planning and Community Development

PROCEDURES FOR PETITION FOR REZONINGS OR SPECIAL USE PERMITS

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

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

PETITION FOR REZONING OR SPECIAL USE PERMIT

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

CASE NUMBER: _____

APPLICANT: PBFL, LLC

ADDRESS: 609 Independence Parkway, Suite 200
Chesapeake, VA 23320

I, C. Burton Cutright hereby petition to rezone the following described properties
from zoning district PUD with B-2 restriction to zoning district PUD, no restriction

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

Applicant proposes to construct 52 single-family detached rental homes on 6.26+/- acres located
along Harrison Creek Boulevard between Route 460 and 1200 Acqua Luxury Apartments.

The proposed development is more particularly described in the attached Project Summary.

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

040030805, 040030806, 040030807

2. Current Street Address(es) if assigned:

1220 Harrison Creek Blvd, 1225 Harrison Creek Blvd, 1255 Harrison Creek Blvd

3. Approximate Area:

272,990.52 sq. ft. 6.267 +/- acres

4. Public Street Frontage:

261.06 ft.

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

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

7. Brief:

Said deed restrictions will expire on:

C. JUSTIFICATION FOR REZONING

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

See attached Project Summary.

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

See attached Project Summary

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

See attached Project Summary

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

See attached Project Summary

D. CERTIFICATION:

The undersigned applicant certifies that they:

 X (a) are the owner, lessee or agent for (specified in writing)

 (b) possess a proprietary interest in (contract or option agreement)

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

Signed:


C. Burton Cutright, Manager

Mailing Address:

609 Independence Parkway, Suite 200
Chesapeake, VA 23320

Phone Number:

(757) 547-1515

Email Address:

bcutright@becoasset.com

POC: Jon M. Babineau, General Counsel
609 Independence Parkway, Suite 115
Chesapeake, VA 23320

email: jbabineau@becoasset.com
direct telephone no.: 757-842-6369

APPROVED

City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION RECORD

Date Filed (with Planning Department):

Date of Planning Commission Public Hearing:

Planning Commission Action(s):

Date of City Council Hearing:

City Council Action(s):

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

1200 Acqua, LLC

609 Independence Parkway, Suite 200

Chesapeake, VA 23320

St. Andrew's Charismatic Episcopal Church

2460 County Drive

Petersburg, VA 23803

Gilvia V. Stith

3242 Longhorn Drive

Colonial Heights, VA 23834

Donald Ray and Debbie H. Ferguson

2476 Poe Lane

Petersburg, VA 23803

Debray Properties, LLC

2476 Poe Lane

Petersburg, VA 23803

For additional names, use back of sheet

PROJECT SUMMARY

COTTAGES AT HARRISON CREEK

INTRODUCTION

Introducing the Cottages at Harrison Creek

The Cottages at Harrison Creek is a proposed development of 52 cottage-style rental homes to be built for the residents of the City of Petersburg. The proposed pocket neighborhood community will include a mix of 1-bedroom/1-bathroom (17 units) and 2-bedroom/ 2-bathroom (35 units) single-family rental homes and will be located on approximately 6.267+/- total acres along Harrison Creek Boulevard between Route 460 and 1200 Acqua Luxury Apartments. The Cottages at Harrison Creek development combines the positives of residential subdivision living and apartment-style living. Residents will enjoy the privacy and neighborhood feel of living in a single-family detached home community. The development will consist of small clusters of 1-story and 2-story houses that are interconnected by sidewalks and separated by private and community green space. Residents will enjoy the feeling of a traditional neighborhood without the financial burdens of homeowners' association fees and saving for a down payment. Residents will enjoy the affordability and convenience of living in an apartment-style community as rental units and surrounding green space areas are maintained by a professional management company. Residents will have access to common apartment-living group amenities such as a fitness room and pool without the drawbacks of having to share walls with noisy neighbors or haul groceries, pets, or kids to upper floors. The proposed medium-density development will provide a unique, high-quality, and affordable housing option to the residents of Petersburg.

ZONING CLASSIFICATION

Existing to Proposed

The current zoning of the three parcels, which total approximately 6.26+/- acres, is Planned Unit Development "PUD". The three subject parcels are the remainder of a larger 36.216+/- parcel that was rezoned from M-1(c) Light Industrial District (with restrictions) to PUD classification by adoption of city ordinance, 08-Ord-20 ("Ordinance"). The Ordinance modified the zoning classification of the entire 36.216-acre parcel and encumbered the three subject parcels with certain proffered restrictions and requirements. The Ordinance prevents the three subject parcels from being used for residential uses. [The Ordinance restricted residential

uses to the portion of the Applicant's conceptual plan that was designated as lifestyle/multi-family (1200 Acqua Luxury Apartments, the 336-unit luxury apartment community located to the south of the proposed development).] Additionally, two of the parcels must be developed in a manner consistent with "B-2" General Commercial District Regulations and the third parcel is limited to use as office use (with certain lot, structure, and parking requirements/limitations.) The current proffers prevent the Applicant from developing the parcels for a medium-density residential use. The Applicant believes that the proposed use for medium density residential development is the highest and best use of the land and that this use will offer the greatest benefit to Petersburg and its citizens. The Applicant respectfully requests that the City remove the proffered restrictions in the Ordinance that prevent the property from being developed for residential use.

In 2008, the Applicant intended to develop the three parcels for commercial, retail and office space as designated on its concept plan for the planned development known as Harrison Creek. Harrison Creek followed the Petersburg Comprehensive Plan and the Applicant's vision of a mixed-use development. For years, the Applicant aggressively marketed the parcels in attempt to attract commercial and business partners to enter this area, but it has been unsuccessful in its efforts. It is well-know that there has been great disruption in the commercial market over the last several years. The recent global pandemic has added to the decline and businesses have closed. Currently, there is significant square footage of open commercial space and business store front in the Petersburg area. An in-house analysis of the Petersburg submarket historical leasing data shows that the availability of available space is increasing. While market rental rates appear to be mostly stable, Fiscal Quarter 2 of 2021 showed leasing demand net absorption square footage at negative 27,627 SF. As businesses appear to be moving away from brick-and-mortar buildings to online platforms and delivery-based enterprises, it is unclear whether the pandemic has created a temporary disruption or a permanent change to "business as usual". Additional unoccupied commercial, business and office space is not needed and will not benefit the City or its residents. The subject parcels are currently vacant. Vacant land does not create jobs, attract residents, or generate much tax revenue. As stated in the Comprehensive Plan, Petersburg needs additional and diverse housing options for its residents. The proposed development can help the City meet its objective.

COMPREHENSIVE PLAN

Unique and Affordable Housing Option

The proposed Cottages at Harrison Creek development will be located on Harrison Creek Boulevard at the entrance of 1200 Acqua Luxury Apartments. The proposed development has approximately 261 feet of frontage along Route 460. The Route 460 corridor is strategically located between Interstate 95 and Interstate 295. The proposed development would be easily accessible from anywhere in the Petersburg/Richmond area and would be exceptionally convenient to the “back gate” of Fort Lee.

The expansion of Fort Lee has brought roughly 11,000 new residents to the Petersburg region. According to the Comprehensive Plan, the areas surrounding Petersburg have had an increase in housing while Petersburg has experienced a decline in the total number of housing units. (Comprehensive Plan, p. 55) The proposed development will add much needed units to Petersburg’s housing inventory.

In the 2040 Draft Comprehensive Plan, the City sets an objective to continue to encourage the creation of a variety of residential uses and compatible neighborhood arrangements in order to offer a variety of housing options to its residents. Article 26 of the Petersburg Zoning Ordinance explains that an objective of the [PUD] designation is to foster a variety of housing options that will give the home occupant greater choice in the selection of environment and housing units. (Zoning Ordinance, Art. 26, Sec. 1(4)). The proposed development supports the City’s objective as found in the Comprehensive Plan and is in accordance with the PUD classification as found in the Zoning Ordinance. The Applicant is proposing a flexible, innovative land use which is consistent with modern and future planning practices that will help to provide a diverse housing inventory and accommodate the growing housing needs of Petersburg. The proposed development presents a unique housing option. The units are designed to offer the renter the community-centered, neighborhood lifestyle that has been traditionally reserved for homeowners. Residents will enjoy backyards, front yards, common green spaces, trails, and traditional neighborhood living but will not need to pay homeowners’ association dues, struggle to save for a down payment, or navigate the sometimes-burdensome loan qualification process. Residents will enjoy the amenities of luxury apartment living like access to a community pool, dog parks, and property management services. For those

that prefer living in a house to an apartment, renting removes the risk and uncertainty that comes with timing a home purchase given the volatility of the real estate market, especially for those who may be subject to short-term ownership due to the transient nature of their employment. The build-to-rent nature of the planned development also removes the stigma some renters feel when moving into neighborhoods where homes are predominately owner-occupied.

The market for this type of unique housing option is rapidly growing and in demand. It attracts homeowners looking to downsize but not eager to rent an apartment, young families and aging adults that find renting more practical than owning a home, and professionals that are not ready for home ownership but are looking for a neighborhood community.

“BECO” and Petersburg have enjoyed the success of 1200 Acqua Luxury Apartments since its construction in 2010. BECO Asset Management, LLC, an affiliated company, manages 1200 Acqua. BECO Asset Management will also serve as the professional management company for The Cottages at Harrison Creek and will offer residents the same high-quality renting experience as is known at 1200 Acqua. BECO Asset Management’s dedicated marketing department will develop a detailed plan to attract prospective residents to the proposed development. Through the diligent efforts of BECO Asset Management and its marketing department, all BECO Asset Management managed properties enjoy high retention and occupancy rates. For example, 1200 Acqua consistently has an occupancy rate of 97%.

The ongoing global pandemic has highlighted the health needs of certain health-compromised individuals. These individuals are seeking to avoid shared spaces like common areas, elevators, and enclosed stairwells. The pandemic has also given us a greater appreciation of outdoor spaces. The proposed development includes abundant shared green space and trails are to be incorporated in the site development plan stage. Additionally, each house includes a backyard, front yard, or both.

THE PLANNED UNIT DEVELOPMENT APPLICATION

The Applicant respectfully requests that the City approve an amendment to the current zoning ordinance which removes the limitations placed on the three parcels for the reasons stated in this project summary. As required by the zoning ordinance, the Applicant presents the following information for consideration and review.

CONCEPT PLAN. Included with the Application are three copies of the Conceptual Plan prepared by David Taylor, dated May 13, 2021, showing the proposed concept for The Cottages at Harrison Creek development. Also included are three copies of a map showing the location of the proposed development in relation to the surrounding area including the location of streets, utilities, schools, and commercial facilities.

The three subject parcels total approximately 6.26 +/- acres, including 0.4 +/- acres of wetlands. The proposed development will include a neighborhood of 52 cottage-style rental homes located along Harrison Creek Boulevard between 1200 Acqua Luxury Apartments (an affiliated multi-family community) and County Drive/Rt. 460. The mix of one- and two-story detached houses will range in size from 900 to 1100 sq. ft. and will include both one-bedroom (17 units) and two-bedroom (35 units) rental homes. The cottages will be linked by interconnected sidewalks and shared open green spaces. The Cottages at Harrison Creek will provide the privacy and living style of a traditional single-family neighborhood with the affordability, convenience, and amenity access provided by apartment living.

WETLANDS. Three copies of the Wetlands Delineation report prepared by MAP Environmental, Inc. are included with the Application. This report summarizes the soil conditions, general topography and location and character of surface water. MAP Environmental is currently coordinating with the Army Corps of Engineers to gain wetlands certification. A copy of the COE certification will be forwarded upon our receipt.

DRAINAGE MANAGEMENT. The proposed development will utilize the storm water facility located on the back of the 1200 Acqua, LLC property to accommodate the reduced flow – impervious space that is created by its construction. The stormwater management plan that was implemented when the original 32.261 +/- acre mixed use project was rezoned to PUD included and considered the development of the three subject parcels for commercial, business and retail office use. The proposed development will incorporate significant amounts of green area/pervious areas in contrast to the mostly impervious areas that were originally contemplated. The storm water facility is sufficient to handle the proposed development.

TRANSPORTATION. The Cottages at Harrison Creek is positioned in the Route 460 Corridor and has easy access to both Interstate 95 and Interstate 295. The proposed development is located along Harrison Creek Boulevard between Route 460 and 1200 Acqua Luxury

Apartments. At the time the larger 32-acre parcel was rezoned to the PUD classification, traffic to these parcels was considered and planned for. The current proposed use as medium density residential use would generate less traffic than the commercial and retail use that was originally planned. Presently, there are both a right- and left-turn lane along Route 460 with approximately 200 feet of storage and 200 feet of taper, which is more than adequate to address the increase in traffic resulting from the proposed development. Also, Harrison Creek Boulevard provides for separate left and right turn exit lanes which will reduce delays when exiting the site.

SURROUNDING USES. The subject property is bounded to the north partially by Route 460/County Drive (parcels to the north of Route 460 are classified as B-2) and partially by B-2 zoned parcels, to the south by a parcel classified as PUD (1200 Acqua Luxury Apartments), to the east by an access road to 1200 Acqua Luxury Apartments classified as PUD (land east of road is zoned R-1), and to the west by parcels with “null” or no listed zoning classification (which appear to be used as residential).

The proposed construction of 52 single-family residential rental units on 6.26+/- acres would result in a density of 8.3 units per acre. This medium density development provides an appropriate and necessary transitional buffer between the R-1 zoned land that is located nearby (adjacent to the emergency access road located to the east of the proposed development), the land of unknown classification (appears to be residential use) to the west, and the B-2 zoned property located to the north (along Harrison Creek Boulevard) and the nearby B-2 zoned property located to the north of Route 460. Petersburg will also benefit from the increase in real estate tax revenue that will be generated by the development of the land.

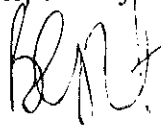
VEGETATION, BUFFERING AND SCREENING. There is extensive existing landscaping along Route 460/County Drive and Harrison Creek Boulevard and along the adjacent lot boundary lines. To the extent possible, mature landscaping will be preserved. This existing tree cover will be supplemented with additional planting. A key feature of The Cottages at Harrison Creek is the open green space that will be incorporated throughout the development to create an established neighborhood feel. Each unit will have a front yard, backyard, or both. Existing and proposed landscaping will provide shading, screening, and a sense of privacy and separation between the development and adjacent lots and public roadways.

PARKING. The proposed development will include 104 paved and marked parking spaces (2 per unit), with dimensions that comply with the zoning ordinance. All parking areas will be screened from public streets and adjacent land uses. Existing mature landscaping along Route 460 and Harrison Creek Boulevard will be retained, to the extent possible, and enhanced with additional landscape materials as shown on the Concept Plan.

SIGNAGE. The Cottages at Harrison Creek will incorporate a signage system that consists of high-quality materials and utilizes color, lighting, shapes, and other design elements to promote a cohesive and unified image that is consistent with the zoning ordinance and the "BECO brand".

"BECO" has been a Petersburg community partner since 2008. We are excited to grow our relationship with the City and its residents by expanding our investment in this community. We thank you for your consideration of this request. If you have any questions or require additional information, please do not hesitate to contact me at bcutright@becoasset.com or 757-514-1515, or you may reach Jon Babineau, General Counsel, at jbabineau@becoasset.com or 757-842-6369. We look forward to working with you.

Respectfully submitted,



C. Burton Cutright, Manager
PBFL, LLC



SITE DATA:	
TOTAL AREA	6.3 +/- AC
WETLANDS	0.4 +/- AC
NET AREA	5.9 +/- AC
TOTAL UNITS	52
PARKING	104 SPACES (2 SPACES/ UNIT)



THE COTTAGES AT ACQUA - PETERSBURG, VA
 Conceptual Development Plan - May 13, 2021

2) Zoning Map Abstract – Harrison Creek Boulevard Properties



Petersburg, Virginia

Legend

County Boundaries

Parcels

Zoning

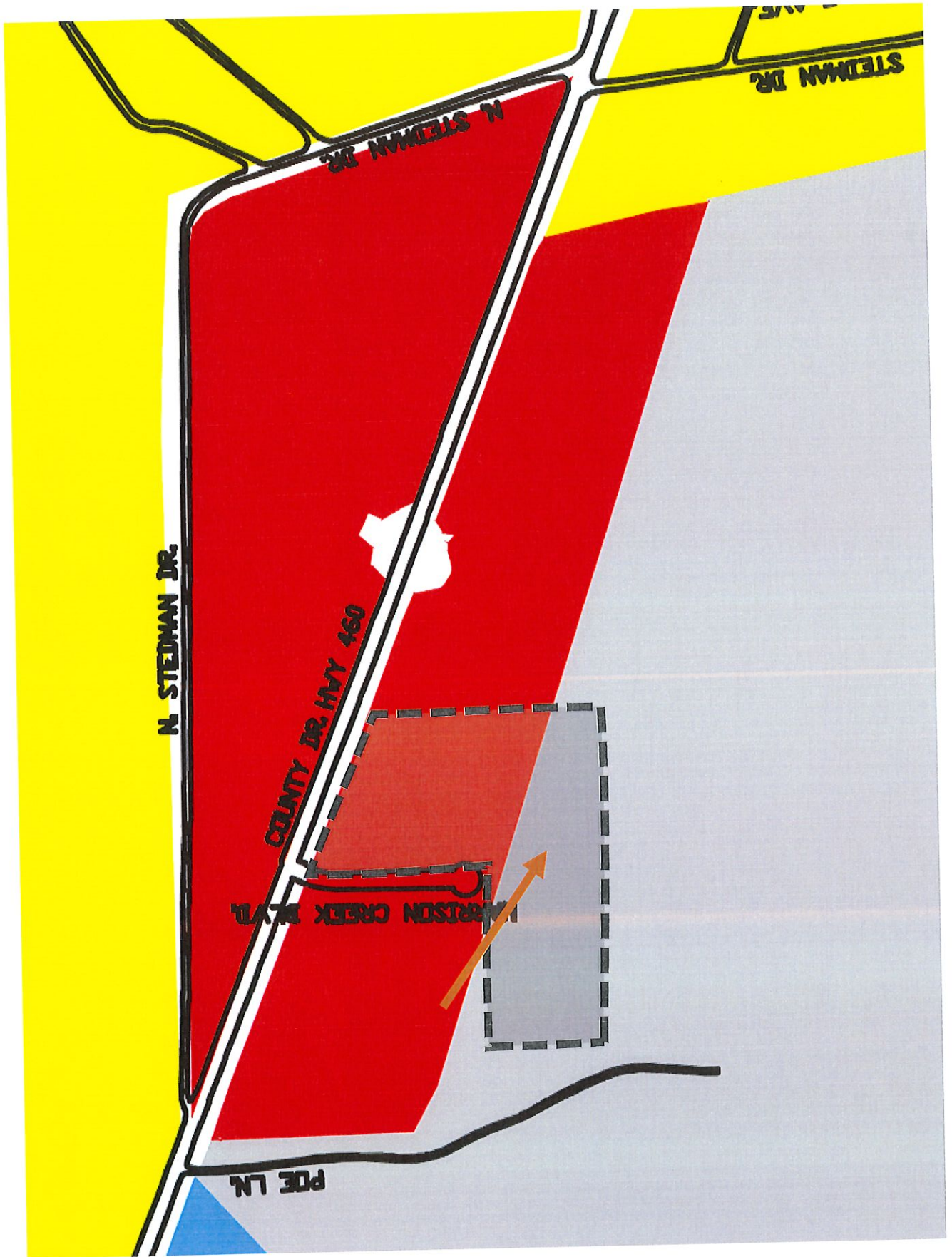
- A
- B-1
- B-2
- B-3
- M-1
- M-2
- MXD1
- MXD2
- PUD
- R-1
- R-1A
- R-2
- R-3
- R-4
- R-5
- R-6
- RB
- RMH
- RTH



