



City of Petersburg Virginia

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November 21, 2023 - Regular City Council Meeting

November 21, 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. Presentation on Street Operations Division: Petersburg Neighborhood Traffic Management Program. **(Page 4)**
 6. **Responses to Previous Public Information Posted**
 7. **Approval of Consent Agenda (to include minutes of previous meetings):**
 - a. Minutes: **(Page 18)**
 - November 8, 2023 - Closed Session Minutes
 - November 8, 2023 - Work Session Minutes
 - b. A request to schedule a public hearing and the consideration of an ordinance to amend and re-adopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg and as requested by the Planning Commission, to allow the rehabilitation and continuation of residential structures and four-units or less with a certificate of nonconforming use, development of nonconforming lots, and the rehabilitation of existing neighborhood commercial structures with a certificate of nonconforming use. **(Page 27)**
 8. **Official Public Hearings**
 - a. A public hearing on an appeal by John Brockwell, applicant of 21 W. Washington Street, Tax Parcel 022-03-0001, owned by Labrodor Properties LLC/John Brockwell, on the decision of the Architectural Review Board (ARB). The property is located within the Courthouse Local Historic District. **(Page 94)**

- b. A public hearing and consideration of ordinance to amend and re-adopt Chapter 107 of the City Code pertaining to the Commercial property - assessed clean energy (CPACE) program - 2nd Reading **(Page 108)**.
- c. A public hearing on the consideration of an ordinance to amend and re-adopt Chapter 21 including Sections 21-1 and 21-2 to change the name of the "Petersburg Area Public Arts" to the "Petersburg Arts Council." **(Page 157)**
- d. A public hearing to consider an ordinance to amend and re-adopt Chapter 2 Article VII Subdivision I of the Petersburg City Code to include Section 2-360 to authorize the City Manager to administratively approve amendments to the purchasing manuals & purchasing procedure. **(Page 160)**

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. Consideration of appointment/s to the Community Development Block Grant Advisory Board. **(Page 163)**

14. New Business

- a. Consideration of appointments to the Petersburg Arts Council. **(Page 170)**
- b. Consideration of ordinance appropriation for 508516-LE ARPA - Law Enforcement Equipment Grant - 2nd Reading **(Page 175)**
- c. Consideration of an appropriation for a \$2,467 increase to the FY24 approved & adopted budget for the Litter Grant received from the Virginia Department of Environmental Quality (DEQ). This increases the amount from \$10,158 to \$12,645 for the City of Petersburg's Litter Prevention and Recycling Program activities for FY24 - 2nd Reading. **(Page 177)**
- d. Consideration of a resolution of the City Council for the City of Petersburg supporting the application for Highway Safety Improvement Program funds for safety initiative projects. **(Page 182)**

15. City Manager's Report

- a. Presentation of the 2024 Legislative Agenda **(Page 208)**

16. Business or reports from the Clerk

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



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: System Admin
March Altman, Jr., City Manager

FROM: Reggie Lantz

RE: **Presentation on Street Operations Division: Petersburg Neighborhood Traffic Management Program. (Page 4)**

PURPOSE:

Street Operations Division: Petersburg Neighborhood Traffic Management Program

REASON: Presentation

RECOMMENDATION: For information only.

BACKGROUND: See attached PowerPoint presentation.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 11/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Traffic Calming-NTMP_111423

