



City of Petersburg Virginia

www.petersburgva.gov

July 26, 2023 - Regular City Council Meeting

July 26, 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 Administration

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

-
1. **Roll Call**
 2. **Prayer**
 3. **Pledge of Allegiance**
 4. **Determination of the Presence of a Quorum**
 5. **Proclamations/Recognitions/Presentation of Ceremonial Proclamations**
 - a. Proclamation designating July 16-22, 2023, as Pretrial, Probation and Parole Supervision Week in the City of Petersburg. **(Page 3)**
 - b. Presentation and Update from the Treasurer's Office.
 6. **Responses to Previous Public Information Posted**
 7. **Approval of Consent Agenda (to include minutes of previous meetings):**
 - a. Minutes: **(Page 4)**
 - July 5, 2023 - Closed Session Minutes
 - July 5, 2023 - Special City Council Meeting Minutes
 - July 5, 2023 - City Council Work Session
 8. **Official Public Hearings**
 - a. A public hearing and consideration of an Ordinance approving a petition to rezone the property located at 2255 Jamestown Road, from A, Agricultural Zoning District to M-1, Light Industrial Zoning District, and 2262 County Drive, from B-2, General Commercial Zoning District to M-1, Light Industrial Zoning District - 2nd Reading **(Page 14)**
 - b. A Public Hearing and consideration of an Ordinance approving a Petition to rezone the property located at 3287 County Drive from B-2 General Commercial Zoning District to M-1 Light Industrial Zoning District. **(Page 56)**
 - c. A public hearing and consideration for adoption of an ordinance to authorize the exchange of real property with the Estate of William A. Patton. **(Page 60)**
 - d. A public hearing and Consideration for Adoption of An Ordinance to Direct the City Manager to Reimburse Bollingbrook Properties, LLC F/K/A Master Properties, LLC and Worther G. Becker,

III and Karen K. Becker for Expenses Incurred in Real Property Transaction Recorded in Instrument 202302112. **(Page 98)**

- e. A public hearing on the request to carryover FY22 balance to FY 2023 and FY 2023 balance to FY 2024 including the respective FY 2023 project budget for the Petersburg Station Park and Ride project (2nd reading). **(Page 102)**
- f. A public hearing on the consideration of a resolution authorizing the issuance and sale of General Obligation Refunding Bonds of the City of Petersburg, Virginia, providing for the form, details and payment thereof to finance the courthouse project. **(Page 105)**

9. Public Information Period

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

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

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

11. Items removed from Consent Agenda

12. Finance and Budget Report

13. Unfinished Business

- a. A Public Hearing and consideration of a Petition for a Special Use Permit (SUP) for a Car Wash and Automotive Detailing at 1602 W Washington Street. The property is located in the B-2 General Commercial Zoning District. **(Page 120)**

14. New Business

- a. Consideration of appointment/s to the Appomattox River Water Authority (ARWA) Board. **(Page 124)**
- b. Consideration of a resolution Approving The Funding Recipients for the FY23-24 Community Development Block Grant. **(Page 129)**
- c. Consideration of a resolution to amend and re-adopt Articles V, VII, and VIII of the City of Petersburg Personnel Policies and Procedures Manual pertaining to Disciplinary Matters, Grievance and Appeal Procedures. **(Page 135)**

15. City Manager's Report

16. Business or reports from the Clerk

17. Business or reports from the City Attorney

18. Adjournment

PETERSBURG



VIRGINIA

Proclamation

WHEREAS, pretrial services, probation and parole agencies are essential parts of the justice system; and

WHEREAS, pretrial, probation and parole agencies work collaboratively and in partnership with other local and state entities, such as law enforcement, magistrates, victim services, judges, commonwealth's attorneys, defense attorneys, sheriffs, jail and prison administrators, reentry providers, local educators, mental health and substance abuse treatment providers, and other citizen organizations to effectively respond to crime and correctional needs throughout the Commonwealth; and

WHEREAS, Virginia maintains a system that allows individuals to be supervised in their communities while on pretrial, probation, or parole supervision to protect the safety and well-being of citizens; and

WHEREAS, pretrial, probation and parole officers are community corrections professionals charged with preserving Virginians' safety by implementing data-driven policies to ensure individuals on community supervision adherence to mandated conditions, which include appearance in court, and applying appropriate interventions and sanctions for non-compliance of pretrial, probation or parole conditions; and

WHEREAS, pretrial, probation and parole officers support rehabilitative justice, engage in evidence-based practices and help individuals in the community transition into productive citizens.

NOW, THEREFORE, I, **Samuel Parham**, by virtue of the authority vested in me as Mayor of the City of Petersburg, do hereby proclaim

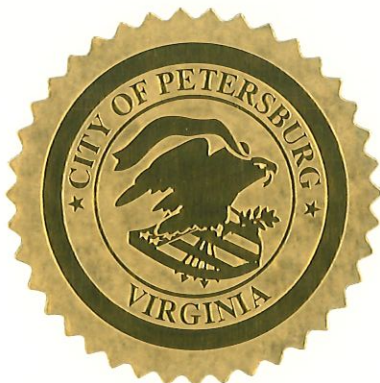
July 16-22, 2023

As

"PRETRIAL, PROBATION AND PAROLE SUPERVISION WEEK"

in the City of Petersburg.

Dated: 07/26/2023



A handwritten signature in black ink, appearing to read "Samuel Parham", is written over a horizontal line.

Mayor, Samuel Parham

ATTEST:

A handwritten signature in black ink, appearing to read "Nykesha D. Lucas", is written over a horizontal line.

Clerk of Council, Nykesha D. Lucas



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 26, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Nykesha Lucas

RE: **Minutes: (Page 4)**
-July 5, 2023 - Closed Session Minutes
-July 5, 2023 - Special City Council Meeting Minutes
-July 5, 2023 - City Council Work Session

PURPOSE: For informational purposes only.

REASON: City Council Minutes from previous council meetings.

RECOMMENDATION: To be approved with the consent agenda.

BACKGROUND: See attached minutes.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 7/26/2023

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. July 5, 2023 Closed Session Meeting Minutes
2. July 5, 2023 - Special City Council Meeting
3. July 5, 2023 - Work Session city council minutes

The Closed Session Meeting of the Petersburg City Council was held on Wednesday, July 5, 2023, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:05 p.m.

1. ROLL CALL:

Present:

Council Member W. Howard Myers
Council Member Arnold Westbrook, Jr.
Vice Mayor Darrin Hill
Mayor Samuel Parham

Absent: Council Member Charles H. Cuthbert, Jr.
Council Member Marlow Jones
Council Member Annette Smith-Lee

Present from City Administration:

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

2. CLOSED SESSION:

- a. The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the City Attorney and legal consultation regarding the subject of specific legal matters requiring the provision of legal advice by the city attorney, specifically including but not limited to discussion regarding delinquent real property tax cases; law enforcement alternatives relating to public housing; 22.1-100 of the Code of Virginia; and matters requiring legal advice of the City Attorney under §2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held 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 or disposition of real property.

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: Myers, Westbrook, Hill, and Parham; Absent: Cuthbert, Jones, and Smith-Lee

The City Council entered closed session at 3:06 p.m.

CERTIFICATION:

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called 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 state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote Mr. Mayor."

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

The motion was approved on roll call vote.

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

23-R-42 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 5:00pm

3. ADJOURNMENT:

City Council adjourned at 5:00 p.m.

Clerk of City Council

APPROVED:

Mayor

The Special Meeting of the Petersburg City Council was held on Wednesday, July 5, 2023, at the Petersburg Public Library. Mayor Parham called the Special Meeting to order at 5:01 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 Administration:

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

2. DISCUSSION AND/OR CONSIDERATION:

a. City of Petersburg Financial Policy Update

BACKGROUND: See attached PowerPoint Presentation.

RECOMMENDATION: To adopt the amendments to the City's Financial Policies as submitted.

David Rose, Senior Vice President of Davenport and Company, LLC, gave an update on the request and financial policy.

There was discussion among the city council, staff, and Mr. Rose.

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

23-R-43 A RESOLUTION TO ACCEPT PROPOSED REVISIONS TO THE CITY OF PETERSBURG'S FINANCIAL POLICY GUIDELINES.

3. ADJOURNMENT:

Mayor Parham adjourned at 5:33 p.m.

Clerk of City Council

APPROVED:

*Audio available upon request.

Mayor

*Audio available upon request.

The work session meeting of the Petersburg City Council was held on Wednesday, July 5, 2023, at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:35 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 the council and the citizens in the pledge of allegiance.

4. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum is present.

5. PUBLIC COMMENTS:

No public comments.

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

a. Minutes:

-June 20, 2023 – Closed Session Minutes
-June 20, 2023 – Regular City Council Meeting Minutes

b. First reading of an ordinance approving a petition for a Special Use Permit for a proposed Multi-Family Residential Development on the property located at 235 Medical Park Boulevard.

c. First Reading – An ordinance to authorize the exchange of real property with the estate of William A. Patton.

d. First Reading – An ordinance to direct the City Manager to Reimburse Bollingbrook Properties, LLC F/K/A Master Properties, LLC, and Worther G. Becker, III and Karen K. Becker for Expenses Incurred in real property transaction recorded in instrument 202302112.

- e. Request to carryover FY22 balance to FY 2023 and FY 2023 balance to FY 2024 including the respective FY 2023 project budget for the Petersburg Station Parak and Ride project.

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

7. SPECIAL REPORTS:

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

8. MONTHLY REPORTS:

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

9. FINANCE AND BUDGET REPORT:

- a. An update on the Financial Report for City of Petersburg

Mr. Altman stated, "Mr. Mayor at this time if we would I would like to have Mr. Rose present the plan of finance for the courthouse project."

Mayor Parham stated, "At this time, we will add to this agenda the presentation and consideration of the Courthouse Project Plan of Finance."

David Rose, Senior Vice President of Davenport and Company, LLC, gave a PowerPoint Presentation.

Key points:

- As a part of the General Fund Financial Review, Davenport analyzed the effect of the City's upcoming major capital projects on the General Fund. These projects included a mandated Courthouse Project and a school project.
- While the school project is still early in development, the Courthouse Project is expected to begin the design process this summer, with construction beginning in the second half of CY 2024.
- Though interest rates have risen over the past 12-18 months, the cost of borrowing is still near all-time historical lows.
- There is a two-phase Plan of Finance. Phase 1 is the issue bonds in late Summer 2023 for up to \$30 million of the total project cost to fund architectural and engineering expenses. Phase 2 is the issue of bonds to fund the remaining balance of the Courthouse Project once the final project cost is known.
- Approximately \$38.9 million of existing tax-supported debt is outstanding as of 6/30/2023.
- After both Courthouse Project issuances, the new level of debt service would be approximately \$5.4 million. The city would still have the necessary capacity to fund the remaining balance of the Courthouse Project and the School Project.
- Timeline: July 5th – Present Plan of Finance to City Council. Schedule a public hearing for the July 26th meeting. – July 24th: Meeting with rating agencies. – July 26th: Public hearing held, and authorizing resolution considered for the issuance of the 2023 Bonds. – Late August: Pricing for the 2023 Bonds (interest rates locked in). – Mid- September: Closing date for the 2023 bonds.

There was a discussion between the city council and Davenport.

Mr. Williams stated, "Mr. Mayor, there is a public hearing scheduled for the bond resolution however, the manager had placed a resolution in the special meeting packet that he asked that council consider

suspending the rules and adopting symbolizing your approval of the overall plan for financing.”

Mayor Parham stated, “Alright. I will entertain a motion to suspend the Rules of Council.”

Council Member Myers made a motion to suspend the Rules of Council. Vice Mayor Hill seconded the motion. The motion was approved on voice vote. Voting yes: Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham; Voting No: Cuthbert

There was discussion among the city council members.

Council Member Myers made a motion to add the consideration of the Courthouse Project Plan of Finance to the meeting. Council Member Westbrook seconded the motion. The motion was approved on roll call vote. Voting Yes: Smith-Lee, Myers, Westbrook, Hill, and Parham; Voting No: Cuthbert; Abstain: Jones

There was discussion among the City Council and staff.

Mayor Parham stated that he needs to have a motion from the city council to go into closed session for personnel issues.

Council Member Myers made a motion to go into closed session for personnel items. Council Member Smith-Lee seconded the motion. The motion was approved on roll call vote. Voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

City Council entered closed session at 6:09pm

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 state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote Mr. Mayor.”

Council Member Myers made a motion to return the City Council to open session and certify the purposes of the closed session. Vice Mayor Hill 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-44 A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER’S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.

City Council returned to open session at 6:49pm

10. CAPITAL PROJECTS UPDATE:

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

11. UTILITIES:

- a. Presentation of an update from JMT on Poor Creek Project.

Michael P. Luning, Vice President of JMT, gave a briefing.

Key Notes:

- Design is progressing.
- Surveying is nearly completed.
- Design teams committed to compressed schedule. Out for bid in November 2023.
- Prepurchase of material (pipe/tank) with long lead times. No advantage on water main and tank. Sewer force main is to be determined. Continue to monitor supply chain issues, adjust as needed.
- Review progress weekly. Meeting bi-weekly with firms. Emphases on being responsive.
- Preliminary water main route and force main routes are determined.
- Schedule beats funding agency requirements (EDA, DEQ, VDH).

There was a discussion between the City Council and Mr. Luning.

12. STREETS:

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

13. FACILITIES:

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

14. ECONOMIC DEVELOPMENT:

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

15. CITY MANAGER'S AGENDA:

Mr. Altman stated, "Just wanted to remind council that we are working on your advance agenda for August 10th and August 11th. I have to get together a draft. Some of the topics that we are not talking about tonight will be on that agenda. So, there will be economic development conversations and others. And I appreciate Mrs. Lucas support on getting all of these things done."

16. BUSINESS OR REPORTS FROM THE CLERK:

*No items for this portion of the agenda.

17. BUSINESS OR REPORTS FROM THE CITY ATTORNEY:

*No items for this portion of the agenda.

18. ADJOURNMENT:

The City Council adjourned at 7:01 p.m.

Clerk of City Council

APPROVED:

Mayor



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 26, 2023

TO: The Honorable Mayor and Members of City Council

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

FROM: Reginald Tabor

RE: **A public hearing and consideration of an Ordinance approving a petition to rezone the property located at 2255 Jamestown Road, from A, Agricultural Zoning District to M-1, Light Industrial Zoning District, and 2262 County Drive, from B-2, General Commercial Zoning District to M-1, Light Industrial Zoning District - 2nd Reading (Page 14)**

PURPOSE: To consider an ordinance approving the petition to rezone the property located at 2255 Jamestown Road, from A, Agricultural Zoning District to M-1, Light Industrial Zoning District, and 2262 County Drive, from B-2, General Commercial Zoning District to M-1, Light Industrial Zoning District

REASON: To comply with policies, procedures and laws regarding the rezoning of properties.

RECOMMENDATION: It is recommended that the City Council holds a Public Hearing and considers an Ordinance approving a Petition to rezone the property located at 2255 Jamestown Road, from A, Agricultural Zoning District to M-1, Light Industrial Zoning District, and 2262 County Drive, from B-2, General Commercial Zoning District to M-1, Light Industrial Zoning District.

BACKGROUND: The City of Petersburg received a Petition to rezone the property located at 2255 Jamestown Road, PIN: 040030005 from A, Agricultural Zoning District to M-1, Light Industrial Zoning District, and 2262 County Drive, PIN: 040030006 from B-2, General Commercial Zoning District to M-1, Light Industrial Zoning District.

The purpose of the rezoning is to permit the construction of buildings for the operation of a light industrial and warehouse uses and the proposed use is permitted in the M-1 district. The current Comprehensive Plan Future Land Use Plan identifies the property as commercial.

The Planning Commission held a Public Hearing and considered a resolution with a recommendation to the City Council regarding the petition during the June 1, 2023 meeting.

During the Public Hearing, the representative from the applicant/Developer spoke

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from the development of the property.

CITY COUNCIL HEARING DATE: 6/20/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor; Economic Development, Planning and Community Development; Public Works; Neighborhood Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: The City Code Appendix B. Zoning

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0606_2023OrdinanceREZ2255JamestownRd2262CountyDr
2. 0601_2023CaseReport2023REZ05_2255Jamestown

AN ORDINANCE APPROVING A PETITION TO REZONE THE PROPERTY LOCATED AT 2255 JAMESTOWN ROAD FROM A, AGRICULTURAL ZONING DISTRICT TO M-1, LIGHT INDUSTRIAL ZONING DISTRICT, AND 2262 COUNTY DRIVE FROM B-2, GENERAL COMMERCIAL ZONING DISTRICT TO M-1, LIGHT INDUSTRIAL ZONING DISTRICT.

WHEREAS, the City of Petersburg received a Petition to rezone the property located at 2255 Jamestown Road, PIN: 040030005 from A, Agricultural Zoning District to M-1, Light Industrial Zoning District, and 2262 County Drive, PIN: 040030006 from B-2, General Commercial Zoning District to M-1, Light Industrial Zoning District; and

WHEREAS, the purpose of the rezoning is to permit the construction of buildings for the operation of a light industrial and warehouse uses; and

WHEREAS, the proposed use is permitted in the M-1 district; and

WHEREAS, the current Comprehensive Plan Future Land Use Plan identifies the property as Commercial; and

WHEREAS, the Planning Commission is scheduled to consider the petition during the June 1, 2023 meeting, prior to a City Council Public Hearing and consideration of the petition; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing and consideration of a petition to rezone the property located at 2255 Jamestown Road and 2262 County Drive, and the public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Petersburg that the petition to rezone the property located at 2255 Jamestown Road, PIN: 040030005 from A, Agricultural Zoning District to M-1, Light Industrial Zoning District, and 2262 County Drive, PIN: 040030006 from B-2, General Commercial Zoning District to M-1, Light Industrial Zoning District is hereby approved.



City of Petersburg

Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803
srobinson@petersburg-va.org

TO: Chairman Alexander and Members of the Petersburg Planning Commission

FROM: Reginald Tabor, Planning Manager
Sandra A Robinson, Zoning Administrator

SUBJECT: Case 2023-REZ-05
2255 Jamestown Road and 2262 County Drive
Tax Parcel: 040030005 and 040030006

DATE: May 25, 2023

A petition from Onward and Upward Land LLC c/o Andrew M. Condlin, Power of Attorney, Roth Jackson Gibbons Condlin, PLC to rezone 2255 Jamestown Road further identified as Tax Parcel # 040030005 and containing approximately 73.87 acres of land which is zoned A, Agricultural District and having no road frontage; and 2262 County Drive further identified as Tax Parcel # 040030006, zoned B-2, General Commercial District, having approximately 2.272 acres of land fronting along the south side of County Drive to M-1, Light Industrial District to permit Industrial Development and Distribution uses. The project covers a total acreage of approximately 76.142 acres. This project is located on the south side of the intersection of U.S. Route 460E (County Dr.) at the unimproved portion of Jamestown Road. This parcel of land has approximately 600' of public road frontage along County Drive. The city's 2014 Comprehensive Plan suggests that the area is suitable for commercial and/or industrial uses.

DATE: Delivery to the Planning Department on May 4, 2023, for consideration of the rezoning of properties located at 2255 Jamestown Road and 2262 County Drive.

I. APPLICANT'S PROPOSAL

The applicant is requesting to rezone said property, fronting along County Drive (2262 County Drive, a residentially built structure presently utilized as a Barber Shop) from B-2, General Commercial District to M-1, Light Industrial District. The applicant proposes to develop a 950,000 square foot warehouse distribution center accompanied by parking and other site related improvements. Please see the submitted conceptual plan provided by the applicant and titled "sekivsolutions" Sheet No C1. Per the site plan, it is the applicants desire to construct in phases three (3) warehouse buildings ranging in size from Warehouse Building #1 – 391,000 sq ft with 96 loading spaces; Warehouse Building # 2 – 308,800 sq ft with 85 loading spaces and lastly, Warehouse Building #3 - 250,660 sq ft, with 54 loading spaces; Although, Article 22. Height, Area, and Bulk Requirements

restrict the height of buildings not to exceed seventy-five (75') feet or six (6) stories. It is further stipulated within Article 17. Light Industrial District Regulations. Section 3. Height, area, and bulk regulations (3) Whenever any building in the M-1, Light Industrial District adjoins or abuts upon a residential district, such building shall not exceed two (2) stories nor thirty-five (35') in height, unless it is setback one foot from all required yard lines for each one foot of additional height above thirty-five (35') feet. The ordinance also stipulates that there shall be a side yard of not less than ten (10') feet in width on the side of a lot adjoining a residential district and a rear yard not less than ten (10') feet in depth on the rear of a lot adjoining a residence district.

The proposed structures would allow usage for wholesale, processing, and warehousing with indoor storage. There is a required One Hundred (100') foot setback measured from the center line of County Drive. Given the sites proximity to I-95, and I-295 corridors the applicant believes this site is ideally suited for distribution uses, which would create hundreds of jobs in the city. The applicant also believes that the request to rezone the subject parcels of land is consistent with the city's future land use goals. There has been no particular user identified or selected and the applicant would like to be prepared and in position to secure an industrial user involved in distribution, processing, production, and warehousing services.

The proposed rezoning designation of M-1, which is the Light Industrial zoning designation would permit a range of light industrial uses, such as light manufacturing, trucking, storage, warehousing, and production operations. Typically, these uses may have a lot of truck and vehicular traffic, however, the subject property will include dedicated access to and from Route 460, which prevents conflicts between vehicles serving the site and other uses in the vicinity. The uses proposed are low-intensity industrial uses and are generally compatible with adjoining, existing uses currently in the area, to include Norfolk Southern Railway, Interstate 95, Route 460 (County Drive) large tracts/parcels of vacant land and a very limited number of residential properties. There are several mobile home parks in the vicinity of the proposed request. Those Mobile Home Parks namely are as follows: Spring Garden Mobile Home Park and Campground, 2178 County Dr, TP# 035030003; Ford's Mobile Home Park, 2122 County Dr, behind Whelan's Garage/Truck/Convenience Store TP# 034030006 and 1.77 acres; at 14.8 acres, Sunset Mobile Home Park, 2120 County Dr. TP# 034030003; 2200 Jamestown Dr, TP# 035030006, Shodon, vacant/heavily wooded parcel of land 30.91 acres zoned Mobile Home Park; 2174 County Dr., Alpha Storage LLC., 5 acres, TP# 035030006. Other uses in the area include the American Inn Hotel, at 2209 County Dr.: The Budget Motor Inn Motel at 2151 Jamestown Dr and the California Inn at 2214 County Dr.

Warehousing, wholesale distribution, fabrication, processing, and manufacturing are uses allowed under the M-1, Light Industrial zoning designation. It should be noted that in some instances, a particular use may be required to be approved for an overlay district classification per Article 23. Supplementary Use Regulations-Special Uses. The proposed use requested, if permitted, will be controlled by zoning conditions and ordinance standards.

The parcel of land located in the rear of 2262 County Dr. and addressed as 2255 Jamestown Dr. is currently entirely wooded. If properly buffered the development of the subject parcel of land should not have any impact on any neighboring residential developments or residentially used properties. The location is excellent for commercial or light industrial activities, as it's near the highway and other commercially related uses. A specific user has not been identified at the time of application submittal.

The applicant is proposing to provide appropriate landscaping and buffering of the project area within the City of Petersburg, Virginia to reduce any potential negative impact to existing residential properties along Poe Lane. The applicant has met with the City's Development Review Team to discuss the regulations as it relates to public utilities, VDOT standards for construction of internal roadways.

This rezoning request would only allow by-right development. If a use is deemed objectionable as defined in the Zoning Ordinance or as determined by the Zoning Administrator that use will require review and approval by the Planning Commission and City Council.

The development of this land would provide opportunities for additional jobs, and taxes for the City of Petersburg.

II. CHARACTER OF THE AREA

The access point of the subject property is immediately adjacent to the California Inn, and the intersection of N. Stedman Dr., Poe Lane, and County Drive. See Sheet C1 submitted by the applicant.

It is my understanding that discussions from an engineering standpoint, the subject parcel is anticipated to be served by public utilities (water and sewer) from Poor Creek system.

III. PUBLIC INPUT:

As of the writing of this report, the staff has received support of the request from the Director of Economic Development, Mr. Brian Moore, two telephone inquiries were made from adjoining property owners prior to the receipt of the application for a rezoning petition was received from the applicant(s). These owners were not in support of the request.

IV. FINDINGS AND STAFF ANALYSIS:

The City's Comprehensive Plan 2014 designates the area for commercial/light industrial uses. Staff recommends approval of the request to rezone the subject properties, addressed as 2262 County Dr., Tax Parcel # 040030006 from B-2, General Commercial District and 2255 Jamestown Dr., Tax Parcel # 040030005 from A, Agricultural District to M-1, Light Industrial District. The proposed use requested, if permitted, will be controlled by zoning conditions and ordinance standards.

Any land disturbance associated with the project more than 10,000 sq ft will require review and approval by Mr. Darryl Walker, Stormwater Manager, City of Petersburg. Other permits may be required contingent upon the acreage and size of building(s) to be constructed.

See correspondence dated April 5, 2023, and signed by Stig Owens, P.E. sekivsolutions. Traffic Impact Analysis, GOROVE SLAD, dated April 20, 2023; VDOT Commercial Entrance Design information.

Any disturbances to areas designated as wetlands must possibly undergo a review by the Army Corps of Engineers.

The proposed project will require the submission of a site plan and meet all applicable zoning requirements, building and fire code regulations.

If the subject request is approved, the Petersburg Department of Planning and Community Development will work with the applicant(s) to ensure that all building/zoning permit reviews & approvals are granted prior to the authorization of construction of any new structures.

All buffering, landscaping, access, and road improvements to include outdoor lighting will be addressed during the site plan review process with the Development Review Team and staff in the Department of Planning and Community Development. An adequate buffer to block out potentially loud noise, dust, emission of odors, or toxic gases and smoke should be addressed and implemented particularly where construction and use may

impact those residents who reside along Poe Lane. If possible, a natural, mature tree line would be helpful in maintaining a sound barrier from any potential noise or dust from truck or delivery vehicle traffic within the Jamestown Drive Warehouse site. Those homeowners who live near the site will feel more at ease knowing that their property is protected as well as their solitude giving them better peace of mind.

The applicant will review a copy of this case report prior to the meeting date.

The request is in line with the City of Petersburg's Comprehensive Plan and in keeping with the City's Economic goals by promoting economic growth, job creation, and increased tax revenue.

V. EXHIBITS

Tax Parcel Map Extract

Zoning Map Extract

Applicants Petition

Supplemental Information:

TIA Study BSI – VDOT; RPA Approval.

Public Notification Information

Petersburg, Virginia

Parcel: 040030006

Summary

Owner Name	ARAKAWA WOODROW L TAE C	National Historic District:	
Owner Mailing Address	2709 OXFORD DR SUTHERLAND, VA 23885	Enterprise Zone:	
Property Use	410	Opportunity Zone:	51730811200
State Class:	4 Commercial and Industrial	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	2262 COUNTY DR Petersburg, VA	Congressional District:	4
Legal Acreage:	2.272	City Ward:	1
Legal Description:	2.272 ACRES	Polling Place:	Blandford Academy
Subdivision:		Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8112
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	2,195	Shed:	
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	1
Enclosed Porch:	45	Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	100%

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	5/16/2006	\$250,000	2006/2365

Assessments

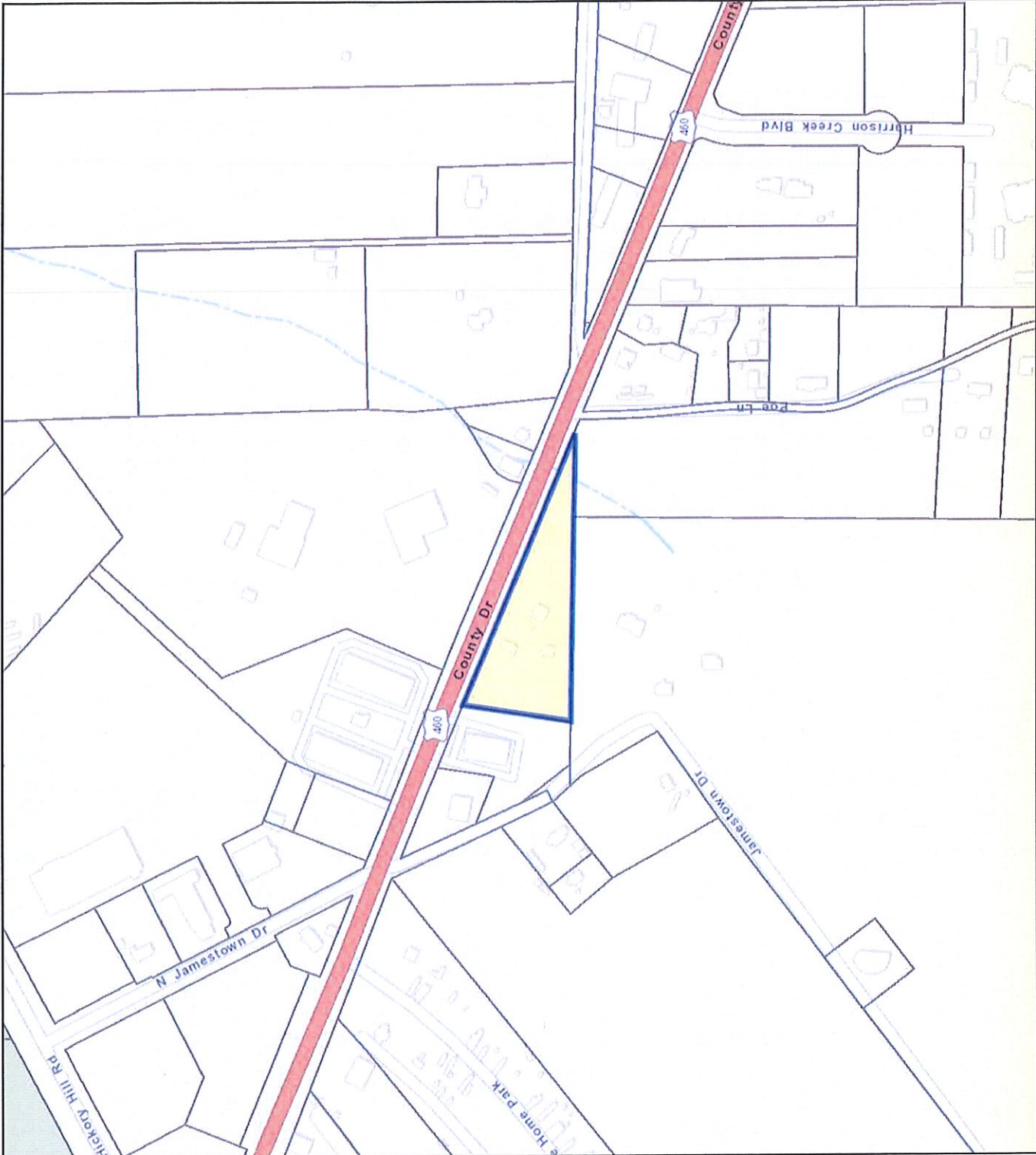
Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$94,600	\$94,600	\$94,600	\$94,600	\$94,600
Improvement Value	\$118,800	\$118,800	\$118,800	\$118,800	\$118,800
Total Value	\$213,400	\$213,400	\$213,400	\$213,400	\$213,400

Property Tax (Coming Soon)

Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 040030006

Date: 5/25/2023

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.