Date: 11/1/2021

Title: Zoning: Harrison Creek Properties

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



Petersburg, Virginia

Parcel:

040030805

Summary

Owner Name	PBLF LLC	National Historic District:	
Owner Mailing Address	609 INDEPENDENCE PKWY CHESAPEAKE, VA 23320	Enterprise Zone:	
Property Use	400	Opportunity Zone:	51730811200
State Class:	4	VA Senate District:	16
Zoning:	PUD	Va House District:	63
Property Address	1220 HARRISON CREEK B PETERSBURG, VA	Congressional District:	4
Legal Acreage:	2.46	City Ward:	2
Legal Description:	PARACEL C2.464 ACRESHARRISON CREEK SUBD	Polling Place:	Blandford Academy
Subdivision:	Harrison C	Primary Service Area:	
Assessment Neighborhood Name:	Harrison C	Census Tract:	8112
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

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

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	7/14/2006	\$0	2006-3510

Assessments

Valuation as of	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019	January 1, 2020
Effective for Billing:	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019	July 1, 2020
Reason	Land Book	Land Book	Land Book	Land Book	Land Book
Land Value	\$86,200	\$86,200	\$86,200	\$86,200	\$86,200
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$86,200	\$86,200	\$86,200	\$86,200	\$86,200

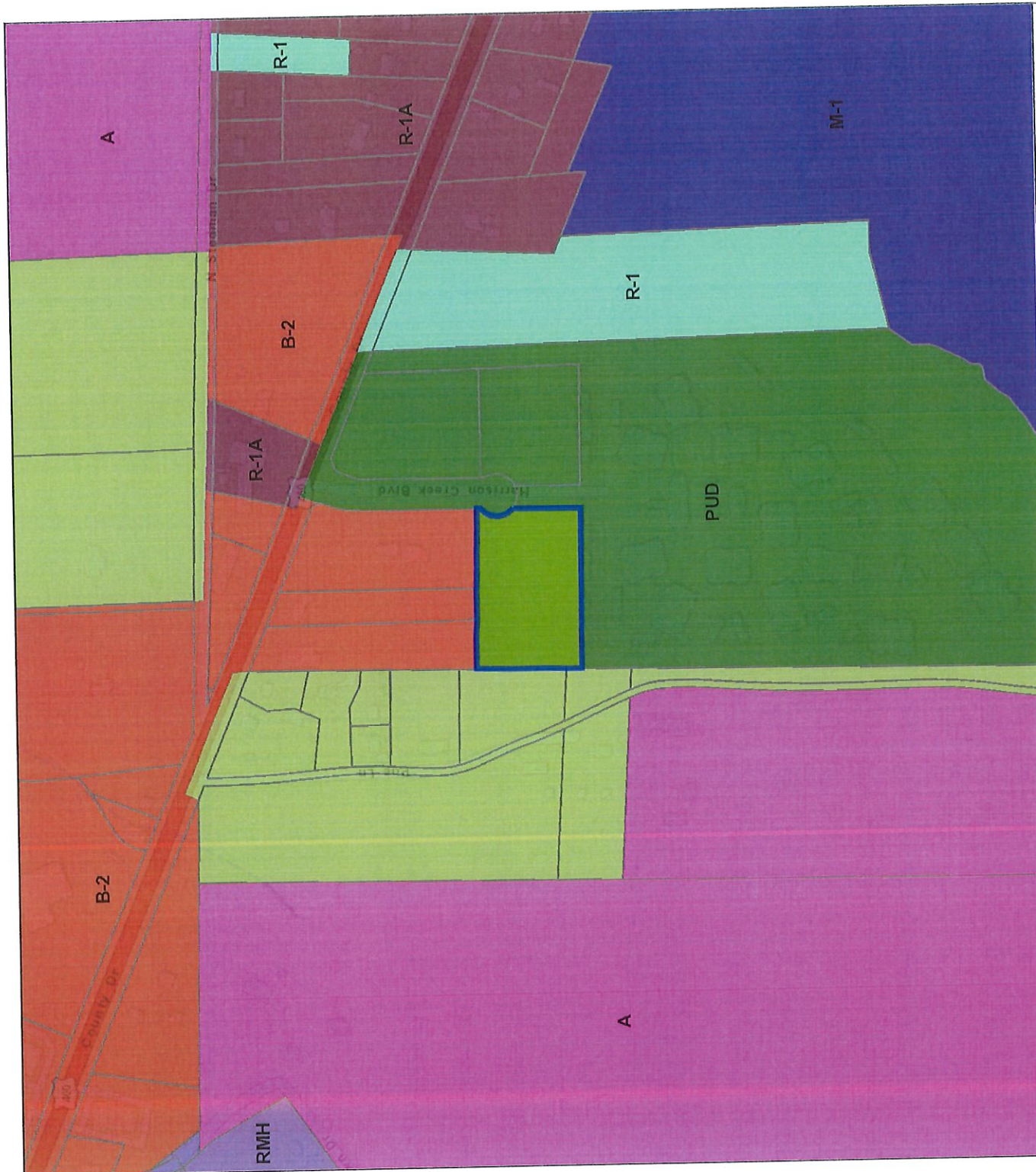
Property Tax (Coming Soon)

Petersburg, Virginia

Legend

- County Boundaries
- Parcels
- Zoning

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



Parcel #: 040030805

Date: 11/1/2021

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1220 County Drive



Petersburg, Virginia

Parcel:

040030806

Summary

Owner Name	PBLF LLC	National Historic District:	
Owner Mailing Address	609 INDEPENDENCE PKWY CHESAPEAKE, VA 23320	Enterprise Zone:	
Property Use	400	Opportunity Zone:	51730811200
State Class:	4	VA Senate District:	16
Zoning:	PUD	Va House District:	63
Property Address	1225 HARRISON CREEK B PETERSBURG, VA	Congressional District:	4
Legal Acreage:	1.74	City Ward:	2
Legal Description:	PARCL B1.746 ACRES HARRISON CREEK SUBD	Polling Place:	Blandford Academy
Subdivision:	Harrison C	Primary Service Area:	
Assessment Neighborhood Name:	Harrison C	Census Tract:	8112
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

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

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	4/14/2006	\$0	2006-3510

Assessments

Valuation as of	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019	January 1, 2020
Effective for Billing:	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019	July 1, 2020
Reason	Land Book	Land Book	Land Book	Land Book	Land Book
Land Value	\$61,100	\$61,100	\$61,100	\$61,100	\$61,100
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$61,100	\$61,100	\$61,100	\$61,100	\$61,100

Property Tax (Coming Soon)

Petersburg, Virginia

Legend

County Boundaries

Parcels

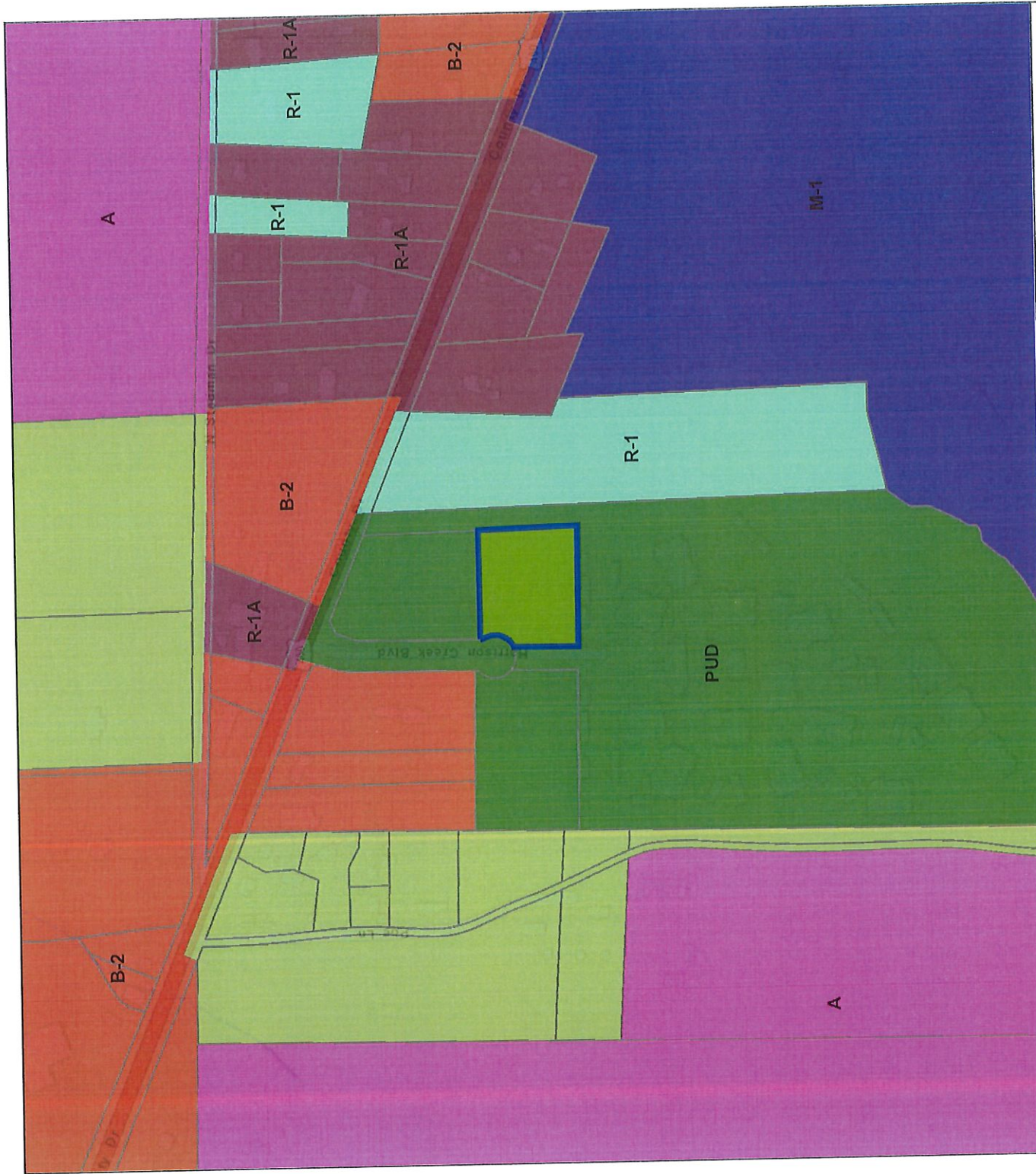
Zoning

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

Feet

0 100 200 300 400

1:4,514 / 1"=376 Feet



Date: 11/1/2021

Parcel #: 040030806

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1225 Harrison Creek Blvd



Petersburg, Virginia

Parcel:

040030807

Summary

Owner Name	PBLF LLC	National Historic District:	
Owner Mailing Address	609 INDEPENDENCE PKWY CHESAPEAKE, VA 23320	Enterprise Zone:	
Property Use	400	Opportunity Zone:	51730811200
State Class:	4	VA Senate District:	16
Zoning:	PUD	Va House District:	63
Property Address	1255 HARRISON CREEK B PETERSBURG, VA	Congressional District:	4
Legal Acreage:	2.04	City Ward:	2
Legal Description:	PARCEL A2.043 ACRES	Polling Place:	Blandford Academy
Subdivision:	Harrison C	Primary Service Area:	
Assessment Neighborhood Name:	Harrison C	Census Tract:	8112
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

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

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	7/14/2006	\$0	2006-3510

Assessments

Valuation as of	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019	January 1, 2020
Effective for Billing:	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019	July 1, 2020
Reason	Land Book	Land Book	Land Book	Land Book	Land Book
Land Value	\$71,500	\$71,500	\$71,500	\$71,500	\$71,500
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$71,500	\$71,500	\$71,500	\$71,500	\$71,500

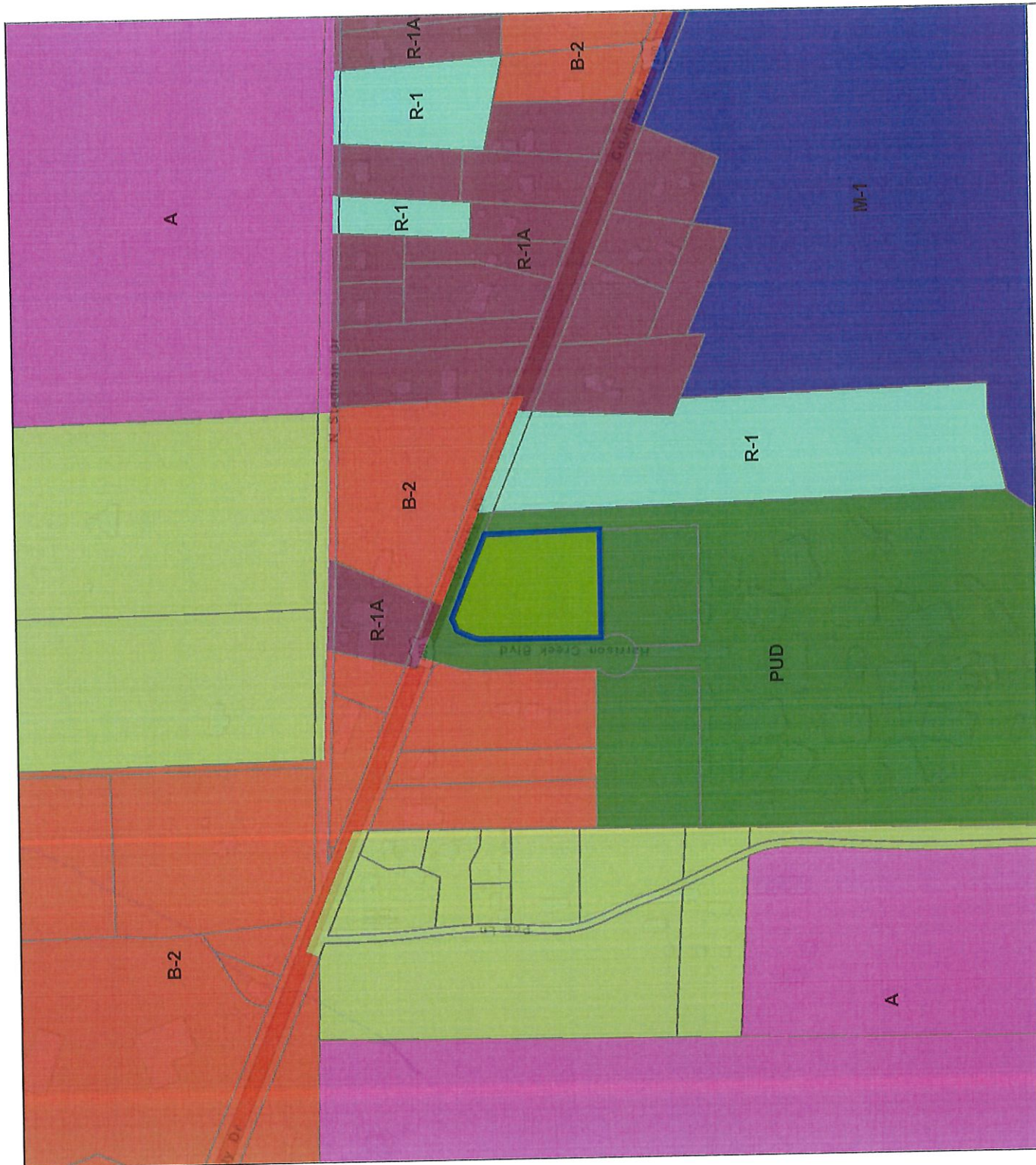
Property Tax (Coming Soon)

Petersburg, Virginia

Legend


- ☒ County Boundaries
☐ Parcels
☐ Zoning

-



Page 264 of 394

Feet



0 100 200 300 400

1:4,514 / 1"=376 Feet

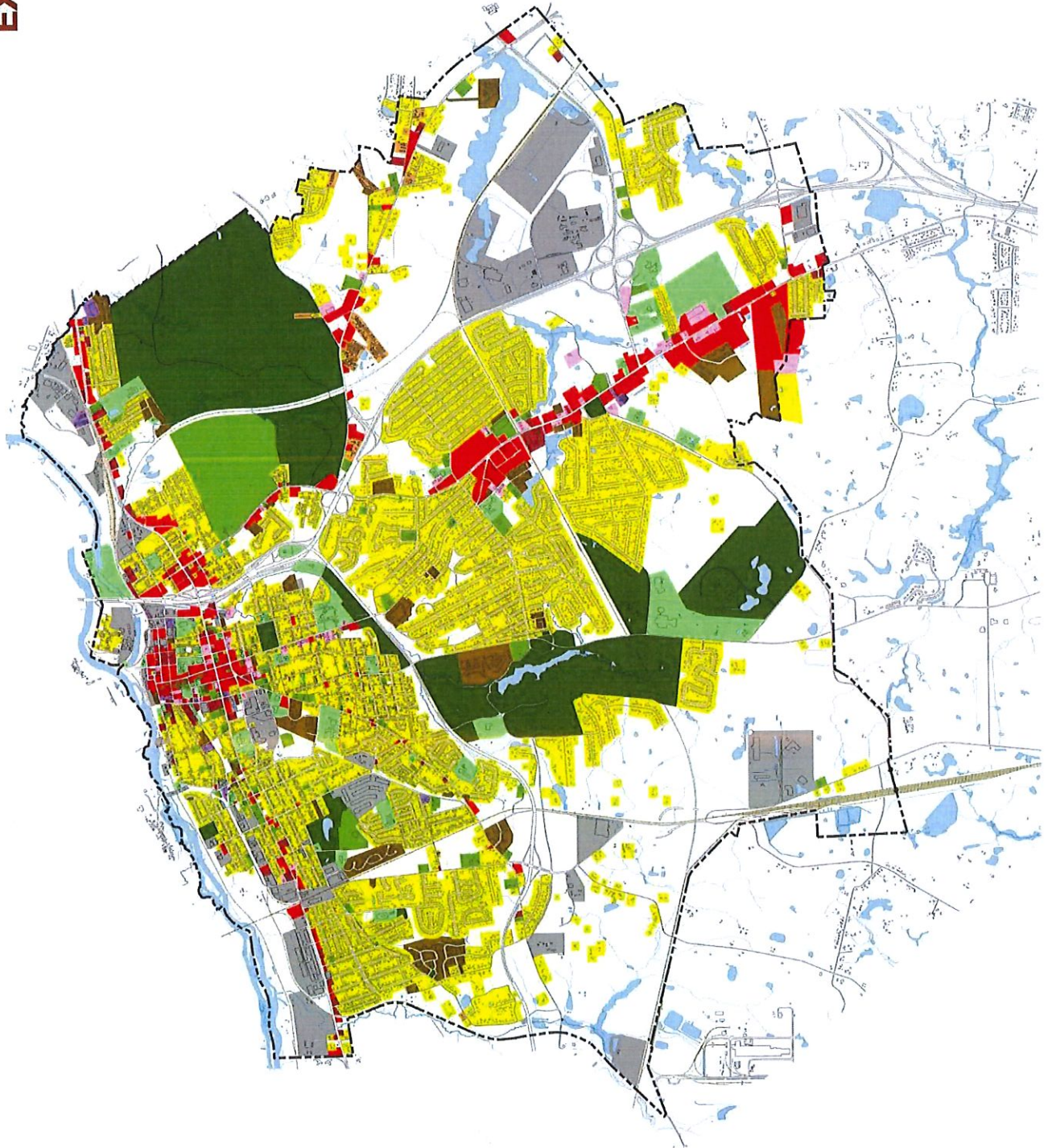
Parcel #: 040030807

Date: 11/1/2021

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

An aerial photograph of a suburban area. A purple line representing County Dr 460 runs diagonally from the bottom left towards the top right. To the left of this road, there are several residential streets including Jameson Dr, N Stedman Dr, and Hobby Ave. To the right, there are more residential streets like Baxter Rd, W Normandale Ave, and Stedman Dr. A red rectangle is drawn on the map, highlighting a specific area near Harrison Creek. The map also shows a large body of water, likely a lake or reservoir, and various green spaces and trees. A scale bar at the bottom indicates a distance of 500 feet. A north arrow is located in the bottom right corner. The map is labeled with various street names and road numbers, including 460, 469, and 470. The text 'Harrison Creek' is visible near the red rectangle. The text 'County Dr' is visible along the purple line. The text 'N Stedman Dr' is visible near the top left. The text 'Hobby Ave' is visible near the top right. The text 'Baxter Rd' is visible near the bottom left. The text 'W Normandale Ave' is visible near the bottom right. The text 'Stedman Dr' is visible near the bottom right. The text 'Harrison Creek' is visible near the red rectangle. The text 'County Dr' is visible along the purple line. The text '460' is visible near the top left. The text '469' is visible near the top right. The text '470' is visible near the bottom left. The text '500' is visible near the bottom right. The text 'North' is visible near the bottom right. The text 'Aerial' is visible near the bottom right. The text '© 2021 TomTom' is visible near the bottom right.