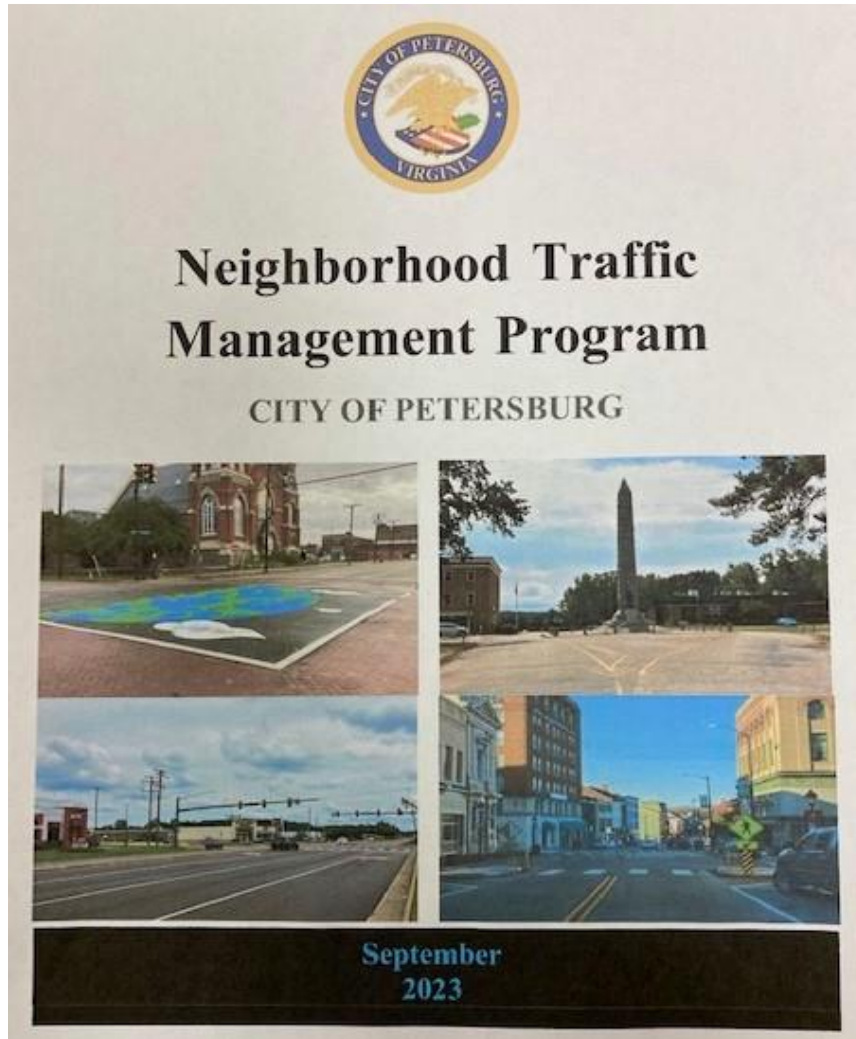
The Department of Public Works and Utilities

City of *Petersburg*
VIRGINIA

**Petersburg Neighborhood Traffic
Management Program**

November 21, 2023

Neighborhood Traffic Management Program



When successfully implemented, Neighborhood Traffic Management Programs can result in improved traffic conditions and enhance the character of a neighborhood for residents, businesses, and other travelers, whether they are walking, biking, rolling, driving, taking transit or moving goods.

Neighborhood Traffic Management Program



The Department of Public Works and Utilities and the Street Operations Division promotes a Continual Improvement Strategy to improve the City's roadway network.

Resource scarcity is an immense and long-term challenge recognized by the Street Operations Division and this scarcity impacts all aspects of the service delivery capacity of the Division. To provide a path forward to address this challenge, the Division is promoting an incremental approach to annually implement meaningful and cost-effective projects. By identifying, prioritizing and funding these projects then beneficial improvements can be realized by the City.



Neighborhood Traffic Management Program

As part of the *Continual Improvement Strategy*, the City of Petersburg's Street Operations Division has developed the Neighborhood Traffic Management Program.

The Street Operations Division is committed to improving the safety of the City's roadway network by using various strategies found in the:

Virginia Department of Transportation's (VDOT)
"Traffic Calming Guide for Neighborhood Streets"

Federal Highway Administration (FHWA) "Traffic Calming Primer"

Institute of Transportation Engineers
"Traffic Calming Measures Guidelines"

Manual on Uniform Traffic Control Devices (MUTCD)

The methodologies and guidelines defined in these sources were used in conjunction with established engineering best practices to inform the development of the Petersburg Neighborhood Traffic Management Program. Information derived from the successful traffic calming programs existing in the City of Richmond, Henrico County and the City of Charlottesville, VA were also considered for inclusion in the manual.