This aerial map shows a red-outlined parcel located on the east side of County Dr, between N Stedman Dr and Jamesstown Dr. The parcel is situated near a large body of water, likely a reservoir or lake. Surrounding roads include County Dr, N Stedman Dr, Jamesstown Dr, Hickory Hill Rd, Anderson St, and Harrison Creek. A north arrow is located in the bottom left corner of the map.

Petersburg, Virginia

Parcel: 040030005

Summary

Owner Name	CLEMENTS LARRY THOMAS THACKSTON MARY C	National Historic District:	
Owner Mailing Address	401 RIVERS BEND CT CHESTER, VA 23836	Enterprise Zone:	
Property Use	501	Opportunity Zone:	51730811200
State Class:	5 Agricultural 20 - 100 acres	VA Senate District:	16
Zoning:	A	Va House District:	63
Property Address	2255 JAMESTOWN DR Petersburg, VA	Congressional District:	4
Legal Acreage:	73.87	City Ward:	1
Legal Description:	73.87 ACRES	Polling Place:	Blandford Academy
Subdivision:		Primary Service Area:	G
Assessment Neighborhood Name:		Census Tract:	8112
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	1,740	Shed:	
Basement:		Total Rooms:	6
Attached Garage:		Bedrooms:	3
Detached Garage:		Full Baths:	1
Enclosed Porch:	360	Half Baths:	1
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	0%

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
2255 JAMESTOWN DRIVE LLC,	11/8/2017	\$0	2017/0086
CLEMENTSELIZABETH H & LARRY T	10/13/2016	\$0	2016/2585
	12:00:00 AM	\$0	644/702


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	\$429,600	\$429,600	\$429,600	\$429,600	\$429,600
Improvement Value	\$108,900	\$108,900	\$108,900	\$108,900	\$108,900
Total Value	\$538,500	\$538,500	\$538,500	\$538,500	\$538,500

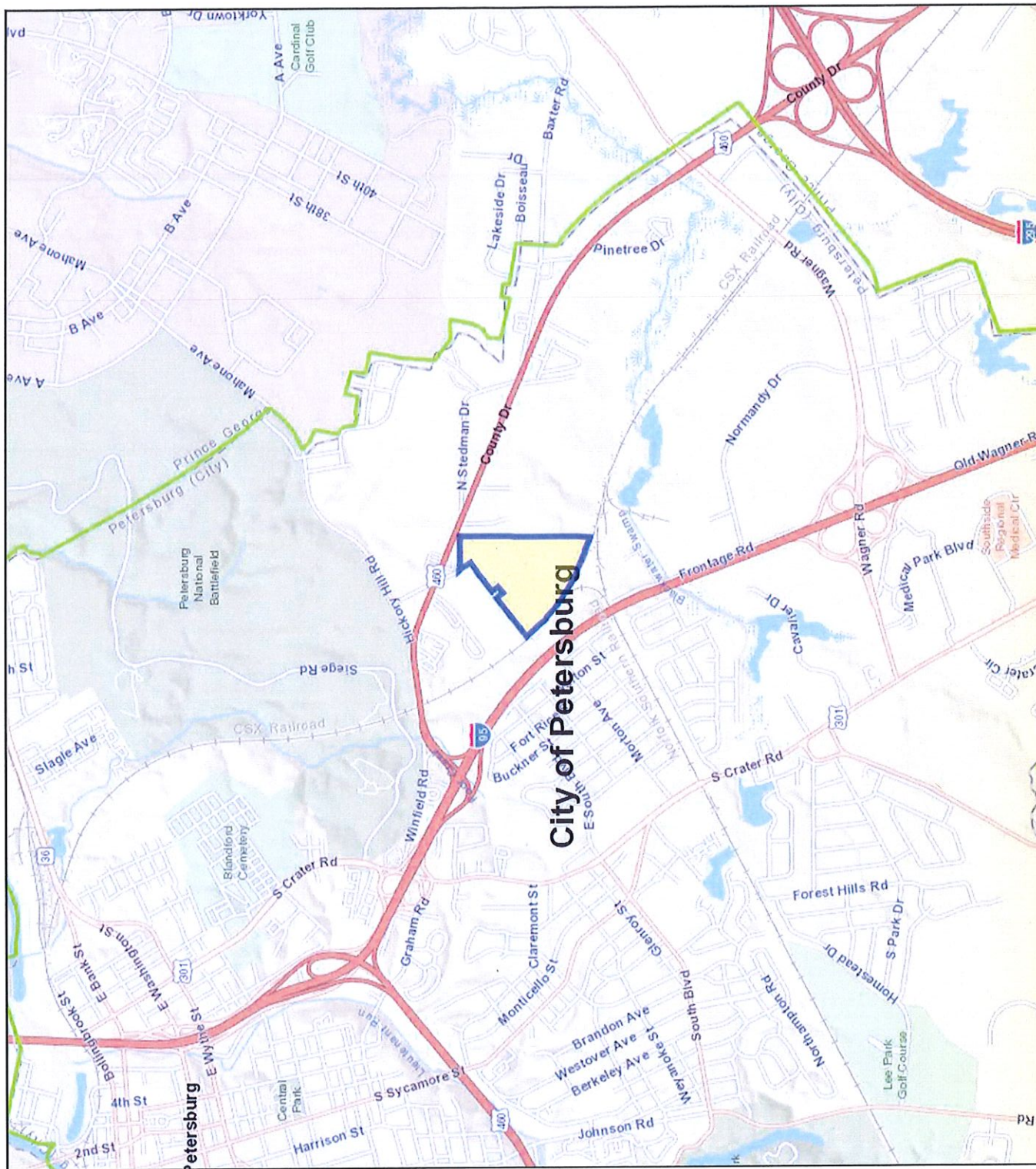
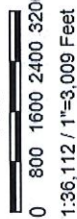
Property Tax (Coming Soon)

Petersburg, Virginia

Legend

 County Boundaries

Feet

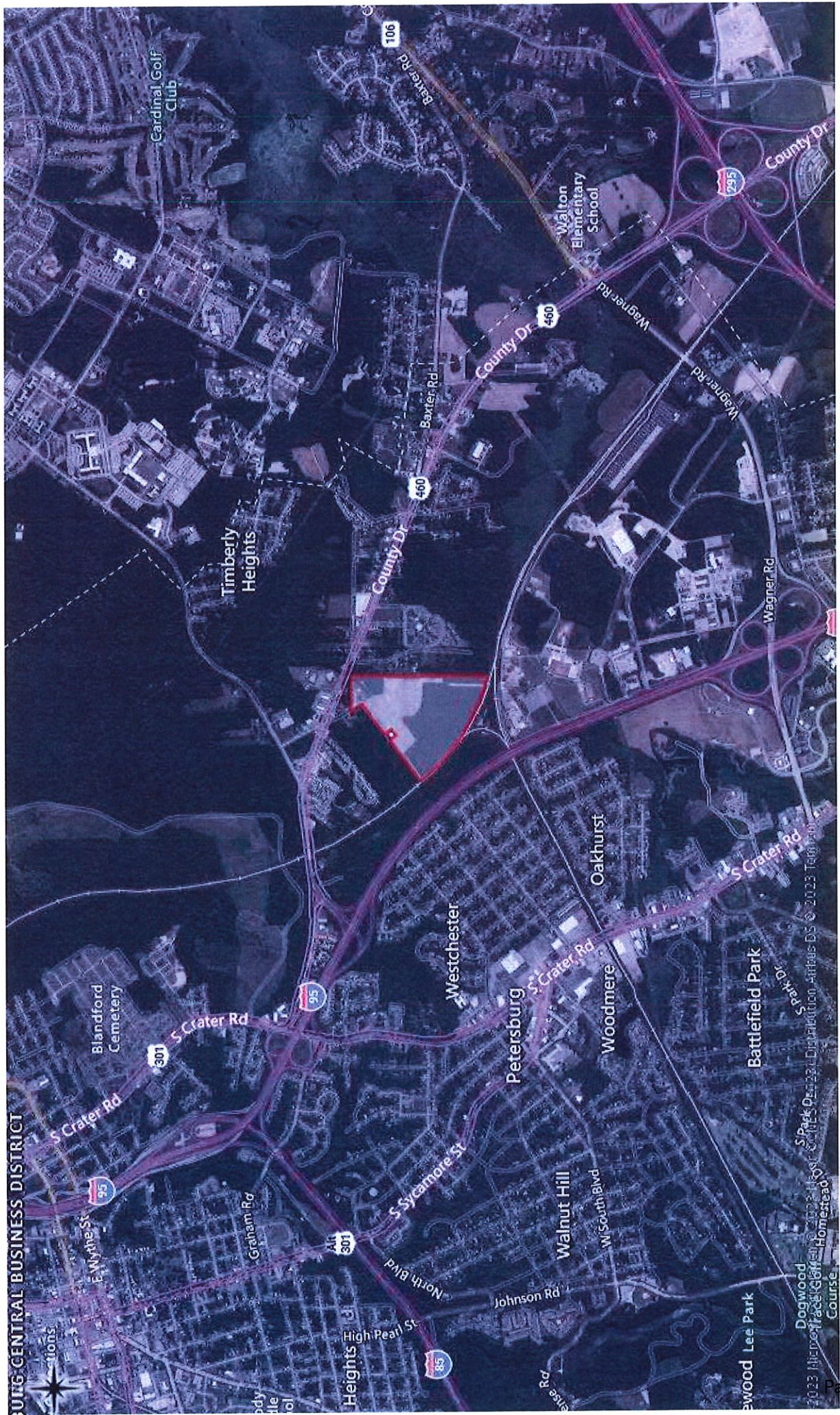


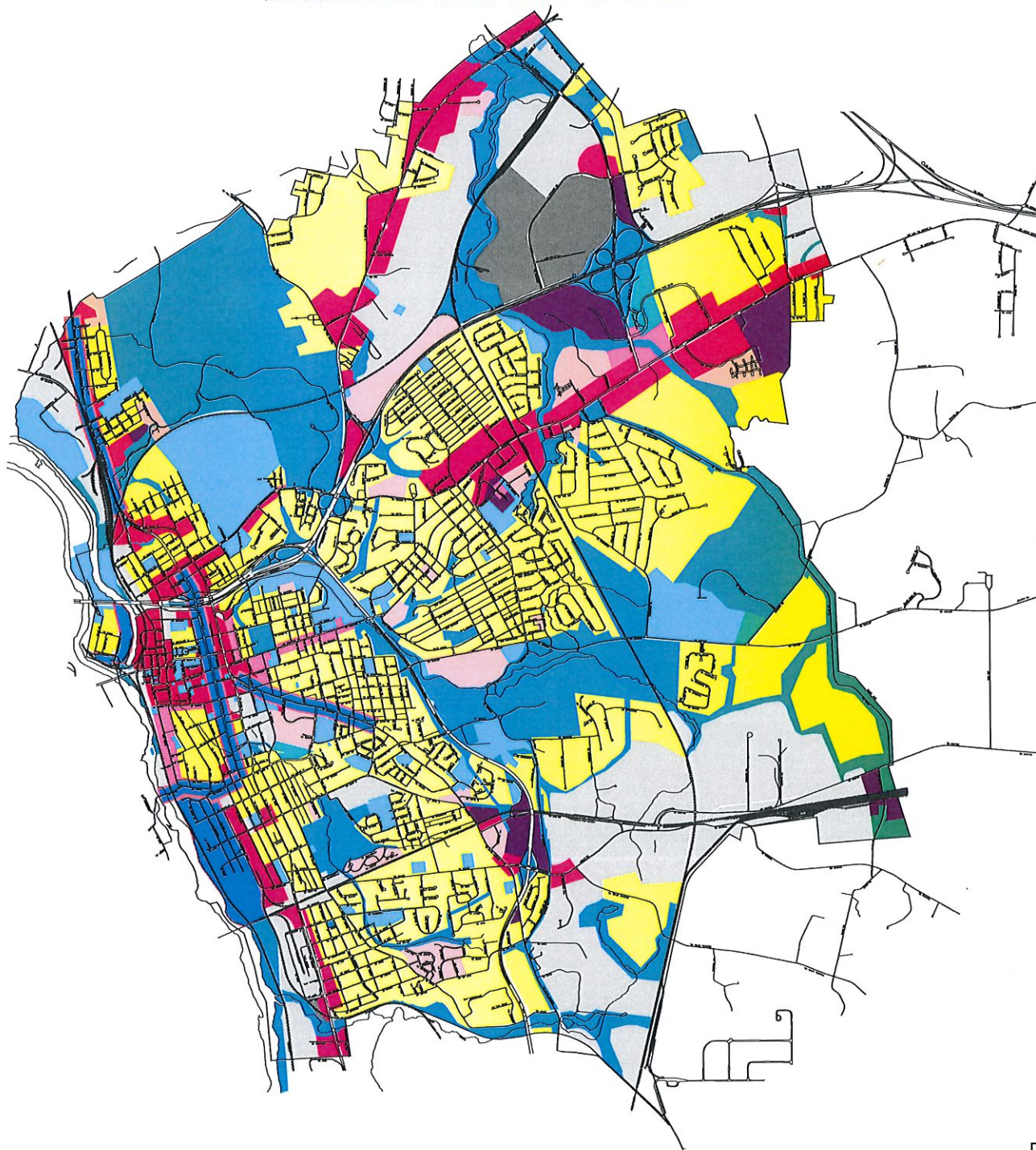
Parcel #: 040030005

Date: 5/25/2023

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.

2255 Jamestown Dr - Agricultural District





LEGEND

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

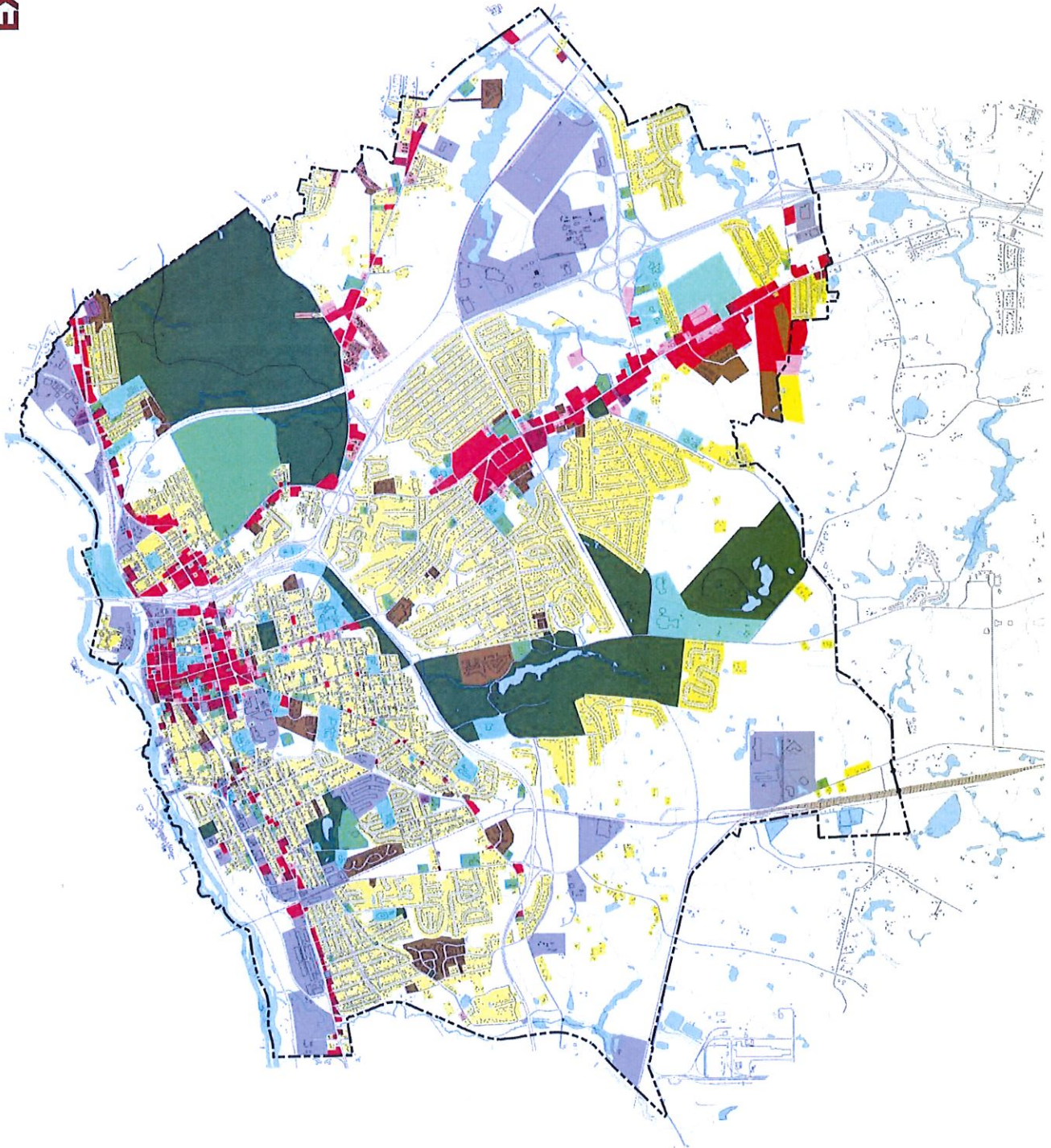
FUTURE LAND USE PLAN

CITY OF PETERSBURG, VIRGINIA
COMPREHENSIVE PLAN 2014

EXISTING LAND USE

COMPREHENSIVE PLAN
City of Petersburg, Virginia

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



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



City of Petersburg

Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803
srobinson@petersburg-va.org

Public Notice

Notice is hereby given to all interested persons, that the City of Petersburg Planning Commission will hold a Public Hearing on Thursday, June 1, 2023, beginning at 6:30pm., at the Petersburg Public Library, Multi-Purpose Room, 201 W Washington Street, Petersburg, Virginia, 23803 to hear the following case:

2023-REZ-05: A public Hearing and consideration of a resolution recommending approval of a Petition to rezone the property located at 2255 Jamestown Drive and 2262 County Drive from B-2, General Commercial District and A, Agricultural District to M-1, Light Industrial District to allow for the development of a warehouse distribution center with parking and related site improvements.

Information and related material concerning the Public Hearing items may be examined on the Planning Commission Website: <http://www.petersburgva.gov/119/Planning-Commission>, or by contacting the Department of Economic Development, Planning and Community Development at (804)-733-2308.

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

Should you have any questions or need additional information, please contact the Department of Economic Development, Planning and Community Development by postal mail sent to 135 N Union Street, Petersburg, VA. 23803, via telephone at 804-733-2308, or via email at pcd@petersburg-va.org.

Reginald Tabor, Planning Manager

Department of Economic Development, Planning and Community Development

Goals and Objectives

Issues, Policy Goals, Objectives

The purpose of the Comprehensive Plan is to set the relevant policies which will help carry out Vision of the City. The intent of the Plan and its recommendations is to improve and protect the health, safety, and welfare of the citizens of Petersburg.

Issues

Issues identified through background reports, public input and consultation with community stakeholders are the foundation for formulating policy goals and objectives. It is important to note the identified issues are usually connected to other issues, and solutions may require a comprehensive approach which incorporates innovative and out of the box initiatives. Housing issues may be influenced by the economy while the economy is affected by land use and transportation.

Policy Goals

A policy sets forth the principles and values which will guide the actions to be taken by the City of Petersburg to solve identified public issues. In this document policies were formulated through input from the public and community stakeholders.

Objectives

Objectives are intended to be the beginning steps to overcome identified issues, and the means to carrying out adopted policies. Objectives are measurable tasks for which specific city departments and managers are responsible and held accountable.

Housing Issues

- Older city neighborhoods have a concentration of deteriorating, vacant, and blighted housing.
- Renovated or new affordable, safe housing is in short supply.
- Homeownership rates are low.
 - Renters currently have a greater Housing Cost Burden than home owners.
- The City of Petersburg owns a lot of property that is currently vacant land. Reinvestment in housing is not targeted or done at a scale large enough to impact the neighborhoods in decline.
- Historic Districts have a high concentration of blighted and derelict properties.
- Historic Property Owners doing work without the appropriate approvals.

Housing Policies

Policy Goal I: Encourage the renovation or new construction of housing in older neighborhoods in a manner which provides a critical mass to investment and revitalization efforts.

Objective 1: Partner with the PRHA or a non-profit CDC to aggressively target priority revitalization and redevelopment efforts.

“Housing Cost Burden” is a standard HUD formula that calculates household income to housing costs. Generally, households who are paying greater than 30% of their income on housing are seen as “burdened” by those costs.

Policy Goal II: Act as an equal partner in public/private ventures to revitalize historic, older and downtown neighborhoods and improve the housing stock.

Objective 1: Review and identify city-owned properties for redevelopment opportunities in partnership with nonprofit housing agencies and developers.

Objective 2: Prioritize infrastructure improvements and CDBG funds to maximize the impact of redevelopment efforts with non-profit housing partners and developers.

Objective 3: Utilize local community plans, such as the Battersea Quality of Life Plan, as a guide for City revitalization in neighborhoods identified in the future land use plan.

Policy Goal III: Promote a variety of affordable housing types to meet the needs of owners and renters of varying levels of income through partnerships with nonprofits and developers.

Objective 1: Prioritize revitalization activities and efforts according to the Comprehensive Plan.

Objective 2: Update and take to Planning Commission and Council for action a revised zoning ordinance which includes policies toward allowing for diversity in neighborhood, design standards and varied housing types, and increased densities.

Policy Goal IV: Continue to do an inventory in all the Historic Districts to understand where the most critical need exist.

Objective 1: Procure the services of Preservation Virginia to complete an inventory for the remaining historic districts not inventoried.

Objective 2: Create a Community Land Trust with the assistance of LISC using the Detroit Model. This

Objective 3: Continue to seek out educational and financing opportunities for residents owning homes in a historic district or potential homeowners in a historic district.

Land Use & Transportation Issues

- Vibrant/alternative land uses are needed at Gateways and main neighborhood entrance corridors to improve the city's image.
- Large industrial parcels are not available for the expansion or relocation of manufacturing to Petersburg.
- Land Use and zoning are inconsistent in certain areas of the city.
- Contiguous parcels are not readily available for redevelopment and investment in new/renovated housing.
- No policies or master plan exists for parking in Old Towne and the Central Business District.
- Infrastructure improvements for cars, pedestrians, and bikes are needed in historic neighborhoods as well as new growth areas.
- Public Transit has limited hours and service to/from neighborhoods to regional employment centers.
- Directional sign improvements are needed along entrance corridors and interstates.
- Congestion/lack of road interconnectivity on South Crater Road around the new Southside Regional Medical Center



Land Use & Transportation Policies

Policy Goal I: Promote redevelopment of gateway corridors to have a vibrant mixed-use component.

Objective 1: Include in the Zoning Ordinance overlay district guidelines for the Halifax Corridor, Route 36 Corridor, West Washington Street Corridor, University Boulevard Corridor, Commerce Street Corridor and Gateways.

Policy Goal II: Promote redevelopment of blighted areas comprehensively through both the Petersburg Housing Authority and the Industrial Development Authority.

Objective 1: Overhaul the zoning ordinance to coincide with the Land Use Plan and allow for by-right mixed-use developments on an urban/pedestrian scale incorporating transit oriented and new urbanism principles and design standards.

Objective 2: Create an urban design ordinance using the R/UDAT Plan as the guide and tie it to the City's zoning ordinance

Objective 3: Coordinate with public works infrastructure and utility improvements based on revitalization and redevelopment initiatives.

Objective 4: Continue to utilize CDBG resources within a land use and transportation framework that creates collaboration between City departments and primary stakeholders.

Policy Goal III: Promote an efficient, well-marked, and convenient parking network in the central business district and Old Town without compromising aesthetics but accommodating pedestrian and multi-modal transit activity.

Objective 1: Undertake a master plan and management effort for parking in the Central Business District.

Objective 2: Study the benefit and cost versus expense of maintaining parking meters or a pay parking system.

Objective 3: Consider a private/public initiative to construct a parking deck in a strategic location convenient to businesses, entertainment and recreational uses.

Policy Goal IV: Provide efficient, frequent, reliable transit service to employment centers.

Objective 1: Continue to study and identify route and service improvements to better connect Petersburg residents with employment centers throughout the region.

Objective 2: Continue to seek grants to offset the expansion of service cost.

Policy V: Promote interconnected pedestrian and road network to reduce "bottle-neck" congestion on major thoroughfares.

Objective 1: Identify roadway connections to improve the street grid to reduce "bottle-neck" congestion, such as on South Crater Road and Exit 52.

Objective 2: Install traffic lights at the appropriate intersections to manage the traffic flow during peak hours.

Economic Issues

- A disproportionate number of residents of Petersburg residents go to other localities to shop.
- Petersburg must continue to capitalize on partnerships, such as Fort Lee.



- Petersburg has a shortage of available, marketable industrial land above 50 acres.
- Challenges with the public schools and perception of high crime make attracting investors and developers problematic.
- Perception of the City from current residents.

Economic Policies

Policy Goal I: Assess the skills needed for the industries the City is working to attract, as well as the industries that are currently in the City.

Objective 1: Build and strengthen partnerships with regional and local organizations to create meaningful workforce development programs.

Objective 2: Design training programs that meet the future and current employer's needs.

Policy Goal II: Build partnerships with private sector players, regional and community stakeholder groups to capitalize on significant development opportunities.

Objective 1: Continue to work with Virginia's Gateway Region to promote the City's many assets to potential investors.

Objective 2: Continue hosting the Executive Roundtable Discussions; expand to include institutions of higher learning and private schools as well as smaller family owned businesses.

Objective 3: Review and become familiar with the Strategic Economic Development Plan.

Objective 4: Continue to promote the Vision of the City.

Objective 5: Create a Vision for the Office of Economic Development.

Objective 6: Continue to build significant partnerships with regional agencies such as the Virginia Gateway Region, Ft. Lee and the Cameron Foundation and City businesses.

Objective 7: Educate City leaders and staff on redevelopment projects eligible for New Market Tax Credit, and other federal, state and local incentives (see incentives in Appendices).

Objective 8: Leverage CDBG monies and stakeholder efforts in specified revitalization areas as identified in the Future Land Use Map.

Objective 9: Creatively capitalize on development opportunities at the old hospital site, Titmus and Roper Brothers.

Policy Goal III: Promote the assembly of smaller tracts of land through the IDA to create marketable industrial or technology development sites.

Objective 1: Work closely with the Assessor's Office and the Office of Planning and Community Development to assemble contiguous parcels of underutilized land for large marketable industrial or development sites.

Policy Goal IV: Consider the benefit of expanding the Enterprise Zones to other districts and areas of the City.

Objective 1: Apply for an expansion of our current Enterprise Zones and consider adding two additional zones.

Objective 2: Create a Business Improvement District for Downtown

Policy Goal V: Increase revenue by working with the Planning Department to permit nightclubs and other cultural and



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: 2023-REZ-05
APPLICANT: Onward and Upward Land LLC c/o Andrew M. Condlin - Roth Jackson Gibbons Condlin, PLC
ADDRESS: 1519 Summit Avenue, Suite 102
Richmond, Virginia 23230

I, Andrew M. Condlin, by Power of Attorney hereby petition to rezone the following described properties
from zoning district B-2 and A to zoning district M-1

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

Applicant proposes the development of approximately 950,000 square feet of warehouse distribution
uses, together with accompanying parking and related site improvements, all as generally shown on
the accompanying conceptual plan.