EXISTING LAND USE
COMPREHENSIVE PLAN
City of Petersburg, Virginia



LEGEND

Land Use Classifications

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



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



City of Petersburg

Department of Planning and
Community Development
804-733-2308

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

October 22, 2021

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Dear Owner, Agent or Occupant of each parcel involved; abutting and immediately across the street or road from the property affected:

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold a public hearing on Thursday, November 4, 2021, beginning at 6:00 p.m. in the Petersburg Public Library located at 201 W. Washington Street, Petersburg, Virginia 23803.

21-REZ-04: Request by PBFL, LLC represented by C. Burton Cutright, to rezone property located at 1220 Harrison Creek Blvd, 1225 Harrison Creek Blvd and 1255 Harrison Creek Blvd, future identified as TP# 040030805, TP# 040030806, and TP# 040030807, from PUD with B-2, General Commercial District with conditions to PUD, no restrictions. The proposed rezoning will allow the applicant to construct 52 single-family detached rental homes on 6.26+/- acres located along Harrison Creek Blvd between Route 460 and Acqua Luxury Apartments. This subject property is approximately 272,990.52 sq. ft. and has a public street frontage of approximately 261.06 feet.

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

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

Reginald B. Tabor,
Director of Planning & Community Development



City of Petersburg

Development Impact Report

DATE:	October 27, 2021
ADDRESS:	1220, 1225 and 1255 Harrison Creek Blvd
PARCEL NUMBER:	040030805, 0040030806, and 0040030807
ZONING:	PUD w/B-2, General Commercial District conditions
ISSUE:	There is a need to assess the impact of proposed development
DESCRIPTION:	The City received a proposal to develop the subject properties for construction of 52 new single-family detached rental homes on 6.26+ acres located along Harrison Creek Blvd between Route 460 and 1200 Harrison Creek Blvd where lies Acqua Luxury Apartments. See Conceptual Plan Dated May 13, 2021, and Boundary & Topographic Survey.
STATUS:	Pending request to amend rezoning from PUD w/B-2, conditions to PUD no restrictions for single-family development.

DEPARTMENT IMPACT INFORMATION

GENERAL IMPACT

BENEFITS

Residents will have an opportunity to enjoy privacy, private and community green space along with a feeling of a traditional neighborhood. Residents will have access to amenities of the apartment complex such as fitness room and pool. The development will be small clusters of 1 and 2 story houses that are interconnected by sidewalks and separated by private and community green space.

REVENUE

COSTS

RECOMMENDATION

To approve the construction of the proposed 52 cottage-style single-family rental dwelling units: 17 units to be 1 bedroom/1 bathroom and 35, 2-bedroom/2 bath units per the request by the applicant and the approval of a site plan per City departmental guidelines and regulations.

ATTACHMENTS

Included



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager
Tangela Innis, Deputy City Manager
Brian Moore, Director of Economic Development

FROM: Reginald Tabor

RE: **A request to schedule a Public Hearing and consideration of an ordinance approving a Zoning Ordinance Text Amendment – To amend Article 15. - "B-2" General Commercial District Regulations, Section 2. Use Regulations, by changing permitted uses from those in the "B-1" Shopping Center District to those permitted in the "R-3" Two-Family Residence District and requiring a Special Use Permit for Multi Dwelling in B-2 and B-3 districts. (Page 270)**

PURPOSE: To schedule a Public Hearing and consider approval of an amendment to the City Code Appendix B. Zoning by changing permitted uses from those in the "B-1" Shopping Center District to those permitted in the "R-3" Two-Family Residence District and requiring a Special Use Permit for Multi Dwelling in B-2 and B-3 districts.

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

RECOMMENDATION: It is recommended that the City Council schedules a Public Hearing and considers an amendment to the City Code Appendix B. Zoning by changing permitted uses from those in the "B-1" Shopping Center District to those permitted in the "R-3" Two-Family Residence District and requiring a Special Use Permit for Multi Dwelling in B-2 and B-3 districts.

BACKGROUND: The City of Petersburg Code of Ordinances Appendix B. Zoning includes Article 15. "B-2" General Commercial District Regulations. The purpose of this district is to provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise associated with manufacturing.

Currently, within the regulations, Section 2. Use regulations. State that "A building or premises shall be used only for the following purposes: (1) Any use permitted in the "B-1" Shopping Center District and "RB" Office-Apartment District." The RB District permits (1) Any use permitted in the "R-5" Multiple Dwelling District.

Currently there are 805 parcels in the City of Petersburg zoned B-2 General Commercial District. These parcels are generally located along commercial corridors, including Washington Street, Wythe Street, Halifax Street, S Crater Road, County Drive, Wagner Road and Rives Road. The 2014 Comprehensive Plan Future Land Use Plan designates properties zoned B-2 as Commercial, Development Corridors and other uses.

The RB district permits Multi-family residential development by-right. This amendment would change the by-right residential use to Single-Family and Two-Family residence, and require a Special Use Permit for Multi-Family uses.

Pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, the Planning Commission held a public hearing on November 4, 2021 and considered a resolution recommending approval of the amendment to the proffered conditions, and the public hearing was advertised, in accordance with applicable laws.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 2/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Public Works, Economic Development, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: City Code Appendix B. Zoning

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0207_2023OrdinanceZTAB2
2. 0202_2023ProposedTextAmendmentArticle15andArticle23

AN ORDINANCE APPROVING A ZONING ORDINANCE TEXT AMENDMENT – B-2 ZONING DISTRICT TO AMEND PERMITTED USES FROM RB TO R-3 AND REQUIRING A SPECIAL USE PERMIT FOR USES PERMITTED IN THE R-5 ZONING DISTRICT, INCLUDING MULTI-FAMILY RESIDENTIAL USES.

WHEREAS, the City of Petersburg Code of Ordinances Appendix B. Zoning includes Article 15. "B-2" General Commercial District Regulations; and

WHEREAS, the purpose of this district is to provide sufficient space inappropriate locations for all types of commercial and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise associated with manufacturing; and

WHEREAS, currently, within the regulations, Section 2. Use regulations. State that "A building or premises shall be used only for the following purposes: (1) Any use permitted in the "B-1" Shopping Center District and "RB" Office-Apartment District." The RB District permits (1) Any use permitted in the "R-5" Multiple Dwelling District; and

WHEREAS, currently there are 805 parcels in the City of Petersburg zoned B-2 General Commercial District. These parcels are generally located along commercial corridors, including Washington Street, Wythe Street, Halifax Street, S Crater Road, County Drive, Wagner Road and Rives Road; and

WHEREAS, the 2014 Comprehensive Plan Future Land Use Plan designates properties zoned B-2 as Commercial, Development Corridors and other uses.

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, the Planning Commission held a public hearing on February 2, 2023, and considered a resolution recommending approval of the amendment to the City Code, Appendix B. Zoning – B-2, and the public hearing was advertised, in accordance with applicable laws.

WHEREAS, this is a proposal to amend the Code Appendix B. Zoning in accordance with the attached Exhibit A.

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg approves an ordinance amending the City Code Appendix B. Zoning – B-2 zoning district to amend permitted uses from RB TO R-3 and requiring a special use permit for uses permitted in the R-5 zoning district, including multi-family residential uses, as indicated in (Exhibit A).

Exhibit A

ARTICLE 15. "B-2" GENERAL COMMERCIAL DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "B-2" General Commercial District. The purpose of this district is to provide sufficient space in ~~in~~ appropriate locations for all types of commercial and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise associated with manufacturing. (Ord. No. 94-140, 11-15-94)

Section 2. Use regulations.

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

- (1) Any use permitted in the "B-1" Shopping Center District and ~~"RB" Office Apartment District~~ the "R-3" Two-Family Residence District;
- (2) Amusement place in an enclosed building, auditorium or theater, except open air drive-in theaters;
- (3) Athletic field or baseball field;
- (4) Bottling works; dyeing and cleaning works or laundry; plumbing and heating shop; painting shop; upholstering shop, not involving furniture manufacture; tin smithing shop; tire sales and service, including vulcanizing, but no manufacturing; appliance repairs; and general service and repair establishments similar in character to those listed in this item; provided, that no outside storage of material is permitted; and further provided, that no use permitted in this item shall occupy more than six thousand (6,000) square feet of floor area;
- (5) Bowling alleys and billiard parlors;
- (6) Food storage lockers;
- (7) Hotels, motels, and motor hotels containing forty-five or more units only;
- (8) Outdoor advertising structure or sign. Any sign or display in excess of one hundred (100) square feet in area shall be attached flat against a wall of a building.
- (9) Bus terminals;
- (10) Printing, publishing, and engraving;
- (11) Stone yard or monumental works located within three hundred (300) feet of a cemetery;
- (12) Accessory buildings and uses;
- (13) Family day care home;
- (14) Child care center;

Exhibit A

(15) Private nursery school;

(16) Adult book store, provided that the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodging house, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater or adult video store;

(17) Adult entertainment establishment, provided that the property devoted to such use shall not be situated within five hundred (500) feet of any property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodging house, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;

(18) Adult motion picture theater, provided that; the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodging house, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;

(19) Adult video store, provided that the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate, or high school, public library, lodging house, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store.

Notwithstanding any other provisions of the Petersburg Zoning Ordinance, a building or premises may be used for an adult bookstore, and adult entertainment establishment, and adult motion picture theater, or an adult video store, as restricted and limited by this section, only in the "B-2" General Commercial District with the issuance of a Special Use Permit and in no other zoning district established by the Petersburg Zoning Ordinance.

(20) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling District with the issuance of a Special Use Permit.

ARTICLE 23. SUPPLEMENTARY USE REGULATIONS SPECIAL USES

Exhibit A

Section 4. - Special uses enumerated.

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district;
- (6) Public or government buildings;
- (7) Hospitals or sanitariums;
- (8) Cemetery;
- (9) Sports arena or stadium;
- (10) Race track;
- (11) Radio or television tower or broadcasting station;
- (12) Child care centers in residential district.
- (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
 - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
 - (b) One-half (½) off-street parking space per sleeping room;
 - (c) Resident-manager on premises;
 - (d) Permitted sign area not to exceed two (2) square feet;
 - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.
- (14) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires if more than two hundred (200) such tires are located on site, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts.

Exhibit A

- (15) Nightclub in B-2 and M-1 zoning district only.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
- (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
- (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
- (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
- (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only.
- (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
- (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
- (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.
- (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
- (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.
- (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.
- (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.
- (28) Contractor storage yards such to be permitted within the M-1 and M-2 zoning districts only.
- (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.
- (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
- (31) Homeless shelter.
- (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.

Exhibit A

(33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.

(34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.

(35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.

(36) Multiple dwellings as authorized in and controlled by the “R-5” Multiple Dwelling, such Special Use Permits to be allowed only in the B-2 and B-3 districts.

(Ord. No. 19-44, 9-17-2019)

Supp.No.16



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager
Tangela Innis, Deputy City Manager
Brian Moore, Director of Economic Development

FROM: Reginald Tabor

RE: **A request to schedule a Public Hearing for February 21, 2023, for the consideration of City Code Appendix B. Zoning Text Amendment – To amend Article 4-A. "A" Agricultural District Regulations, Section 9. Special requirements, to permit a subdivision that creates one parcel that meets the dimension requirements of lots/parcels in the R-1A District. (Page 278)**

PURPOSE: To schedule a Public Hearing and consider approval of amendments to the City Code, Appendix B. Zoning, to amend Article 4-A. "A" Agricultural District Regulations, Section 9. Special requirements, to permit a subdivision that creates one parcel that meets the dimension requirements of lots/parcels in the R-1A District.

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

RECOMMENDATION: It is recommended that the City Council schedules a Public Hearing and considers an amendment to the City Code, Appendix B. Zoning regarding the Agricultural District Regulations.

BACKGROUND: The City of Petersburg Code of Ordinances Appendix B. Zoning includes Article 4-A. "A" Agricultural District Regulations. The purpose of this district is to provide for the orderly growth and development of relatively large parcels of undeveloped land, and the protection of activities generally considered rural in nature, i.e., crop, dairy or tree farming, the raising of cattle and poultry, and other activities normally compatible with rural or agricultural surroundings.

Article 4-A, Section 2. Use regulations, provides that any building to be erected or land to be used shall be for (1) Single-family dwellings and other uses. Article 4-A, Section 9. Special requirements, provides that (1) No subdivision development shall be permitted in areas zoned agricultural, and any area sought to be subdivided, that is presently zoned agricultural, shall first be rezoned to a residential classification.

The City has received a proposal to create single family lot/parcel from a property zoned A-Agricultural District. The proposed single-family residential use is a permitted use in the Zoning District. However, the current Code requires that the zoning be changed if there is a subdivision of property Zoned A-Agricultural

District. The surrounding uses are agricultural and single family.

Pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, the Planning Commission held a public hearing and considered a resolution recommending approval of the amendment to the City Code Appendix B. Zoning, and the public hearing was advertised, in accordance with applicable laws.

This is a proposed amendment to the City Code Appendix B. Zoning to permit the subdivision of a parcel to create not more than one new parcel without having to rezone the property to a Residential District.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Property Tax Revenue from the new parcel.

CITY COUNCIL HEARING DATE: 2/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor; Economic Development, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: City Code, Appendix B. Zoning, Article 4-A. "A" Agricultural District Regulations

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0117_2023ZoningOrdinanceTextAgriculture
2. 0207_2023OrdinanceZTA_AAgriculture

ARTICLE 4-A. "A" AGRICULTURAL DISTRICT REGULATIONS

Section 1. Purpose.

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "A" Agricultural District. The purpose of this district is to provide for the orderly growth and development of relatively large parcels of undeveloped land, and the protection of activities generally considered rural in nature, i.e., crop, dairy or tree farming, the raising of cattle and poultry, and other activities normally compatible with rural or agricultural surroundings.

Section 2. Use regulations.

Any building to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) Accessory buildings for residential purposes, as defined, the rear yards only; however, garages or other accessory structures attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any party lot line. Accessory buildings and uses customarily incident to any use permitted by this section, such as servants quarters, greenhouses, and workshop; provided, that none shall be conducted for gain; provided, further, accessory buildings shall not exceed thirty (30) percent of the area of the rear yard; provided, still further, that any accessory building to be erected containing an area in excess of one thousand (1,000) square feet shall be referred to the city planning commission, which commission shall make its recommendations to the council. Prior to the recommendation thereof, the planning commission shall give notice and hold a public hearing on such use, after notice is required by article 28 of this ordinance. The council shall likewise hold a public hearing after proper notice, before making its determination as to whether the property can or cannot be used for such purposes.
- (3) Public and nonprofit organizations uses, such as game preserves, playgrounds and parks.
- (4) Community clubs and community-operated playgrounds, parks and nonprofit little theater operations, and similar recreational facilities, including golf courses.
- (5) Agriculture, including accessory buildings and uses incidental thereto.
- (6) The raising of cattle and/or poultry.
- (7) Commercial forestry operations in the nature of tree farms, not including sawmills.
- (8) Public utilities, and poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision of maintenance of public utilities, as provided in article 23.
- (9) The location and occupancy of a single mobile home; provided, that the following conditions are met:
 - (a) That the parcel which the mobile home is to occupy is located entirely within an area zoned as agricultural ("A");
 - (b) That a property owner residing on the premises in a permanent home wishes to place said mobile home on this property in order to maintain his or her immediate family or full-time

agricultural employee. Immediate family shall be defined as lineal relatives of the applicant and his brothers or sisters;

- (c) That the mobile home and its site satisfy all sanitary and structural requirements deemed applicable by the city building inspector and the state health department;
- (d) That the mobile home has received a conditional use permit from the board of zoning appeals.

Section 3. Sign regulations.

In agricultural district, sign regulations shall conform to article 21 of this ordinance.

Section 4. Area, frontage and width regulations.

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the state health department. The city council may require a greater area, if considered necessary by the state health department.

Section 5. Setback regulations.

Buildings shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty-five (55) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line"; provided, no building shall be required to setback a distance greater than the setback line reserved by the one (of two (2) existing buildings on the immediately adjoining lots on either side) which is the further removed from the street. Also see article 25, Supplementary height, area and bulk regulations, section 3.3.

Section 6. Yard regulations.

In open spaces, the yard regulations shall be as follows:

- (1) *Side:* The minimum side yard shall be ten (10) percent, and the total width of the two (2) required side yards shall be the total of the side yard widths is more than thirty (30) feet, one of such side yards need not be more than ten (10) feet in width.
- (2) *Rear:* Each main building shall have a minimum rear yard of thirty (30) feet.

Section 7. Height regulations.

In open spaces, the height regulations shall be as follows: Buildings may be erected up to forty-five (45) feet in height from grade, except that church spires, belfries, cupolas, monuments, water towers, silos, chimneys and flues are exempt. Parapet walls may be erected up to four (4) feet above the height of the building on which the walls are constructed.

Section 8. Parking regulations.

Parking regulations shall conform to article 19 of this ordinance.

Section 9. Special requirements.

- (1) No subdivision development that creates more than one new lot/parcel shall be permitted in areas zoned agricultural. Any area sought to be subdivided, that is presently zoned agricultural, and creates more than

one new lot/parcel shall first be rezoned to a residential classification. All new lots/parcels shall meet the minimum dimensions for lots/parcels in the R-1A District.