Neighborhood Traffic Management Program



Petersburg Neighborhood Traffic Management Program

- The City of Petersburg will utilize a comprehensive speed management approach to address traffic calming concerns.
- The comprehensive approach is defined in the approved Petersburg Neighborhood Traffic Management Program (NTMP).
- Citizens, City staff and Council members will be able to submit *Traffic Calming Requests* through the approved process.
- Each *Traffic Calming Request* will be taken seriously and will go through the same engineering evaluation process.
- Site visits will be conducted to observe existing conditions, collect geometric data and photo-document the location.
- Crash data as well as any existing traffic speed and volume data will be reviewed.
- Preliminary assessments will be performed and ultimately these may lead to a full engineering evaluation of the *Traffic Calming Request*.
- If a project is deemed appropriate, then funding must be identified and allocated for each approved project before it will be programmed for design and construction.

Neighborhood Traffic Management Program



Key Elements of the Program

1. Traffic Calming Philosophy
2. Planning Process
 - Request Initiation and Preliminary Assessment
 - Full Assessment
 - Recommendations for Improvements
 - Prioritization and Project Implementation

3. Speed Management Strategies
 - Level 1 Strategies
 - Level 2 Strategies

- Level 1 - Enforcement Strategies
- Selective Speed Enforcement
 - Mobile Speed Trailers
 - Automated Speed Enforcement

- Level 1 - Education Strategies
- Safety Programs – Community & Schools
 - Speed Awareness Signs

Level 1- Signing Strategies

- Speed Limit Signs
- Warning Signs
- All-Way Stop Control (AWSC)
- Basket Weave Stop Sign Pattern
- Flashing Beacons

Level 1- Enhanced Speed Fine Program

- Additional Fines for Identified Roadways

Level 2 - Speed Tables

Level 2 - Raised Pedestrian Crosswalks

Level 2 - Neighborhood Traffic Circles

Level 2 - Curb Extensions

Level 2 - Roadway Reconfiguration

Level 2 – Traffic Signal Coordination and Timing Optimization

Neighborhood Traffic Management Program



**Advisory Warning Speed Signs & Roadway Markings
Fort Lee Road**



**Pedestrian Crossing Enhanced Signage
North Sycamore Street**



Two Examples of Roadway Safety Improvements

Neighborhood Traffic Management Program



**Automated Speed
Enforcement
Johnson Road**



**All-Way Stop Control
Liberty Street at Harrison Street**



**Electronic Speed
Indicator Sign
Holly Hill Drive**



Three Examples of Level 1 - Speed Control Strategies

Neighborhood Traffic Management Program



Asphalt Speed Table



Rubberized Speed Table



Two Examples Level 2 - Speed Control Strategies

Neighborhood Traffic Management Program



Traffic Circles



Raised Pedestrian Crosswalks



Two Examples Level 2 - Speed Control Strategies

Neighborhood Traffic Management Program



Roadway Reconfiguration



Curb Extensions



Two Examples Level 2 - Speed Control Strategies

Neighborhood Traffic Management Program



East Fillmore Street

1. Crash data did not indicate an unusual rate of accidents.
2. Traffic volumes were not high for the roadway and speed data did not indicate a high percentage of speeding above the 85 percentile.
3. The assessment and engineering review process did identify that there exists an opportunity for traffic calming that would be beneficial to pedestrian traffic crossing the roadway to access the park.
4. Findings and recommendations were submitted to the Director of Public Works and Utilities for final review and approval.

East Fillmore Street – Proposed

1. The roadway is scheduled for resurfacing in FY25 and traffic calming measures are proposed to be implemented as part of the resurfacing project.
2. *A Demonstration Project* to evaluate the effectiveness of installing removable Speed Tables in conjunction with sidewalk improvements is included in the resurfacing project.
3. Install Level 1 signage to inform motorists and impact behavior is part of the project.
4. Enhanced roadway markings is included in the project.



QUESTIONS?



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Nykesha Lucas

RE: **Minutes: (Page 18)**
-November 8, 2023 - Closed Session Minutes
-November 8, 2023 - Work Session Minutes

PURPOSE: City Council Meeting minutes from previous meetings.

REASON: For approval with consent agenda.

RECOMMENDATION: For approval 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: 11/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. November 8, 2023 Closed Session Meeting Minutes
2. November 8, 2023 - Work Session city council minutes

The Closed Session Meeting of the Petersburg City Council was held on Wednesday, November 8, 2023, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:01 p.m.