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

Tax Parcel 040030005 - 2255 Jamestown Road and Tax Parcel 040030006 - 2262 County Drive

2. Current Street Address(es) if assigned:

2255 Jamestown Road and 2262 County Drive

3. Approximate Area:

sq. ft. 76.142 acres acres

4. Public Street Frontage:

approximately 600 ft.

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

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

N/A

7. Brief:

Said deed restrictions will expire on: N/A

C. JUSTIFICATION FOR REZONING

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

Given the City's urbanization, agricultural uses are no longer desirable within the City limits, and there are very few remaining sites suitable for light industrial uses. Given the site's close proximity to I-95, the applicant believes this site is ideally suited for distribution uses, which would create hundreds of jobs in the City. Furthermore, the City has already expressed a desire for light industrial uses at this site, as indicated in its 2014 Comprehensive Plan. The applicant therefore believes this rezoning is entirely consistent with the City's future land use goals.

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

The subject property will include dedicated access to/from Route 460, which prevents conflicts between vehicles serving the site and other uses in the vicinity. The low-intensity industrial uses proposed are generally compatible with adjoining uses, which include the Norfolk Southern Railway, Interstate 95, Route 460, large tracts of vacant land and a very limited number of residential properties

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).

The proposed development will align the property with the City's future land use designation of "light industrial" as indicated in the 2014 Comprehensive Plan. By promoting economic growth, job creation, and increased tax revenue for the City. The requested rezoning also supports the City's economic goals, as indicated on page 99 of the 2014 Comprehensive Plan.

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).

Few, if any, undeveloped parcels larger than 70 acres are suitable for light industrial uses within the City limits. In order to achieve the City's economic objectives and future land use goals (as reflected in the 2014 Comprehensive Plan), rezoning of underused agricultural parcels is required.

D. CERTIFICATION:

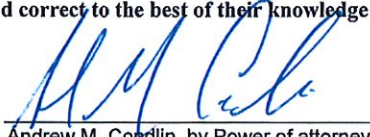
The undersigned applicant certifies that they:

_____ (a) are the owner, lessee or agent for (specified in writing)

 X (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:



Andrew M. Condlin, by Power of attorney

Mailing Address:

Roth Jackson Gibbons Condlin, PLC

1519 Summit Avenue, Suite 102

Richmond, Virginia 23230

Phone Number:

(804) 977-3373

Email Address:

acondlin@rothjackson.com

APPROVED

City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION RECORD

Date Filed (with Planning Department):

5-4-2023

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)

See the attached adjacent neighbor list

[illegible]

**SPECIAL LIMITED POWER OF ATTORNEY
LAND USE APPLICATIONS**

KNOW ALL MEN BY THESE PRESENTS, that **MARY C. THACKSTON** authorized on behalf of **LARRY THOMAS CLEMENTS AND MARY C. THACKSTON and 2255 JAMESTOWN DRIVE, LLC** has made, constituted and appointed, and by these presents do hereby make, constitute and appoint **ANDREW M. CONDLIN** or **KIMBERLY M. LACY**, either of whom may act, our true and lawful attorney-in-fact ("Attorney"), to act as our true and lawful attorney-in-fact in our name, place and stead with such full power and authority we would have, if acting personally, to file all such applications required by the City of Petersburg, Virginia (the "City"), with respect to that certain real property currently under contract the undersigned, such real estate being located in the City, commonly known as situated along Jamestown Drive, containing approximately +/-73.87 acres, and designated in the Real Estate Assessment Records of the County as Tax Parcel 040030005 (the "Property"), including, but not limited to, an application to rezone the Property and to submit and amend proffers. Our said Attorney is also authorized and directed to sign, seal, acknowledge and deliver all such documentation and consents as required for the rezoning Application, and to do, execute and perform all and every other act or acts, thing or things in law needful and necessary to be done as required for the City of Petersburg Application and related to the Property, as fully as we might or could do if acting personally.

The undersigned hereby confirm all lawful acts done by our Attorney pursuant to this Special Limited Power of Attorney. We further declare that as against ourselves or persons claiming under us, everything which our Attorney shall do pursuant to this Special Limited Power of Attorney shall be valid and binding in favor of any person or entity claiming the benefit hereof who

{015206#0}v1}

has not received actual written notice that this Special Limited Power of Attorney has been revoked.

This authorization shall continue until it is otherwise rescinded or modified.

WITNESS the following signatures and seals this 18 day of April, 2023.

Mary C. Thackston (SEAL)
MARY C. THACKSTON, Individually

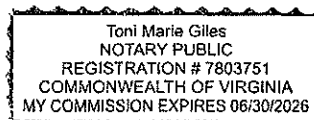
2255 JAMESTOWN DRIVE, LLC

Mary C. Thackston (SEAL)
BY: MARY C. THACKSTON, Member

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Chesterfield, to-wit:

The foregoing instrument was acknowledged before me in my jurisdiction aforesaid by Mary
C. Thackston, individually and as a member of 2255 JAMESTOWN DRIVE, LLC, on this 18 day
of April, 2023.

Toni Marie Giles
Notary Public
My Commission expires: 6-30-2026
My Registration No.: 7803751



[01520680.v1]

**SPECIAL LIMITED POWER OF ATTORNEY
LAND USE APPLICATIONS**

KNOW ALL MEN BY THESE PRESENTS, that **LARRY THOMAS CLEMENTS** authorized on behalf of **LARRY THOMAS CLEMENTS AND MARY C. THACKSTON and 2255 JAMESTOWN DRIVE, LLC** has made, constituted and appointed, and by these presents do hereby make, constitute and appoint **ANDREW M. CONDLIN** or **KIMBERLY M. LACY**, either of whom may act, our true and lawful attorney-in-fact ("Attorney"), to act as our true and lawful attorney-in-fact in our name, place and stead with such full power and authority we would have, if acting personally, to file all such applications required by the City of Petersburg, Virginia (the "City"), with respect to that certain real property currently under contract the undersigned, such real estate being located in the City, commonly known as situated along Jamestown Drive, containing approximately +/-73.87 acres, and designated in the Real Estate Assessment Records of the County as Tax Parcel 040030005 (the "Property"), including, but not limited to, an application to rezone the Property and to submit and amend proffers. Our said Attorney is also authorized and directed to sign, seal, acknowledge and deliver all such documentation and consents as required for the rezoning Application, and to do, execute and perform all and every other act or acts, thing or things in law needful and necessary to be done as required for the City of Petersburg Application and related to the Property, as fully as we might or could do if acting personally.

The undersigned hereby confirm all lawful acts done by our Attorney pursuant to this Special Limited Power of Attorney. We further declare that as against ourselves or persons claiming under us, everything which our Attorney shall do pursuant to this Special Limited Power of Attorney shall be valid and binding in favor of any person or entity claiming the benefit hereof who has not received actual written notice that this Special Limited Power of Attorney has been revoked.

This authorization shall continue until it is otherwise rescinded or modified.

WITNESS the following signatures and seals this 18th day of April, 2023.

(01520672)v21

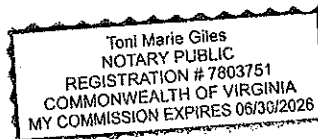
Larry Thomas Clements (SEAL)
LARRY THOMAS CLEMENTS, Individually

2255 JAMESTOWN DRIVE, LLC
Larry Thomas Clements (SEAL)
BY: LARRY THOMAS CLEMENTS, MEMBER

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Chesterfield, to-wit:

The foregoing instrument was acknowledged before me in my jurisdiction aforesaid by Larry Thomas Clements, individually and as a member of 2255 JAMESTOWN DRIVE, LLC, on this 18 day of April, 2023.

Toni Marie Giles
Notary Public
My Commission expires: 6-30-2026
My Registration No.: 7803751



SPECIAL LIMITED POWER OF ATTORNEY/LAND USE APPLICATIONS

PIN: 040-030006

Prepared By:
THOMAS P CHEELEY, ESQ.
YSB #16680
2314 Boulevard
Colonial Heights, Virginia 23834

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, both jointly and individually have made, constitutes and appointed, and by these presents do hereby make, constitute and appoint **ANDREW M. CONDLIN** and/or **KIMBERLY M. LACY**, either of whom may act, our true and lawful Agents to act as our true and lawful attorney-in-fact, in name, place and stead with full power and authority we would have, if acting personally, to file any and all applications required by the City of Petersburg, Virginia (the "City"), with respect to that certain real property currently under contract with the undersigned as Sellers and Onward and Upward Land LLC, as Purchasers, with such land being located in the City of Petersburg, Virginia, commonly known as situated along County Drive, and containing approximately 2.272 +/- acres, and designated in the Real Estate Assessment Records of the City as Tax Parcel 040-030006 (the "Property"), including, but not limited to, an application to rezone the property and to submit and amend proffers; *however subject to.*

AGENTS SHALL NOT INCUR ANY COSTS, FEES, PROFFERS, OR ANY OTHER EXPENSES IN WHICH THE PRINCIPALS HEREIN SHALL BEAR OR BE REQUIRED TO REIMBURSE, OTHERWISE THE PRINCIPALS SHALL BE ENTITLED TO VOID THIS POWER OF ATTORNEY AB INITIO. AGENTS SHALL REIMBURSE AND/OR INDEMNIFY THE PRINCIPALS FOR ANY AND ALL EXPENSES THAT MAY ARISE ON ACCOUNT OF THEIR ACTIONS TAKEN BY VIRTUE OF THIS POWER OF ATTORNEY. REGARDLESS OF WHETHER THE REZONING REQUEST IS SUCCESSFUL OR NOT OR WHETHER THE CONTINGENT CONTRACT IS CONSUMMATED INTO A SETTLEMENT OR NOT, THE AGENTS HEREIN PERSONALLY OR THE PURCHASER AS THEIR PRINCIPAL OR EMPLOYER SHALL ASSUME AND BEAR RESPONSIBILITY FOR ALL COSTS AND DAMAGES.

The appointed Agents herein are authorized and directed to sign, seal, acknowledge and deliver all such documentation and consents as required for the rezoning Application, and to do, execute and perform all and every other act or acts, thing or things in law needful and necessary to be done as required for the City of Petersburg Application as related to the property, as fully as we might or could do if acting personally.

Page 1 of 2

The undersigned further confirm all lawful acts done by our Agents pursuant to this Special Limited Power of Attorney. We further declare that as against ourselves or persons claiming under us, everything which our Agent shall do pursuant to this Special Limited Power of Attorney shall be valid and binding in favor of any person or entity claiming the benefit hereof who has not received actual written notice that this Special Limited Power of Attorney has been revoked.

This express authorization shall continue until 12:01 P.M. on December 15, 2023 unless it is otherwise modified or rescinded by a written document recorded in the Circuit Court Clerk's Office of the City of Petersburg, Virginia.

WITNESS the following signatures and seals:


(SEAL)
WOODROW ARAKAWA

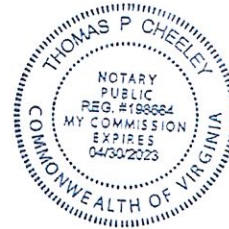

(SEAL)
TAE C. ARAKAWA

COMMONWEALTH OF VIRGINIA
CITY OF COLONIAL HEIGHTS, to-wit::

The foregoing Instrument was acknowledged before me on this 24th day of April, 2023, by
WOODROW ARAKAWA and TAE C. ARAKAWA.


Notary Public

My Commission expires: April 30, 2023
Notary Registration No: 198664.



Mr. Darryl E. Walker
Stormwater Program Manager
Office of Development and Operations
1340 East Washington Street
Petersburg, VA 23803
Direct Telephone: 804.733.2357
Office Telephone: 804.733.2353

April 5, 2023

Re: Jamestown Drive Warehouses - RPA Determination Approval
2255 Jamestown Drive & 2262 County Drive - City of Petersburg, VA

Dear Mr. Walker:

As you are aware, Greg Monnett of **Enviro-Utilities** performed a wetlands and Waters of the U.S. delineation for the proposed project located at the above referenced location (see exhibit below). In conjunction with this effort, **Enviro-Utilities** also performed a Resource Protection Area Determination (RPAD) and submitted this report to you for review and approval on March 28, 2023. In this report, it is stated that **"Enviro-Utilities, Inc. (EU) evaluated the above property to conduct a wetland delineation and Resource Protection Area (RPA) determination study on the referenced property. Wetlands were delineated utilizing the Routine Determination Method as outlined in the 1987 Corps of Engineers Wetland Delineation Manual. Any connected or contiguous streams (Waters of the US) were evaluated for perennality using the North Carolina DEQ Stream Identification Method. Forested wetlands were observed on the property and were flagged in the field and GPS located. The wetland locations are shown on the attached map. The streams which were downstream of the wetlands on the property scored as intermittent, therefore, these waters and associated wetlands do not have an associated RPA buffer."**

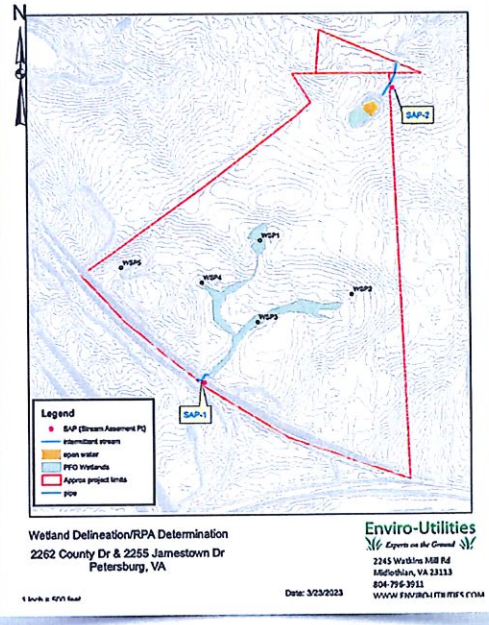
In an email back to Greg Monnett on March 28, 2023, you stated that you **"typically do not review site-specific RPA determinations submitted apart from the development plan submittals during the site plan review process. I will review the report upon the initial submittal of the proposed site plan and provide any comments I have at that time (along with the site plan comments from that initial submittal)."**

In other jurisdictions, we routinely have RPAD's reviewed and approved prior to the development of the site plans. In fact, because it is such a vital component to the overall planning and site plan development process, it is preferred to have this approval prior to the preparation of the site plans such that no time is wasted speculating on the limits of the RPA. Therefore, we respectfully request that the RPAD be reviewed and evaluated during the rezoning process for these properties such that the site plans can be developed with more certainty relative to constraints of the existing conditions. Thus, we have included this letter as part of the formal rezoning application.

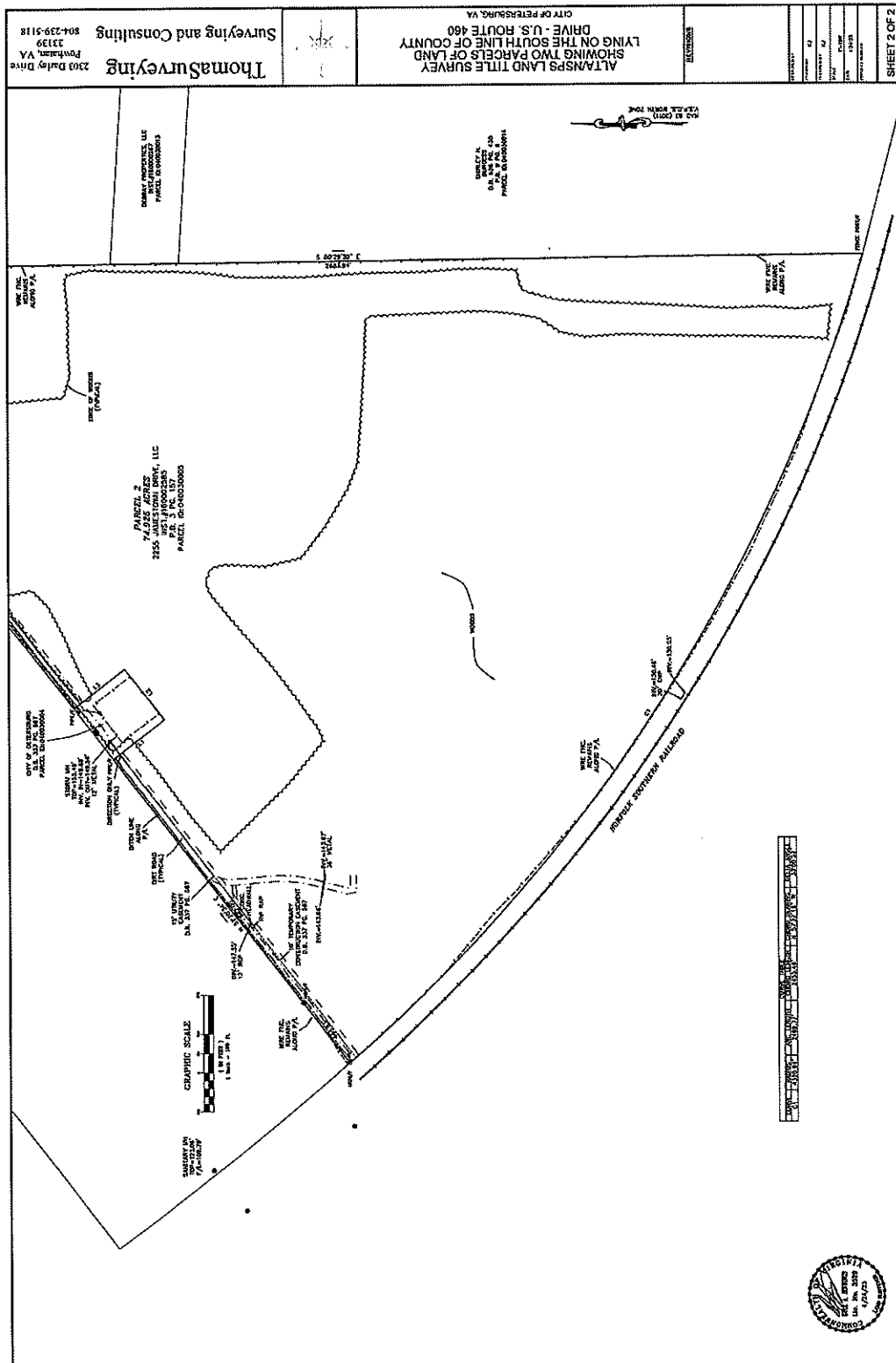
Thank you for your consideration, and we hope to hear from you soon on this issue.



Stig Owens, P.E.
sektivolutions



Sektiv Solutions, LLC | 14207 Pond Chase Place, Midlothian, VA | Phone: 804.938.8864 | Email: sowens@sektivolutions.com



TRAFFIC IMPACT ANALYSIS

To: Reginald Tabor	City of Petersburg
Bill Riggleman	City of Petersburg
Cc: Alexander Snowdon	Harrow Management, LLC
Stig Owens, P.E.	Sekiv Solutions
From: Carl Hultgren, P.E., PTOE	
Date: April 20, 2023	
Subject: Jamestown Commerce Park – Traffic Impact Analysis	



Introduction

Harrow Management, LLC is proposing to construct a commerce park on the south side of U.S. 460 (County Drive) east of Jamestown Drive. The development plan includes up to 970,000 square feet (s.f.) of industrial / warehouse / distribution center space. The access plan includes one right in / right out driveway on County Drive, and one secondary fire department access from Jamestown Drive. If approved, the development is assumed to be in operation by 2025. All assumptions are based on the scoping meeting with the City on February 16.

Scope of the Analysis

The objective of this analysis is to evaluate turn lane warrants at the proposed site driveway on County Drive. Figure 1 shows the site location and study intersection and the preliminary site plan is shown in Figure 2.

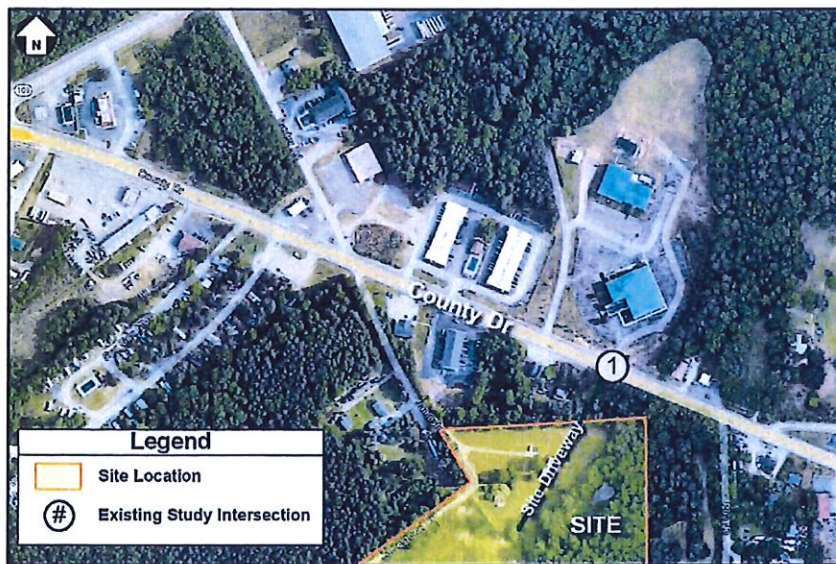


Figure 1: Site Location and Study Intersection

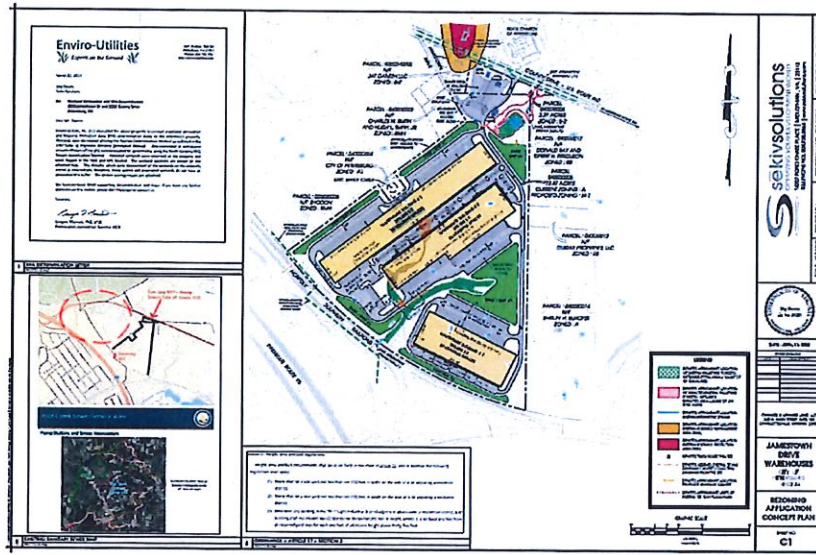


Figure 2: Preliminary Site Plan

Existing Conditions

County Drive is a four-lane undivided Principal Arterial with a posted speed limit of 35 mph and a 2021 average daily traffic (ADT) volume of 10,000 vehicles per day (vpd).

A 12-hour (7:00 AM – 7:00 PM) turning movement traffic count was conducted at the intersection of County Drive at Church Driveway / Barber Shop Driveway on March 7 by Burns Services, Inc. The AM peak hour occurred from 7:15 – 8:15 AM and the PM peak hour occurred from 4:45 – 5:45 PM. The count data is included in the Appendix and the existing 2023 traffic volumes are shown in Figure 3.

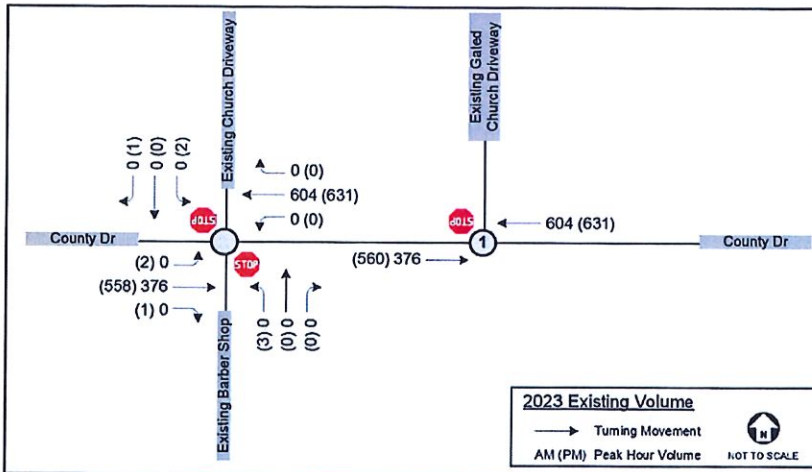


Figure 3: Existing 2023 AM and PM Peak Hour Traffic Volumes

No-Build Conditions

Approved Developments

Based on our TIA scope meeting, we understand that there are no nearby approved developments that will impact the site driveway.

No-Build 2025 Traffic Volumes

The existing traffic volumes were increased by an annual growth rate of 1.0% for two years to estimate the No-Build 2025 traffic volumes, which are shown in Figure 4.

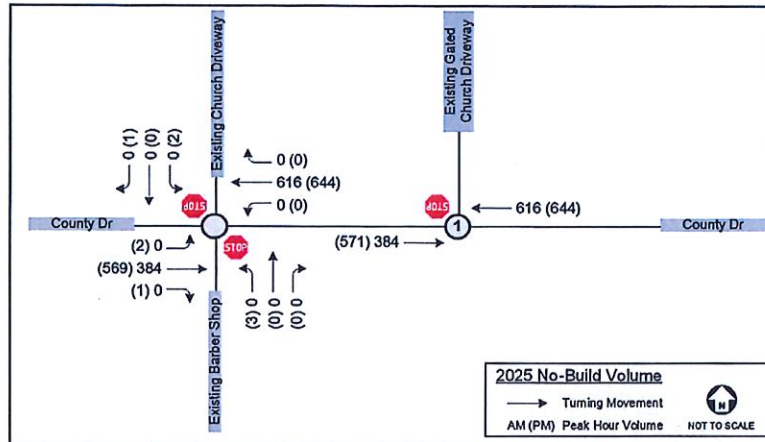


Figure 4: No-Build 2025 AM and PM Peak Hour Traffic Volumes

Build Conditions

Site Generated Trips

Table 1 shows the trip potential of the proposed commerce park based on the 11th Edition of the Institute of Transportation Engineers (ITE) [Trip Generation Manual](#).

Table 1: ITE Trip Generation – Typical Weekday – 11th Edition

Land Use (ITE Land Use Code)	Size	Average Daily Traffic (vpd)		AM Peak Hour (vph)		PM Peak Hour (vph)	
		Enter	Exit	Enter	Exit	Enter	Exit
High-Cube Transload and Short-Term Storage Warehouse (154)	260,000 SF	182	182	16	5	7	19
High-Cube Fulfillment Center Warehouse (Non-Sort) (155)	710,000 SF	643	643	86	21	44	70
Total	970,000 SF	825	825	102	26	51	89
80% Passenger Cars		660	660	82	21	41	71
20% Trucks		165	165	20	5	10	18

Site Traffic Distribution

The following site trip distribution was based on input from the City during the scoping meeting:

Inbound trips:

- 65% from the west on County Drive
- 35% from the east on County Drive

Outbound trips:

- 100% to the east on County Drive

The site trip distribution and assignment are shown in Figure 5 and Figure 6, respectively.

Build (2025) Traffic Volumes

The build traffic volumes were estimated by adding the no-build traffic volumes (Figure 4) and the site trip assignment (Figure 6). Figure 7 shows the build 2025 peak hour traffic volumes.