- (2) Any area* to be classified as agricultural shall contain a minimum contiguous acreage of eight (8) acres.

*"Area" is defined here as one or more contiguous parcels, or parts thereof: falling under the same zoning classification district.

AN ORDINANCE APPROVING A CITY CODE APPENDIX B. ZONING TEXT AMENDMENT –
AMENDING ARTICLE 4-A. "A" AGRICULTURAL DISTRICT REGULATIONS TO PERMIT A SUBDIVISION
THAT CREATES ONE LOT/PARCEL

WHEREAS, the City of Petersburg Code of Ordinances Appendix B. Zoning includes Article 4-A.
"A" Agricultural District Regulations; and

WHEREAS, the purpose of this district is to provide for the orderly growth and development of
relatively large parcels of undeveloped land, and the protection of activities generally considered rural in
nature, i.e., crop, dairy or tree farming, the raising of cattle and poultry, and other activities normally
compatible with rural or agricultural surroundings; and

WHEREAS, Article 4-A, Section 2. Use regulations, provides that any building to be erected or
land to be used shall be for (1) Single-family dwellings and other uses; and

WHEREAS, Article 4-A, Section 9. Special requirements, provides that (1) No subdivision
development shall be permitted in areas zoned agricultural, and any area sought to be subdivided, that
is presently zoned agricultural, shall first be rezoned to a residential classification; and

WHEREAS, the City has received a proposal to create single family lot/parcel from a property
zoned A-Agricultural District, and the proposed single-family residential use is a permitted use in the
Zoning District; and

WHEREAS, the current Code requires that the zoning be changed if there is a subdivision of
property Zoned A-Agricultural District; and

WHEREAS, the surrounding parcels are zoned A-Agricultural and the uses are agricultural and
single family; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended,
the Planning Commission held a public hearing and considered a resolution recommending approval of
the amendment to the City Code Appendix B. Zoning, and the public hearing was advertised, in
accordance with applicable laws; and

WHEREAS, this is a proposal to amend the Code Appendix B. Zoning in accordance with the
attached Exhibit A.

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg approves an
ordinance amending the City Code Appendix B. Zoning – A-Agricultural District to amend Section 9.
Special Requirements to permit subdivisions that create a single lot/parcel for Single-Family Residential
use in conformance with the Height, area and bulk regulations of properties zoned R-1A District, as
indicated in (Exhibit A).



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Charles Cuthbert, Jr. - Council Member of Ward 4

RE: **A request to schedule a public hearing for February 21, 2023, for the consideration of an ordinance to amend and re-adopt the City Code to include Section 98-25 - Bollards for Historic Properties. (Page 284)**

PURPOSE: To schedule a public hearing for February 21, 2023, for the consideration of an ordinance to amend and re-adopt the City Code to include Section 98-25 - Bollards for Historic Properties.

REASON: To comply with laws, rules, and procedures regarding amendments to the City Code.

RECOMMENDATION: It is recommended to schedule a public hearing for February 21, 2023, for the consideration of an ordinance to amend and re-adopt the City Code to include Section 98-25 - Bollards for Historic Properties.

BACKGROUND: The City of Petersburg has established and maintained Historic Districts to protect and preserve historical landmarks and resources within the city.

Most of the city's historical landmarks and resources are located on properties within the city's local historic districts and they include historic elements that are irreplaceable. Such historical elements are threatened by motor vehicle drivers who may crash into them, causing damage. Several owners of these historic properties have indicated that they would be willing to contribute the cost of bollards for protection of their properties if the city were willing to permit installation in the public right of way.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 2/21/2023

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. 2023-1-26 final version of ordinance re bollards

AN ORDINANCE TO AMEND AND RE-ADOPT THE CITY CODE TO INCLUDE SECTION 98-25 – BOLLARDS FOR HISTORIC PROPERTIES

WHEREAS, properties located within the local historic districts in the City include historic elements that are irreplaceable; and

WHEREAS, such historic elements are threatened by motor vehicle drivers who may crash into them causing damage; and

WHEREAS, owners of these historic properties have indicated that they would be willing to contribute the cost of bollards for protection of their properties if the City were willing to allow installation in the public right of way; and

WHEREAS, City Council believes that such a program is in the best interests of the City; and

WHEREAS, such a program is herein described and proposed as Section 98-5 of the City Code.

NOW therefore be it ORDAINED that Section 98-25 of the City Code is hereby adopted as follows:

Sec. 98-25 – Bollards for Historic Properties

1. Within historic districts, at the request and expense of a property owner, and upon a showing of good cause, the City will install stout bollards inside the City's right of way to protect the cast-iron fences, granite corner fence posts, buildings, and other property of the property owner, provided the bollards do not unduly interfere with pedestrian or vehicular traffic and further provided that the property owner has obtained a Certificate of Appropriateness from the Architectural Review Board.
2. The location of such bollards shall be determined at the sole discretion of the City.
3. The cost of such bollards and associated equipment shall be determined at the sole discretion of the City in accordance with all applicable legal requirements and shall be considered a donation to the City accepted by Council upon receipt of the funds by the City. The bollards and associated equipment shall be deemed City property in all respects.
4. This process shall be managed by an Administrative Procedure developed by the City Manager. Citizens wishing to participate in this program shall submit their request to the City Manager or his designee in writing, identifying the location where such bollards are being requested.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Robert Wilson, Executive Director of South Central Wastewater Authority

RE: **Presentation on the SCWA - Nutrient Reduction Upgrade by Robert Wilson, Executive Director of South Central Wastewater Authority. (Page 287)**

PURPOSE: For information only.

REASON: For informational purposes.

RECOMMENDATION: For informational purposes.

BACKGROUND: See attached.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 2/7/2023

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. South Central Wastewater Authority Nutrient Upgrade Legislation Talking Points

PHASED CONSTRUCTION SCHEDULE LEGISLATION FOR SOUTH CENTRAL WASTEWATER AUTHORITY (PETERSBURG FACILITY) NUTRIENT UPGRADE

Background and Overview

- The South Central Wastewater Authority (Petersburg, VA) is committed to upgrading its treatment plant for nutrient removal to help meet with the Commonwealth's Chesapeake Bay TMDL commitments.
- South Central volunteered its nutrient upgrade project for inclusion in the landmark 2021 Enhanced Nutrient Removal Certainty Program legislation (HB 2129, SB 1354).
- The 2021 legislation established completion deadlines of January 1, 2026 for most of the nutrient upgrade projects in the Certainty Program, including the South Central project.
- Bid prices (reported below) from two separate rounds have far exceeded the engineer's cost estimate to the point that the cost is unaffordable locally and unreasonable for the State (WQIF).
- To make the upgrade more affordable, the comprehensive upgrade will be split into a series of smaller projects that can be constructed by local firms, which is expected to attract more bidders and lower prices.
- Two bills are being proposed in the 2023 Legislature, HB 1839 (Taylor) and SB 963 (Morrissey), proposing the phasing strategy and extending the construction completion date from January 1, 2026 to December 31, 2030. The intent is to complete the project before the 2030 deadline.

Detailed Cost Estimates, Bid History, and Escalations

- The executed WQIF Grant Agreement assumed a \$113M total project cost of which \$90M is WQIF grant eligible and for which DEQ approved a \$83M WQIF grant (95%) in accordance with the statute.
- Before bidding, the consulting engineer increased its estimate of construction cost to \$138M due to subsequent inflation and market conditions.
- The first bid round attracted only 2 bids. The low bid was \$215M (56% over the engineer's estimate). South Central rejected the bids.
- South Central decided to rebid the project and before doing so had its engineer redesign it to reduce the concrete quantity by 15% and made other changes estimated to reduce costs by \$25M to \$30M.
- The second bid round attracted only 1 bid in the amount of \$234 million and it was approximately \$20M higher rather than lower. Again, South Central rejected the bid.

DEQ Regulation of Phased Construction Schedule

- By August 1, 2023, South Central will submit a phased construction program to DEQ for approval.
- DEQ shall review and provide comments/approval by September 1, 2030.
- Within 150 days of DEQ's approval, South Central will start construction.
- DEQ will regulate the construction schedule for the series of projects and require South Central to complete each phase as soon as possible.
- While the entire project must be completed and online by the end of 2030 worst case, the bill requires "ASAP" completion. South Central is striving to do so as close to the original schedule as possible.

SCWWA Updates:

- Interviewed engineering firms to assist with developing the phased projects and construction administration.
- A recommendation for selection of an engineering firm will be presented to the Board at the January 26th meeting.
- Obtained an ARPA grant for \$16.43 million toward nutrient qualifying project costs.
- The City of Petersburg obtained an additional ARPA grant for \$19.29 million towards nutrient eligible project costs. This ARPA grant will be combined with the SCWWA ARPA grant towards the total cost for nutrient eligible costs.
- The current wastewater rates have the estimated debt service built in for the local share which is estimated at \$30 million. The local share are costs to the project that are not considered nutrient eligible costs. These costs include construction improvements to the plant such as solids improvements, architectural improvements, and rehabilitation of existing systems that do not contribute to nutrient reduction.
- SCWWA staff will be attending the January 26th EDA meeting to update the EDA and discuss the terms for the lease of the old Roper site to support construction activities for the duration of the project.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Council Member Arnold Westbrook, Dr. Kenneth Lewis

RE: **Presentation and Update on Wilcox Watershed Conservancy by Dr. Kenneth Lewis. (Page 290)**

PURPOSE: For informational purposes.

REASON: For informational purposes.

RECOMMENDATION: For informational purposes.

BACKGROUND: See attached.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 2/7/2023

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. WWC Presentation for Petersburg City Council FINAL version by Kenneth Lewis (1)



WILLCOX
WATERSHED
CONSERVANCY



Let Us Tell You Our Story!!

The Willcox Watershed Conservancy & Petersburg Legends Historical Park and Nature Conservancy and Willcox Lake in Petersburg, Virginia.

**Kenneth W. Lewis, Ph.D.
President – Board of Directors
Willcox Watershed Conservancy
Welcome Statement**



WWC Current Board of Directors & Support Staff for 2022

- **Lesha L. Berkel**
- **Pamela R. Bingham**
- **Patricia Booker - Secretary**
- **Vanessa R. Crawford**
- **Kenneth W. Lewis - President**
- **John B. Partin, Jr.**
- **Carolyn Day Pruett**
- **Gary Rudolph**
- **Horace Webb – Treasurer**
- **A Current Member of City Council – ???**

- **Pam Covil – Administrative Assistant**
- **Erin Lewis – Andrews CPA Associates**



WILLCOX
WATERSHED
CONSERVANCY

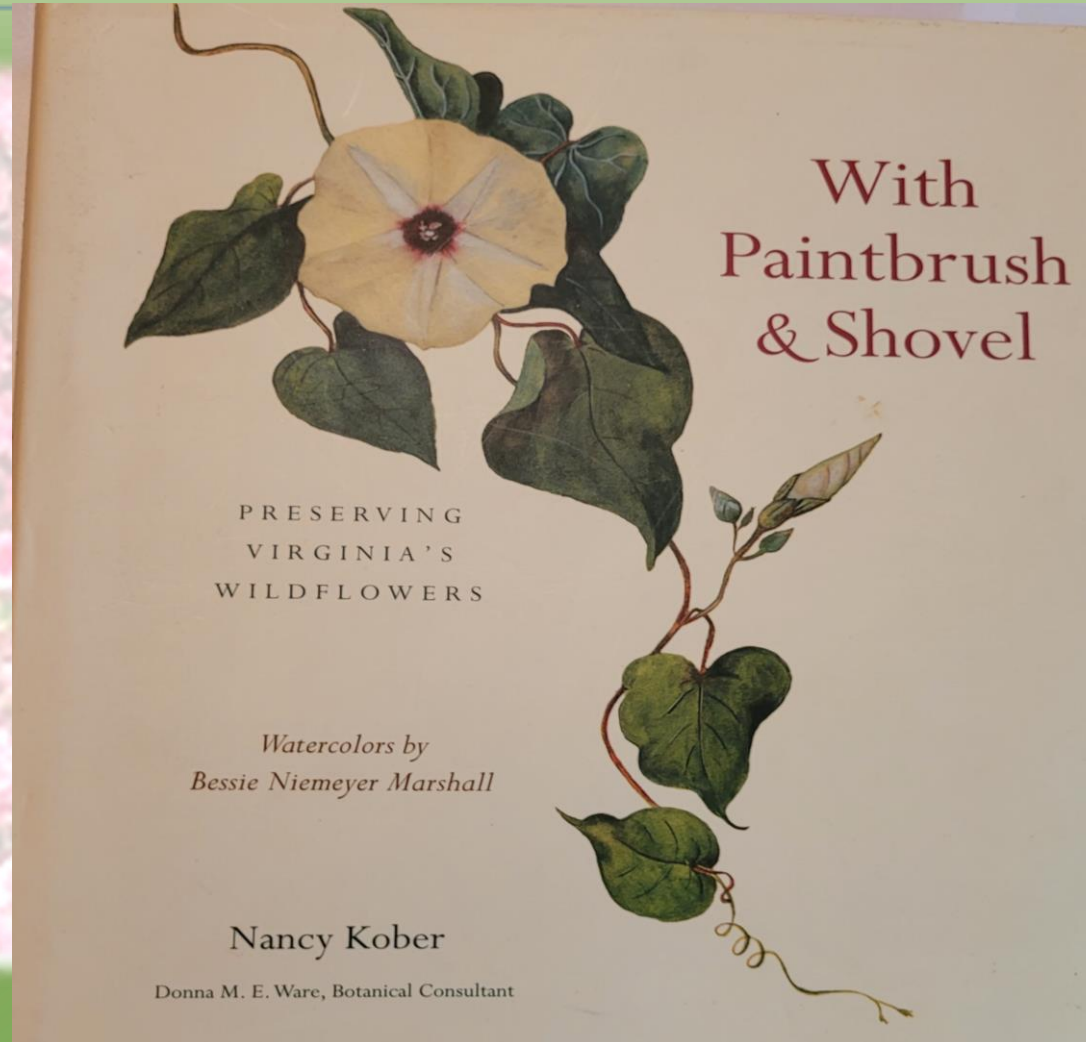


Aerial View of Willcox Lake & Both Sides of the Park





WILLCOX WATERSHED CONSERVANCY





WILLCOX WATERSHED CONSERVANCY

Evidence of
our Legal
Partnership
with the City
of Petersburg,
Virginia, 2009

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written above by their duly authorized representatives.

THE CITY OF PETERSBURG, VIRGINIA

By: B. David Canada
B. David Canada, City Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Petersburg to wit:

The foregoing instrument was acknowledged before me this 17th day of December, 2009, by B. David Canada, as the City Manager of the City of Petersburg.

Deborah Ellen Lyons
Notary Public (Print Name)

Deborah Ellen Lyons
Notary Public (Signature)

Virginia Notary Reg. No. 7134745

My Commission Expires: March 31, 2012



THE WILLCOX WATERSHED CONSERVANCY, INC.

By: Nykesha D. Jackson

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Petersburg to wit:

The foregoing instrument was acknowledged before me this 18th day of December, 2009, by Larry C. Dicker, as the President of The Willcox Watershed Conservancy, Inc.

Nykesha D. Jackson
Notary Public (Print Name)

Nykesha D. Jackson
Notary Public (Signature)

Virginia Notary Reg. No. 7033229

My Commission Expires: 4/30/2011

Commonwealth of Virginia
Nykesha D. Jackson - Notary Public
Commission ID: 7033229
My Commission Expires 04/30/2011



The Willcox Watershed Conservancy, established in 2007, is a non-profit 501C(3) organization whose mission is dedicated to the improvement and restoration of Petersburg Legends Historical Park and Nature Conservancy and Willcox Lake in Petersburg, Virginia.

The 330+ acres of green space in the city of Petersburg, known as Petersburg Legends Historical Park and Nature Conservancy contains a variety of

- 1. Geological,**
- 2. Historical,**
- 3. Botanical,**
- 4. Political/Civil Rights and**
- 5. Recreational sites which makes it unique.**



Right here in Petersburg, you can find tennis courts and baseball fields surrounded by

- a 330 million year old granite formation,**
- a 4.5 million year old marine deposit filled with fossils,**
- a series of Confederate Civil War earthworks,**
- a wildflower and bird sanctuary,**
- a landscape created by women carrying out a Depression Era WPA project,**
- and a man-made lake, Willcox Lake, that prompted one of the country's early Civil Rights cases.**

The WWC seeks to preserve this extraordinary historical heritage and the rare natural habitat found in Petersburg Legends Historical Park and Nature Conservancy in Petersburg, Virginia.



WWC New Strategic Plan Has the Following Elements

The Revised Mission Statement – What we are supposed to do.

The mission of Willcox Watershed Conservancy is to preserve, protect, and promote Petersburg Legends Historical Park & Nature Conservancy for recreation and education.



WWC Strategic Plan Has the Following Elements

The Revised Vision Statement – What we want to achieve.

To establish The Petersburg Legends Historical Park & Nature Conservancy as a “world class greenspace” for the City of Petersburg, Virginia.



WWC Strategic Plan Has the Following Elements

The New Impact Statement – What we actually did.

WWC does create a permanent & positive impact on

- **Public Tourism**
- **Public Economic Development**
- **Public Historic Preservation Initiatives**
- **Public Education Activities**
- **Public Mental & Physical Health Initiatives**
- **Public Environmental Awareness**
- **Public Recreation & Relaxation Opportunities & Events**



Our Four-fold Purpose

We, the WWC, are stewards whose purpose continues to be to

- **PRESERVE,**
- **PROTECT,**
- **PROMOTE** and
- **PROVIDE EDUCATIONAL & RECREATIONAL PROGRAMS** for all of the natural wonder of Willcox Lake and the Petersburg Legends Historic Park and Nature Sanctuary (The Former Lee Park).



WWC Strategic Plan Goals – We have Five Strategic Goals

GOAL 1. Maintain, improve and preserve Petersburg Legends Historical Park & Nature Conservancy, and promote its natural and cultural history.

Maintain: Written plan and schedule to maintain park grounds and existing infrastructure.

Improve: Access to park trails, Willcox Lake and educational spaces to enhance visitor experience.

Preserve: The rich cultural and natural history of the park as well as its continuing civic, educational and recreational value.



WWC Strategic Plan Goals

GOAL 2. Expand programming to enhance visitor accessibility, appreciation, education, and experience.

Expand programming to enhance visitor appreciation, education & experience:
Develop informational resources (signage, trail maps, events calendar) for visitor use.

Explore opportunities to share new and existing educational resources and curriculum.

Create a Program Coordinator position to support the development and implementation of volunteer opportunities and educational programs.

Enhance accessibility for diverse groups and all abilities.



WWC Strategic Plan Goals

GOAL 3. Market and promote all current and historic aspects of the park and conservancy.

Increase frequency of communication to the public.

Develop marketing / branding strategies.

Create storytelling initiatives. (e.g., *With Paintbrush and Shovel* by Nancy Kober, featuring watercolors by Bessie Niemeyer Marshall; *Rediscovering the Forgotten Garden* – online document.)

Pending – Create a Coloring Book for Children which features the Bessie Niemeyer Marshall Watercolor images.



WWC Strategic Plan Goals

GOAL 4. Ensure organizational sustainability.