1. ROLL CALL:

Present:

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

Absent: Council Member Annettee Smith-Lee
Council Member Marlow Jones

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)(3) 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 Petersburg Circuit Court Case CL22000681-00 and other matters requiring the legal advice of the city attorney; and under Section 2.2-3711(A)(3) for the purpose of discussion or consideration of the acquisition of real property for a public purpose and the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically including but not limited to the acquisition and disposition of real property; and under Section 2.2-3711(A)(29) for the purpose of discussion regarding the subject matter of public contract involving the expenditure of funds and terms or scope of such contract where discussion in an open session would adversely affect the bargaining or negotiating strategy of the public contract; and under Section 2.2-3711(A)(1) for the purpose of discussion pertaining to performance, assignment, and appointment of a specific public officer of the City of Petersburg.

Vice Mayor Hill made a motion that the City Council go into closed session for the purposes noted. Council Member Myers seconded the motion.

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

The City Council entered closed session at 3:03 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 to open session and certify the purposes of the closed session. Council Member Smith-Lee seconded the motion. There was no discussion on the motion.

The motion was approved on roll call vote.

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

23-R-63 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 5:07pm

3. ADJOURNMENT:

The City Council adjourned at 5:08 p.m.

Clerk of City Council

APPROVED:

Mayor

The work session meeting of the Petersburg City Council was held on Wednesday, November 8, 2023, at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:08 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:**

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "I cannot believe that we are moving quickly today. And we are moving quickly through the year, it's November. My thoughts turn to the legislative agenda. After tonight there is only two meetings' lefts. I didn't see anything on the agenda tonight on the legislative package. And of course, the 2024 General Assembly Session is a long session. We have Partnership for Petersburg and there should be all kinds of issues on there. I am hoping that unlike in the last couple of years, that something does get shared with the public and actually discussed openly and possibly we have some input into it. Anyway, I am looking forward to that. I see that it is going on in other localities. I think one thing as a result of what happened yesterday in the election's that will probably come back on your agenda is a casino trying to get on the list as a host city. That should be challenging. Your main proponent is no longer in office and some of you on this council did not go out of your way to be supportive of our new Senator, Lashrecse Aird. So, I do not know how it will be to work with her on this issue. And of course, it looks like you still have Kim Taylor with her huge historic victory of 173 votes. But she may have an up-hill battle too with a House of Delegates now with a democratic majority. We believe the speaker will be Don Scott of Portsmouth. The same Don Scott who came here a year ago to the democratic dinner and was snubbed by several council members, a very powerful person. Another powerful person who is going to ascend to a higher position in the 2024 General Assembly is

Senator Louis Lucas also of Portsmouth. She came to the democratic dinner this year and Council Member Smith-Lee was there but I do not believe any other members were present. So, I think that it will be interesting to see how much fence mending you all can do because whatever you try to do is still dependent on the General Assembly. You still have to get designated as a host city in order to have a referendum. Anyway, looking forward to seeing the Legislative Agenda when we can. Thank you."

Mary Howard, South Parth Drive, stated, "I am here because I have had some elderly people in the community come and ask me for help in reference to taxes on their properties that they had exempts for in 2019. But due to COVID and being shut down in 2020 and 2021, they fell behind. They did not receive tax bills and they did not receive the exemption that they would get because it was not sent out. And we know that the taxes that were sent out were wrong. Now they were turned over to Jason Dunn who you all hired. But a letter as well came from the city to them that said call Jason Dunn office. When calling Jason Dunn office, they said they did not have the paperwork but the only thing they had was a bill. And so, the person asked for payment plans. They had to go back to Jason Dunn's office. Jason Dunn sent them back to the city to set up payment plans for it to be approved. They went through all of that and went back to Jason Dunn's office and when the payment plan was sent out it is different. We asked for an itemized bill of the interest accrued and attorney fees for this particular one and the interest continued to accrue. Once a payment plan is set up, they sent a letter that says paid by the first of this month. But the bills through the mail and paperwork get there late and then you have 10 days to pay it otherwise you are in default. And if they are in default of the letter then they are going to get their home taken. And we are talking about elderly people who have been in their homes for 30 plus years and have never been behind. There is no request for them. And he said whether you sign the paper agreement or not we are still going to take your home. So, I do not know how this came forth or how he has this much power when we are talking about home ownership and people owning their homes forever and now, they are talking about taking people's homes. I do not come up here much, but this is really bothering me a lot. Because if we have not followed up with the company of the man that is out of Virginia Beach and what he is doing and the letters that he is sending to our elderly people. It is not working so we need to revisit and look at what he is doing and follow up as well. But this guy Cameron downtown is setting up payment plans, and the paperwork is not following everything else. We have asked for an itemized bill from Jason Dunn, but still he has not sent that, but he is looking to take these people to court and take these people homes. Can we take a look back at that? If you all don't know I have the people and we can come and talk to whoever. But we need to do something about this. Thank you."