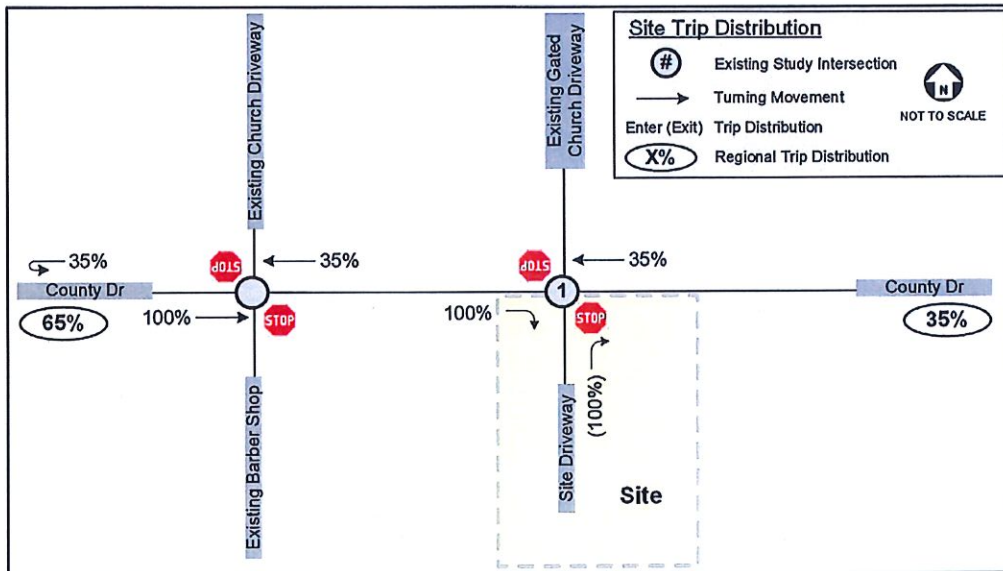


Figure 5: Site Trip Distribution

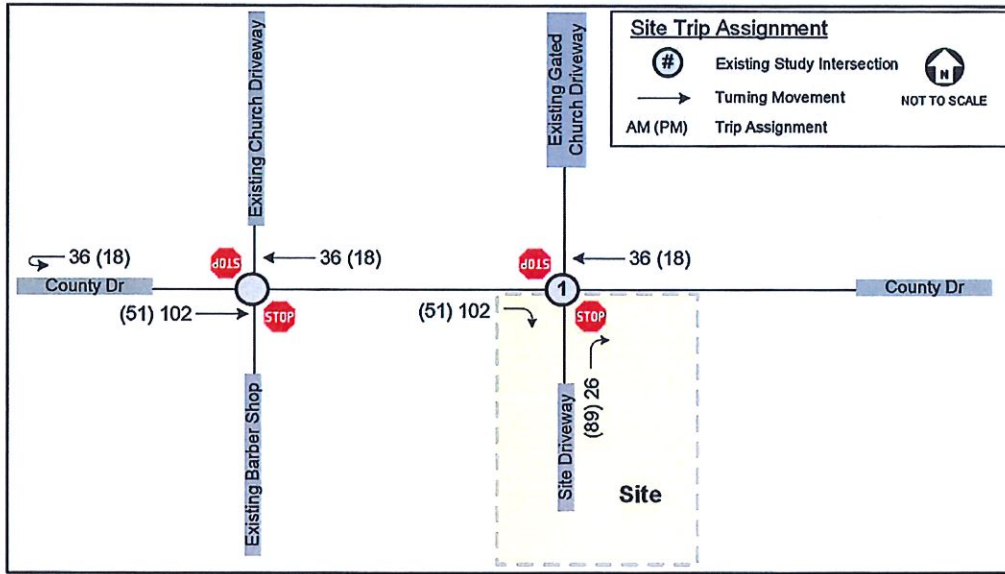


Figure 6: Site Trip Assignment

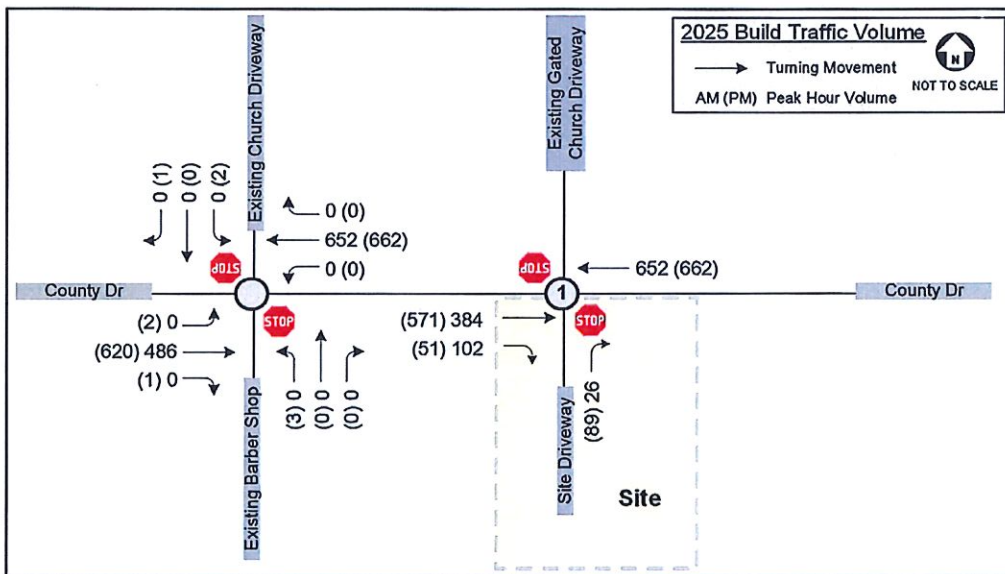


Figure 7: Build 2025 AM and PM Peak Hour Traffic Volumes

Turn Lane Warrant Analysis

The need for an eastbound right-turn lane was evaluated at the site driveway under build 2025 conditions. The VDOT turn lane warrant graphs are included in the Appendix.

Table 2: Right-Turn Lane Warrant Analysis

Intersection	Approach Volume	Right Turn Volume	Minimum Right Turn Taper Threshold	Minimum Right Turn Full Lane Threshold	Treatment
County Drive at Site Driveway (AM)	486	102	21	55	Full-width Lane and Taper Required
County Drive at Site Driveway (PM)	622	51	20	40	Full-width Lane and Taper Required

Capacity Analysis

Capacity analysis was performed at the study intersection during the weekday AM and PM peak hours under the build analysis scenario. Synchro, Version 11 was used to analyze the study intersection based on the Highway Capacity Manual (HCM) methodology and includes level of service (LOS), delay, and queue lengths for the turning movements analyzed. SimTraffic queues were based on the maximum of an average of 10 microsimulation runs. The queuing analysis results are summarized in the table below and the Synchro / SimTraffic output reports are included in the appendix.

For unsignalized intersections, the average delays for the minor street 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.

Table 3: Level-of-Service Summary for County Drive at Church Driveway / Site Driveway

Condition	Lane Group	Lane Storage (ft.)	AM Peak Hour			PM Peak Hour		
			LOS	Delay (sec)	Queue (ft.)	LOS	Delay (sec)	Queue (ft.)
Build (2025) Conditions	EBT	-	-	-	-	-	-	-
	EBR	200	-	-	-	-	-	-
	WBT	-	-	-	-	-	-	-
	NBR	-	B	10.0	3	B	11.7	13

Under build conditions, the minor street right-turn movement is anticipated to operate with short delays during the AM and PM peak hours with the following configuration:

- Construct the site driveway with one ingress lane and one egress lane
- Construct an eastbound right turn lane on County Drive with 200 feet of storage and 150 feet of taper

Access Management

Access Management regulations were evaluated for the proposed site driveway on County Drive based on VDOT's Road Design Manual Appendix F. County Drive is classified as a Principal Arterial with a posted speed limit of 35 mph therefore, VDOT requires at least 305 feet of spacing. The proposed driveway is 465 feet east of the California Inn driveway and 390 feet west of Poe Lane, so an Access Management Exception (AME) is not required.

Conclusions

Based on the results of the analysis, the site driveway is expected to operate with short delays and queues under build 2025 conditions with the following configuration:

- Construct the site driveway with one ingress lane and one egress lane
- Construct an eastbound right turn lane on County Drive with 200 feet of storage and 150 feet of taper

The recommended lane configuration can be seen in Figure 8

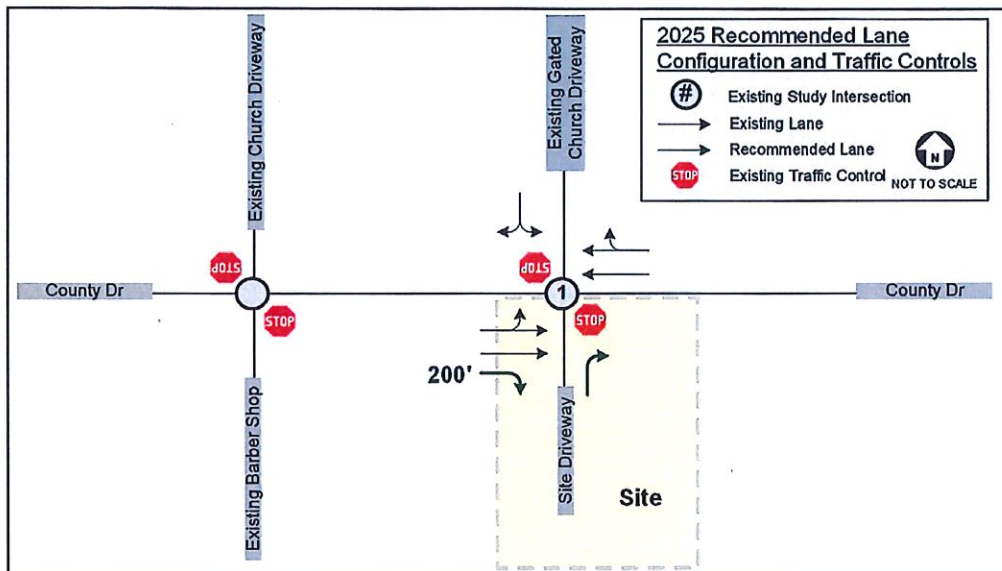


Figure 8: Build 2025 Recommended Lane Configuration



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 26, 2023

TO: The Honorable Mayor and Members of City Council

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

FROM: Reginald Tabor

RE: **A Public Hearing and consideration of an Ordinance approving a Petition to rezone the property located at 3287 County Drive from B-2 General Commercial Zoning District to M-1 Light Industrial Zoning District. (Page 56)**

PURPOSE: To consider an ordinance approving the petition to rezone the property located at 3287 County Drive from B-2 General Commercial Zoning District to M-1 Light Industrial Zoning District.

REASON: To comply with policies, procedures and laws regarding the rezoning of properties.

RECOMMENDATION: It is recommended that the City Council hold a Public Hearing and consider an Ordinance approving a Petition to rezone the property located at 3287 County Drive from B-2 General Commercial Zoning District to M-1 Light Industrial Zoning District.

BACKGROUND: The City of Petersburg received a petition to rezone the property located at 3287 County Drive from B-2 General Commercial Zoning District to M-1 Light Industrial Zoning District.

The Planning Commission is scheduled to hold a public hearing and consider a resolution with a recommendation to the City Council regarding the petition on May 4, 2023.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from the development of the property.

CITY COUNCIL HEARING DATE: 5/16/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Prince George County. The development includes property in both Prince George County and the City of Petersburg.

AFFECTED AGENCIES: City Assessor; Economic Development, Planning and Community Development; Public Works; Neighborhood Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: The City Code Appendix B. Zoning

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0502_2023OrdinanceRezoning3287CountyDrive
2. 0504_2023AgendaItemSummary3287CountyDrREZ

AN ORDINANCE APPROVING A PETITION TO REZONE PROPERTY IN THE CITY OF PETERSBURG, LOCATED AT 3287 COUNTY DRIVE, PIN 061020001, FROM GENERAL COMMERCIAL DISTRICT (B-2) TO LIGHT INDUSTRIAL DISTRICT (M-1).

WHEREAS, the City of Petersburg received a petition to rezone the property located at 3287 County Drive, PIN 061020001, from General Commercial District (B-2) to Light Industrial District (M-1); and

WHEREAS, the purpose of the rezoning is to permit the construction of buildings for the operation of a light industrial and warehouse uses; and

WHEREAS, the proposed use is permitted in the M-1 district; and

WHEREAS, the current Comprehensive Plan Future Land Use Plan identifies the property as Commercial; and

WHEREAS, the Planning Commission is scheduled to consider the petition during the May 4, 2023 meeting, prior to a City Council Public Hearing and consideration of the petition; and


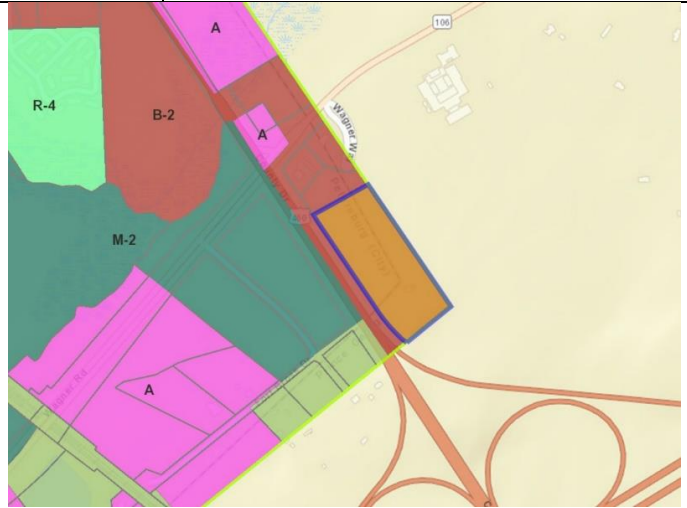


WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of a petition to rezone the property located at 3287 County Drive, and the public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that the City Council of the City of Petersburg hereby approves the petition to rezone the property located at 3287 County Drive, PIN 061020001, from General Commercial District (B-2) to Light Industrial District (M-1).



City of Petersburg Planning Commission Agenda Item

Case No: 2023-REZ-04
Public Hearing Date: May 4, 2023
Property Address: 3287 County Drive
Parcel ID: 061020001
Agent:

Request		Staff Recommendation	
Petition to Rezone Property from B-2 to M-1		TBD	
Summary of Proposal			
A Petition to rezone the property located at 3287 County Drive from B-2 General Commercial Zoning District to M-1 Light Industrial Zoning District.			
Parcel ID	Acreage	Current Zoning Designation	
061020001	4.805 acres	B-2	General Commercial District
			
Photo		Comprehensive Plan Designation	
		Commercial	
			



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 26, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Anthony Williams

RE: A public hearing and consideration for adoption of an ordinance to authorize the exchange of real property with the Estate of William A. Patton. (Page 60)

PURPOSE: To authorize the exchange of property associated with the Harvell Dam with the Estate of William A. Patton.

REASON: To authorize the exchange of property associated with the Harvell Dam with the Estate of William A. Patton.

RECOMMENDATION: Approve Ordinance

BACKGROUND: The City received a Letter of Interest from a representative of the Estate of William A. Patton to exchange in kind certain properties associated with the Harvell Dam with an assessed value of \$167,800.00 in exchange for City property with an assessed value of \$68,600.

COST TO CITY: In kind exchange as stated in the body of the Agenda Item. No cash involved.

BUDGETED ITEM: No.

REVENUE TO CITY: In kind exchange. Assessed valuation residual as state in body of the Agenda Item.

CITY COUNCIL HEARING DATE: 7/26/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: NA

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. PATTON ordinance - ALL SIGNED

AN ORDINANCE TO AUTHORIZE THE EXCHANGE OF REAL PROPERTY WITH THE ESTATE OF WILLIAM A. PATTON

WHEREAS, a representative from the Estate of William A. Patton has approached the City and presented a Letter of Interest (**Exhibit A**) proposing to convey certain property with the City associated with the Harvell Dam and other property having an aggregate current assessed value of \$167,800.00 in exchange for properties owned by the City valued at \$68,600.00 itemized as follows:

(Patton)

Tax Map No.: 010040800 – 620 Johnson Lane = \$71,000.00¹

Tax Map No.: 069040002 – 2000 Tyler Rd. = \$67,900.00

Tax Map No.: 070070001 – 2069 Defense Rd. = \$1,800.00

Tax Map No.: 069010001 - 2047 Kutchen Street = \$26,800.00

SUB: Section: Block:.12 AC Lot: 1 – Parcel ID 320A01100001-7588² = \$100.00

SUB: Section: Block: 0.2 AC Lot: 3 – Parcel ID 320A0100003-1819³ = \$200.00

Total: \$167,800.00

(City)

Tax Map No.: 022060004 – 29 Union St. = \$56,300.00

Tax Map No.: 02206005 - 41 Union St. = \$12,300.00

Total: \$68,600.00

WHEREAS, the City has prepared a Purchase Agreement (**Exhibit B**) memorializing such transaction; and

WHEREAS, Council believes that such conveyances are in the best interests of the City of Petersburg.

NOW therefore be it ORDAINED that the City Council does hereby direct the City Manager and City Attorney to take all necessary action to execute said Purchase Agreement and facilitate said conveyances which are hereby authorized and accepted by City Council.

¹ Property records indicate this property is owned by "Harvell Dam Corporation." Property must be acquired by Patton and conveyed to City. Patton must acquire and convey good, marketable, unencumbered title to this and all properties that are the subject of this transaction.

² Property records indicate this property is owned by "Harvell Dam Corporation." Property must be acquired by Patton and conveyed to City. Patton must acquire and convey good, marketable, unencumbered title to this and all properties that are the subject of this transaction.

³ Property records indicate this property is owned by "Harvell Dam Corporation." Property must be acquired by Patton and conveyed to City. Patton must acquire and convey good, marketable, unencumbered title to this and all properties that are the subject of this transaction.

EXHIBIT A

Charles A. Patton, Co-Trustee
Estate of William A. Patton
P.O. Box 1625
Hopewell, VA 23860

March 7, 2023

City of Petersburg
Mr. Brian A. Moore
Director of Economic Development
135 N. Union St.
Petersburg, VA 23803

RE: Proposed Donation and Exchange of Parcels

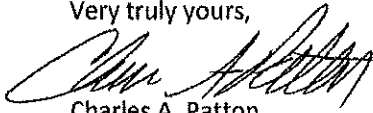
Dear Mr. Moore:

Thank you for your considerable time and effort evaluating and responding to our desire to donate to the city of Petersburg, on behalf of the Estate of William A. Patton, certain residual land. As you are aware, our father had a lifelong affection for and commitment to the city, and the The Harvell Dam property was one that piqued his interest perhaps more than any other. Mr. Patton maintained a creative vision that the Appomattox River property he assembled could be both a catalyst to development, and an opportunity to improve the economic vitality of the waterfront. The property is also contiguous with the current "Patton Park" he previously developed and donated to the city. Mr. Patton invested considerable time and resources in the project, culminating in the breach of the dam to improve water flow. We have a shelf of engineering drawings and feasibility studies performed during the past decade, and would obviously include these with the conveyance. While his desire was a "joint development" with the city or a qualified developer, the family feels it is in the best interests of all for the city to have control and be in a position to determine how this asset can be leveraged with other development that may be considered in this area.

In addition to the Harvell Dam property (MAP #010 040800), the estate proposes to convey approximately 8.50 acres fronting Defense Rd. (MAP #069 040002), .26 acres described as A C L RR (MAP #070 070001), and the Kutchen Farm Property (MAP #069 010001). There are also two (2) small parcels (ID 320A100001 and ID 320A0100003) located in the city of Colonial Heights, and relevant to Harvell Dam that would be conveyed. In exchange for the conveyances described above, the estate requests the conveyance by the city of Petersburg to the Estate of William A. Patton, or assigns two parcels on S. Union Street, described as 29 S. Union St. (.414 acres) and 41 S. Union St. (.091 acres). These parcels represent the vacant lots created with the demolition of the former school board office building, and includes a "pit" where much of the debris was buried in the building's former basement. It is the expectation the estate will convey the property acquired to Washington Street Plaza, L.C. for potential additional parking relating to the occupancy of Central Virginia Health Services and the Freedom Support Center.

We are excited that a structure may be created to capture the value of the Appomattox waterfront and look forward to working with the city in that regard. Please contact me with any questions you may have, or to otherwise confirm the next steps moving forward.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Charles A. Patton', written over a horizontal line.

Charles A. Patton
Co-Trustee

CC:

J. Dale Patton
Co-Trustee

**Properties conveyed to the Estate of William A. Patton
by the City of Petersburg**

Petersburg, Virginia

Parcel:

022060004

Summary

Owner Name	CITY OF PETERSBURG	National Historic District:	Halifax Triangle and Downtown Commercial
Owner Mailing Address	135 N. Union St Petersburg, VA 23803	Enterprise Zone:	Yes
Property Use	400	Opportunity Zone:	51730811300
State Class:	7 Exempt Local	VA Senate District:	16
Zoning:	B-3	Va House District:	63
Property Address	29 UNION ST Petersburg, VA	Congressional District:	4
Legal Acreage:	.414	City Ward:	5
Legal Description:	127 X 142 & REAR	Polling Place:	Union Train Station
Subdivision:	Olde Town (Not Platted)	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8102
Local Historic District:		Elementary School:	Pleasants Lane
		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:	

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	4/11/1975	\$70,000	334/146

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	\$56,300	\$56,300	\$56,300	\$56,300	\$56,300
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$56,300	\$56,300	\$56,300	\$56,300	\$56,300

Property Tax (Coming Soon)

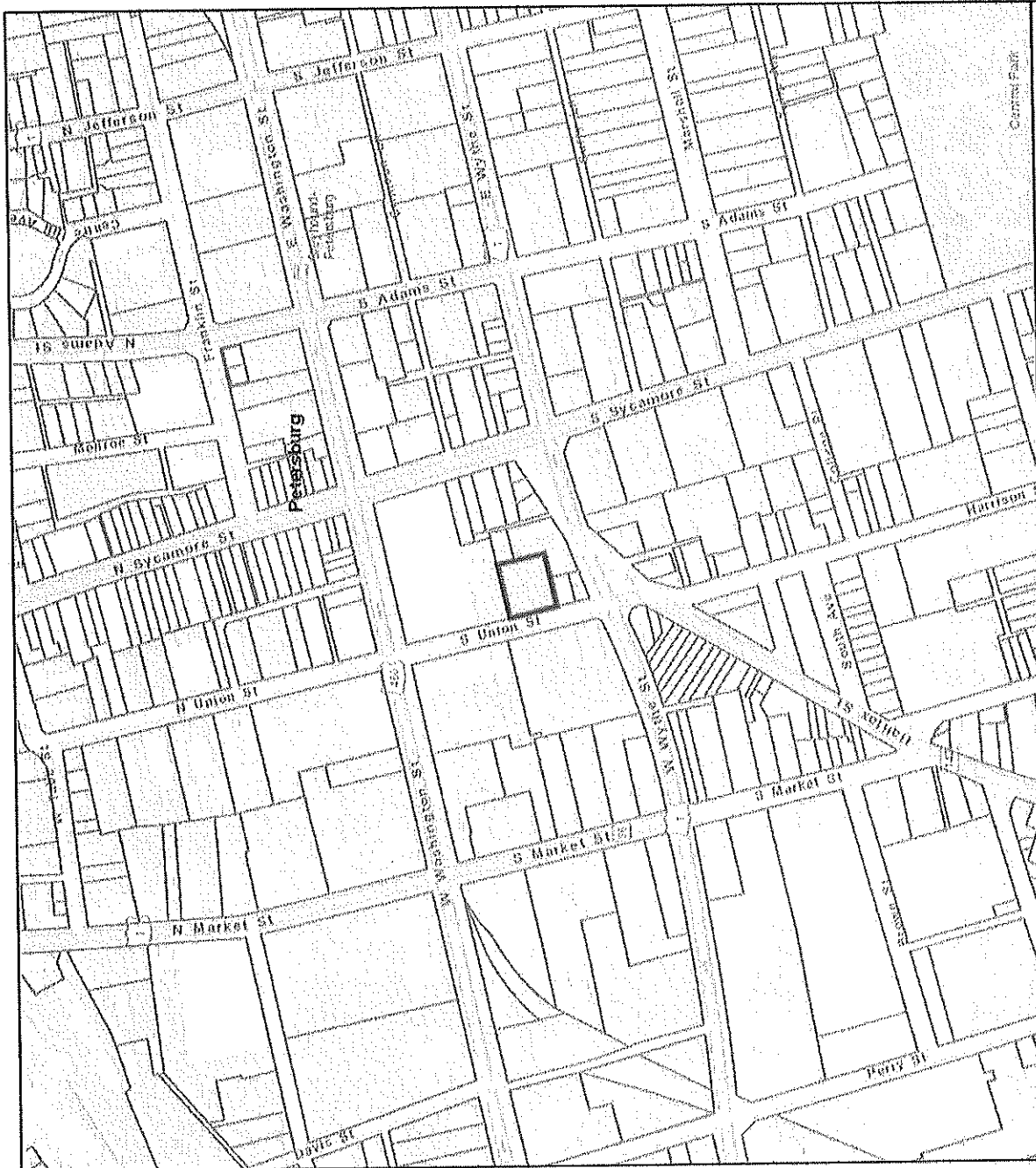
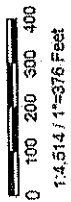
DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof. as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

Petersburg, Virginia

Legend

-  County Boundaries
-  Parcels

Feet



Parcel #: 022060004

Date: 3/29/2023

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:

022060005

Summary

Owner Name	CITY OF PETERSBURG	National Historic District:	Halifax Triangle and Downtown Commercial
Owner Mailing Address	135 N. Union St Petersburg, VA 23803	Enterprise Zone:	Yes
Property Use	400	Opportunity Zone:	51730811300
State Class:	7 Exempt Local	VA Senate District:	16
Zoning:	B-3	Va House District:	63
Property Address	41 UNION ST Petersburg, VA	Congressional District:	4
Legal Acreage:	.091	City Ward:	5
Legal Description:	50 X 79	Polling Place:	Union Train Station
Subdivision:	Olde Town (Not Platted)	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8102
Local Historic District:		Elementary School:	Pleasants Lane
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	4,212	Shed:	
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	2
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
	4/11/1975	\$70,000	334/146

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	\$12,300	\$12,300	\$12,300	\$12,300	\$12,300
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$12,300	\$12,300	\$12,300	\$12,300	\$12,300

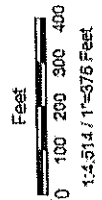
Property Tax (Coming Soon)

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

Petersburg, Virginia

Legend

-  County Boundaries
-  Parcels



Parcel #: 022060005

Date: 3/29/2023

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.

**Properties conveyed to the City of Petersburg
by the Estate of William A. Patton**

Petersburg, Virginia

Parcel:

010040800

Summary			
Owner Name	HARVELL DAM ASSOCIATES LLC	National Historic District:	Old Towne
Owner Mailing Address	2066 DEFENSE RD PETERSBURG, VA 23805	Enterprise Zone:	Yes
Property Use	400	Opportunity Zone:	
State Class:	4 Commercial and Industrial	VA Senate District:	16
Zoning:	M-2	Va House District:	63
Property Address	620 JOHNSON LANE Petersburg, VA	Congressional District:	4
Legal Acreage:	27.27	City Ward:	4
Legal Description:	PARCELS 2 3 & TWO ISLANDS	Polling Place:	Union Train Station
Subdivision:	Wyoming	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8103
Local Historic District:	Old Towne	Elementary School:	Pleasant's Lane
		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:	

Ownership History			
Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
HARVELL DAM CORPORATION	6/1/2015	\$0	2015/1233
	10/25/2010	\$0	2010/2664
	7/8/2003	\$2,500	2003/2975

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	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000
Improvement Value	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Total Value	\$71,000	\$71,000	\$71,000	\$71,000	\$71,000

Property Tax (Coming Soon)

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes at risk for the inaccuracy thereof, as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

Petersburg, Virginia

Parcel:

069040002

Summary			
Owner Name	PATTON WILLIAM A	National Historic District:	
Owner Mailing Address	2066 DEFENSE RD PETERSBURG, VA 23805	Enterprise Zone:	
Property Use	150	Opportunity Zone:	
State Class:	1 Single Family Urban	VA Senate District:	16
Zoning:	R-1A	VA House District:	63
Property Address	2000 TYLER RD Petersburg, VA	Congressional District:	4
Legal Acreage:	8.85	City Ward:	7
Legal Description:	8.85 +/- ACRES	Polling Place:	Stuart School
Subdivision:	Westbourne	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8110
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
PATTON WILLIAM A	5/15/2014	\$0	2014/1089
	12/9/2003	\$53,000	2003/5410

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	\$59,000	\$59,000	\$59,000	\$59,000	\$67,900
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$59,000	\$59,000	\$59,000	\$59,000	\$67,900

Property Tax (Coming Soon)

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

Petersburg, Virginia

Parcel:

070070001

Summary

Owner Name	PATTON WM A	National Historic District:	
Owner Mailing Address	2066 DEFENSE RD PETERSBURG, VA 23805	Enterprise Zone:	
Property Use	150	Opportunity Zone:	
State Class:	1 Single Family Urban	VA Senate District:	16
Zoning:	R-1	Va House District:	63
Property Address	2069 DEFENSE RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.79	City Ward:	6
Legal Description:	0.26 ACRES	Polling Place:	Stuart School
Subdivision:		Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8110
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
	12/30/1899	\$0	118/405

Assessments



Valuation as of	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Effective for Billing:	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
Reassessment					
Land Value	\$1,500	\$1,500	\$1,600	\$1,600	\$1,800
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$1,500	\$1,500	\$1,600	\$1,600	\$1,800