Strengthen internal board development and operations.

Survey board skills, experiences, resources and commitment.

Build a strong financial foundation.

Increase and diversify revenue streams.

To continue to be the “eyes” and “ears” of the park for the city.



WWC Strategic Plan Goals

GOAL 5. Create & Sustain committed community partnerships.

Develop alliances with secondary and higher education institutions for mentorships, internships and public service projects.

Establish relationships with school superintendents / communications directors for elementary school visitations and projects.

Create and explore opportunities for collaboration with businesses and community organizations.

Maintain relationship with city government.

Update existing Master Plan, current and future MOUs.



WWC Partnerships – Current & Future

- **Petersburg City Government**
- **Petersburg City Public School System**
- **Petersburg Chamber of Commerce**
- **Petersburg Garden Club**
- **Friends of the Lower Appomattox River (FOLAR)**
- **Virginia State University**
- **Virginia Master Naturalists Group**
- **Richard Bland College**
- **Local Churches**
- **Local Fraternity and Sorority Chapters**
- **Local Civic Organizations**
- **Fort Lee Army Base**
- **Virginia National Guard**
- **Urban Archeology Corps**
- **Local Retail Businesses**



WWC Partnerships – Current & Future (cont.)

- **The Petersburg Symphony Orchestra**
- **Fort Lee Army Base**
- **Virginia National Guard**
- **Urban Archeology Corps**
- **Local Retail Businesses**
- **The Cameron Foundation**
- **The Center for Nonprofit Excellence**
- **The Helping Hands Foundation of Richmond**
- **The John Randolph Foundation**
- **The Hands On Greater Richmond Organization**
- **The Dominion Energy Foundation**
- **The Toolbank Non-Profit Organization of Richmond**
- **Our Local Girl Scouts & Boy Scouts Groups of Petersburg**
- **The Virginia Association for Environmental Education**
- **Policy Pathways Educational Program of Richmond, Virginia**



WILLCOX
WATERSHED
CONSERVANCY



We can create these successes in Petersburg.

**LEWIS
GINTER**
BOTANICAL
GARDEN



norfolk
botanical
garden



WWC Programs - Prior to the COVID19 Pandemic

- **Guided walking tours;**
- **Annual Earth Day Recognition Program;**
- **Martin Luther King Weekend Cleanup Service Project in the Park;**
- **Nature awareness opportunities for the youth of Petersburg (Project Plant It! (<https://projectplantit.com>));**
- **February Black History Month programs**
- **Special programs designed to highlight and preserve Willcox Lake, Civil War sites, indigenous and rare plant habitats, and ancient prehistoric fossil beds.**



WWC Activities

- **3+ miles of hiking trails, including all-access trail to The Overlook;**
- **Canoeing and fishing in Willcox Lake;**
- **The Wildflower and Bird Sanctuary;**
- **Picnic areas;**
- **Pavilion;**
- **Playground for school-aged children;**
- **Sports and recreation including tennis, basketball, baseball (William Cooper Baseball Field). The Cooper Family is still connected to the park.**



WWC Needs

- **Partnership with Petersburg City Government to restore and preserve the 300+ acres of woods, water, parklands and fields, specifically those located within the park's Historic District boundary;**
- **Coordination of regular maintenance of grounds, trails, gardens, playground and facilities with City government and development of initiatives to improve visitor experience;**
- **Collaboration with Petersburg Garden Club on identification and preservation of rare plants found in the park;**
- **Outdoor Classroom Educational Events and Opportunities**



WWC Current Operational Needs

The photos that follow show images of some safety needs.





WILLCOX
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CONSERVANCY



This is the Defense Road
side of the Dam Wall
that needs repair.

\$90k Line Item in Budget.



WILLCOX WATERSHED CONSERVANCY



This is some kind of pumping station & drainage control apparatus associated with the dam wall. It obviously serves a purpose but I don't think it is functional.





WILLCOX WATERSHED CONSERVANCY



This is the bridge over the dam spillway and it is a safety hazard and needs repair. It is approximately 43 feet long and 14 feet wide. The boards are rotted and someone could fall through if they are not careful.



WILLCOX WATERSHED CONSERVANCY



This is the dam walkway looking towards the bath house. The trees to the left should not be there, but because the dam wall is leaking, the city can not get it's lawn equipment in place to cut the grass and trees from the Defense Road side of the dam wall.



WILLCOX WATERSHED CONSERVANCY



Vandalism is present. Someone is removing the siding from the caretaker's cottage and the old bath house.



WILLCOX WATERSHED CONSERVANCY



This is the side of the bath house showing vandalism. Someone has been stripping the remaining siding from the building. It could be renovated into some functional facility. Maybe a banquet hall or restaurant.



WILLCOX WATERSHED CONSERVANCY



Azalea Hill has to be maintained regularly.

These are the brick stairs that ascend from the boat landing area up to the Care Taker's Cottage area. That entire stairwell is in need of complete replacement.





Walking Trails have to be maintained regularly.





This is 7th Ward Council Member & VSU Language & Literature Professor, Arnold Westbrook, Jr., pointing out the vandalism that has taken place at the Care Taker's Cottage. Someone has been stripping the siding from the wall and trying to still the door knobs.



WILLCOX
WATERSHED
CONSERVANCY



WWC Current Partnership Proposals

The photos that follow show images of some partnership and volunteer opportunities.



WILLCOX WATERSHED CONSERVANCY



The WWC hosted a tour of the walking trails for the leadership of Virginia State University.



WILLCOX WATERSHED CONSERVANCY



Virginia State University & the WWC working to create a partnership that could enhance our ability to receive grant funding for special projects – both facilities & programs.



WILLCOX
WATERSHED
CONSERVANCY



VSU Partners.





WILLCOX
WATERSHED
CONSERVANCY



Members of the
Virginia Association for
Environmental Education
&
Fang the wonder dog.



WILLCOX WATERSHED CONSERVANCY



Petersburg City School Board Member, Adrian Dance, Sr., helping out clearing some invasive trees in the meadow.



WILLCOX WATERSHED CONSERVANCY



The Alpha Kappa Sigma Chapter of Phi Beta Sigma Fraternity, Inc., Members out for a day of service.





WILLCOX WATERSHED CONSERVANCY



Members of Local Boy Scout Group, Gillfield Baptist Church, Petersburg, Virginia, at the Bog area of the lake.



**Our WWC Trees
of Christmas at
PAALs for 2021
& WWC Board
Members**



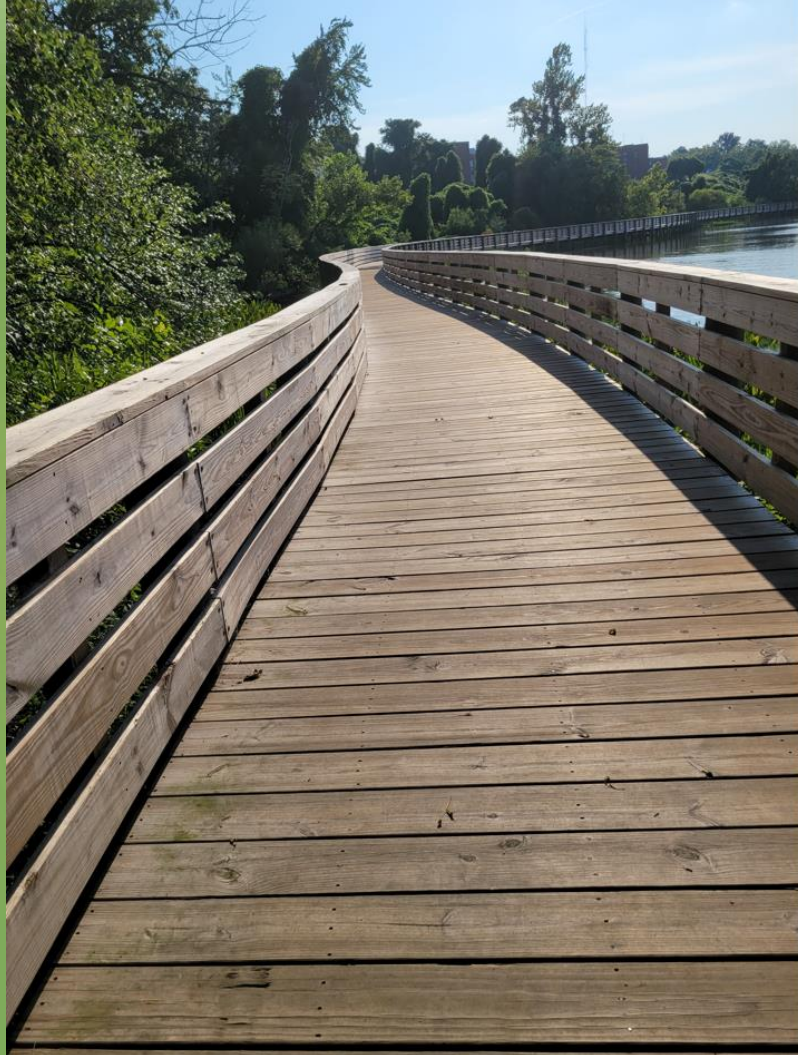


WWC Current Dreams for Improvements

The photos that follow show images of some possibilities for the park and the lake.

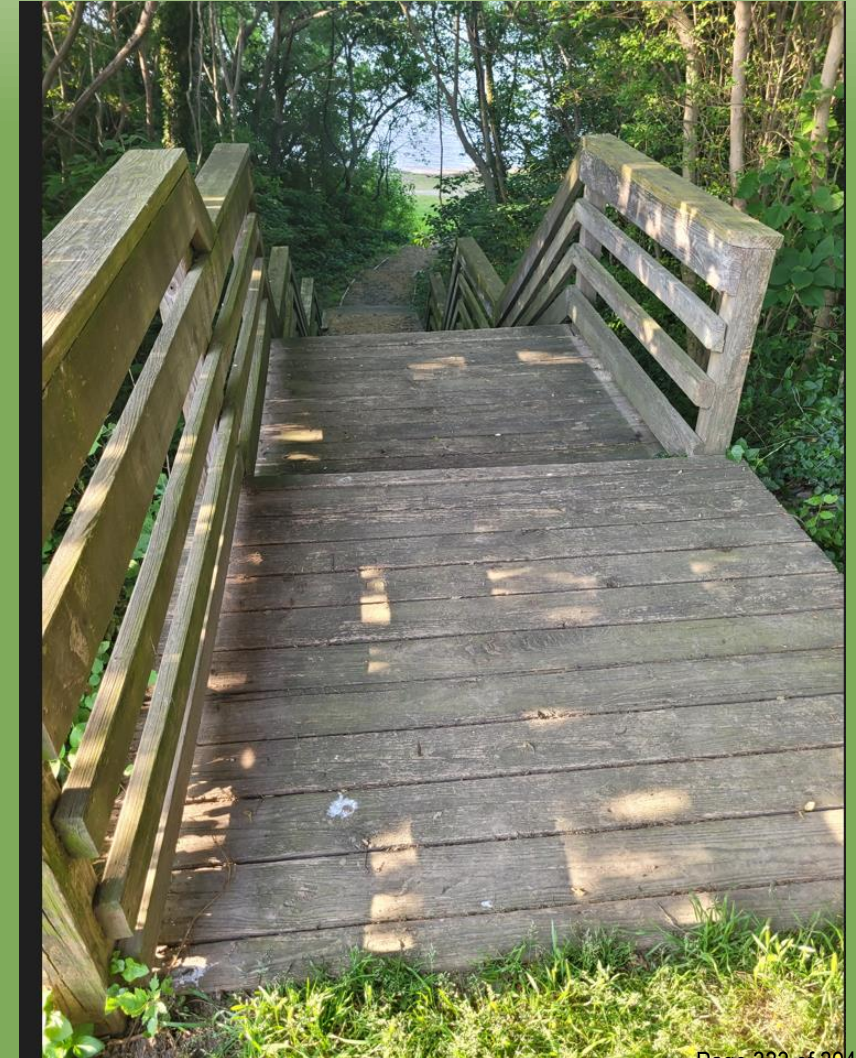


WILLCOX WATERSHED CONSERVANCY



Hopewell River Park,
Hopewell, VA

Imagine this type of
walk way along the
left bank of Willcox
Lake as you walk
towards the bath
house.





WILLCOX WATERSHED CONSERVANCY



Columbia Riverfront
Park Trail, in
Columbia, South
Carolina





WILLCOX WATERSHED CONSERVANCY



Columbia Riverwalk Park Walking Bridge, Columbia, South Carolina

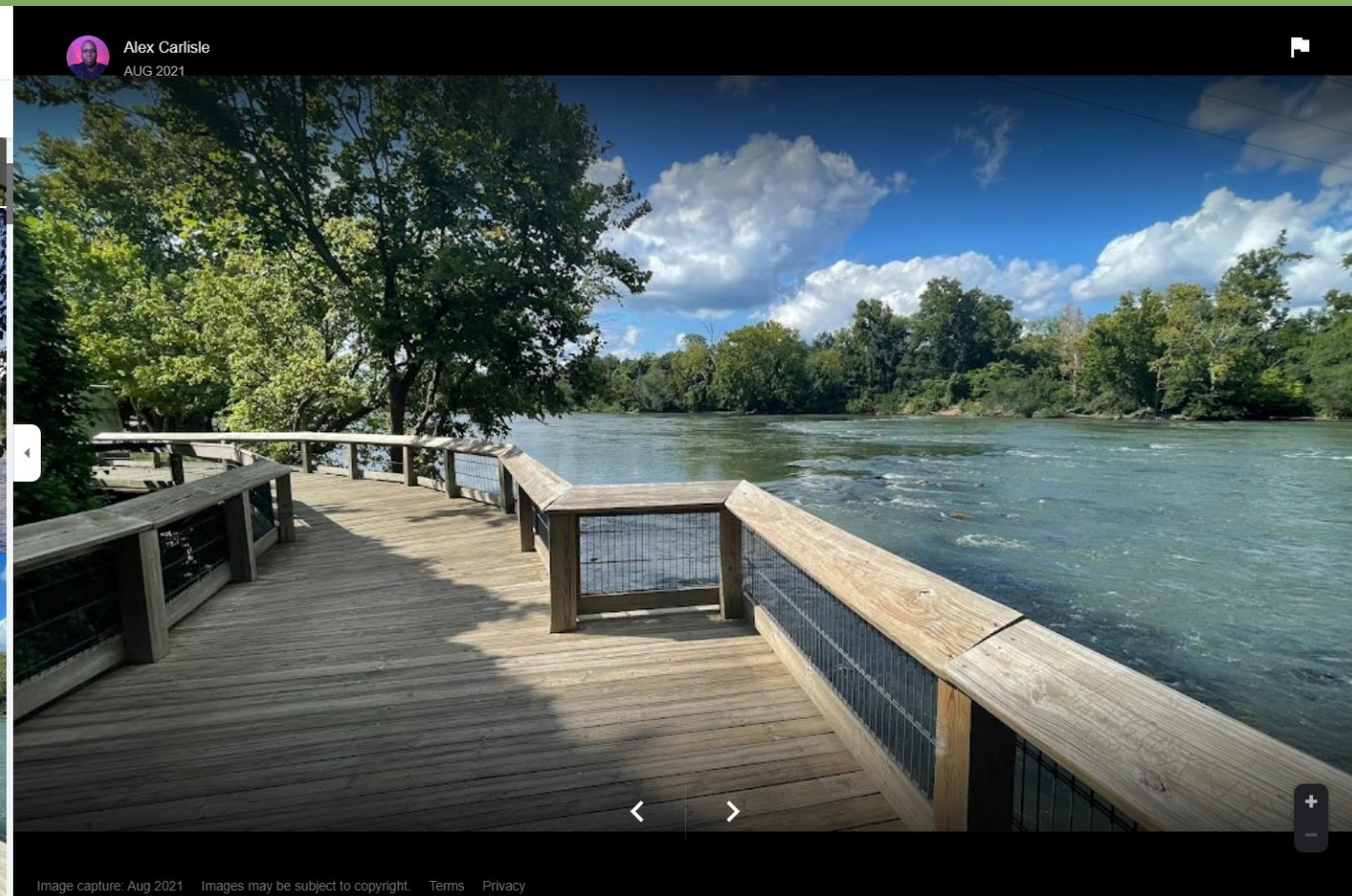
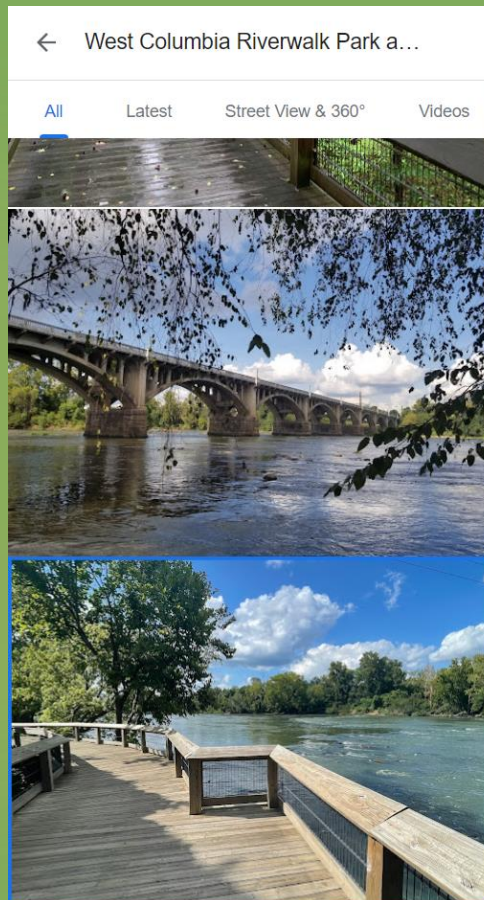
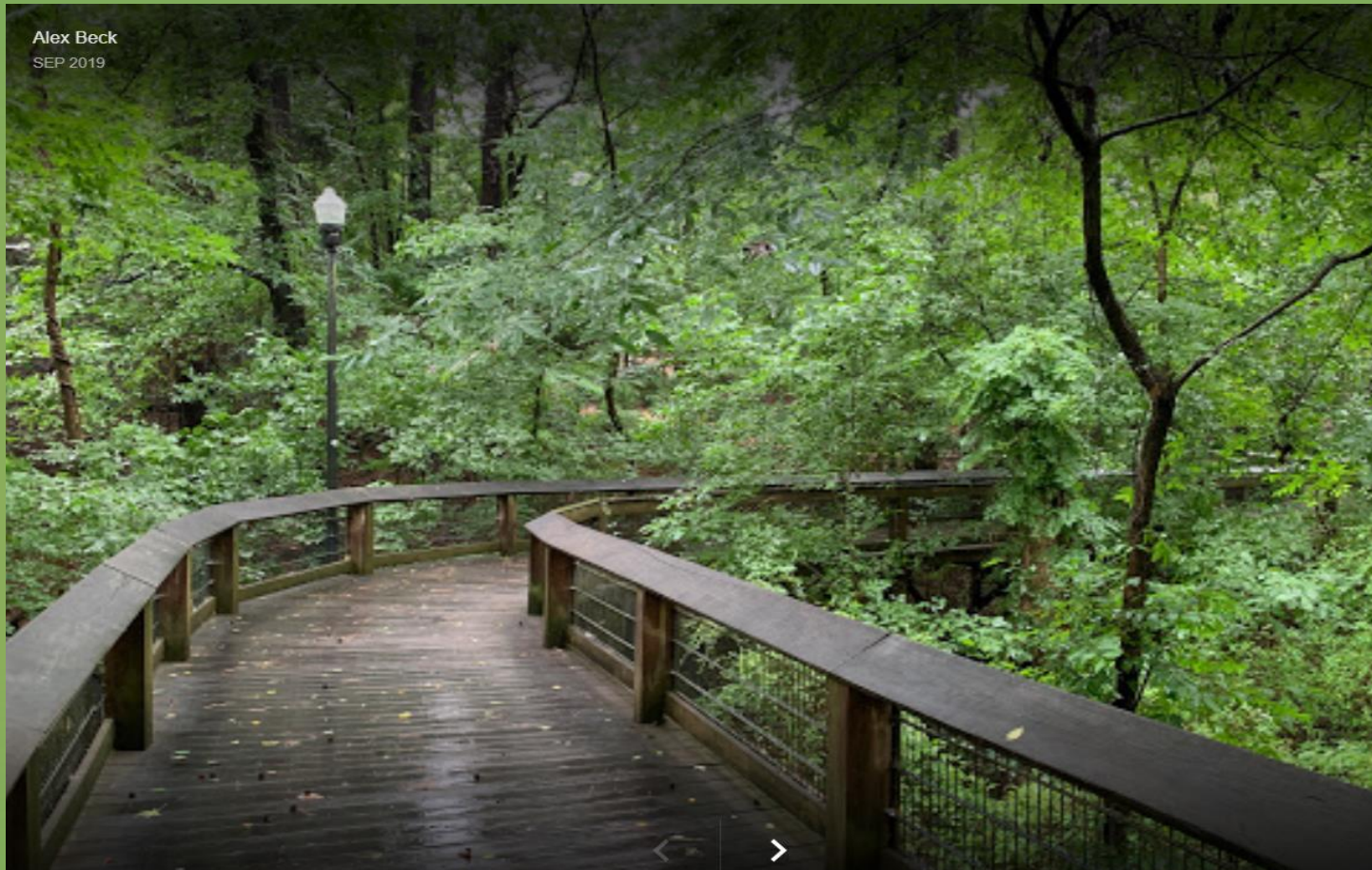


Image capture: Aug 2021 Images may be subject to copyright. Terms Privacy



Columbia, South Carolina – Riverwalk Park
Transfer this idea to Willcox Lake.