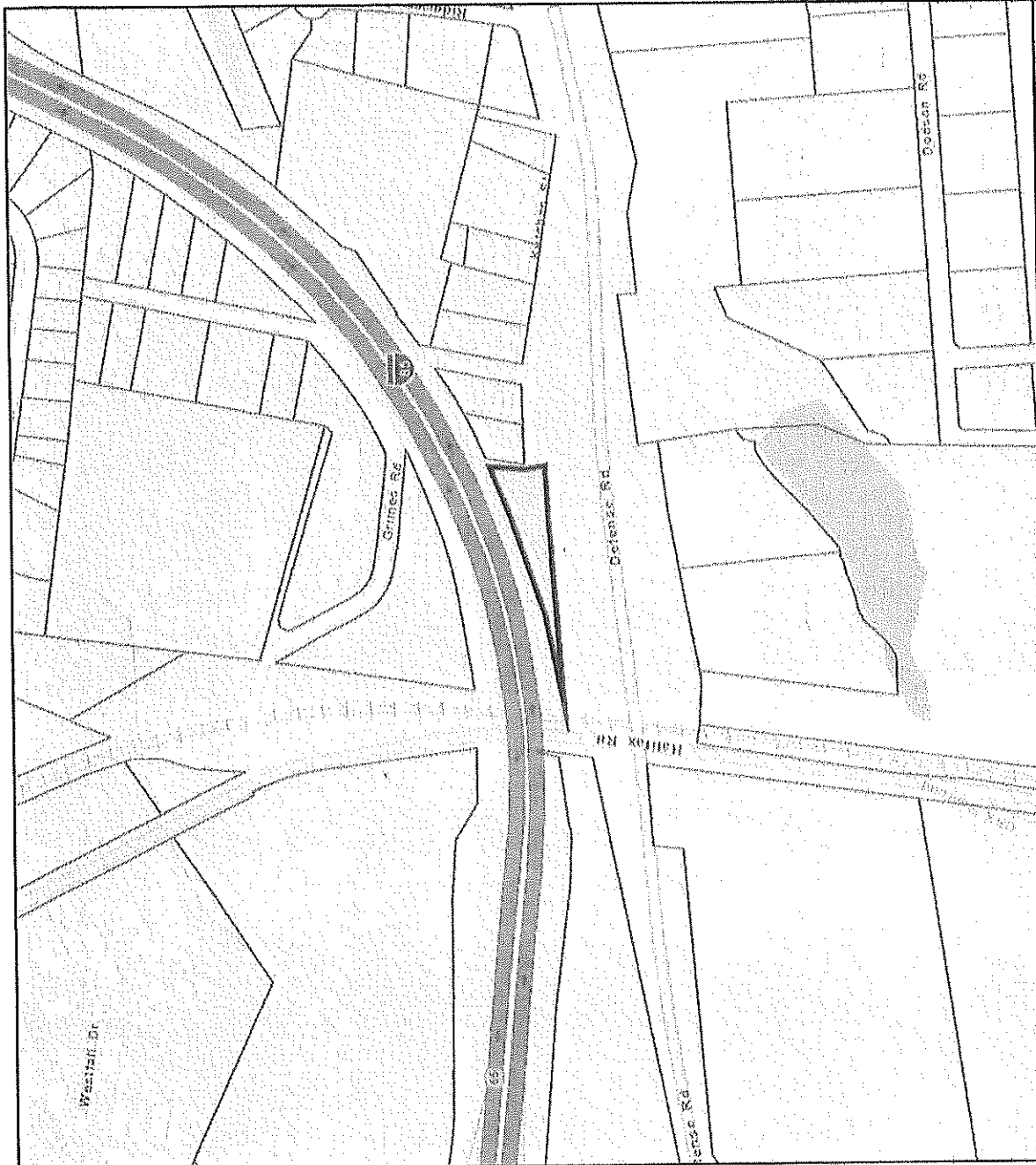
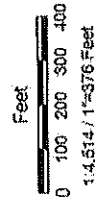
Property Tax (Coming Soon)

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

Petersburg, Virginia

Legend

-  County Boundaries
-  Parcels



Parcel #: 070070001

Date: 3/29/2023

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: 069010001

Summary

Owner Name	PATTON WM A	National Historic District:	
Owner Mailing Address	2066 DEFENSE RD PETERSBURG, VA 23805	Enterprise Zone:	
Property Use	150	Opportunity Zone:	
State Class:	1 Single Family Urban	VA Senate District:	16
Zoning:	R-1A	VA House District:	63
Property Address	2047 KUTCHEN ST Petersburg, VA	Congressional District:	4
Legal Acreage:	.301	City Ward:	6
Legal Description:	KUTCHEN FARM	Polling Place:	Stuart School
Subdivision:	Kutchen Farm	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8110
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
	12/30/1899	\$0	118/405

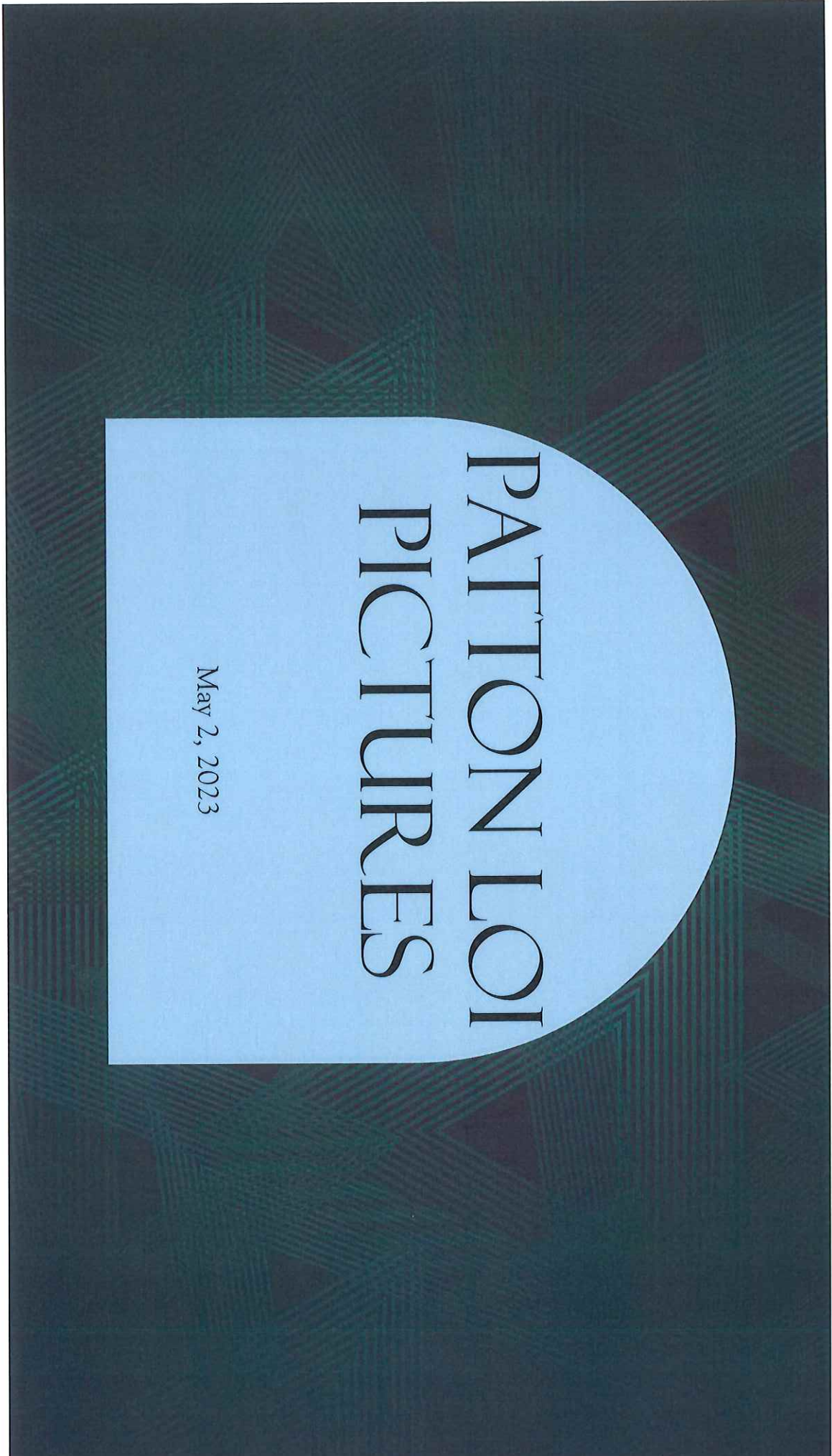
Assessments

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	\$23,100	\$23,100	\$23,300	\$23,300	\$26,800
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$23,100	\$23,100	\$23,300	\$23,300	\$26,800

Property Tax (Coming Soon)

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

City Properties	
29 South Union	\$ 56,300.00
41 Union Street	\$ 12,300.00
Total Assessed Value	\$ 68,600.00
Patton Estate Properties	
620 Johnson Lane	\$ 71,000.00
2000 Tyler Road	\$ 67,900.00
2069 Defense Road	\$ 1,800.00
2047 Kutchen Street	\$ 26,800.00
Total Assessed Value	\$ 167,500.00
Assessed Value Difference for City	\$ 98,900.00



PATTON LOI PICTURES

May 2, 2023

CITY PROPERTIES
29 AND 41 UNION STREET



CITY PROPERTIES 29 AND 41 UNION STREET (CONT'D)



PATTON PROPERTIES 620 JOHNSON LANE



PATTION PROPERTIES 620 JOHNSON LANE (CONT'D)



PATTON PROPERTIES 620 JOHNSON LANE (CONT'D)



PATTON PROPERTIES 2000 TYLER ROAD



PATTON PROPERTIES 2069 DEFENSE ROAD AND 2047 KITCHEN STREET



REAL ESTATE PURCHASE AGREEMENT

Assessed Value:

(Patton)

Tax Map No.: 010040800 – 620 Johnson Lane = \$71,000.00¹
Tax Map No.: 069040002 – 2000 Tyler Rd. = \$67,900.00
Tax Map No.: 070070001 – 2069 Defense Rd. = \$1,800.00
Tax Map No.: 069010001 - 2047 Kutchen Street = \$26,800.00
SUB: Section: Block:.12 AC Lot: 1 – Parcel ID 320A01100001-7588² = \$100.00
SUB: Section: Block: 0.2 AC Lot: 3 – Parcel ID 320A0100003-1819³ = \$200.00
Total: \$167,800.00

(City)

Tax Map No.: 022060004 – 29 Union St. = \$56,300.00
Tax Map No.: 022060005 - 41 Union St. = \$12,300.00
Total: \$68,600.00

Consideration: In Kind – assessed value difference of \$99,100.00 in favor of City

This Real Estate Purchase Agreement (the “Agreement”) is dated _____, between the CITY OF PETERSBURG, a municipal corporation of the Commonwealth of Virginia, hereinafter referred to as “City,” and the ESTATE OF WILLIAM A. PATTON, hereinafter referred to as “Patton.” and recites and provides the following:

RECITALS

1. The City owns certain parcel(s) of property and all improvements thereon and appurtenances thereto located in Petersburg, Virginia, commonly known as:

29 Union Street - Tax Map Number 022060004
41 Union Street - Tax Map Number 022060005

(hereinafter collectively referred to as “City Property”).

¹ Property records indicate this property is owned by “Harvell Dam Corporation.” Property must be acquired by Patton and conveyed to City. Patton must acquire and convey good, marketable, unencumbered title to this and all properties that are the subject of this transaction.

² Property records indicate this property is owned by “Harvell Dam Corporation.” Property must be acquired by Patton and conveyed to City. Patton must acquire and convey good, marketable, unencumbered title to this and all properties that are the subject of this transaction.

³ Property records indicate this property is owned by “Harvell Dam Corporation.” Property must be acquired by Patton and conveyed to City. Patton must acquire and convey good, marketable, unencumbered title to this and all properties that are the subject of this transaction.

2. a) Patton owns certain parcel(s) of property and all improvements thereon and appurtenances thereto located in Petersburg, Virginia, commonly known as:
2000 Tyler Rd. - Tax Map No.: 069040002
2069 Defense Rd. - Tax Map No.: 070070001
2047 Kutchen Street - Tax Map No.: 069010001

b) Patton also represents that it controls and shall acquire good marketable title to certain parcel(s) of property and all improvements thereon and appurtenances thereto located in Petersburg, Virginia, commonly known as:

620 Johnson Lane - Tax Map No.: 010040800

c) Patton also represents that it controls and shall acquire good marketable title to certain parcel(s) of property and all improvements thereon and appurtenances thereto located in Colonial Heights, Virginia (**Attachment A**), commonly known as:

SUB: Section: Block: .12 AC Lot: 1 – Parcel ID 320A01100001-7588
SUB: Section: Block: 0.2 AC Lot: 3 – Parcel ID 320A0100003-1819

d) Patton also represents that it owns and has in its possession certain engineering drawings and feasibility studies which convey along with the subject properties.

(The engineering drawings, feasibility studies, and real properties identified in paragraphs 2(a) through 2(d) are hereinafter collectively referred to as the “Patton Property”).
3. Patton has presented the City with a Letter of Interest dated March 7, 2023 (**Attachment B**), which is adopted and incorporated as if set forth fully herein, proposing to exchange the Patton Property for the City Property.

TERMS

In exchange for good and valuable consideration and the mutual promises herein made, the parties do hereby agree to such transaction upon the following terms:

1. **Sale and Purchase:** Subject to the terms and conditions hereof, the City and Patton do hereby agree to exchange good and marketable title to said properties free of all liens, encumbrances, and outstanding taxes. The last date upon which this Agreement is executed shall be hereinafter referred to as the “Effective Date”. All conveyances from the City as Grantor pursuant to this Agreement shall be made to “Patco Investments, LLC.”
2. **Purchase Price:** This is an in kind transaction. No monetary exchange between the parties will occur as part of this transaction.

3. **Closing:** Closing shall take place on or before ninety (90) calendar days after the completion of the Due Diligence Period described in Section 5. The parties may close on transaction prior to completion of the Due Diligence Period by mutual agreement. At Closing, the parties shall convey said properties, by Deed Without Warranty, good and marketable title in fee simple, subject to any and all easements, covenants, and restrictions of record and affecting the properties and current taxes.
4. **Title Defects:** In the event a title search done by either party during the Due Diligence Period reveals any title defects that are not acceptable, either party shall have the right, by giving written notice to the other 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 or (b) waive the title objections and proceed as set forth in this Agreement. The parties mutually agree to cooperate with each other to satisfy all reasonable requirements of their respective title insurance carrier.
5. **Due Diligence Period:** Not to exceed thirty (30) calendar days after the Effective Date. The Parties and their respective representatives, agents, employees, surveyors, engineers, contractors and subcontractors shall have the reasonable right of access to the properties that are the subject of this Agreement for the purpose of inspecting them, 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 party may deem necessary. The Parties agree that each survey, report, study, and test report shall be prepared for the benefit of, and shall be certified to, the both parties (and to such other parties as the party obtaining the document may require). A duplicate original of each survey, report, study, test report shall be delivered to the other party's counsel at the notice address specified in Section 15 hereof within ten (10) days following the receipt thereof by the party ordering the survey, report, study and/or test report.

Each party shall be responsible for paying their own respective closing costs.

- a. During the Due Diligence Period, the parties and any of their paid or voluntary associates and/or contractors must agree to sign a 'Hold Harmless Agreement' prior to entering upon properties subject to this Agreement for the purposes set forth herein. 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 other party, including but not limited to elected and appointed officials, employees, volunteers, and others working on behalf of the other party 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 other party, 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 property.

6. Termination Prior to Conclusion of Due Diligence Phase:

- a. If either party determines that the property is not feasible for intended or prospective use during the Due Diligence Period, then, after written notice to the other party, the party may cancel the Agreement and both parties waive any further rights or remedies they may have at law or in equity under this Agreement.

7. Representations and Warranties: The Parties mutually represent and warrant as follows:

- a. To the best of their knowledge, there is no claim, action, suit, investigation or proceeding, at law, in equity or otherwise, now pending or threatened in writing against a party relating to the Property or against the Property. The parties are 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 the party'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 party's knowledge, neither the execution nor delivery of the Agreement or the documents contemplated hereby, nor the consummation of the conveyance of the Property, 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. Party has full power, authorization and approval to enter into this Agreement and to carry out its obligations hereunder. The person executing this Agreement on behalf of the party 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. Parties make no representation as to whether the capacities of such utilities are sufficient for the intended use of Property.

- f. Parties have not received any written notice of default under, and to the best of party's knowledge, the party 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. Party 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 Party'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. Party 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 Party.

- 8. **Condition of the Property:** Parties mutually acknowledge that, except as otherwise set forth herein, the properties are being conveyed "AS IS, WHERE IS AND WITH ALL FAULTS", and parties acknowledge that they have inspected the properties and determined whether or not the properties are suitable for the intended use. Parties make no warranties or representations regarding the condition of the properties, including without limitation, the improvements constituting a portion of the properties or the systems therein.
- 9. **Insurance and Indemnification:** To the extent permissible under Virginia law, the parties shall indemnify each other from any loss, damage or expense (including reasonable attorney's fees and costs) resulting from the other party's use of, entry upon, or inspection of the properties during the Due Diligence Period. This indemnity shall survive any termination of this Agreement. Notwithstanding any other provision of this Agreement, each party's entry upon the subject property and exercise of due diligence is performed at each party's sole risk. Each party assumes the risk and shall be solely responsible for any injuries to themselves, their employees, agents, assigns and third parties who may be injured or suffer damages arising from a party's entry upon the property and the exercise of a party's due diligence pursuant to this Agreement.
- 10. **Risk of Loss:** All risk of loss or damage to the Property by fire, windstorm, casualty or other cause is assumed by party owning their respective property until Closing. In the event of a loss or damage to the Property or any portion thereof before Closing, a party shall have the option of either (a) terminating this Agreement, rendering the Agreement 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 grantor shall assign to grantee all of grantor's rights under any applicable policy or policies of insurance and pay over to grantee any sums received as a result of such loss or damage. The parties agree to exercise reasonable and ordinary care in the maintenance and upkeep of their respective properties between the Effective Date and Closing. Parties and their representatives shall have the right to make an inspection at any reasonable time during the Due Diligence Period or prior to Closing.

11. **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.
12. **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:

CITY:

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

COPY TO:

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

PATTON:

Charles A. Patton, Co-Executor
Dale Patton, Co- Executor
11333 Beaver Castle Road
North Prince George, VA 23860

COPY TO:

Attorney Nathaniel Scaggs
HILL & RAINEY
2425 Boulevard, Suite 9
Colonial Heights, VA 23834

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.

13. **Modification:** The terms of this Agreement may not be amended, waived or terminated orally, but only by an instrument in writing signed by the parties.
14. **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.
15. **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.
16. **Survival:** All of the representations, warranties, covenants and agreements made in or pursuant to this Agreement made by the parties shall survive the Closing and shall not merge into the Deed or any other document or instrument executed and delivered in connection herewith.
17. **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.
18. **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 exclusively in the Circuit Court for the City of Petersburg, Virginia.
19. **Entire Agreement:** This Agreement contains the entire agreement between the parties, 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 this document.

20. **Copy or Facsimile:** Parties agree that a copy or facsimile transmission of any original document shall have the same effect as an original.
21. **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.
22. **Title Protection:** Deed to this property is conveyed without warranty. During the due diligence period, the parties 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.
23. **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 parties to comply with all legal requirements pertaining to zoning, land use, and other applicable laws.

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

ESTATE OF WILLIAM A. PATTON

By: , Charles A. Patton

Title: Co-Executor

Date: 6/27/23

By: _____, Dale Patton

Title: Co- Executor

Date: _____

THE CITY OF PETERSBURG, VIRGINIA

By: _____, March Altman Approved as to Form:

Title: City Manager

Date: _____

By: _____
City Attorney

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

ESTATE OF WILLIAM A. PATTON

By: _____, Charles A. Patton

Title: Co-Executor

Date: _____

By:  _____, Dale Patton

Title: Co- Executor

Date: 6/27/23

THE CITY OF PETERSBURG, VIRGINIA

By: _____, March Altman Approved as to Form:

Title: City Manager

Date: _____

By: _____
City Attorney

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

ESTATE OF WILLIAM A. PATTON

By: , Charles A. Patton

Title: Co-Executor

Date: 6/27/23

By: , Dale Patton

Title: Co- Executor

Date: 6/22/23

THE CITY OF PETERSBURG, VIRGINIA

By: _____, March Altman Approved as to Form:

Title: City Manager

Date: _____

By: _____
City Attorney



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 26, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Anthony Williams

RE: **A public hearing and Consideration for Adoption of An Ordinance to Direct the City Manager to Reimburse Bollingbrook Properties, LLC F/K/A Master Properties, LLC and Worther G. Becker, III and Karen K. Becker for Expenses Incurred in Real Property Transaction Recorded in Instrument 202302112. (Page 98)**

PURPOSE: To reimburse expenses incurred for downtown properties purchase.

REASON: Council has directed the formal consideration of an Ordinance to reimburse the owners for expenses incurred as a result of the owners granting extensions relating to the City's purchase of certain downtown properties.

RECOMMENDATION: Approve Ordinance

BACKGROUND: The City recently purchased certain real property downtown. Closing on the properties was extended at the request of the City to facilitate confirmation of clear title and the performance of a Phase 1 ESA. The Purchase Agreement and Addendums do not address the accrual of real property taxes during the extension period, and the City is not under a legal obligation to reimburse these expenses. Notwithstanding, in the interest of fair and equitable dealings, and in consideration of the owners' voluntarily agreeing to these two extensions, City Council has indicated that it would like to consider reimbursement to the owners for the expenses incurred in the amount of \$3,602.82.

COST TO CITY: \$3602.82

BUDGETED ITEM: No

REVENUE TO CITY: UNK

CITY COUNCIL HEARING DATE: 7/26/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. downtown final

AN ORDINANCE TO DIRECT THE CITY MANAGER TO REIMBURSE BOLLINGBROOK PROPERTIES, LLC F/K/A MASTER PROPERTIES, LLC AND WORHTER G. BECKER, III AND KAREN K BECKER FOR EXPENSES INCURRED IN REAL PROPERTY TRANSACTION RECORDED IN INSTRUMENT 202302112

WHEREAS, the City recently purchased certain real property from Bollingbrook Properties, LLC F/K/A Master Properties, LLC and Worther G. Becker, III and Karen K Becker (Collectively “the owners”) which was recorded in the land records of the Circuit Court Clerk under Instrument 202302112; and

WHEREAS, the closing on said property was extended twice (from March 31, 2023 to May 31, 2023 and again from May 31, 2023 to June 15, 2023) due to no fault of the owners (to allow additional time for the City to confirm clear title and complete a Phase I ESA), by the owners upon request of the City; and

WHEREAS, no contractual obligation was required or reached concerning the accrual of real property taxes during these extensions; and

WHEREAS, such taxes were paid by the owners as a result of the need to extend the closing date; and

WHEREAS, the accrued taxes during the extension period have been calculated in the attached (**Exhibit A**) as \$3602.82; and

WHEREAS, it is the belief of City Council that while not under a contractual obligation to cover the cost of these expenses, in the interest of fair and equitable dealings, and in consideration of the owners’ willingness to grant the extensions, Council wishes to reimburse the owners for these expenses.

NOW therefore be it ORDAINED that the City Manager and City Attorney are hereby directed to take all necessary action to reimburse the owners in the amount of \$3,602.82 as identified in this Ordinance.

Street Address	Tax Map #	Assessed	Annual	Tax Rate	Taxes Due for:	Taxes Due for:
		Value	Tax	Per Day	March 31-May 31, 2023	May 31-June 15, 2023
					<i>62 Days Total</i>	<i>16 Days Total</i>
48 E. Bank St.	011-220800	\$ 64,600	\$ 820.42	\$ 2.25	\$ 139.50	\$ 36.00
20 E. Bank St.	011-220802	\$ 188,000	\$ 2,387.60	\$ 6.54	\$ 405.48	\$ 104.64
18 E. Bank St.	011-220803	\$ 254,400	\$ 3,230.88	\$ 8.85	\$ 548.70	\$ 141.60
243 N. Sycamore St.	011-220804	\$ 140,100	\$ 1,779.27	\$ 4.87	\$ 301.94	\$ 77.92
241 N. Sycamore St.	011-220018	\$ 15,500	\$ 196.85	\$ 0.54	\$ 33.48	\$ 8.64
301 N. Sycamore St.	011-140014	\$ 33,500	\$ 425.45	\$ 1.17	\$ 72.54	\$ 18.72
315 N. Sycamore St.	011-140020	\$ 55,200	\$ 701.04	\$ 1.92	\$ 119.04	\$ 30.72
17 E. Bank St.	011-140011	\$ 55,500	\$ 704.85	\$ 1.93	\$ 119.66	\$ 30.88
35 E. Bank St.	011-140009	\$ 315,500	\$ 4,006.85	\$ 10.98	\$ 680.76	\$ 175.68
20 Bollingbrook St.	011-140004	\$ 66,600	\$ 845.82	\$ 2.32	\$ 143.84	\$ 37.12
31 Bollingbrook St.	011-090015	\$ 63,800	\$ 810.26	\$ 2.22	\$ 137.64	\$ 35.52
226 Second St.	011-220005	\$ 74,700	\$ 948.69	\$ 2.60	\$ 161.20	\$ 41.60
				Total:	\$ 2,863.78	\$ 739.04



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 26, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Randall Williams

RE: A public hearing on the request to carryover FY22 balance to FY 2023 and FY 2023 balance to FY 2024 including the respective FY 2023 project budget for the Petersburg Station Park and Ride project (2nd reading). (Page 102)

PURPOSE: To carryover FY2022's ending balance to FY 2023 and FY 2023's balance to FY 2024 including the respective FY 2023 project budget for the Petersburg Station Park and Ride project.

REASON: To correct and ensure the FY23 in the amount of \$1,711,235.69 and FY24 carryover balances are correct to ensure that the remaining invoices are funded.

RECOMMENDATION: Staff recommends the City Council approves the carryover balances and the FY23 budget for the Petersburg Station Park and Ride project. It should be noted that the \$8,000,00 project is a Smartscale project and costs are 100% reimbursable up to the \$8,000,000 amount by the Department of Rail and Public Transportation (DRPT).

BACKGROUND: In the March 5, 2019 City Council meeting, City Council adopted resolution 15-R-64, which supported the submittal by the City of Petersburg of an application for grant funding to construct a Park and Ride Parking Structure adjacent to the City's Transit Center located at 100 Washington Street. The total amount of the project was \$8,000,000 with funding amounts spread across the following fiscal years:

Petersburg Station Park & Ride Facility	
Year	Funding
Fiscal Year 2019	\$1,270,296
Fiscal Year 2021	\$1,499,291
Fiscal Year 2022	\$2,503,851
Fiscal Year 2023	\$2,726,562

COST TO CITY: \$0 (net)

BUDGETED ITEM: No (not in FY24)

REVENUE TO CITY: \$0 (net)

CITY COUNCIL HEARING DATE: 7/26/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Finance & Transit

AFFECTED AGENCIES: Finance & Transit

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: NA

REQUIRED CHANGES TO WORK PROGRAMS: NA

ATTACHMENTS:

1. Park and Ride Ordinance 7-26-23

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2023, AND ENDING JUNE 30, 2024
FOR THE CAPITAL PROJECTS FUND.**

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

I. That appropriations for the fiscal year commencing July 1, 2023, in the Capital Projects Fund for the following resources and revenues of the city, for the fiscal year ending June 30, 2024.

Previously adopted Revenue: **\$0.00**

FY 2022 Year End Carryover Balance (before adding project budget) **\$305,460.72**

ADD:

FY 2023 Project Budget Previously Approved by Council **(\$2,726,562.00)**

LESS:

FY 2023 Revenue Reduction **\$709,865.59**

FY 2023 Year End Carryover Balance **(\$1,711,235.69)**

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2023 and ending June 30, 2024, the following sums for the purposes mentioned:

Previously adopted Expenditures: **\$0.00**

FY 2022 Year End Carryover Balance (4-380-40000-3190-0-102-813) **(\$305,460.72)**

ADD:

FY 2023 Project Budget Previously Approved by Council **\$2,726,562.00**

LESS:

FY 2023 Expenditures **(\$709,865.59)**

FY 2023 Year End Carryover Balance **\$1,711,235.69**



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 26, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Jeanette Johnson

RE: **A public hearing on the consideration of a resolution authorizing the issuance and sale of General Obligation Refunding Bonds of the City of Petersburg, Virginia, providing for the form, details and payment thereof to finance the courthouse project. (Page 105)**

PURPOSE: To hold public hearing on the issuance of a General Obligation Public Improvement Bonds and consider adoption of a resolution approving the issuance and sale of those bonds in the public bond market.

REASON: The Public hearing is being held to receive citizen comment, in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, on the issuance of the General Obligation Bonds for the City in the maximum aggregate principal amount of \$34,000,000 to finance costs of design, construction, renovation and improvements to the City's court facilities.

RECOMMENDATION: Recommend City Council adopt the resolution authorizing the issuance and sale of a General Obligation Public Improvement Bonds in the maximum aggregate principal amount of \$34,000,000.

BACKGROUND: The City is in the process of planning and design for necessary renovations / reconstruction of City courts facilities. It has been advertised as a public hearing for the issuance of general obligation bonds to fund such project as permitted under Section 15.2-2606. Staff has attached the resolution which includes the formal terms of issuance.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 7/26/2023

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. Resolution approving 2023 courthouse bonds

CITY OF PETERSBURG, VIRGINIA

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL
OBLIGATION BONDS OF THE CITY OF PETERSBURG, VIRGINIA, PROVIDING
FOR THE FORM, DETAILS AND PAYMENT THEREOF**

Adopted on July 26, 2023

WHEREAS, the City Council (**the “City Council”**) of the City of Petersburg, Virginia (**the “City”**) has received a plan of financing from the City’s Financial Advisor, Davenport & Company LLC (**the “Financial Advisor”**) and determined under such plan to issue its general obligation bonds to (a) finance the cost of certain City capital improvements including, but not limited to, the construction and renovation of City courthouse facilities (**the “Project”**) and (b) to pay costs incurred in issuing such general obligation bonds;

WHEREAS, the City Council has determined that (i) the City is in need of funds to be used by the City for financing the Project, for costs of issuance of the Bonds (as defined below) and for the payment of interest on the Bonds, (ii) the obtaining of such funds will be for municipal purposes of the City for the welfare of citizens of the City for purposes which will serve the City and its citizens, (iii) the most effective, efficient and expedient manner in which to provide such funds to finance the Project is by the issuance of the Bonds in the maximum principal amount of up to \$34,000,000, the issuance of such Bonds being within the power of the City to contract debts, borrow money and make and issue evidence of indebtedness, and (iv) the issuance of the Bonds is in the best interests of the City and its citizens;

WHEREAS, pursuant to Section 15.2-2606 et seq. of the Public Finance Act of 1991, Title 15.2, Chapter 26 of the Code of Virginia of 1950, as amended (**the “Public Finance Act”**), the City is authorized to issue bonds to finance the Project after a duly noticed public hearing has been held thereon under the provisions of the Public Finance Act, and such public hearing has been held on the date hereof;

WHEREAS, the City’s administration and the Financial Advisor have recommended to the City Council that the City issue and sell tax-exempt general obligation bonds based on the recommendation of the Financial Advisor;

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

1. Issuance of Bonds. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act and the City Charter, there shall be issued and sold tax-exempt general obligation bonds of the City in the maximum aggregate principal amount of \$34,000,000 to provide funds to (a) finance the Project and (b) pay the costs of issuing such general obligation bonds.