WILLCOX
WATERSHED
CONSERVANCY



WWC Park History Lessons

The photos that follow show images of some historical reminders.



WILLCOX WATERSHED CONSERVANCY




Mrs. Mary Bell Focie lived on Pegram Street in Petersburg, Virginia and attended Mount Olivet Baptist Church.




The Women Workers

Although some argued that women should not be given jobs when many men were unemployed, women in key positions in the Roosevelt administration ensured that unemployed women benefited from the work relief programs. In Petersburg, Virginia, as in most communities, women employed by the WPA worked in jobs associated with women's work: they sewed bedding and clothing for indigent families, typed and filed city records, immunized children, and staffed nurseries.


During its five years of funding, the Lee Park project employed hundreds of women. Very few of their names are known. In addition to their director, Donald Holden, the typical workforce at the sanctuary included a timekeeper, four to eight supervisors (called forewomen), and several dozen laborers. Nearly all of them were women. All evidence shows that the work roles in the sanctuary were segregated; the laborers were black and the supervisors were white, typical of many New Deal programs in the South.




Women at work on the hillsides surrounding the Bog — image courtesy of the National Archives



Mary Bell Focie, pictured above, worked as a laborer in Lee Park. "There was nothing but dirt before... We planted little shrubs on the hills about eight inches tall," she said. The honeysuckle planting was particularly strenuous, especially in cold weather. Years later, Focie still did not want to hear the name Lee Park because it reminded her of "freezing with a shovel in our hands."



Mary Webb Jones, pictured above in 1935 or 1936, was a supervisor and one of the first women to work on the Lee Park project. Her Reassignment Slip, top right, shows that she was to report for work in the park's bird and flower sanctuary on December 2, 1935. Also classified as a practical nurse on her identification card, bottom right, Jones rendered first aid to one of the other workers and later wrote about it in her diary.



The City of Petersburg, The Petersburg Garden Club (PGC), and the Willcox Watershed Conservancy (WWC) are partners in maintaining and preserving Lee Park. The City owns the park while WWC and PGC fundraise 50% and complete many of the projects you see throughout the park.

Lee Park
Wildflower & Bird Sanctuary



Mrs. Mary Bell Focie lived on Pegram Street in Petersburg, Virginia.



Mary Bell Focie, pictured above, worked as a laborer in Lee Park. "There was nothing but dirt before.... We planted little shrubs on the hills about eight inches tall," she said. The honeysuckle planting was particularly strenuous, especially in cold weather. Years later, Focie still did not want to hear the name Lee Park because it reminded her of "freezing with a shovel in our hands."



WILLCOX WATERSHED CONSERVANCY



The Willcox Lake Beach was for White residents only. The City Council of ~ 1954 shut the entire lake down vs opening it to integrated visitors.





WWC Current Activities & Recreation

The photos that follow show images of current activities and events at the lake and the park.





WILLCOX
WATERSHED
CONSERVANCY



Our Wonderful Pavilion





WILLCOX
WATERSHED
CONSERVANCY

Scheduled Park
Clean up Days

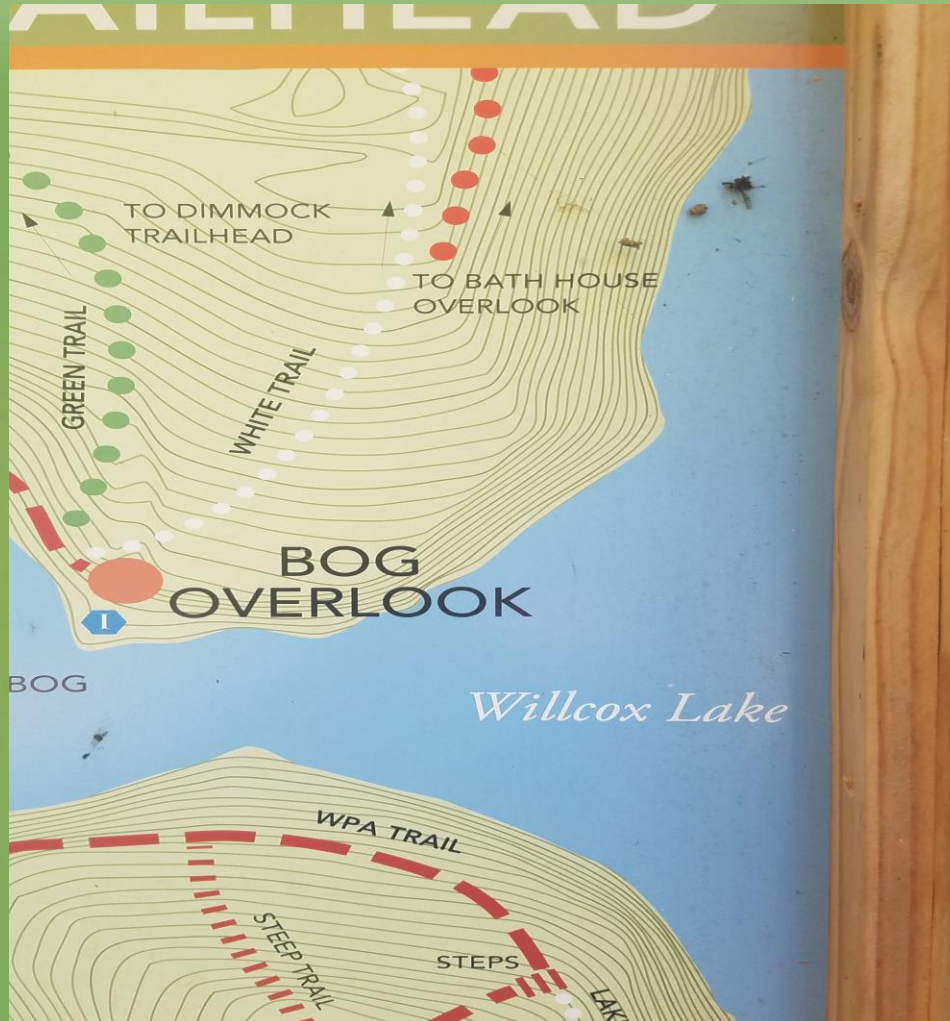




WILLCOX WATERSHED CONSERVANCY



Nature Walks, Designated Trails & Fishing

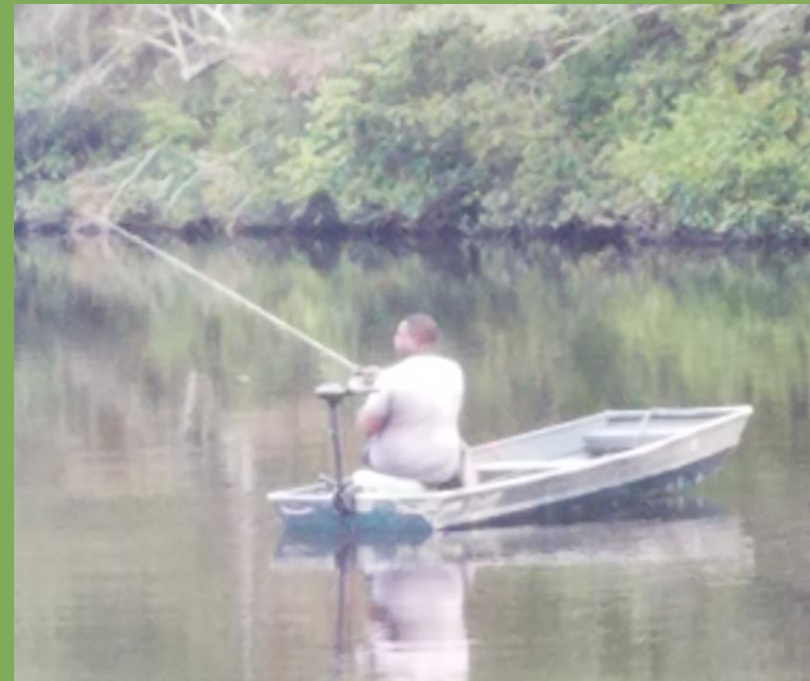




WILLCOX
WATERSHED
CONSERVANCY



Boating





WILLCOX WATERSHED CONSERVANCY



We thank WWC Board Member Patricia “Pat” Booker for being our Host for the VIRGINIA HOME GROWN Television Show on VPM Public Television – 27 September 2022

VIRGINIA HOME GROWN
The Willcox Watershed Conservancy

<https://www.pbs.org/video/willcox-watershed-conservancy-ewufev/>





WILLCOX
WATERSHED
CONSERVANCY



**With your committed stewardship,
The WWC can accomplish our Five Major Goals.**

DONATE.

<https://willcoxwatershed.org/>

Thank you.



WILLCOX
WATERSHED
CONSERVANCY



**In Loving Memory of our
First WWC President Larry C. Tucker**

April 6, 1944 – January 31, 2021

<https://www.legacy.com/us/obituaries/progress-index/name/larry-tucker-obituary?id=12254125>





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Davenport

RE: Presentation by Davenport on City's Financial Status and consideration of a resolution.
(Page 349)

PURPOSE: Provide City Council an update of the city's fiscal condition and discuss applying for a literary Loan for School Construction.

REASON: See attached.

RECOMMENDATION: Recommend Council approve the attached resolution.

BACKGROUND: Attached is a Literary Loan resolution for council's review and consideration. The school board is considering the resolution at their February 1, 2023, meeting. Passing the resolution is part of an overall strategy that would result in the construction/addition/renovation of a school in conjunction with a DOE school construction grant program.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 2/7/2023

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. City council resolution - Lit Loan
2. Specimen Bond - Lit Loan

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETERSBURG,
VIRGINIA APPROVING APPLICATION FOR LOAN FROM THE LITERARY FUND
OF VIRGINIA FOR ELEMENTARY SCHOOL FACILITIES**

WHEREAS, the City Council (**the “City Council”**) of the City of Petersburg, Virginia (**the “City”**) has determined that there is an urgent need to make capital improvements to the City’s school facilities, specifically the design, acquisition, construction and equipping of a new elementary school in the City to consolidate two existing schools (**the “Project”**); and

WHEREAS, the School Board of the City of Petersburg, Virginia (**the “School Board”**) has presented to the City Council an application (**the “Application”**) addressed to the Virginia Board of Education through its Department of Education (**“VDOE”**) for the purpose of borrowing in a loan from the Virginia Literary Fund through the Virginia Literary Loan Program (**the “Literary Loan”**) of up to \$30,000,000 to be paid over approximately 30 years, and the interest thereon at not more than 3 percent paid annually and be treated as general obligation bonds of the City for the purpose of financing the Project for school purposes;

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

1. **Application for Literary Loan.** The Application of the School Board for a Literary Loan for the Project in the amount of \$30,000,000 is hereby approved and the City Manager and other City representatives are hereby authorized to take all actions to assist in completing and submitting such Application to the VDOE and authority is hereby granted to the School Board to borrow \$30,000,000 for the Project for the purposes set out in the Application.

2. **Authorization of the Bond and Documents.** The City Council hereby finds and determines that it is advisable and in the best interests of the City to enter into a Literary Loan by contracting a debt and issue and sell its general obligation bond in substantially the form attached hereto as **Exhibit A**, or such other form required by VDOE (**the “Bond”**) for the purpose of financing the Project and costs of issuing the Bond. The City Council hereby authorizes the Literary Loan and in connection therewith, the issuance and sale of the Bond in accordance with the terms established pursuant to this Resolution. The City Council authorizes a public hearing to be held in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended reflecting the Literary Loan, with a subsequent resolution to be considered by the City Council ratifying this Resolution following such public hearing.

3. **Details of the Bond.** The City Council hereby approves (a) the maximum aggregate principal amount of the Bond of \$30,000,000 with a fixed interest rate not to exceed 3.00% and for an amortization of approximately 30 years from its date of issuance, subject to other terms as set forth therein with such changes, including but not limited to changes in the amounts, dates, amortization, payment dates and redemption premiums or prepayment penalties and rates as may be approved by the officer executing it whose signature shall be conclusive evidence of his approval of the same.

4. **Pledge of Full Faith and Credit.** The Bond shall be issued under the provisions of Article VII, Section 10(a) of the Constitution of Virginia. The Bond will be secured by the full faith and credit of the City. For the prompt payment of the principal of, premium, if any, and interest on the Bond as the same shall become due, the full faith and credit of the City are hereby irrevocably pledged. Pursuant to Virginia Code Section 15.2-2624 and as provided hereafter, there shall be levied and collected an annual tax upon all taxable property in the City subject to local taxation sufficient to provide for the payment of the principal of, premium, if any, and interest on the Bond as the same shall become due, which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the City to the extent other funds of the City are not lawfully available and appropriated for such purpose.

5. **Other Actions.** All other actions of officers of the City taken heretofore or hereafter conforming with the purposes and intent of this Resolution and in furtherance of entering into the Literary Loan, the issuance and sale of the Bond and the financing of the Project are approved, ratified and confirmed. The officers and representatives of the City are authorized and directed to execute and deliver all documents, agreements, undertakings, certificates and other instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bond and the financing of the Project, including without limitation entering into a loan or financing agreement, if necessary, execution of any appropriate documents confirming the City's acceptance of the proposal from VDOE, execution and delivery of IRS Form 8038-G as determined necessary by bond counsel and execution and delivery of any requisitions or other documentation of costs related to the Project and conversion of the Literary Loan from a temporary note to a permanent loan.

6. **Bond Counsel and Financial Advisor.** The City Council hereby confirms the appointment of Sands Anderson PC to serve as Bond Counsel to the City and Davenport & Company, LLC as Financial Advisor to the City in connection with the issuance of the Bond.

7. **Limitation of Liability of Officials of the City.** No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of any officer, employee or agent of the City in his or her individual capacity, and no officer of the City executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance thereof.

8. **Filing of Resolution.** The Clerk or any Deputy Clerk of the City Council or other agent or employee of the City, is hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of City of Petersburg, Virginia.

9. **Repeal of Conflicting Actions.** All resolutions or parts thereof in conflict herewith are repealed.

10. **Effective Date.** This Resolution and the provisions contained herein shall become effective immediately upon adoption.

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the City Council of the City of Petersburg, Virginia hereby certifies that the Resolution set forth above was adopted during an open meeting on _____, 2023, by the City Council with the following votes:

Aye:

Absent:

Nay:

Abstentions:

Signed this ____ day of _____, 2023.

By: _____
Clerk, City Council

No. R-1

\$ _____

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF PETERSBURG, VIRGINIA**

GENERAL OBLIGATION SCHOOL BOND, SERIES 2023

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>ISSUE DATE</u>
3.00%	_____, 1, [2053]	_____, 2023	_____, 2023

REGISTERED HOLDER: VIRGINIA LITERARY LOAN FUND (the “Lender”)

PRINCIPAL AMOUNT: [THIRTY MILLION AND 00/100 DOLLARS (\$30,000,000.00)]

THE CITY OF PETERSBURG, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the “City”), for value received hereby promises to pay to the registered holder (named above), or assigns, on the Maturity Date (specified above), subject to prepayment or prior redemption as hereinafter provided, the Principal Sum (specified above) by wire transfer to the registered holder on the payment dates set forth below by the City Manager, Petersburg, Virginia, (the “Paying Agent”), and to pay interest on said Principal Sum, from the date of authentication hereof until the payment of said Principal Sum by wire transfer to the registered holder on the payment dates set forth below, at the rate per annum (specified above) payable as follows:

Commencing on _____ 1, 20__ and on each _____ 1 [and _____ 1] thereafter to and including the Maturity Date (each an “Interest Payment Date”), interest shall be payable at the rate set forth above. Principal of this Bond shall be payable in annual installments in the amounts and on the dates set forth in Schedule A-1 attached hereto beginning _____ 1, 20__.

Principal of, premium, if any, and interest on, this Bond are payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts.

This Bond is issued under and pursuant to and in compliance with the Constitution and laws of the Commonwealth of Virginia, including Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended (the “Code”), the same being the Public Finance Act, and Chapter 10, Title 22.1 of the Code, the same being the Literary Fund Act, the provisions of Article VII, Section 10(a) of the Constitution of Virginia and resolutions duly adopted under the Public Finance Act and the Literary Fund Act, by the City Council of the City (the “City Council”) on _____, 2023 (the “City Resolution”) and the School Board of the City of Petersburg, Virginia (the “School Board”) on _____, 2023 (the “School Board Resolution”).

This Bond shall bear interest from the date on which the Bond is authenticated. Interest on this Bond shall be computed on the basis of 30-day months and 360-day year.

This Bond is transferable only upon the registration books kept at the office of the Registrar by the registered holder hereof, or by his duly authorized attorney, upon surrender of this Bond (together with a written instrument of transfer, satisfactory in form to the Registrar, duly executed by the registered holder or its duly authorized attorney, which may be the form endorsed hereon) and subject to the limitations and upon payment of the charges, if any, as provided in the City Resolution, and thereupon as provided in the City Resolution a new Bond or Bonds, in the aggregate principal amount and in the authorized denominations and of the same series, interest rate and maturity as the Bond surrendered, shall be issued in exchange therefor. The City and the Registrar shall deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon and for all other purposes whatsoever.

This Bond is subject to optional redemption on any date, in whole or in part upon payment of a prepayment price equal to 100% of the outstanding principal amount of the Bond so prepaid or redeemed, plus interest accrued to the redemption date upon written notice to the holder of this Bond prior to the date fixed for redemption.

Literary Fund loans are general obligation debt of the issuer and thereby subject to the provision of state aid intercept under Section 15.2-2659 of the Code. All acts, conditions and things required or contemplated by the Constitution and laws of the Commonwealth of Virginia, including, but not limited to Sections 22.1-141 through 22.1-161 of the Code, to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required.

THIS BOND IS A GENERAL OBLIGATION OF THE CITY FOR THE PAYMENT OF WHICH THE CITY'S FULL FAITH AND CREDIT ARE IRREVOCABLY PLEDGED. THE CITY COUNCIL IS AUTHORIZED AND REQUIRED TO LEVY AND COLLECT ANNUALLY AT THE SAME TIME AND IN THE SAME MANNER AS OTHER TAXES OF THE CITY ARE ASSESSED, LEVIED AND COLLECTED, A TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY, OVER AND ABOVE ALL OTHER TAXES AUTHORIZED OR LIMITED BY LAW AND WITHOUT LIMITATION AS TO RATE OR AMOUNT, SUFFICIENT TO PAY WHEN DUE THE PRINCIPAL OF AND PREMIUM, IF ANY, AND INTEREST ON THE BOND, TO THE EXTENT OTHER FUNDS OF THE CITY ARE NOT LAWFULLY AVAILABLE AND APPROPRIATED FOR SUCH PURPOSE.

This Bond shall not be valid or obligatory for any purpose unless the certificate of authentication hereon has been duly executed by the Registrar and the date of authentication inserted hereon.

IN WITNESS WHEREOF, the City of Petersburg, Virginia, by its City Council has caused this Bond to be signed by the Mayor and attested by the Clerk of said City Council and the School Board has caused this Bond to be signed by its Chairman and attested by the Clerk of the School Board, each by their manual or facsimile signatures, and their seals to be impressed or imprinted hereon, and this Bond to be dated as set forth above.

(CITY SEAL)

Clerk, City Council of the City of
Petersburg, Virginia

Mayor, City of Petersburg, Virginia

(SCHOOL BOARD SEAL)

Clerk, School Board

Chairman, School Board

CERTIFICATE OF AUTHENTICATION

This Bond is the Bond described in the within-mentioned Resolution.

REGISTRAR – CITY MANAGER

By: _____
City Manager

DATE OF AUTHENTICATION:

_____, 2023

[FORM OF ASSIGNMENT]

For value received, the undersigned hereby sells, assigns, and transfers unto

Please insert social security number or other tax identification number of assignee:

[_____]

Name and address of assignee, including zip code: _____ the within -
mentioned Bond and hereby irrevocably constitutes and appoints _____ attorney -
in-fact, to transfer the same on the registration books thereof maintained in the office of the
within-mentioned Registrar with the full power of substitution in the premises.

DATED: _____

NOTE: The signature to this assignment must correspond with the name of the registered holder that is written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed by a member
firm of the New York Stock Exchange or a commercial
bank or trust company.

Schedule A-1



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023
TO: The Honorable Mayor and Members of City Council
THROUGH: March Altman, Jr., City Manager
FROM: Randall Williams
RE: Update and presentation on Southside Depot. (Page 359)

PURPOSE: To update the Council on the progress of the Southside Depot & Poor Creek Projects

REASON: To update the Council on the status of the Southside Depot & Poor Creek Projects

RECOMMENDATION: NA

BACKGROUND: The City of Petersburg was awarded funding for the purpose of renovating the center section of the historic Southside Depot. The City, in partnership with the National Park Service, intended to use this section to create a visitor contact station. Additionally, the City applied for a Transportation Alternative grant to fund the completion of the Southside Depot Restoration Project. Due to financial constraints, the project has not been completed.

COST TO CITY: NA

BUDGETED ITEM: NA

REVENUE TO CITY: NA

CITY COUNCIL HEARING DATE: 2/7/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: NA

AFFECTED AGENCIES: NA

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: NA

REQUIRED CHANGES TO WORK PROGRAMS: NA

ATTACHMENTS:

1. 10.a. Southside Depot 2.7.23

The Department of Public Works & Utilities

City of *Petersburg* VIRGINIA

Capital Projects
Southside Depot Project Update
February 7, 2023

Southside Depot Renovation Project



The project consists of preservation and renovation of the landmark Southside Depot building in the City of Petersburg, Virginia.



- Contractor – SRC, Inc.
- Contract Price - \$2.2 mil.
- Start Date 11-1-22
- Completion Date 12-1-23 *
- The scope of work includes:
 - Masonry repair
 - Window restoration & replacement (to match original historic construction)
 - Restoration and painting of all wood, siding and trim
 - Accessible restrooms in the adjacent bay of the historic warehouse
 - Demolition and replacement of the existing non-compliant accessible ramp, drywall partitions and repair work
 - Upgrades to the mechanical, electrical, and plumbing systems.

* - Added 30 days to the contractual completion date due to asbestos removal.

Southside Depot Renovation Project



WORK COMPLETED TO DATE

- **Firewall Construction**

- Subfloor foundation wall was repaired and fireproofed
- Floor over foundation wall was replaced
- Firewall framing is 90% complete
- Firewall drywall installation is 25% complete

- **Wood Framing**

- Restroom walls/ceiling wood framing complete
- Firewall framing in warehouse 90% complete

- **Demolition/Paint Removal**

- Floor demolition complete
- Water damaged drywall removal complete
- Interior window frame paint scraping is 90% complete
- Exterior window frame scraping is 60% complete
- Demolition of exterior ramp is complete-
- Two exterior windows and one exterior door have been demoed
- Existing storefront removed and stored in west warehouse

WORK COMPLETED TO DATE CONT'D



- **Painter**
 - Painter began painting interior window frames
- **Plumbing**
 - Plumber has laid out plumbing fixtures to confirm no conflicts with existing conditions
- **Electrical**
 - Electrician inspected existing electrical equipment before turning building on
 - Electrician has provided temporary power and temp lighting
- **HVAC**
 - HVAC Tech performed routine inspection before starting up HVAC units

Southside Depot Renovation Project



WORK COMPLETED TO DATE



Southside Depot Renovation Project



ISSUES REQUIRING CHANGE ORDERS

- **More Asbestos Abatement Needed (+\$67k)**
 - Previous abatement completed in FY 20 did not extend the existing poly to the footing walls
 - *Change order needed to complete abatement which will extend schedule 30 days*
- **Joist Structural Issues (+\$31k)**
 - Discovered rotted floor joists that need to be corrected
- **Ductwork (+\$6k)**
 - Ductwork currently sitting on ductwork in crawlspace
 - Requires excavation below ductwork so its not on the ground
- **No Insulation 2nd Floor Ceilings (+\$9k)**
 - Previous abatement completed in FY 22 did not extend the existing poly to the footing walls
 - Change order needed to complete abatement & extend schedule 30 days
- **Water Damage to Cupola (+\$7k)**
 - Drywall removal & reinstallation per request of structural engineer
- **Lead Paint Removal (4 options: +\$72k, (\$45k), +\$60k, & (\$57k))**
 - Process contract calls for increases lead paint levels in the air
 - Contractor would like to change the process to ensure lower lead paint levels in the air

ISSUES REQUIRING CHANGE ORDERS



- ***No Chimney Caps (awaiting cost)***
 - *Missing 4 chimney caps*
- ***Utility Connections***
 - *City staff to assist with water & sewer connections*
- ***Structural Support for Roof Truss***
 - *Still evaluating*



Questions



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Reggie Lantz

RE: Presentation on speeding deterrents such as speed bumps, humps, rumble strips, signs, etc. including their advantages and disadvantages. (Page 368)

PURPOSE: Advantages and disadvantages of various deterrents such as speed bumps, speed humps, rumble strips, etc. to speeding.

REASON: Presentation on the various deterrents to speeding along with their advantages and disadvantages.

RECOMMENDATION:

BACKGROUND: This presentation was requested by City Council in a previous Council meeting.

COST TO CITY: \$0

BUDGETED ITEM: \$0

REVENUE TO CITY: \$0

CITY COUNCIL HEARING DATE: 2/7/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: NA

AFFECTED AGENCIES: NA

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: NA

REQUIRED CHANGES TO WORK PROGRAMS: NA

ATTACHMENTS:

1. 12.a. Speed Control Measures

The Department of Public Works and Utilities

City of *Petersburg* VIRGINIA

Speed Control Measures Update
February 7, 2023

Discouraging Speeding and Improving Roadway Safety



- Traffic Engineering Studies and/or Engineering Review are generally required for the following:
- Speed Humps* Can slow down vehicles to 15-20 mph. Typical height is 3 – 4 inches.
- Speed Bumps* Are used for aggressive speed control. Typical height is 3 – 6 inches. Must be engineered for the desired speed control and to ensure driver safety.
- Rumble Strips - Are used to alert drivers to hidden hazards, warning signs, and regulatory signs. These device should not be installed in residential areas due to the **noise** that they generate.
- The Department of Public Works and Utilities(DPW&U) does not support the deployment of Speed Bumps, Speed Humps, Speed Tables, and Speed Cushions as a means of traffic calming on the City's roadways.
 - The Department has promoted the position that these devices are suitable only for parking lots and private roadways.
 - These devices have a negative impact to the operation of Public Safety vehicles, emergency response times, and patients being transported by ambulances.
 - The Department's position is based on Traffic Engineering Best Practices and Standards.
- Rumble Strips are approved on a limited basis to provide increased awareness of a STOP sign ahead that may not be initially visible as a driver approaches an intersection.
- These devices will be deployed only in conjunction with an approved MUTCD warning signs.
- Rumble Strips may also be approved for use to alert drivers of other potential hazards. The use of Rumble Strips will be considered on a case-by-case basis and will be evaluated through an engineering review process.
- Other deterrents that don't involve Traffic Engineering studies and/or Engineering Review include:
 - Increasing police hours dedicated for traffic enforcement
 - Increasing fines in designated areas and streets.
 - Install more speed limit signs on streets that have long distances without one.
 - Message Boards & Parked Police Vehicles

** - It should be noted that when these are deployed on one street, more traffic is diverted to neighboring streets which moves the problem(s) location.*

Discouraging Speeding and Improving Roadway Safety



Speed Bumps - Are intended to control traffic to around 0 – 5 mph.

- Increase response time of emergency vehicles
- Increase wear & tear on vehicles (tires, brakes, suspension systems, alignments, etc.)
- Increase noise levels (scraping cars, squeaking brakes, etc.)
- Increase air pollution



Speed Humps - Offer softer intrusion. Traffic normally remains moving but at around 15 - 20 mph.

- Increase response time of emergency vehicles
- Increase wear & tear on vehicles (tires, brakes, suspension systems, alignments, etc.)
- Increase noise levels (scraping cars, squeaking brakes, etc.)
- Increase air pollution



Rumble Strips – Warn drivers of speed limit change or upcoming STOP sign

- Noisy (preferable not to be in residential communities)
- Can be slippery when wet



Discouraging Speeding and Improving Roadway Safety



Measures taken by the Street Operations Division to address roadway safety and the on-going concerns regarding speeding in the City.

- Within the last nine months, new Stop Signs have been installed at thirteen different intersections around the City to address speeding.
- Electronic speed signs are currently deployed at several locations around the City.
- Providing support for the Petersburg Police Department's Photo Enforcement Program that is operating at the following locations:
 - Wythe & Jefferson
 - Adams & Washington
 - Crater & Wagner

- The Street Operations Division continues to collaborate with City agencies and external entities to improve roadway safety:
 - Police Department through enforcement of No Parking and Restricted Parking areas around the City to improve *Line of Sight* for Pedestrians and Motorists.
 - Risk Management to identify roadways that are experiencing unusually high crash and injury occurrences.
 - On-call Engineering firms to provide data, reports, and designed solutions to address specified safety issues.
- The Street Operations Division purchased equipment that will be used to perform in-house traffic data collection for roadway safety assessments. The assessments will be used to drive the prioritization of future projects.



QUESTIONS?



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 7, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Brian Moore

RE: A presentation from Interface Studio, LLC on the Downtown 2040 Master Plan for Petersburg, VA. (Page 374)

PURPOSE: To provide the City Council with the details of the Downtown 2040 Master Plan implementation.

REASON: Interface Studio LLC will provide City Council an overview of their company and the scope of work for the Downtown 2040 Master Plan.

RECOMMENDATION: N/A

BACKGROUND: See attached.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 2/7/2023

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. 011723_DowntownPetersburg_ProjectIntro_Council

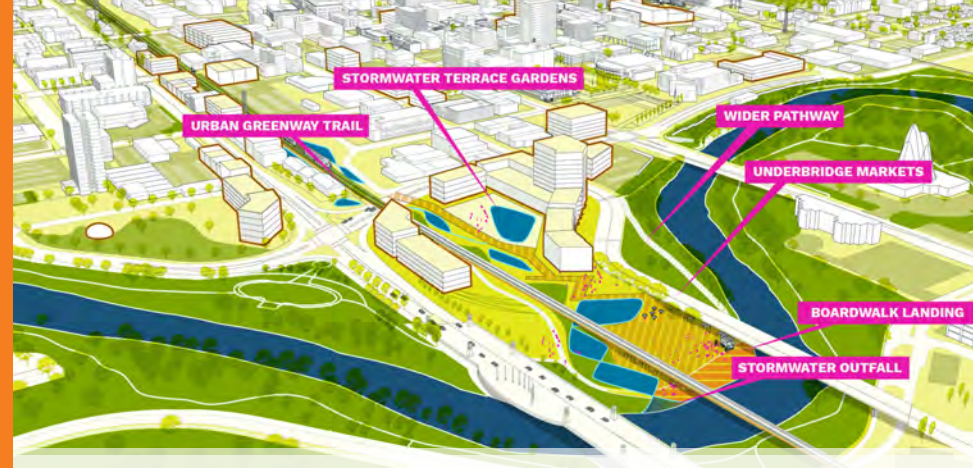
DOWNTOWN 2040 MASTER PLAN FOR PETERSBURG

INTERFACE STUDIO LLC

WITH:
MONTEVERDE ENGINEERING & DESIGN STUDIO
NINIGRET PARTNERS, LLC
MERRITT CHASE

DOWNTOWN EXPERIENCE HIGHLIGHTS

- > Harrisonburg Downtown 2040 (VA)
- > Design Downtown STL, St. Louis (MO)
- > Downtown Atlanta Master Plan (GA)
- > Fall River Action Plan (MA)
- > Lawrence Action Plan (MA)
- > Lewiston Downtown Neighborhood Plan (ME)
- > Downtown InFocus, Fargo (ND)
- > Pittsburgh EcoInnovation District
- > Lynn Downtown Action Plan (MA)
- > Wilmington Creative District (DE)
- > GR Forward, Grand Rapids (MI)
- > Restoring Central Dover (DE)
- > Cooper Grant/Downtown Plan, Camden (NJ)
- > Macon Action Plan (GA)



FARGO
DOWNTOWN
PLAN
COMPLETED 2018



MACON
ACTION PLAN

MACON, GA
COMPLETED 2015,
UPDATED 2020



LAWRENCE
DOWNTOWN
ACTION PLAN

LAWRENCE, MA
COMPLETED 2018



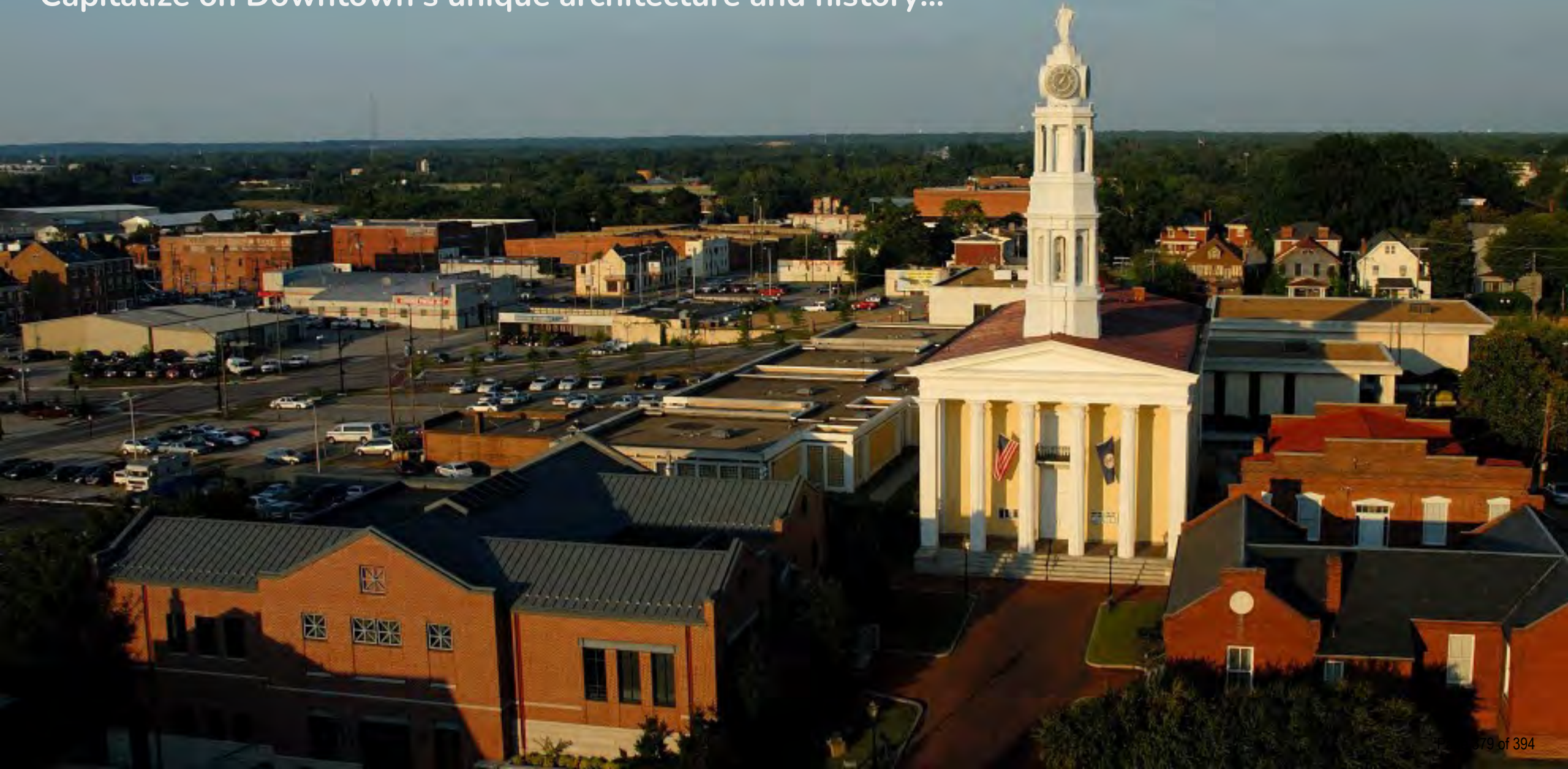
Strong and economically vibrant cities have strong downtowns. Great downtowns follow great planning.