2. Bond Details.

(a) The general obligation bonds shall be issued in one or more series, shall be designated “General Obligation Bonds, Series 2023” (**the “Bonds”**) or such other designation as may be determined by the Mayor or the City Manager (**hereinafter the Mayor or City Manager shall be referred to as the “City Representative”**), shall be in registered form in denominations of \$5,000 and integral multiples thereof, shall be dated such date as determined by the City Representative and shall be numbered R-1 upward. Subject to Section 8, the issuance and sale of the Bonds are authorized on terms as shall be satisfactory to the City

Representative; provided, however, (a) shall have a “true” or “Canadian” interest cost not to exceed [5.5%] (taking into account any original issue discount or premium) and (b) that the Bonds shall have a final maturity no later than September 30, 2053.

(b) Each Bond shall bear interest from its dated date at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year of twelve 30-day months, and payable semiannually on dates determined by the City Representative. Principal shall be payable to the registered owners upon surrender of Bonds as they become due at the office of the Registrar (as hereinafter defined). Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar on the date prior to each interest payment date (**the “Record Date”**) that shall be determined by the City Representative. If any interest payment date is not a business day, such payment shall be made on the next succeeding business day with the same effect as if made on the interest payment date and no additional interest shall accrue. Principal and interest shall be payable in lawful money of the United States of America.

(c) Initially, one Bond certificate for each maturity shall be issued to and registered in the name of The Depository Trust Company, New York, New York (“**DTC**”), or its nominee. The City has heretofore entered into a Blanket Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the Bonds. “Securities Depository” shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section.

(d) In the event that (1) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the City discharges its responsibilities hereunder, or (2) the City in its sole discretion determines (i) that beneficial owners of Bonds shall be able to obtain certificated Bonds or (ii) to select a new Securities Depository, then its chief financial officer shall, at the direction of the City, attempt to locate another qualified securities depository to serve as Securities Depository and authenticate and deliver certificated Bonds to the new Securities Depository or its nominee, or authenticate and delivered certificated Bonds to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners substantially in the form provided for in Section 5; provided, however, that such form shall provide for interest on the Bonds to be payable (A) from the date of the Bonds if they are authenticated prior to the first interest payment date, or (B) otherwise from the interest payment date that is or immediately precedes the date on which the Bonds are authenticated (unless payment of interest thereon is in default, in which case interest on such Bonds shall be payable from the date to which interest has been paid). In delivering certificated Bonds, the chief financial officer shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 7.

(e) So long as there is a Securities Depository for the Bonds (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal and interest, transfers of ownership and exchanges and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the City shall not be responsible or liable for maintaining,

supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Blanket Letter of Representations such provisions of the Blanket Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

3. Redemption Provisions. The Bonds may be subject to redemption prior to maturity at the option of the City on or after dates, if any, and at such prices as shall be determined by the City Representative, provided that the redemption premium, if any, shall not exceed 2.0%.

Any term bonds may be subject to mandatory sinking fund redemption upon terms determined by the City Representative.

If less than all of the Bonds are called for redemption, the maturities of the Bonds to be redeemed shall be selected by the City Representative, in such manner as he may determine to be in the best interest of the City. If less than all of any maturity is called for redemption, the Bonds within such maturity to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. The City shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by electronic or facsimile transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the registered owner of the Bonds. The City shall not be responsible for mailing notice of redemption to anyone other than DTC or another qualified securities depository or its nominee unless no qualified securities depository is the registered owner of the Bonds. If no qualified securities depository is the registered owner of the Bonds, notice of redemption shall be mailed to the registered owners of the Bonds. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

In the case of an optional redemption, the notice may state that (1) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the redemption date or (2) the City retains the right to rescind such notice on or prior to the scheduled redemption date (**in either case, a “Conditional Redemption”**), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described herein. Any Conditional Redemption may be rescinded at any time. The City shall give prompt notice of such rescission to the affected Bondholders. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a Conditional Redemption, the failure of the City to make funds available on or before the redemption date shall not constitute an event of default, and the City shall give immediate notice

to all organizations registered with the Securities and Exchange Commission as securities depositories or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

4. Execution and Authentication. The Bonds shall be signed by the manual or facsimile signatures of the Mayor or Vice Mayor and the City's seal shall be affixed thereto and shall be attested by the manual or facsimile signature of the City Clerk; provided, however, that if all of such signatures are facsimiles, no Bond shall be valid until it has been authenticated by the manual signature of the Registrar or if a bank has been appointed registrar pursuant to Section 7, an authorized officer or employee of such bank, and the date of authentication noted thereon.

5. Bond Form. The Bonds shall be in substantially in the form of Exhibit A attached hereto with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery of the Bonds.

6. Pledge of Full Faith and Credit. The full faith and credit of the City are irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the City Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay when due the principal of and premium, if any, and interest on the Bonds.

7. Registration, Transfer and Owners of Bonds. The Bonds shall be issued in registered form without coupons, payable to the registered holders or registered assigns. The City may in its discretion appoint at any time a qualified bank or trust company as paying agent and registrar for the Bonds (**the "Registrar"**). The Registrar shall maintain registration books for the registration and registration of transfers of Bonds. Upon presentation and surrender of any Bonds at the office of the Registrar, at its corporate trust office if the Registrar is a bank or trust company, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate, if required by Section 4, and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the Record Date.

8. Sale of Bonds and Bond Purchase Agreement. If the City Representative determines that it is in the best interest of the City to sell any Bonds in a competitive sale, then the City Representative is authorized and directed to cause an official notice of bond sale to be issued and accept a qualifying bid or qualifying bids for the purchase of the Bonds which results in the lowest "true" or "Canadian" interest cost to the City, and the Bonds shall bear interest at such rate or rates and shall be sold at such price or prices as may be set forth in the bid(s) accepted by the City Representative. If the City Representative determines that it is in the best interest of the City to sell any Bonds in a negotiated sale, then the City Representative is hereby authorized to enter into a bond purchase agreement or bond purchase agreements with an underwriter or group of underwriters with demonstrated experience in underwriting municipal securities to be selected by the City Representative. The City Representative is authorized and directed to approve such optional or mandatory redemption provisions for the Bonds as the City Representative may determine to be in the best interest of the City. Notwithstanding anything to the contrary herein, by 5:00 p.m. on the date prior to the sale date of any Bonds identified in the official notice of sale for the Bonds, if any, if either no underwriter or only one underwriter has advised of its intention to bid on the Bonds, the City Representative, after consultation with the City's financial advisor and the City's bond counsel, is authorized to remove such series or maturities of Bonds from the bidding process and to pursue a negotiated sale for such series or maturities of Bonds. The approval of the final terms and conditions of the Bonds subject to the foregoing parameters shall be evidenced conclusively by the execution and delivery of the Bonds in accordance with paragraph 11 of this Ordinance. The City Representative shall then, based on the recommendation of the City's Financial Advisor (a) determine the principal amount of the Bonds, subject to the limitations set forth in Section 1, (b) determine the interest rates of the Bonds, maturity schedule of the Bonds, and the price to be paid for the Bonds, subject to the limitations set forth in Section 2 and herein, (c) determine the redemption provisions of the Bonds, subject to the limitations set forth in Section 3, and (d) determine the dated date, the principal and interest payment dates and the Record Date of the Bonds, and whether municipal bond insurance is appropriate to secure the same, all as the City Representative determines to be in the best interests of the City.

If a negotiated sale of the Bonds is pursued, then following the determination of the terms of the Bonds and their sale, the City Representative, is authorized to execute and deliver a bond purchase agreement reflecting the final terms of the Bonds (**the "Bond Purchase Agreement"**). The Bond Purchase Agreement shall be substantially in the form presented to this meeting with such completions, omissions, insertions and change that are not inconsistent with this Ordinance, the execution thereof by the City Representative, to constitute conclusive evidence of his or her approval of the Bond Purchase Agreement. The actions of the City Representative, in selling the Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the City Council.

9. Official Statement. The draft of a Preliminary Official Statement describing the Bonds, copies of which will have been provided to the members of the City Council in advance of approval hereof, is approved as the form of the Preliminary Official Statement by which the Bonds will be offered for sale, with such completions, omissions, insertions and changes not inconsistent with this Resolution as the City Representative may consider appropriate. The City Representative is authorized and directed to execute an Official Statement in final form (**the "Official Statement"**) and deliver it to the purchasers of the Bonds. The Official Statement

shall be in substantially the form of the Preliminary Official Statement submitted to this meeting, with such completions, omissions, insertions and other changes as may be approved by the City Representative, the execution thereof by the City Representative, to constitute conclusive evidence of his or her approval of any such completions, omissions, insertions and changes. The City shall arrange for the delivery of a reasonable number of copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom Bonds are initially sold.

10. Official Statement Deemed Final. The City Representative, is authorized, on behalf of the City, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12 (**the “Rule”**) of the Securities and Exchange Commission (**the “SEC”**), except for the omission in the Preliminary Official Statement of certain pricing and other information permitted to be omitted pursuant to the Rule. The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed final as of its date by the City, except for the omission in the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule.

11. Preparation and Delivery of Bonds. After the Bonds have been sold, the Mayor, the City Manager and the City Clerk are authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the purchaser(s) thereof upon payment therefor.

12. Further Use of Bond Proceeds. The City Treasurer is authorized and directed to use the proceeds of the Bonds to pay (i) the fees and costs incurred in issuing the Bonds and (ii) costs of financing the Project. The City Treasurer is further authorized and directed to take all such further action as may be necessary or desirable in connection with the financing of the Project.

13. Arbitrage Covenants. The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (**the “Code”**), and regulations issued pursuant thereto, or otherwise cause interest on the Bonds to be includable in the gross income of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law which may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

14. Non-Arbitrage Certificate and Elections. Such officers of the City as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of

complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the City.

15. Limitation on Private Use. The City covenants that it shall not permit the proceeds of the Bonds or the facilities financed or refinanced with the proceeds of the Bonds to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities financed or refinanced with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed or refinanced with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

16. Continuing Disclosure Agreement. The Mayor, the City Manager, or the Finance Director of the City, and such officer or officers of the City as either may designate, any of whom may act, are hereby authorized and directed to execute a continuing disclosure agreement setting forth the reports and notices to be filed by the City and containing such covenants as may be necessary to assist the purchaser of the Bonds in complying with the provisions of the Rule promulgated by the SEC. Such continuing disclosure agreement shall be substantially in the form presented to this meeting, with such completions, omissions, insertions and changes that are not inconsistent with this Resolution.

17. Other Actions. All other actions of officers of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds including but not limited to changes in the payment dates, maturity dates, obtaining ratings and determination of escrow agent are approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and 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 Bonds.

18. Effectiveness and Filing of Resolution. The Council hereby declares that this Resolution shall become effective upon its passage as provided for in the Act. A certified copy of this Resolution shall be filed by the City Clerk with the Clerk of the Circuit Court of the City. The filing of this Resolution with the Clerk of the Circuit Court of the City shall be deemed to be the filing of an initial resolution or ordinance with such Court for all purposes of the Act.

The Members of the Council voted as follows:

Ayes

Nays

Absent

Abstentions

Adopted this 26th day of July, 2023.

The undersigned City Clerk of the City of Petersburg, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on July 26, 2023, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly called meeting and that, during the consideration of the foregoing Resolution, a quorum was present and action was taken in an open meeting.

Dated this ____ day of _____, 2023.

City Clerk
City of Petersburg, Virginia

EXHIBIT A

Unless this bond is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the issuer or its agent for registration of transfer, exchange, or payment, and any bond is registered in the name of Cede & Co., or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

REGISTERED
No. R-__

REGISTERED
\$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF PETERSBURG
General Obligation Bonds, Series 2023

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
_____%	_____, ____	_____, 2023	_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Petersburg, Virginia (the “City”), for value received, promises to pay, upon surrender hereof, to the registered owner hereof, or registered assigns or legal representative, the principal sum stated above on the maturity date stated above, subject to prior redemption as hereinafter provided, and to pay interest hereon from its date semiannually on each _____ and _____, beginning on _____, at the annual rate stated above, calculated on the basis of a 360-day year of twelve 30-day months. Principal and interest are payable in lawful money of the United States of America by _____, who has been appointed paying agent and registrar for the bonds, or at such bank or trust company as may be appointed as successor paying agent and registrar by the City (the “Registrar”).

Notwithstanding any other provision hereof, this bond is subject to a book-entry system maintained by The Depository Trust Company (“DTC”), and the payment of principal and interest, the providing of notices and other matters shall be made as described in the City’s Blanket Letter of Representation to DTC.

This bond is one of an issue of up to \$ _____ General Obligation Bonds, Series 2023, of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act and the City Charter. This bond is issued pursuant to a Resolution adopted by the City Council on July __, 2023, to finance certain City projects and to pay the costs of issuing the bonds.

Bonds maturing on or before _____, ____, are not subject to redemption prior to maturity. Bonds maturing on or after _____, ____, are subject to redemption prior to maturity at the option of the City on or after _____, ____, in whole or in part (in integrals of \$5,000) at any time, upon payment of _____% of the principal amount of bonds to be redeemed plus interest accrued and unpaid to the date fixed for redemption.

If less than all of the bonds are called for redemption, the bonds to be redeemed shall be selected by the Mayor or City Manager of the City in such manner as he may determine to be in the best interest of the City. If less than all the bonds of a particular maturity are called for redemption, the bonds within such maturity to be redeemed shall be selected by DTC or any successor securities depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting bonds for redemption, each bond shall be considered as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000. The City shall cause notice of the call for redemption identifying the bonds or portions thereof to be redeemed to be sent by electronic or facsimile transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to DTC, or its nominee, as the registered owner of the bonds. If a portion of this bond is called for redemption, a new bond in principal amount of the unredeemed portion hereof shall be issued to the registered owner upon surrender hereof.

The City may give a notice of redemption prior to a deposit of redemption moneys if such notice states that the redemption is to be funded with the proceeds of a refunding bond issue and is conditioned on the deposit of such proceeds. Provided that moneys are deposited on or before the redemption date, such notice shall be effective when given. If such proceeds are not available on the redemption date, such bonds will continue to bear interest until paid at the same rate they would have borne had they not been called for redemption. On presentation and surrender of the bonds called for redemption at the place or places of payment, such bonds shall be paid and redeemed.

The full faith and credit of the City are irrevocably pledged for the payment of principal of and premium, if any, and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the City Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all taxable property within the City sufficient to pay when due the principal of and premium, if any, and interest on this bond.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal of and premium, if any, and interest on this bond and the exercise of all rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the 15th date of the month preceding each interest payment date.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City of Petersburg, Virginia, has caused this bond to be to be signed by its Mayor or Vice Mayor, its seal to be affixed hereto and attested by its City Clerk, and this bond to be dated the date first above written.

(SEAL)

Mayor, City of Petersburg, Virginia

ATTEST:

City Clerk, City of Petersburg, Virginia

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned Resolution.

REGISTRAR - _____

By: _____

DATE OF AUTHENTICATION:

_____, 2023

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s) unto

(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF TRANSFeree:

: :
: :
: :

the within bond and all rights thereunder, hereby irrevocably constituting and appointing
_____,
Attorney, to transfer said bond on the books kept for the registration thereof, with full power of
substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed
by an Eligible Guarantor Institution such
as a Commercial Bank, Trust Company,
Securities Broker/Dealer, Credit Union
or Savings Association who is a member
of a medallion program approved by The
Securities Transfer Association, Inc.

(Signature of Registered Owner)

NOTICE: The signature above must
correspond with the name of the
registered owner as it appears on the
front of this bond in every particular,
without alteration or enlargement or any
change whatsoever.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 26, 2023

TO: The Honorable Mayor and Members of City Council

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

FROM: Reginald Tabor

RE: **A Public Hearing and consideration of a Petition for a Special Use Permit (SUP) for a Car Wash and Automotive Detailing at 1602 W Washington Street. The property is located in the B-2 General Commercial Zoning District. (Page 120)**

PURPOSE: To consider an ordinance approving the petition for a Special Use Permit (SUP) for a Car Wash and Automotive Detailing at 1602 W Washington Street. The property is located in a B-2 General Commercial Zoning District.

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

RECOMMENDATION: It is recommended that the City Council hold a Public Hearing and consider an Ordinance approving a Petition for a Special Use Permit (SUP) for a Car Wash and Automotive Detailing at 1602 W Washington Street. The property is located in a B-2 General Commercial Zoning District.

BACKGROUND: The City of Petersburg received a petition for a Special Use Permit (SUP) for a Car Wash and Automotive Detailing at 1602 W Washington Street. The property is located in a B-2 General Commercial Zoning District.

The Planning Commission is scheduled to hold a public hearing and consider a resolution with a recommendation to the City Council regarding the petition on May 4, 2023.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from the use of the property

CITY COUNCIL HEARING DATE: 5/16/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Assessor; Economic Development, Planning and Community Development; Public Works; Neighborhood Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: The City Code Appendix B Zoning.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0502_2023OrdinanceSUP1602WWashingtonStreet
2. 0504_2023AgendaItemSummary1602WWashingtonStSUP

**AN ORDINANCE APPROVING A PETITION FOR A SPECIAL USE PERMIT (SUP)
FOR CAR WASH AND AUTOMOTIVE DETAILING AT 1602 W WASHINGTON
STREET**

WHEREAS, the City of Petersburg received a Petition for a Special Use Permit (SUP) for Car Wash and Automotive Detailing at 1602 W Washington Street, PIN: 028040012; and

WHEREAS, a Special Use Permit is required for the proposed use in accordance with the City Code, Appendix B. Zoning; and

WHEREAS, the property is located in a B-2 General Commercial Zoning District; and

WHEREAS, the purpose of the Special Use Permit is to permit a Car Wash and Automotive Detailing use; and

WHEREAS, the proposed use is permitted in the B-2 district with a Special Use Permit; and

WHEREAS, the current Comprehensive Plan Future Land Use Plan identifies the property as Commercial; and

WHEREAS, the Planning Commission is scheduled to consider the petition during the May 4, 2023 meeting, prior to a City Council Public Hearing and consideration of the petition; and




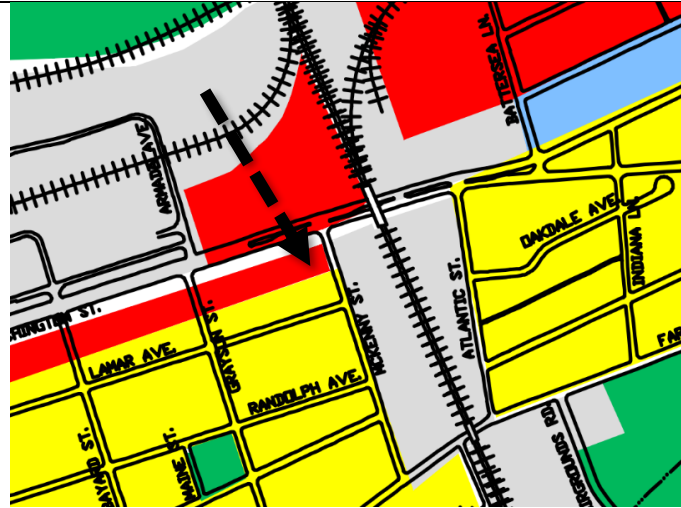
WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of a Petition for a Car Wash and Automotive Detailing use at 1602 W Washington Street, PIN: 028040012, and the public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that the City Council of the City of Petersburg hereby approves the petition for a Special Use Permit for a Car Wash and Automotive Detailing use at 1602 W Washington Street, PIN: 028040012.



City of Petersburg Planning Commission Agenda Item

Case No: 2023-SUP-05
Public Hearing Date: May 4, 2023
Property Address: 1602 W Washington Street
Parcel ID: 028040012
Agent: Mr. Sada Allen

Request		Staff Recommendation	
Petition for a Special Use Permit (SUP)		TBD	
Summary of Proposal			
A Petition for a Special Use Permit (SUP) for Car Wash and Automotive Detailing at 1602 W Washington Street. The property is located in a B-2 General Commercial Zoning District.			
Parcel ID	Acreage	Current Zoning Designation	
028040012	.386 acres	B-2	General Commercial District
			
Photo		Comprehensive Plan Designation	
			



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 26, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Nykesha Lucas

RE: **Consideration of appointment/s to the Appomattox River Water Authority (ARWA) Board. (Page 124)**

PURPOSE: To make an appointment to the ARWA Board.

REASON: The new public works director needs to be appointed to ARWA as the alternate for the city manager and reappoint city manager.

RECOMMENDATION: Recommend City Council appoint Jerry Byerly, Director of Public Works, as the alternate member to the Appomattox River Water Authority Board and reappoint John "March" Altman, Jr as the primary.

BACKGROUND: The Appomattox River Water Authority consists of the Cities of Colonial Heights and Petersburg and the Counties of Chesterfield, Dinwiddie, and Prince George. The Authority is responsible for the operation of the Appomattox River Water Treatment plant.

The Authority Board includes one (1) Member and one (1) Alternate Member from each of the political subdivisions. City Council has, as have other as its representatives on the Board and the Director of Public Works as the alternate.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 7/26/2023

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. Appomattox River Water Authority Board 2023
2. arwa new

APPOMATTOX RIVER WATER AUTHORITY BOARD			
Number of Members: 2			
TERM	APPOINTMENT	APPOINTED	NEW APPLICANT
4/19/2022-12/31/2022	John March Altman, Jr., city manager, primary	9/20/2022	
4/19/2022-12/31/2022	alternate)	9/20/2022	
AUTHORITY:		COMPOSITION:	
Virginia Water & Sewer Authorities Act, Section 15.1-1249 of the Code of Virginia; Concurrent Resolutions of the governing bodies of the Cities of Petersburg and Colonial Heights and the counties of Chesterfield, Dinwiddie, and Prince George setting forth the Articles of Incorporation - Resolution #4692 adopted October 4, 1960. Water Authority began furnishing water on January 1, 1968.		One (1) member and one (1) alternate member from each of the political subdivisions participating in the authority.	
MEETINGS:		TERMS:	
May 15, 2014; June 25, 2014; July 24, 2014; September 25, 2014(1:00pm) , 2:00p.m., Authority Office Lake Chesdin		Four (4) years	
STAFF LIAISON:			
Robert C. Wichser, Executive Director			
Appomattox River Water Authority			
21300 Chesdin Road			
Petersburg, VA 23803			
(804) 590-1145			

**A RESOLUTION REAPPOINTING JOHN M.
“MARCH” ALTMAN, JR., CITY MANAGER, TO
THE APPOMATTOX RIVER WATER AUTHORITY
BOARD AS THE PRIMARY AND APPOINTING
JERRY BYERLY AS THE ALTERNATE FOR A
TERM ENDING DECEMBER 31, 2023.**

BE IT RESOLVED, by the City Council of the City of Petersburg, that it hereby reappoints John M. “March” Altman, Jr., City Manager, to the Appomattox River Water Authority Board as the Primary and Jerry Byerly as the alternate for a term ending December 31, 2023.

Resolution _____
Adopted by the City of Petersburg
Council of the City of Petersburg on:

Clerk of City Council



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 26, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Brian Moore

RE: **Consideration of a resolution Approving The Funding Recipients for the FY23-24 Community Development Block Grant. (Page 129)**

PURPOSE: To provide City Council with details of the final funding listing of recipients.

REASON: This action is necessary to comply with the CDBG funding guidelines.

RECOMMENDATION:

BACKGROUND: The CDBG 2023-2024 Action Plan will start on July 1, 2023, and ends on June 30, 2024. The estimated amount of funding the City of Petersburg will receive from the U.S. Department of Housing and Urban Development (HUD) for 2023-2024 is \$583,000. Please note that at the time of this notice, the 2023-2024 funding amounts have not yet been issued by HUD. CDBG funds will be used to support the following three activities: Housing Rehabilitation, Public Service, and Public Facilities/ infrastructure, which are described in the 2020-2024 Consolidated Plan.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 7/26/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager, Economic Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 2023 Subrecipient CDBGAB Recommendations updated 12 July

2. 1-CDBG- Resolution

2023 Subrecipient CDBGAB Recommendations



Organization	Point of Contact	Usage	Amount Requested	Remarks
Downtown Churches United	Scott Fisher	Operating Cost for public services	\$22,000	
Petersburg Area Art League	William Nicolson	Public Facilities and Improvements	\$42,400	
River Street Market	Richard Cuthbert	Public Services	\$13,200	
City of Petersburg Parks, Recreation, Special Events and Volunteerism	Marquis Allen	Public Facilities and Improvements	\$239,107	
CDBG Administration	City of Petersburg	Program Administration	\$116,000	
Tri- Cities Habitat for Humanity	Kelli Parker	Rehabilitation of Real Estate	\$22,000	
Go Forward Give Back	Levin Smith	Public Services	\$2,800	
Pretty Purpose	Bianca Myrick	Public Services	\$9,000	
City of Petersburg Demolitions	City of Petersburg	Rehabilitation of residential and non-residential structures	\$95,000	
Lending Helping Hands	LaVerle Talley	Public Services	\$14,000	
Hebron	Janell Sinclair	Public Services	\$10,000	
			<u>\$585,507</u>	

2023 Subrecipient City Council Recommendations



Organization	Point of Contact	Usage	Amount Requested	Remarks
Downtown Churches United	Scott Fisher	Operating Cost for public services	\$22,000	
Petersburg Area Art League	William Nicolson	Public Facilities and Improvements	\$42,400	
River Street Market	Richard Cuthbert	Public Services	\$17,200 (+\$4,000)	
City of Petersburg Parks, Recreation, Special Events and Volunteerism	Marquis Allen	Public Facilities and Improvements	\$239,107	
CDBG Administration	City of Petersburg	Program Administration	\$116,000	
Tri- Cities Habitat for Humanity	Kelli Parker	Rehabilitation of Real Estate	\$22,000	
Go Forward Give Back	Levin Smith	Public Services	\$2,800	
Pretty Purpose	Bianca Myrick	Public Services	\$9,000	
City of Petersburg Demolitions	City of Petersburg	Rehabilitation of residential and non-residential structures	\$95,000	
Lending Helping Hands	LaVerle Talley	Public Services	\$0 (-\$14,000)	
Hebron	Janell Sinclair	Public Services	\$20,000 (+10,000)	
			<u>\$585,507</u>	

Side by Side Comparison



CDBGAB

Organization	Amount Requested
Downtown Churches United	\$22,000
Petersburg Area Art League	\$42,400
River Street Market	\$13,200
City of Petersburg Parks, Recreation, Special Events and Volunteerism	\$239,107
CDBG Administration	\$116,000
Tri- Cities Habitat for Humanity	\$22,000
Go Forward Give Back	\$2,800
Pretty Purpose	\$9,000
City of Petersburg Demolitions	\$95,000
Lending Helping Hands	\$14,000
Hebron	\$10,000
	<u>\$585,507</u>

City Council

Organization	Amount Requested
Downtown Churches United	\$22,000
Petersburg Area Art League	\$42,400
River Street Market	\$17,200 (+\$4,000)
City of Petersburg Parks, Recreation, Special Events and Volunteerism	\$239,107
CDBG Administration	\$116,000
Tri- Cities Habitat for Humanity	\$22,000
Go Forward Give Back	\$2,800
Pretty Purpose	\$9,000
City of Petersburg Demolitions	\$95,000
Lending Helping Hands	\$0 (-\$14,000)
Hebron	\$20,000 (+10,000)
	<u>\$585,507</u>

Resolution

A Resolution authorizing the City Manager to approve the funding recipients for the FY23-24 Community Development Block Grant

WHEREAS; On July 26, 2023, the City of Petersburg entered into a funding agreement for recipients to receive funds from the Community Development Block Grant.

WHEREAS; The funding timeline will start on July 1, 2023 and will ending June 30, 2024.

WHEREAS; The estimated amount of funding the City of Petersburg will receive from the U.S. Department of Housing and Urban Development (HUD) for the 2023 – 2024 fiscal year is \$585,507.

WHEREAS; The CDBG funds will be used to support the following three activities: Housing Rehabilitation, Public Service, and Public Facilities/ infrastructure, which are described in the 2020-2024 Consolidated Plan.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Petersburg hereby approves the City Manager to approve the funding recipients for the FY23-24 Community Development Block Grant.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 26, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: LaKishah White

RE: **Consideration of a resolution to amend and re-adopt Articles V, VII, and VIII of the City of Petersburg Personnel Policies and Procedures Manual pertaining to Disciplinary Matters, Grievance and Appeal Procedures. (Page 135)**

PURPOSE: To provide City Council with the details for the amendment to the City of Petersburg Personnel Policies and Procedures for Articles V, VII, and VIII.

REASON: To comply with the City of Petersburg Personnel Policies and Procedures Manual adopted by the City Council.

RECOMMENDATION: Staff recommends City Council make a motion to approve the resolution amending Articles V, VII, and VIII of the City of Petersburg Policies and Procedures Manual.

BACKGROUND: The City of Petersburg City Council previously approved and adopted the City of Petersburg Personnel Policies, which included Articles V – Disciplinary Actions, Demotions, Dismissals and Separations, Article VII – Grievance and Appeal Procedures, and Article VIII – Grievance Hearing Panel. Revisions are being recommended in an effort to correct deficiencies which exist in the current policies as written, to improve the City’s defensibility in disciplinary and grievance matters, to implement a streamlined review process to include Human Resources, the City Attorney and the City Manager, and to ensure standard forms and procedures exist to support both the disciplinary and grievance processes for the City of Petersburg.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 7/26/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Employees of the City of Petersburg

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. resolution PERSONNEL policy (003)
2. ARTICLE 5
3. ARTICLE 7
4. ARTICLE 8
5. Non-Compliance Form
6. Proposed Disciplinary Action Form_

RESOLUTION TO AMEND AND RE-ADOPT ARTICLES V, VII, AND VIII OF THE CITY OF PETERSBURG PERSONNEL POLICIES AND PROCEDURES MANUAL PERTAINING TO DISCIPLINARY MATTERS, GRIEVANCE AND APPEAL PROCEDURES

WHEREAS, City Council has previously approved and adopted the City of Petersburg Personnel Policies which includes Article V on Disciplinary Actions; and

WHEREAS, Section 15.2-1506 of the Code of Virginia requires localities having more than 15 employees to have a grievance procedure for its employees; and

WHEREAS, Section 15.2-1507 of the Code of Virginia sets forth the minimum requirements of such grievance procedure and requires certification of compliance with said requirements to be filed with the Clerk of Court upon adoption; and

WHEREAS, the City's Grievance and Appeal Procedures are contained in Articles VII, and VIII of the City's Personnel Policies and Procedures Manual; and

WHEREAS, the attached revisions to Article VII (**Exhibit A**) are recommended in an effort to correct certain deficiencies that exist in the current Policy; and

WHEREAS, it is the belief of Council that the amendment and re-adoption of Articles V, VII and VIII is in the best interests of the City.

NOW therefore be it RESOLVED, that Articles V, VII, and VIII of the City of Petersburg Personnel Policies and Procedures Manual is hereby amended and re-adopted as described in the attached (**Exhibit A**); and



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – June 2020 March 2014

Issued – December 2020 August 2015

ARTICLE V DISCIPLINARY ACTIONS, DEMOTIONS, DISMISSALS AND SEPARATIONS

- 5.1 Policy** - Whenever the performance, work habits or personal conduct of an employee becomes unsatisfactory his or her supervisor shall inform him or her promptly of such deficiency and give him or her counsel and assistance. Upon a determination by the supervisor to initiate Disciplinary Action in accordance with this Article, the supervisor shall complete and submit a Pre-Disciplinary Hearing Form. The City shall follow a policy of progressive discipline, however, the severity of the offense may justify action outside of the standard progression. In such case, the supervisor must provide justification for their decision to recommend action outside of the standard progression. Discipline should be appropriate to the seriousness of the incident. A specific incident may justify severe disciplinary action without delay upon the first offense.

Each employee is expected to comply with instructions, established policies, procedures, rules and regulations, and accepted standards of personal conduct. If an employee's performance of duty or personal conduct is unsatisfactory because of neglect or failure to comply with these requirements, appropriate disciplinary action shall be taken pursuant to these Rules.

- 5.2 Grounds** - No disciplinary action shall be taken without reasonable grounds, or cause for such action. By way of illustration, but not limitation, the following shall constitute reasonable grounds for discipline:

- (1) Unsatisfactory attendance or tardiness. Misuse or abuse of sick leave.
- (2) Abuse or misuse of City time, such as:
 - a. Unauthorized time away from work area or
 - b. Failure to notify the supervisor promptly of completion of assigned work.
- (3) Use of obscene or abusive language.
- (4) Receipt of a moving traffic violation while using a City or other public use vehicles.
- (5) Inadequate or unsatisfactory job performance. Incompetence, unwillingness or failure to render satisfactory service to the Department Head or designee.
- (6) Violation of safety rules, policies or regulations.
- (7) Insubordination or failure to follow supervisor's instructions, or to perform assigned work or otherwise comply with applicable established written policy.
- (8) Reporting to work when under the influence of or when ability is impaired by alcohol or the unlawful use of controlled substances.
- (9) Leaving the work site without permission during working hours.
- (10) Failure to report to work without proper notice to supervisor. Failure to report to work due to arrest or incarceration.
- (11) Unauthorized use or misuse of City property or records.
- (12) Absence or leave in excess of three working days without appropriate notice, or without satisfactory explanation.
- (13) Use of alcohol or unlawful use or possession of controlled substances while on the job.
- (14) Material falsification of any City records, such as, but not limited to: vouchers, reports, insurance claims, time records, leave records; or other official City documents; or employment application.
- (15) Willfully or negligently damaging or defacing City records or equipment or City or employee property.
- (16) Theft or unauthorized removal of City records, equipment, or City employee property.
- (17) Commit or threat to commit an act of violence or fighting in the workplace.
- (18) Violation of the City's Substance Abuse Policy or Sexual Harassment Policy, Anti- Harassment and Anti- Discrimination Administrative Regulations
- (19) Sleeping during scheduled work hours (except by departmental policy for Fire personnel on 24 hour tours).
- (20) Participating in any kind of work slowdown, sit-down, or similar concerted interference with City operations.



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – June 2020 March 2014

Issued – December 2020 August 2015

- (21) Unauthorized possession of firearms, dangerous weapons or explosives.
- (22) Criminal violations other than minor traffic violations occurring on the job or off the job which are related to job performance and are of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the department's duties to the public or to other City employees.
- (23) Operating a City vehicle without a valid operator's permit or without authorization.
- (24) Violation of the City's Administrative Regulations, Personnel Policies & Procedures or Department Standard Operating Procedures (SOPs).
- (25) Conduct unbecoming an employee of the City, tending to bring the City service into disrepute.
- ~~(25)-(26)~~ Failure to obtain or maintain required licensures, certifications, or other job specific designations.

5.3

Types of Discipline - The disciplinary measures normally available to Department Heads and their delegated subordinates shall be: (1) verbal reprimand, (2) written reprimand (includes 6-month probation period), (3) final written reprimand (includes a 12-month probation period) (34) suspension, (45) disciplinary demotion and (65) dismissal. ~~Upon a determination to initiate disciplinary action, the Department Head or designee shall conduct a Pre-Disciplinary Hearing with the employee advising them of allegations against them; the possibility of disciplinary action; and affording them an opportunity to respond. The Department Head or designee shall complete the Pre-Disciplinary Hearing Form and submit it to the is required to consult with the Director~~ department of Human Resources for approval before initiating any demotion, and suspension (more than 5 working days) or dismissal. ~~The Pre-Disciplinary Hearing Form shall include or be accompanied by the Department's recommended disciplinary action to be taken. Prior to initiating any disciplinary action in excess of a Written Reprimand, the Director of Human Resources shall consult with the City Attorney by submitting to him a copy of the Pre-Disciplinary Action form and any other relevant documentation review. After receiving such consultation the Human Resources Director shall consult with the City Manager designee of the City Manager prior to authorizing discipline. The Department Head or designee is advised that justification for any action taken is their sole responsibility. All relevant documentation supporting the proposed discipline including but not limited to witness names and statements; photographs and recordings; and other records should be submitted along with the Pre-Disciplinary Hearing Form. Unless otherwise noted in these Policies, all discipline becomes effective on the date designated by the Department Head or designee after approval in accordance with this Policy.~~

5.4

Documentation - All disciplinary actions shall be reduced to writing (except a verbal reprimand), with copies placed in the employee's official personnel file in the Department of Human Resources. Verbal reprimands shall be documented and maintained in the departmental file.

- (1) **Notice to Employee** - Prior to suspension, disciplinary demotion or dismissal of an employee, he or she shall be notified in writing of the reasons for the specific charges, violations, or infractions. This writing shall be in the form of the Pre-Disciplinary Hearing Form as described in this Policy. The employee shall have an opportunity to respond to the allegations identified on the Pre Disciplinary Hearing Form in writing prior to the Pre-disciplinary Conference at the time of the notice.

Upon completion of the Pre Disciplinary Hearing Form and providing the employee an opportunity to provide a written response to the allegations at the time of the notice, the Department Head shall consult with the Human Resources Director or designee, and shall work with the Human Resources Director or designee in conducting an investigation regarding the allegations. The Department Head or designee may interview other persons who may have direct knowledge of the situation based on information provided by the employee. Any interviews shall take place separate from the pre-disciplinary conference.



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – June 2020 March 2014

Issued – December 2020 August 2015

- (1) Witness statements shall be recorded or in writing and signed by any witnesses or persons having knowledge of the events giving rise to the allegations. All evidence, including witness statements, photographs and other tangible materials relating to the alleged violations shall be collected by the Department Head and provided to the Human Resources Director or designee.
- (2) **Pre-disciplinary Conference** - Prior to implementing discipline, suspension, disciplinary demotion, or dismissal the Department Head or designee shall provide the employee with an opportunity for a pre-disciplinary conference. The employee shall be provided a minimum of five (5) calendar days to prepare for the conference. Upon a determination to initiate disciplinary action, the Department Head or designee shall conduct a Pre-Disciplinary Hearing with the employee advising them of allegations against them; the possibility of disciplinary action; and affording them an opportunity to respond. The Department Head or designee shall complete the Pre-Disciplinary Hearing Form and submit it to the Director of Human Resources for approval before initiating any demotion, and suspension or dismissal. The Pre-Disciplinary Hearing Form shall include or be accompanied by the Department's recommended disciplinary action to be taken. Prior to initiating any disciplinary action in excess of a Written Reprimand, the Director of Human Resources shall consult with the City Attorney by submitting to him a copy of the Pre-Disciplinary Action form and any other relevant documentation review. After receiving such consultation the Human Resources Director shall consult with the City Manager or designee of the City Manager prior to authorizing discipline. The Department Head or designee is advised that justification for any action taken is their sole responsibility. All relevant documentation supporting the proposed discipline including but not limited to witness names and statements; photographs and recordings; and other records should be submitted along with the Pre-Disciplinary Hearing Form. Unless otherwise noted in these Policies, all discipline becomes effective on the date designated by the Department Head or designee after approval in accordance with this Policy.
- During the conference, the employee shall be given an opportunity to respond to the specific charges, violations, or infractions that form the grounds for the proposed disciplinary action as stated in the written notice previously provided to the employee. The employee may call upon witnesses or provide evidence in support of his defense against the allegations being made against him. Witnesses may not be compelled to participate in the pre-disciplinary conference against their will. Any documentation or evidence provided by the employee shall be collected by the Department Head and provided to the Human Resources Director or designee along with the documentation identified in Section 5.42(1).
 - The Department Head or designee may interview other persons who may have direct knowledge of the situation based on information provided by the employee. Interviews shall take place separate from the pre-disciplinary conference.
 - The Department Head or designee may review documents as part of the pre-disciplinary conference process to include but not limited to video and audio tapes and printouts from electronic media (GPS, cell phones, etc.). These materials shall be provided to the HR Director or designee along with the documentation identified in Section 5.42(1).
 - The pre-disciplinary conference shall only include the Department Head or designee, witnesses called on by the employee, other city officials deemed necessary by the Department Head or designee and the employee. No attorney or other representative personnel for the City or employee shall be permitted in the Pre-disciplinary conference.
 - At the request of either party, Human Resources may shall attend for policy interpretation, but shall not be considered representative of either party.
 - The Department Head shall prepare a Memorandum summarizing the Pre Disciplinary Hearing Conference and provide a copy of it to the HR Director or designee along with the documentation identified in Section 5.42(1). This Memorandum shall include the Department Head's recommendation of what discipline (if any) should be imposed. Except as expressly provided in this Policy, Neither party is allowed to record the proceedings or bring any recording devices to the Pre-disciplinary Conference. Pre-Disciplinary cConference.



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – June 2020 March 2014

Issued – December 2020 August 2015

- (3) **Employee status during an investigation and or disciplinary review** - Pending the resolution of an investigation or disciplinary review, and upon approval of the City Manager, the Department Head or designee ~~may shall~~ place the employee on leave with ~~out~~ pay if any of the following occur: the employee's presence may impede the investigation or is determined to be a threat to the City, his or her supervisor or fellow employees or property or equipment.
- a. ~~The employee's presence may impede the investigation or is determined to be a threat to the City, his or her _____ supervisor or fellow employees or city property or equipment.~~
 - b. ~~The employee is alleged to be in violation of the City's Substance Abuse Policy.~~
 - c. ~~There are allegations of workplace violence, unlawful harassment, unlawful _____ discrimination or retaliation.~~
 - d. ~~The employee is part of an external investigation and his or her presence is determined to be a threat to the City, his or her supervisor or fellow employees.~~

~~Notwithstanding the aforementioned categories, n~~Nothing herein shall limit the Director of Human Resources or designee's discretion to recommend to the City Manager placing any employee on leave with ~~out~~ or without pay or administrative leave or allow the employee to remain in his or her position or a modified position pending disciplinary actions or the completion of an investigation.

- (4) ~~(4)~~ **Employee Status for Alleged Criminal Conduct** - Pending the resolution of any alleged criminal conduct the Department Head or designee shall place the employee on leave with ~~out~~ out pay if any of the following occur:
- a. The employee is formally charged with a criminal offense and is incarcerated (The employee may also be subject to unauthorized absence [Z time] and thus be in violation of Personnel Policies.)
 - b. The employee's ability to perform his or her job is impacted.
 - c. The investigation is hampered by the employee's presence at work.
 - d. There is a risk to the city or interference with the city's ability to conduct business.
 - e. There are allegations of theft, fraud, or embezzlement of City property or services (this shall include property leased to the City or otherwise in the possession of the City).
 - f. The employee is charged with a misdemeanor crime involving ~~marijuana~~, drug paraphernalia or any controlled substance.
 - g. The employee is charged with any felony crime.

Notwithstanding the aforementioned categories, nothing herein shall limit the City Manager or designee's discretion to allow the employee the use of vacation leave or to authorize administrative leave pending disciplinary action or pending the legal adjudication process upon written request by the employee. Nor shall anything limit the authority of the City to proceed with disciplinary action prior to the outcome of criminal proceedings if it is determined that the employee's conduct notwithstanding the criminal allegations warrant such action.



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – ~~June 2020~~ March 2014

Issued – ~~December 2020~~ August 2015

The approval of the ~~Director of Human Resources~~ City Manager or designee is required for administrative leave or leave with or without pay ~~exceeding five (5) working days unless authorized by the City Manager or designee for the time exceeding the five (5) working days (56 hour Shift Fire Personnel shall be eligible for up to three (3) working days).~~

~~Leave without pay due to alleged criminal conduct may not exceed sixty (60) days. Regardless of the status of any criminal investigation or process the Appointing Authority or designee may initiate disciplinary charges against the employee under these Policies at any time, up to and including termination based upon the facts of evidence of conduct that prompted the criminal investigation or process.~~

- (4) ~~Review and Approval~~ – For all disciplinary action identified in Sections 5.78 through 5.910 (Suspension, Demotion, or Dismissal), the information collected by the Department Head and provided to the HR Director consisting of the Pre Disciplinary Hearing Form, the documentation and materials collected in Sections 5. 42(1) and (2) including the Memorandum summarizing the Pre Disciplinary Hearing shall be assembled and copies shall be provided by the HR Director to the City Attorney along with an HR Routing Sheet (Appendix B). As required by the Fair Labor Standards Act, exempt employees shall be placed in leave without

(5)

Communication and documents forwarded to and received from the City Attorney may be protected as confidential attorney-client privileged material or attorney work product. The City Attorney shall review the documentation and materials to ensure compliance with applicable law and policy. The City Attorney shall consult with the HR Director and Department Head and provide any comments or recommendations regarding the proposed disciplinary action. The City Attorney may recommend approval, modification, or rejection of the proposed discipline, or he may recommend additional investigation.

Such comments or recommendations shall be included on the HR Routing Sheet and these materials including the HR Routing Sheet shall thereafter be forwarded to the City Manager by the HR Director for review and approval. The City Manager may approve, modify, or reject the recommended disciplinary action, or require additional investigation.

No disciplinary action identified in Sections 5.78 through 5.910 shall be imposed by the City without compliance with this Section.

For disciplinary actions identified in Sections 5.5 and through 5.67 (Verbal and Written Reprimands) the Department Head shall comply with Sections 5.1 and 5.2. City Attorney review and City Manager approval is not required for these actions, but copies of any such action taken should be provided to the City Manager and City Attorney for informational purposes.

~~pay in increments of a full work day if the behavior of the employee constitutes serious workplace misconduct as indicated above or as determined by the Director of Human Resources. If the conduct of the exempt employee does not fall in one of the aforementioned categories, that exempt employee shall be placed in leave without pay in increments of full work weeks.~~

- (5)(6) **Employee Record of Action** - Following any pre-disciplinary conference, and prior to implementation of discipline, the employee shall receive in writing, ~~within five (5) working days,~~ the findings of the pre-disciplinary conference. Upon receipt of ~~such~~ any findings, the employee may, ~~within five (5) working days, within five (5) working days, submit~~ attach a written correspondence for inclusion in the record. The pendency of such correspondence shall not delay implementation of disciplinary action.



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – ~~June 2020~~ March 2014

Issued – ~~December 2020~~ August 2015

(7) Upon investigation and at the conclusion of the pre-disciplinary conference, the Department Head shall complete the Employee Disciplinary Action Form. This form, along with the pre-disciplinary hearing form is to be submitted to Human Resources for all levels of disciplinary action including verbal reprimands.

~~(6) **Department Disciplinary Recommendation** – Each disciplinary action that requires the approval of the Director of Human Resources or designee shall be supported in writing by a memorandum endorsed by the Department Head or designee and forwarded to the Director of Human Resources or designee within five (5) working days of the pre-disciplinary conference. All supporting documents shall accompany the agency disciplinary recommendation.~~

5.5 Verbal Reprimand - As a disciplinary action a discussion between the supervisor and the employee wherein employee is advised and cautioned with reference to unsatisfactory work performance or misconduct. ~~A verbal reprimand does not require written notice to the employee. A verbal reprimand should be documented and placed in the department managerial file.~~

5.6 Written Reprimand - An employee may be reprimanded by any one of his or her supervisors. ~~Each such A~~ written reprimand shall be confirmed in writing from the person imposing the reprimand on the employee, with a copy being placed in the employee's personnel file in the Department of Human Resources, delivered to the employee and sent to the Department Head or designee. This writing shall provide reasons for the reprimand and specific examples of violations, infractions, performance issues or personal conduct. The employee may attach written correspondence for inclusion in the record within five (5) working days of receipt of a written reprimand. The written reprimand will include a six (6) month probation period effective the date the reprimand is approved.

5.7 Final Written Warning - An employee may be reprimanded by any one of his or her supervisors. A final written reprimand shall be confirmed in writing from the person imposing the reprimand on the employee, with a copy being placed in the employee's personnel file in the Department of Human Resources, delivered to the employee and sent to the Department Head or designee. This writing shall provide reasons for the reprimand and specific examples of violations, infractions, performance issues or personal conduct. The employee may attach written correspondence for inclusion in the record within five (5) working days of receipt of a final written reprimand. The final written reprimand will include a twelve (12) probation period effective the date the reprimand is approved.

5.7.8 Suspension - As a disciplinary measure, the Department Head or designee may suspend an employee for such period of time as may be reasonable and appropriate under the circumstances. All suspensions shall be deemed disciplinary actions and shall be without pay. ~~The Department Head or designee is required to consult with the Department of Human Resources before initiating any suspension of more than five (5) working days (56 hour Shift Fire Personnel shall be eligible for up to three (3) working days).~~

~~The Department Head or designee shall provide written notice of a pre-disciplinary conference to the employee. The suspension becomes effective on the date approved by the Department Head or designee after completion of the pre-disciplinary conference and associated timeframes.~~

~~The Director of Human Resources or designee shall be responsible for approving, revising or denying any suspension that exceeds five (5) working days.~~

~~As required by the Fair Labor Standards Act, non-exempt employees shall be suspended in hourly increments. Exempt employees shall be suspended in weekly increments; however, if the behavior of an~~



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – ~~June 2020~~ March 2014

Issued – ~~December 2020~~ August 2015

~~exempt employee constitutes serious workplace misconduct as noted above in Personnel Rule 5.2 and 5.4 – or as determined by the Director of Human Resources or designee, the exempt employee shall be suspended in increments of a full work day.~~

- 5.89** **Disciplinary Demotion** - As a disciplinary measure, the Department Head or designee may recommend that an employee be demoted to a lower classification. Before such action is effective, the Department Head or designee shall investigate the circumstances, shall provide the employee with a pre-disciplinary conference and written notice of his or her recommendation. ~~The Department Head or designee is required to consult with the Department of Human Resources before initiating any demotion.~~ A Disciplinary Demotion is considered to be discipline in excess of a Written Reprimand and must comply with the approval requirements described in this Policy.

The salary of an employee demoted for cause shall be reduced ~~by the Department Head or designee~~ at least 5% in the new pay range, not to exceed the maximum salary of the new pay range.

~~A disciplinary demotion shall require completion of an adjustment period for the new position not to exceed ninety (90) days without authorization by the City Manager.~~ An employee, who cannot successfully complete the adjustment period following a disciplinary demotion, shall be dismissed from the City's service.

- 5.910** **Dismissal** - Before an employee may be dismissed he or she shall be informed in writing of the reasons for his or her proposed dismissal and be given an opportunity for a pre-disciplinary conference and shall be conducted by the Department Head or designee. ~~The Department Head or designee is required to consult with the Department of Human Resources before initiating any dismissal.~~

Department Heads may be involuntarily separated for performance or disciplinary reasons in accordance with these Policies. Probationary employees and employees who serve at the will of the City, shall be dismissed in accordance with Rule 3.16.

- 5.1011** **Forfeiture** - Any officer, appointee of the council or employee of the City who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude or any felony or any misdemeanor involving possession of marijuana or any controlled substances may forfeit his or her office or employment. The employee shall lose all rights of employment and future employment with the City service, and the employee shall have no right of appeal. Prior to the Department Head or designee initiating a determination of forfeiture, a review by the City Attorney's Office is required.

- 5.1112** **Separation from City Service** - For the purpose of these Policies, the separation of one's status as an employee of the City shall be referred to as a separation. The types of separation shall include ~~but are is not limited to~~ the following: (1) resignation, (2) disability retirement, (3) retirement, (4) reduction-in-force, (5) job abolishment (6) disciplinary dismissal, (7) forfeiture, (8) failure to return to work after the exhaustion of authorized leave, (9) disability separation, ~~and (10) death; and (11) job abandonment.~~

Date and Notice of Separation - An employee's official date of separation is typically his or her last day in active pay status. If an employee is on approved sick leave, worker's compensation, or leave without pay when separated, the effective date of separation will be the actual date of separation designated by the employee and approved by the Department Head or designee and not necessarily the last day in active pay status. Notice of the effective date and the reasons for every separation shall be reported in writing by the Department Head or designee to the Department of Human Resources.

- (1) **Resignation** - An employee may leave the City service voluntarily. When such action takes the form of a written resignation, a copy shall be forwarded to the Department of Human Resources. If it is



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – June 2020 March 2014

Issued – December 2020-August 2015

determined that a reported resignation was not voluntary, the Department Head or designee shall treat the separation as a dismissal under these Policies and notify the employee of his or her rights. An employee may withdraw his or her resignation before the effective date with the approval of the Department Head or designee. Where written resignation is not obtained, the Department Head or designee shall notify the employee in writing that his or her verbal resignation is accepted and forward a copy to the Department of Human Resources.

- (2) Disability Retirement - If an employee qualifies under the rules of the Virginia Retirement System, he or she may apply for disability retirement. Persons retiring under this Policy shall be considered as voluntarily separating from the City service.
- (3) Retirement - Whenever an employee meets the conditions set forth in the Virginia Retirement System Regulations, he or she may elect to retire and receive all benefits earned under the Retirement Plan. Persons retiring under this Policy shall be considered as voluntarily separating from the City service.
- (4) Reduction in Force - The involuntary separation of an employee from a position if it has been determined that positions will no longer be required or that funds will not support certain positions.
- (5) Job Abolishment- The elimination of a classification due primarily to considerations of efficiency and effectiveness. Affected employees shall be governed by the reduction-in-force provisions.
- (6) Disciplinary Dismissal - Each employee is expected to comply with instructions, established policies, procedures, rules and regulations, and accepted standards of conduct. If an employee's performance of duty or inappropriate conduct is unsatisfactory because of neglect or failure to comply with these requirements, appropriate disciplinary action shall be taken pursuant to these Policies leading up to and including dismissal.
- (7) Forfeiture - Any officer, appointee of the council or employee of the City who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude, or any felony, or any misdemeanor involving possession of marijuana or any controlled substances may forfeit his or her office or employment.
- (8) Failure to return to work after the exhaustion of authorized leave – An employee who is considered on an unauthorized absence for three (3) consecutive work days or in the Fire Department (for members who work 24 hour duty tours) two (2) consecutive tours twenty-four (24) hour tours, shall be dismissed.
- (9) Disability Placement/Separation - Upon supported and certified medical evidence, an employee may be separated for service or non-service related disability when he or she cannot perform the required duties because of physical or mental impairment without reasonable accommodation as defined by the American Disabilities Act as amended. Employees shall be given a fifteen (15) calendar days written notice prior to the separation date.
- (10) Death - Separation shall be effective as of the date of death. Each Department Head or designee shall establish and maintain within his or her agency appropriate procedures to be followed in the event of any employee's death while on duty. Notwithstanding a person who deceases while at work will be paid for the full-day.

(11) Job Abandonment – where an employee is on unauthorized absence for more than three (3) consecutive working days and fails to report to their supervisor the reason for the absence in advance, they may be deemed to have abandoned their employment with the City and shall forfeit grievance rights. An employee who produces adequate justification for the absence and failure to report to his supervisor may



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – June 2020 March 2014

Issued – December 2020 August 2015

be reinstated upon such determination having been made by the City Manager.

5.1213 – Reduction-In-Force - A Reduction in Force (RIF) occurs when changing priorities, budgetary constraints, or other business conditions require abolishment of positions as determined by the City Manager or designee. And approved by City Council. A RIF can also occur when a classification changes so significantly that the employee is no longer able to perform the required duties.

- (1) Selection for RIF - If a reduction in force is necessary, such employees shall be released in accordance with these Rules in the following order:
 - a. Non-Provisional status employees performing the same work must be terminated before any employee with a probationary or tenured appointment, provided that a probationary or tenured employee can perform the temporary employee's tasks.
 - b. Probationary status employees performing the same work must be terminated before any employee with a tenured appointment, provided that a tenured employee can perform the probationary status employee's tasks.
 - c. Tenured status employee is based on the following factors (factors are not in priority order):
 - (i) Which positions are most vital to the department in the delivery of service.
 - (ii) Relative skills, knowledge and productivity of employees.
 - (iii) Performance evaluation rating.
 - (iv) Length of continuous City service.
- (2) Placement Options - The Department of Human Resources will review all vacant positions to identify valid vacancies that can be used as placement options during the RIF. All final placements are at the discretion of the City Manager, with due consideration to the factors within this policy. In order to be considered for placement, the employee must be performing at the "satisfactory" performance level in accordance with the evaluation system. The options considered for placement will be based on the following order:
 - a. Same Classifications Specification vacancies -
 - (i) Transfer to a vacant position in the same classification specification in the employee's current agency.
 - (ii) Transfer to a vacant position in the same classification specification in another city agency.
 - (iii) If based upon the above-defined-criteria for placement, the status of two or more tenured employee's is identical, the order of transfer, demotion or layoff, shall be determined by the Director of Human Resources or designee through a computerized random selection process.
 - b. Lower level vacancies (alternative placements to a lower classification)
 - (i) Demoted to a vacant position in a lower classification specification in the employee's current agency.
 - (ii) Demoted to a vacant position in a lower classification specification in another city agency. If based upon the above-defined-criteria for placement, the status of two or more tenured status employees is identical, the order of transfer, demotion or layoff, shall be determined by the Director of Human Resources or designee through a computerized random selection process.
 - (iii) An employee demoted due to reduction-in-force shall have his or her salary governed by



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – June 2020 March 2014

Issued – December 2020-August 2015

the City's Pay Plan. In no event shall the demoted employee's salary exceed the maximum amount of the new pay range.

If a placement option is identified, the Department of Human Resources shall notify the employee in writing that a placement is being offered with a reasonable deadline by which the employee must respond. Employees who do not accept an offered placement by the date specified in the written offer shall be deemed separated on the date they declined the offer or if no response, on the date of the deadline in which to respond.

- (1) Exceptions - When a Department Head or designee determines that a certain employee who holds tenured status is essential to the efficient operation of the agency in which he or she is employed because of special skills, knowledge or abilities and wishes to retain such employee, the Department Head or designee shall file with the Director of Human Resources or designee a request in writing setting forth, in detail, the specific skills, knowledge and abilities possessed by the employee and the reasons why such employee is essential to the effective operation of the agency. If the Director of Human Resources or designee approves the request, such employee may be retained.
- (4) Lay-off/Termination - If after all the above steps have been exhausted and tenured status employees are to be laid off/terminated, such employees shall receive fifteen (15) calendar days written notice prior to the effective termination date.