ONCE THE PLAN IS DONE *what is it for?*



A DOWNTOWN PLAN NEEDS TO:

Capitalize on Downtown's unique architecture and history...



...while building on present-day momentum...





...and grappling with the real issues of today.

The Battle for Petersburg

While the city fights to regain financial stability, entrepreneurs and residents are providing a much-needed infusion of energy | Photos by Ash Daniel

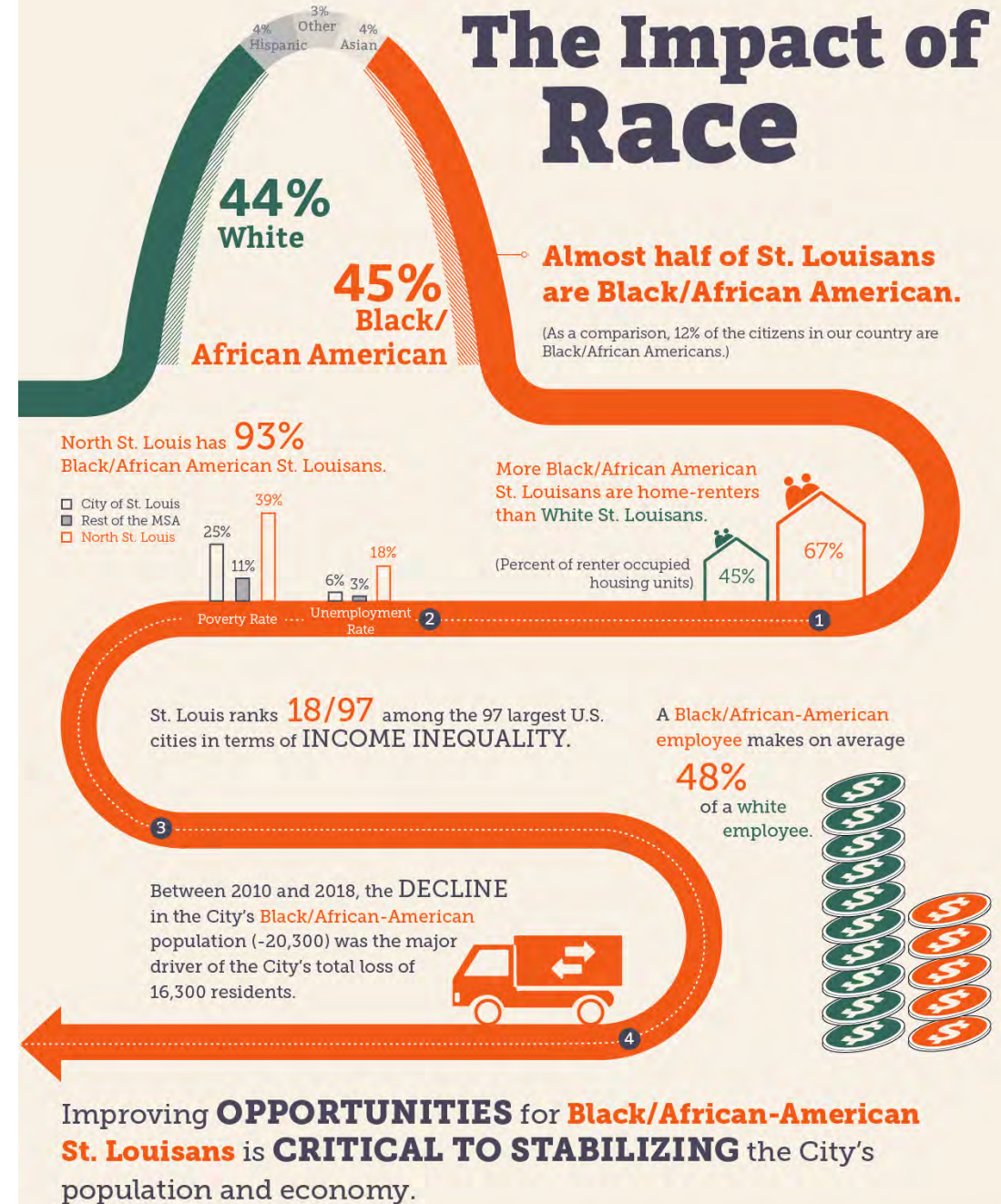
Heavy rains flood some downtown Petersburg streets, force transit service to adjust routes

Petersburg ranked 'least healthy' city in Virginia

**Downtowns succeed by
being a place that
welcomes everyone.
This begins with public
outreach**

Creating a downtown for everyone begins with intentional engagement

- St. Louis Equitable Economic Development Framework - finished in 2020
- Pittsburgh Equitable Parks Investment Strategy - 2020 National Parks & Recreation Association Equity Award
- GR Forward - 2017 Pinnacle Award from the International Downtown Association for Equity
- 2 National APA Awards for a "Grassroots Initiative"
- 2 National APA Awards for Public Outreach



Make the process FUN!



TOOLS



Core Partners/
Working Group



Steering
Committee



Interviews



Web Presence



Collaborative
Mapping



Community
Survey



Open
Houses
(online or in person)



Pop-Up
Activities



Focus
Groups



Implementation
Discussions

PARKS

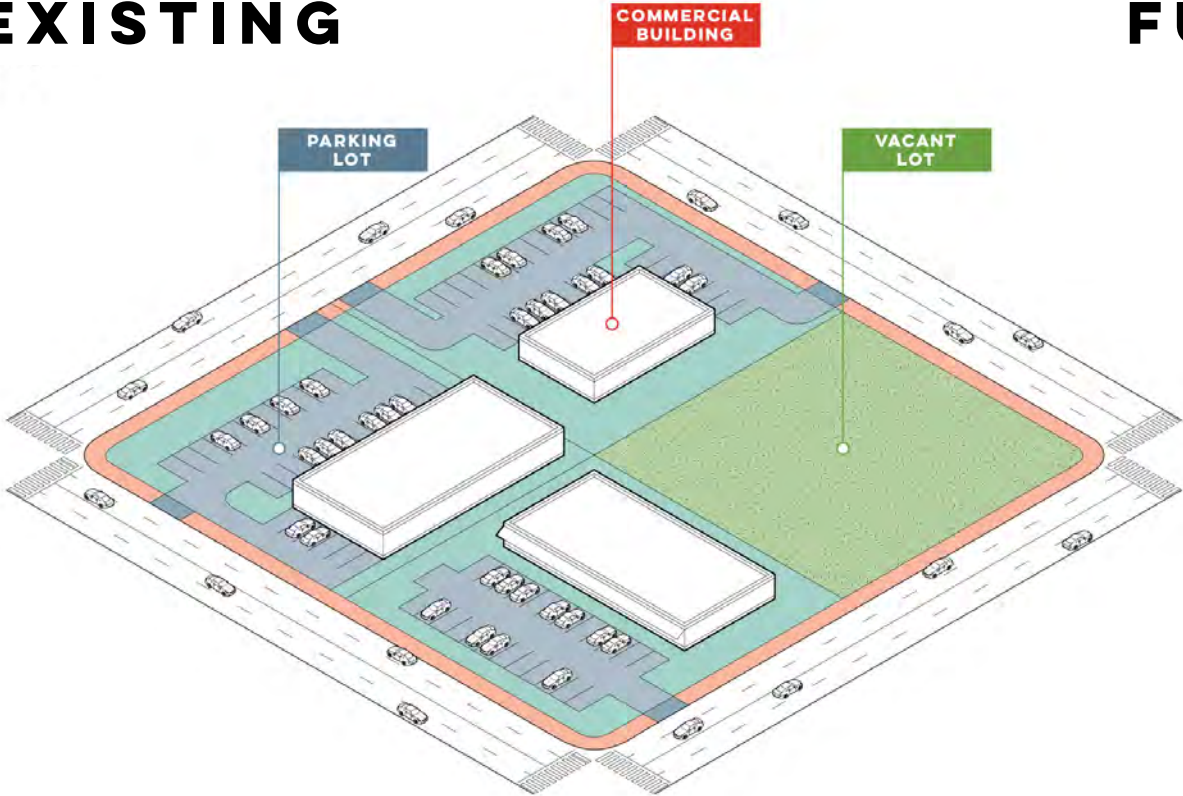


STREETS

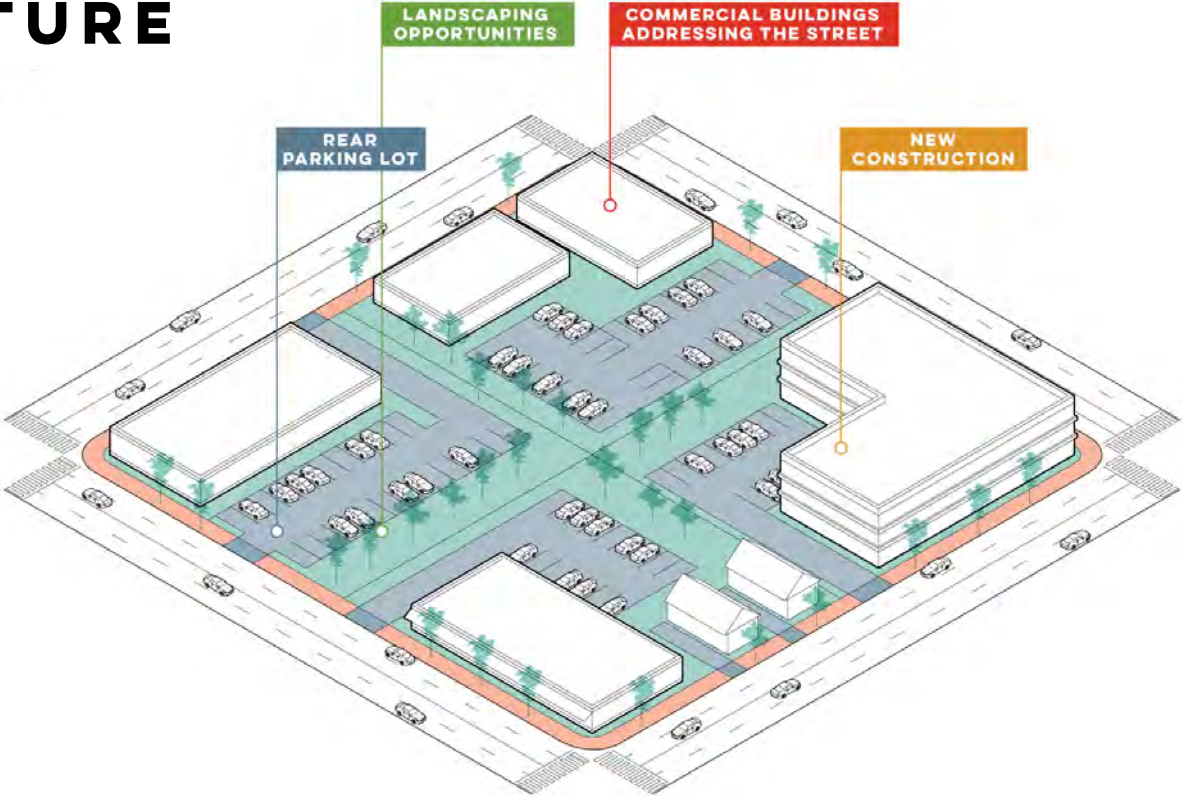


DEVELOPMENT STANDARDS

EXISTING



FUTURE



A Downtown plan is about seeing results.



Don't wait to make change

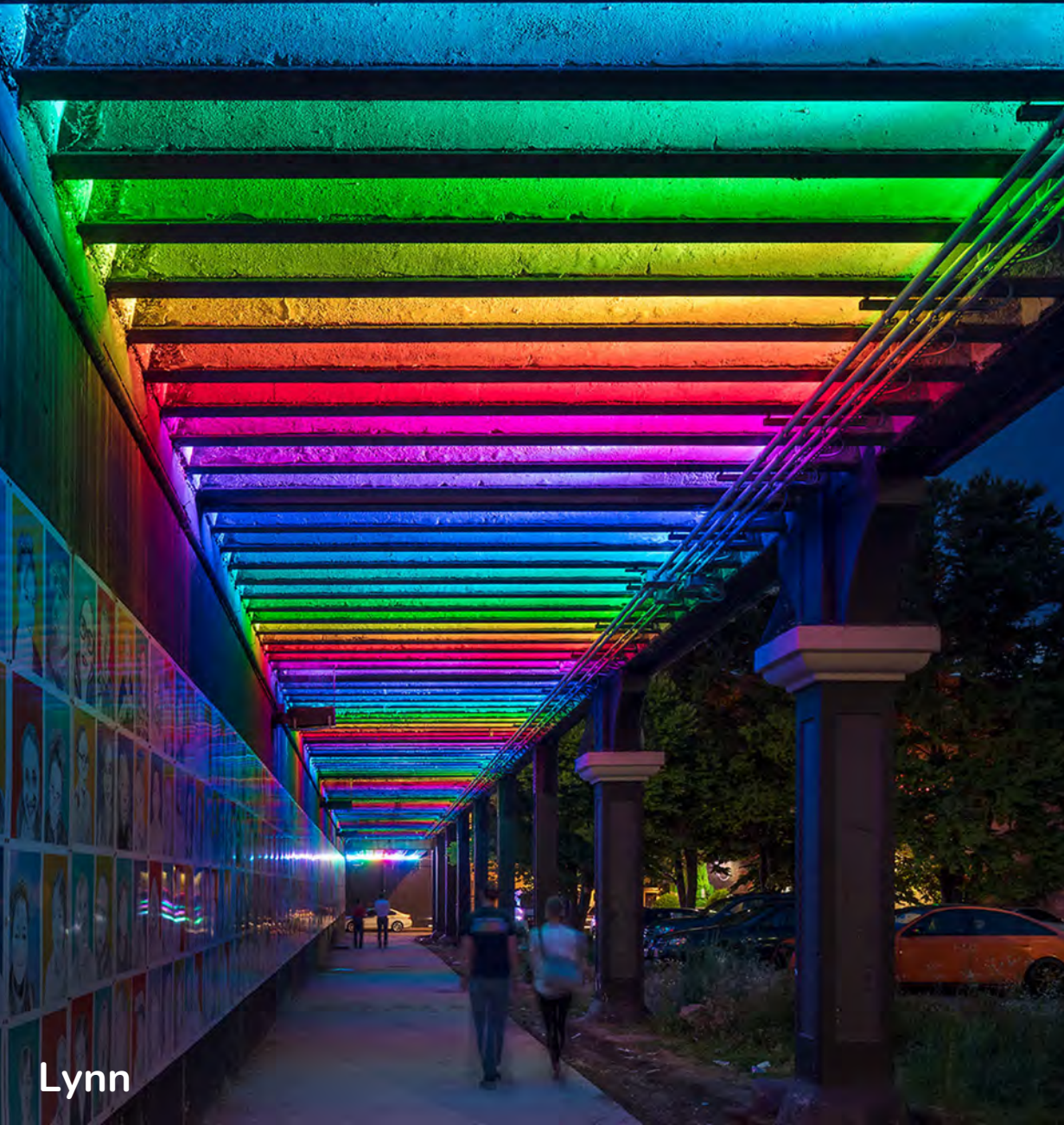


Image credits: Fairmount Park Conservancy and Interface Studio



Birch Street Plaza by Merritt Chase, Roslindale, MA

A record of success

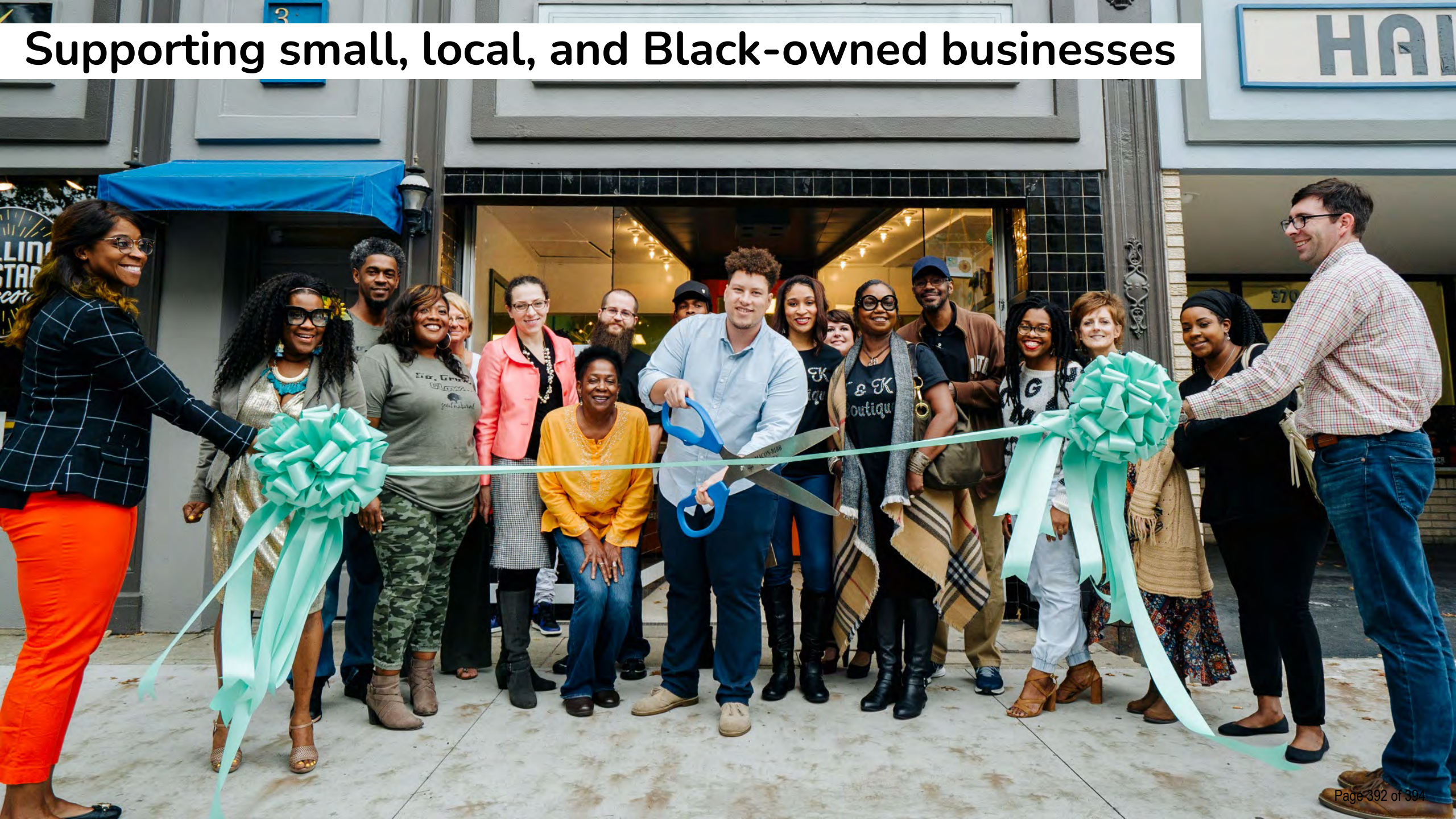


Lynn



Macon
Page 39 of 394

Supporting small, local, and Black-owned businesses



A record of success



Grand Rapids



Thank you!