An employee who may be in the process of another administrative procedure (i.e. grievance, EEO complaint, disciplinary action, etc.) is still covered under the reduction in force procedure. If such employee is laid off, he or she will be entitled to continue to pursue the other administrative procedure if he or she so chooses. However, it will be done in the status resulting from the effect of the reduction in force policy and it will not change the impact of the layoff.

5.4314 — Reinstatement - Reinstatement status applies only to those tenured status employees who have (1) resigned in good standing, (2) apply for reinstatement within thirty (30) calendar days of the date of their separation, (3) their position having remained unfilled, and (4) now meet the minimum qualifications for the position, and then only if such reinstatement is approved by both the Department Head or designee and the Director of Human Resources or designee. Seniority for employees reinstated shall be computed from the original date of employment.

- (1) Pay of Reinstated Employees - Upon reinstatement, an employee's pay, employment date and all benefits shall remain unchanged and be restored.



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – June 2020 March 2014

Issued – December 2020 August 2015

**PRE-DISCIPLINARY HEARING FORM PER PETERSBURG
PERSONNEL POLICY ARTICLE V**

The purpose of a pre-disciplinary hearing is to inform the employee of the alleged violations, provide an opportunity to respond, and advise the employee of possible disciplinary action. Please complete the form below following a meeting with the employee and submit it to the Human Resources Director to be used in support of any investigation.

<u>Employee:</u>	<u>Title:</u>
<u>Supervisor:</u>	<u>Title:</u>
<u>Department:</u>	
<u>Alleged violations including dates, locations, and relevant policy citations:</u>	
<u>Narrative including dates and times:</u>	
<u>Employee explanation:</u>	
<u>Recommended disciplinary action:</u>	
<u>Supervisor (print):</u>	
<u>Signature:</u>	<u>Date:</u>



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – June 2020 March 2014

Issued – December 2020 August 2015

City of Petersburg Personnel Policy Section .5.2 – APPENDIX A



**DEPARTMENT OF HUMAN RESOURCES
SIGNATURE ROUTING COVER SHEET**

Document(s): disciplinary documents for: [INSERT EMPLOYEE NAME, POSITION, AND DATE OF HIRE]

Requested by: [INSERT DEPARTMENT HEAD NAME AND SIGN] _____

Date: [INSERT DATE]

I acknowledge that I have read the attached document(s) and concur with the proposed action unless otherwise stated on this form.

Human Resources Director

Date

City Attorney

Date

City Manager

Date



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – June 2020 March 2014

Issued – December 2020-August 2015

City of Petersburg Personnel Policy Section .5.2 – APPENDIX B

EMPLOYEE DISCIPLINARY ACTION FORM			
Employee Name:			Date:
Position Title:	EMPL.#:	Date of Hire:	
Department:			
Supervisor / Manager:			
Type of Disciplinary: <input type="checkbox"/> Verbal <input type="checkbox"/> Written <input type="checkbox"/> Final Written <input type="checkbox"/> Suspension <input type="checkbox"/> Demotion <input type="checkbox"/> Dismissal			
Disciplinary Action Reason:	<i>Enter Reason</i>		
Policy or Procedure Violation	<i>Enter policy or procedure violation</i>		
Related Disciplinary Actions Previously Issued: (Including Dates)	<i>Enter Related Corrective Actions Previously Issued</i> <i>Enter any previous counseling, training or policy acknowledgements employee may have received on the warning being issued.</i>		
Nature of Incident Performance and/or Behavior Deficiencies:	<i>Describe the specific performance and/or behavior deficiencies. Be specific and include dates, times, location and all other contributing factors to the employee's deficiency.</i>		
Actions Required:	<i>Describe the action(s) required. What is expected of the employee moving forward and what must the employee do in order to improve?</i>		
Consequences of Continued Behavior:	<i>Describe the consequences of continued behavior. In some situations, you may have nothing more to add than what is already listed below, but in other cases you will want to add specific consequences of continued behavior.</i> Failure to show immediate and sustained improvement in the areas noted, or to comply with any other standards of performance or conduct at any time, may result in further disciplinary action, up to and including termination of employment.		
Resources:	If you can think of any reasonable accommodations to assist you in completing your essential job functions, please make sure to email hr@petersburg-va.org to initiate or update a leave and/or accommodation request in the system. Additionally, as an employee you have access to the All One Employee Assistance Program (EAP) at no cost to you. EAP is confidential and available anytime at 800-950-3434, reach-eap.com code: CITYPB.		



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – June 2020 March 2014

Issued – December 2020-August 2015

Employee Acknowledgement and Comments:

I acknowledge that I have read and understand this report and that my supervisor has discussed it with me. I understand that the organization has a procedure for grieving this action per the guidelines established in the Human Resources Policies and Procedures Manual Article III and VII and that I have five (5) working days to initiate the grievance with my supervisor. I also understand that this report and the information described above is a private and confidential matter and that I may not discuss it with anyone other than my supervisor, my Department Head and other management personnel responsible for my work area, or a member of the Human Resources Department staff. I understand that failure to comply will result in further disciplinary action up to and including dismissal.

EMPLOYEE CORRECTIVE ACTION FORM			
Employee Signature:		Date:	
Supervisor/ Manager Signature:		Date:	
Received in Human Resources by:		Date:	

City of Petersburg Personnel Policy Section .5.2 – APPENDIX C



PERSONNEL POLICIES AND PROCEDURES MANUAL
Dated – March 2014

Issued – August 2015

ARTICLE VII
GRIEVANCE AND APPEAL PROCEDURES

- 7.1 Policy-** The City of Petersburg desires to resolve employee grievances fairly and promptly. Employees are encouraged to freely discuss their concerns with immediate supervisors and upper management levels when disagreement or dissatisfactions arise. A copy of the grievance procedure shall be made available to all City employees and each employee shall be assured that the filing of a grievance will have no adverse effect on his or her employment status.
- 7.2 Purpose -** The purpose is to establish an objective and fair procedure to resolve a complaint or a dispute of an employee concerning his or her employment with the City of Petersburg. All problems, complaints or disputes, even of a minor nature should be resolved.
- 7.3 Applicability -** All non-probationary permanent full-time and permanent part-time employees, including employees of the Department of Social Services of the City of Petersburg shall be covered under this policy. The following shall be deemed to be in the "excepted category" and excluded from the application of this grievance policy except those listed as follows:
- a. Appointees of elected groups or individuals;
 - b. Department Heads;
 - c. Deputies and executive assistants to the City Manager;
 - d. Police staff who have elected to use the Procedural Guarantees procedures provided by State law;
 - e. Employees of constitutional officers ~~who shall, where applicable, follow the State's grievance procedure;~~
 - f. Employees who serve at the pleasure of the City Attorney excluded in accordance with 2-192 of the City Code.
 - g. Members of the unclassified service. Any employee who moves from a position in the classified service to a position in the unclassified service shall automatically lose all rights to the grievance and appeal process;
 - h. Any employee who elects to pursue his or her grievance or complaint by any other existing lawfully permitted procedure in the resolution of their grievance.

The ~~Director of Human Resources~~ City Manager or designee shall be responsible determining the officers and employees excluded from the grievance procedure and shall be responsible for maintaining an up-to-date list of the affected positions.

- 7.4 Definition of Grievance -** A grievance shall be defined as a complaint or dispute by an employee relating to his or her employment, including but not necessarily limited to:
- ~~a. Disciplinary actions, including dismissals (whenever resulting from formal discipline or unsatisfactory job performance) written reprimand, disciplinary demotion and suspension;~~
 - a. The proper application of personnel policies, procedures, rules, regulations, ordinances and statutes;
 - b. ~~Acts of retaliation as the result of utilization of the grievance procedure or participation in the grievance of another City employee;~~
 - d. ~~Complaints of discrimination on the basis of race, color, creed, political affiliation, age, disability, national origin or sex; and~~
 - e. ~~Acts of retaliation because the employee has complied with any law of the United States or of the~~



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – March 2014

Issued – August 2015

~~Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States, the General Assembly of the Commonwealth, or the City Council~~

- ~~A. Disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance;~~
- ~~B. The application of personnel policies, procedures, rules, and regulations, including the application of policies involving the contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations~~
- ~~C. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, sex, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, or status as a veteran; and~~
- ~~D. Acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purposes of clause D, there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.~~

Management Responsibilities ~~— Management shall retain~~ The City retains the exclusive right to manage the affairs and operations of City government. Accordingly, the following complaints are nongrievable under this procedure:

- a Establishment and revision of wages or salaries, position classification or general benefits;
- b Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;
- c The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations, and personnel actions in conformance therewith;
- d Failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly;
- e The methods, means and personnel by which work activities are to be carried on;
- f Except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force or job abolition;
- g The hiring, promotion, transfer, assignment and retention of employees within the City; and
- h The relief of employees from duties of the City in emergencies.

In any grievance brought under the exception in f, the action shall be upheld upon a showing by the City that: (i) there was a valid business reason for the action, and (ii) the employee was notified of such reason in writing prior to the effective date of the action.



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – March 2014

Issued – August 2015

- 7.5 Determination of Grievability** - Decisions regarding grievability and access to the procedure shall be made by the City Manager or designee at any time prior to the panel hearing, at the request of the Department Head or grievant or within ten (10) calendar days of the request. The Department of Human Resources may initiate a determination of grievability at any step. For purposes of these Policies, grievability shall mean whether or not a complaint qualifies, at any step in the grievance process, for a hearing. A copy of the ruling shall be sent to the grievant and the Department Head or designee. If the grievance is determined to be non-grievable by the City Manager, the grievance process is concluded unless a timely appeal is filed.
- Decisions of the City Manager may be appealed to the Petersburg Circuit Court for a hearing on the issue of whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the City Manager shall be instituted by the grievant by filing a notice of appeal with the City Manager within ten (10) calendar days from the date of receipt of the decision and giving a copy thereof to all other parties.
 - Within ten (10) calendar days thereafter, the City Manager shall transmit to the Clerk of the Court to which the appeal is taken: a copy of the decision of the City Manager, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The failure of the City Manager to transmit the record shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the City Manager to transmit the record on or before a certain date.
 - Within thirty (30) days of receipt of such records by the Clerk, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the City Manager and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice require. The Court may affirm the decision of the City Manager or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the Court is final and not appealable.
- 7.6 Compliance** - After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) work days of the receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the City Manager on a Notice of Noncompliance form provided by the Department of Human Resources. Submissions which are not in compliance with the process described in this paragraph (including use of the required form) will not be accepted or processed, and are considered null and void.
- The City Manager may authorize extensions of time or exceptions at his discretion for good cause shown. ~~At~~ his or her option, ~~may require~~ a clear written explanation of the basis for just cause extensions or exceptions may be required. The City Manager shall determine compliance issues. Compliance determinations made by the City Manager shall be subject to judicial review by filing petition with the Circuit Court within thirty (30) days of the compliance determination.
- This procedure is provided as a means for employees to resolve problems and complaints without the cost ~~often associated with~~ legal counsel. ~~However, if~~ an employee using ~~the~~ procedure ~~would feel more comfortable in having such support~~ desires to have legal counsel, the employee shall be solely responsible for all related costs and expenses.
- 7.7 Standard/Burden of Proof** – The grievant ~~must prove~~ bears the burden of establishing by ~~the greater weight a preponderance~~ of the evidence that the discipline imposed or the complaining action was excessive or unwarranted. All parties are to be afforded an equal opportunity for presentation of their evidence.



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – March 2014

Issued – August 2015

- 7.8 Grievance Procedure** - Most employee concerns or complaints can be resolved informally through communication between employee and supervisor. Accordingly, employees are encouraged to take their complaints through their chain of command to their immediate supervisor and then to upper-management levels to seek a solution. Employees are also encouraged to pursue grievable issues through the grievance procedure and supervisors are to assist them in this process.

Step 1. The employee shall identify the grievance verbally to the immediate supervisor in an informal face-to-face meeting within thirty (30) calendar days after the event or action which is the basis for the grievance.

The supervisor shall give a verbal response to the employee within five (5) work days following the meeting. If a resolution is not reached at this point, the employee shall submit to the supervisor on the Grievance Form, the nature of the grievance and the specific relief requested within five (5) work days following the date of receipt of the verbal response. Grievances not submitted using the required form and complying with the foregoing requirements regarding description of the nature of the grievance and specific relief requested shall not be permitted to proceed. Once the Grievance Form has been submitted, the grievance and relief requested may not be amended except by written mutual written consent between the City and Grievant.

The supervisor, in turn, shall give the employee a written response on the Grievance Form within five (5) work days.

Step 2. If the grievance is not resolved at the first step, the employee should indicate on the Grievance Form the desire to have the grievance advanced to the next step within five (5) work days following the supervisor's written response.

The grievant shall forward a copy of the grievance form to the Department Head and a copy to the Department of Human Resources accompanied with all supporting documentation and the decision of the supervisor.

A meeting to review the grievance shall be held between the employee and the Department Head within five (5) work days after receipt of the grievance. The time limit between the second step submission and the second meeting may be extended by mutual agreement. A second step written reply to the grievance shall be provided to the employee within five (5) work days after the second step meeting.

Step 3. If a satisfactory resolution is not reached at the second step, the employee may so indicate on the Grievance Form and submit the grievance to the City Manager within five (5) work days with a copy to the Department of Human Resources accompanied with all supporting documentation.

A meeting to discuss the grievance shall be held between the City Manager and the grievant within ~~five~~ ten (510) work days after the receipt of the grievance. The time between the third step submission and the third step meeting may be extended by mutual agreement. The employee may have a representative of his or her choice present at the third step meeting.

If the grievant is represented by legal counsel, the City Manager may also have legal counsel present. The City Manager shall render a written reply to the grievance within ~~five~~ ten (510) work days following the third step meeting.



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – March 2014

Issued – August 2015

Step 4. Appeal to the Panel. If a grievance is not settled in Step 3, the grievant may proceed to a hearing before an impartial panel. A written request for a panel hearing must be submitted to the City Manager within seven (7) work days of the receipt of the third step reply with a copy to the Department of Human Resources.

- 7.9 Representation During the Grievance Management Steps** – With the exception of the of the final management step (Step 3), the only persons who may be present in the management step meetings are the grievant, the appropriate City official at the level which the grievant is being heard, a representative from the Department of Human Resources if requested and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony.

Employees who are necessary participants at a grievance hearing shall not lose any pay for the time necessarily lost from their jobs and will not be charged leave because of their attendance at such hearings. During the management steps the grievance shall not be recorded and recording devices are not permitted in the room in which a grievance hearing is being heard.

**NOTICE OF NON-COMPLIANCE FORM PER PETERSBURG
PERSONNEL POLICY ARTICLE VII**

The purpose of the Non-Compliance Form is to notify the City Manager, City Attorney, Human Resources, and any parties involved in the grievance procedures of a compliance violation. The party not in compliance has five (5) workdays of the receipt of this written notification to correct the compliance violation. Please complete the form below and submit to the City Manager, City Attorney and Human Resources.

<u>Employee:</u>	<u>Title:</u>
<u>Supervisor:</u>	<u>Department:</u>
<u>Grievance Details (include date):</u>	
<u>Non-compliance Concerns:</u>	



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – March 2014

Issued – August 2015

--

Signature:

Date:

[City of Petersburg Personnel Policy Section 7.6 – Appendix D](#)



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – March 2014

Issued – August 2015

ARTICLE VIII GRIEVANCE HEARING PANEL

8.1 Panel Hearing

At the conclusion of the Management Steps of the Grievance process, if an employee thereafter requests to proceed to a Panel Hearing, the Human Resources Director shall, within not more than ~~th~~ree days, submit a complete copy of the grievance record including copies of all exhibits and other supporting documents to the Office of the City Attorney along with a request for review and representation of the City in the Grievance Panel Proceeding.

This policy shall apply to all classified personnel, except Department Heads, the City Attorney, and Assistant City Attorneys, and including employees of the local Social Services Department. Any complaint by a Department Head should be discussed directly with the City Manager. The City Manager shall make the final determination. Any complaint from an Assistant City Attorney should be discussed directly with the City Attorney who shall make the final determination.

The Human Resources Department shall be responsible for securing a location for the grievance, for ensuring that panelists are properly appointed and notified in accordance with this policy, and ensure that the panelists receive all documentation necessary for their review of the grievance in accordance with this Policy.

- (1) The grievance panel shall consist of three members: one member selected by the grievant, one member selected by the Department Head and the third panel member selected by the other two panel members. Within five (5) work days, the two panel members shall select the third panel member. If the two panel members cannot agree on the selection of a third member an appointment will be made by the Chief Judge of Petersburg Circuit Court. The third person shall be the chairperson of the panel. All grievance panel selections are subject to confirmation by the Director of Human Resources for consistency with the requirements of this Policy.
- (2) To ~~e~~insure an impartial panel, such panel shall not be composed of any person having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance nor a partner, associate, employee or co-employee of such an attorney shall serve as a panel member.
- (3) Witnesses may not be compelled to participate in the grievance process against their will. Each party is responsible for notifying and securing the appearance of any witness that they wish to call. Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representatives at the panel hearing. ~~Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the panel without being in violation of the provisions of § 54.1-3904, 1950 Code of Virginia, as amended.~~ The decision of the panel shall be final and binding and shall be consistent with provisions of law and written policy.
- (4) Procedural Challenges: The question of whether the relief granted by a panel is consistent with written policy shall be determined by the City Manager, or his or her designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance (this does not include ~~standard~~mere participation in the grievance or disciplinary process in



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – March 2014

Issued – August 2015

(4) his/her capacity as City Manager), in which case the decision shall be made by' the Petersburg Commonwealth's Attorney.

(5) Either party may petition the Petersburg Circuit Court for an order requiring implementation of the panel decision.

(6) Rules for Panel Hearings

- a. The panel does not have authority to formulate City policies, procedures, regulations or rules or to alter existing City policies, procedures, regulations or rules;
- b. The panel has the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private;
- c. At least ten (10) days prior to the Panel Hearing, the City and Grievant shall exchange their list of witnesses, and exhibits, and written summary of their respective positions along with any documents or other records that they intend to present at the hearing. ~~The City and Grievant shall at that time also submit all of the foregoing to the Panel.~~

- d. The panel has the authority to determine the admissibility of evidence without regard to the rules of evidence, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;

All evidence shall be presented in the presence of the panel and the parties, except —by mutual consent of the parties or as otherwise stated in this Policy;

- g. The majority decision of the panel, acting within the scope of its authority, shall be final, subject to existing policies, procedures and law;

_____h. -The panelists shall prepare a written decision which shall be in be provided within five (5) work days to _____all parties; and

i. _____While all participants are expected to maintain formal decorum, the Panel may, in its discretion, _____proceed in less formal manner than courts or other judicial proceedings may otherwise require.

8.2 Conduct of the Hearings – The Grievant bears the burden of proof in grievance proceedings, and in order to prevail, must establish by a preponderance of the evidence that the discipline imposed or the complaining action was excessive or unwarranted. Accordingly, ~~unless otherwise agreed by the parties,~~ in disciplinary matters the Grievant presents their evidence first. The City may, upon (10) days written Notice to the



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – March 2014

Issued – August 2015

Grievant and Panelists, waive its right to present its evidence first in which case, the Grievant shall be required to present their evidence first at the hearing.

Accordingly, the hearing format is as follows:

- (1) The Chair shall be responsible for ensuring the hearing is conducted in an orderly, fair and equitable fashion pursuant to the provisions of the grievance procedure and that all decisions are made by the panel as a whole. The Chair shall have the authority to limit the introduction of redundant and repetitive evidence.
- (2) For grievances challenging a disciplinary action by the City, unless formally waived in accordance with this Policy, the Grievant shall present their case to the panel first. For grievances that are not based upon a challenge to a disciplinary action, the Grievant shall present their case to the panel first.
- (2) — Opening statements shall be permitted ~~with the Grievant presenting first. After the opening statements, the Grievant shall present their evidence and call witnesses first.~~
- (3) —
- (3)(4) All witnesses may be examined and cross-examined. The Panel may question any witness at the conclusion of the questioning by both parties.
- (4)(5) Closing statements by the parties ~~is are~~ permissible with the Grievant party who presented its case first going presenting its closing statement first.
- (5)(6) Each party shall be given full and equal opportunity to present all relevant and material evidence.
- (6)(7) Prior to the hearing, any matter requiring the attention of the panel shall be communicated through the Department of Human Resources. The Department of Human Resources will serve as the liaison between the parties and the panel and provide any needed communication between the parties and the panel.
- (7)(8) The panel hearing is ~~normally shall be~~ recorded, however. At the City's discretion and expense, it is not required a court reporter may be obtained to prepare a written record of the case.

8.3 Cost of Representation – The grievant shall bear any and all costs ~~involved in associated with~~ employing ~~representation legal counsel to represent the grievant~~ or in preparing or presenting his or her case. The Panel has no authority to award legal fees or punitive damage.

8.4 Remedies – The Panel authority is as follows:

- (1) The panel may uphold, reverse, or modify the action being grieved by imposing a lesser disciplinary action and in appropriate circumstances, award back pay in the amount that is equitable.
- (2) Back pay shall not exceed pay for time actually lost due to suspension or dismissal.
- (3) The panel does not have the authority to formulate or alter City policies or procedures.
- (4) The panel does not have the authority to grant greater relief than that which the grievant has requested on the grievance form.
- (5) The panel does not have the authority to award the payment of damages or attorney's fees or costs.

8.5 Panel Decisions – After the hearing the panel is to deliberate on the evidence presented and arrive at a



PERSONNEL POLICIES AND PROCEDURES MANUAL

Dated – March 2014

Issued – August 2015

decision. No other individual other than the panel members may be present during the panel's deliberations. The panel may decide to deliberate at the conclusion of the hearing or may decide to reconvene at a later date and time. However, all panel members must participate in the deliberations.

- (1) The decision of the panel is to be rendered within five (5) work days following the conclusion of the panel hearing. Cases must be decided on the substance of the issues presented and not on compliance matters occurring before or during the hearing.
- (2) The decision is made by a majority vote of the panel voting as a whole and is recorded on Grievance Form B. The issue statement on Form B should be as complete and detailed as possible. Each panel member must review and sign the form. The panel Chair shall inform the Director of Human Resources of its decision, in writing. The Director of Human Resources will send the panel decision to the grievant, grievant's attorney, Department Head, (City Attorney if representing the City) and the City Manager within five (5) work days from receipt of such decision.
- (3) The majority decision of the Panel, acting within its scope of authority shall be final and binding and shall be consistent with the provisions of law and written policy.
- (4) Either party may petition the City of Petersburg Circuit Court for an order requiring implementation of the official Panel decision.

**NOTICE OF NON-COMPLIANCE FORM PER PETERSBURG
PERSONNEL POLICY ARTICLE VII**

The purpose of the Non-Compliance Form is to notify the City Manager, City Attorney, Human Resources, and any parties involved in the grievance procedures of a compliance violation. The party not in compliance has five (5) workdays of the receipt of this written notification to correct the compliance violation. Please complete the form below and submit to the City Manager, City Attorney and Human Resources.

Employee:	Title:
Supervisor:	Department:
Grievance Details (include date):	
Non-compliance Concerns:	
Signature:	Date:



I AM
PETERSBURG
VIRGINIA

Human Resources Department
3811 Corporate Road
Petersburg, Virginia 23805
HR@petersburg-va.org

EMPLOYEE DISCIPLINARY ACTION FORM

Employee Name:		Date:	
Position Title:	EMPL.#:	Date of Hire:	
Department:			
Supervisor / Manager:			
Type of Disciplinary: <input type="checkbox"/> Verbal <input type="checkbox"/> Written <input type="checkbox"/> Final Written <input type="checkbox"/> Suspension <input type="checkbox"/> Demotion <input type="checkbox"/> Dismissal			
Disciplinary Action Reason:	<i>Enter Reason</i>		
Policy or Procedure Violation	<i>Enter policy or procedure violation</i>		
Related Disciplinary Actions Previously Issued: (Including Dates)	<i>Enter Related Corrective Actions Previously Issued</i> <i>Enter any previous counseling, training or policy acknowledgements employee may have received on the warning being issued.</i>		
Nature of Incident Performance and/or Behavior Deficiencies:	<i>Describe the specific performance and/or behavior deficiencies. Be specific and include dates, times, location and all other contributing factors to the employee's deficiency.</i>		
Actions Required:	<i>Describe the action(s) required. What is expected of the employee moving forward and what must the employee do in order to improve?</i>		
Consequences of Continued Behavior:	<i>Describe the consequences of continued behavior. In some situations, you may have nothing more to add than what is already listed below, but in other cases you will want to add specific consequences of continued behavior.</i> Failure to show immediate and sustained improvement in the areas noted, or to comply with any other standards of performance or conduct at any time, may result in further disciplinary action, up to and including termination of employment.		
Resources:	If you can think of any reasonable accommodations to assist you in completing your essential job functions, please make sure to email hr@petersburg-va.org to initiate or update a leave and/or accommodation request in the system. Additionally, as an employee you have access to the All One Employee Assistance Program (EAP) at no cost to you. EAP is confidential and available anytime at 800-950-3434, reach-eap.com code: CITYPB.		



**I AM
PETERSBURG
VIRGINIA**

Human Resources Department
3811 Corporate Road
Petersburg, Virginia 23805
HR@petersburg-va.org

Employee Acknowledgement and Comments:

I acknowledge that I have read and understand this report and that my supervisor has discussed it with me. I also understand this document and the information described above is a private and confidential matter and that I may not discuss it with anyone other than my supervisor, my Department Head and other management personnel responsible for my work area, or a member of the Human Resources Department staff. I understand that failure to comply will result in further disciplinary action up to and including dismissal.

EMPLOYEE CORRECTIVE ACTION FORM

Employee Signature:		Date:	
Supervisor/ Manager Signature:		Date:	
Received in Human Resources by:		Date:	



EMPLOYEE DISCIPLINARY ACTION FORM INSTRUCTIONS

Step 1: Enter the employee's information that is receiving the disciplinary action.

EMPLOYEE DISCIPLINARY ACTION FORM			
Employee Name:			Date:
Position Title:	EMPL.#:	Date of Hire:	
Department:			
Supervisor / Manager:			

Step 2: In the "Type of Disciplinary Action" check the warning type that is being issued.

Step 3: Disciplinary Action Reason should list the reason the warning is being issued. Example:

Disciplinary Action Reason: Attendance/Excessive Tardiness

Step 4: Policy or Procedure Violation Enter the exact policy title that was violated.

Step 5: Related Disciplinary Actions Previously Issued: List only previous warnings related to the warning being issued with date warning type and date issued. **Example:** Attendance Verbal Issued 12/06/2022. Enter any previous counseling, training or policy acknowledgements employee may have received on the warning being issued. **Example:** "You completed Attendance Policy training and signed acknowledgement form stating you understood the policy during New Hire Orientation."

Step 6: Nature of Incident Performance and/or Behavior Deficiencies: Describe the specific performance and/or behavior deficiencies. Be specific and include dates, times, location and all other contributing factors to the employee's deficiency.

Type of Disciplinary: <input type="checkbox"/> Verbal <input type="checkbox"/> Written <input type="checkbox"/> Final Written <input type="checkbox"/> Suspension <input type="checkbox"/> Demotion <input type="checkbox"/> Dismissal	
Disciplinary Action Reason:	<i>Enter Reason</i>
Policy or Procedure Violation	<i>Enter policy or procedure violation</i>
Related Disciplinary Actions Previously Issued: (Including Dates)	<i>Enter Related Corrective Actions Previously Issued</i> <i>Enter any previous counseling, training or policy acknowledgements employee may have received on the warning being issued.</i>
Nature of Incident Performance and/or Behavior Deficiencies:	<i>Describe the specific performance and/or behavior deficiencies. Be specific and include dates, times, location and all other contributing factors to the employee's deficiency.</i>



Step 7: Actions Required: Describe the action(s) required. “What is expected of the employee moving forward and what must the employee do in order to improve?”

Step 8: Consequences of Continued Behavior: Describe the consequences of continued behavior. In some situations, you may have nothing more to add than what is already listed below, but in other cases you will want to add specific consequences of continued behavior.

“Failure to show immediate and sustained improvement in the areas noted, or to comply with any other standards of performance or conduct at any time, may result in further disciplinary action, up to and including termination of employment.

Actions Required:	<i>Describe the action(s) required. What is expected of the employee moving forward and what must the employee do in order to improve?</i>
Consequences of Continued Behavior:	<i>Describe the consequences of continued behavior. In some situations, you may have nothing more to add than what is already listed below, but in other cases you will want to add specific consequences of continued behavior.</i> Failure to show immediate and sustained improvement in the areas noted, or to comply with any other standards of performance or conduct at any time, may result in further disciplinary action, up to and including termination of employment.
Resources:	If you can think of any reasonable accommodations to assist you in completing your essential job functions, please make sure to email hr@petersburg-va.org to initiate or update a leave and/or accommodation request in the system. Additionally, as an employee you have access to the All One Employee Assistance Program (EAP) at no cost to you. EAP is confidential and available anytime at 800-950-3434, reach-eap.com code: CITYPB.

Step 9: Warning Approval Process: For approval of a written, final written, suspension, demotion and dismissals these steps should be followed: Supervisor/Manager complete warning document and send to assigned Human Resources Specialist. The assigned Human Resources Specialist will review and approve or deny the warning and send back via email to the department to be issued to the employee. Once the warning has been issued to the employee, the final copy of the warning with all signatures will need to be sent to the Human Resources Department to be filed in the employee records.