Genevieve Lohr, 19 Guarantee Street, stated, "So, what you are getting right now is an "Every Day Strong Hand" booklet. So, if you want to just look through that it would be great. If you want to know more about this, this will be offered tomorrow at 6pm in the library in the conference room. It is a one-hour training, and it is very simple. It is completely free. I will do the training for anyone and anywhere. "Every Day Strong" is a resilience building framework so that adults are able to help children to feel safe, connected, and confident. Safe, connected, and confident kids are resilient kids who are able to handle a little better all the things that are thrown at them. So, we know that this can be really valuable in the City of Petersburg. And I would appreciate any taking the opportunity to learn more. Again, this is tomorrow at 6pm and I am doing another one in December. And I will continue to offer community meetings monthly at the library. But if there is an opportunity and you would like to have a different meeting like your ward meeting let me know and I will be happy to do that as well. I can do them virtually or in person. It is completely free and partnered with United Way. The next thing I want to share with you all is that there is something else that is happening tomorrow. Tomorrow at 7pm there is an interest meeting for CASA, which is Court Appointed Special Advocate. CASA is coming to Petersburg which is very exciting. It is something for everyone to be thrilled about. It is an opportunity for our children to get the advocacy that they need in the court system. You guys can learn more about that tomorrow. The last thing that I want to share with you guys which was also shared by the city is that we know that poverty is an issue within the city. And next week is an opportunity for all of us to understand that a little bit more. It is November 14th at 4:30pm at the library. Poverty is something that happens because of circumstances. It is not a choice or something that anyone chooses to do. I think that they still need volunteers as well. That is all that I have to share with you today. So, thank you so much."

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

- a. Minutes:
 - October 17, 2023 – Closed Session Meeting Minutes
 - October 17 – Regular City Council Meeting Minutes
- b. Consideration of an appropriation for a \$2,467 increase to the FY24 approved & adopted budget for the Litter Grant received from the Virginia Department of Environmental Quality (DEQ). This increases the amount from \$10,158 to \$12,645 for the City of Petersburg's Litter Prevention and Recycling Program activities for FY24 – 1st Reading
- c. Consideration of an ordinance to re-establish the Commercial property-assessed clean energy (CPACE) program. – 1st Reading
- d. A request to schedule a public hearing on the consideration of an ordinance to amend and re-adopt Chapter 21 including Sections 21-1 and 21-2 to change the name of the "Petersburg Area Public Arts" to the "Petersburg Arts Council."
- e. A request to schedule a public hearing to consider an ordinance to amend and re-adopt Chapter 2 Article VII Subdivision I of the Petersburg City Code to include Section 2-360 to authorize the City Manager to administratively approve amendments to the purchasing manuals & purchasing procedure.
- f. A request to schedule and consider a public hearing and consideration of a request from Sayed Shah Owner, representative of S Shah Properties LLC to obtain a Special Use Permit as provided for under Article 35, Supplementary Use Regulations – Special Uses. Section 4, Special Uses Enumerated. Item (22) of the Zoning Ordinance to establish Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only. The subject property is located at 112 and 114 N. Crater Road, and further identified as Tax Parcel # 012110010 and #012110009. The Comprehensive Plan suggests this area is appropriate for commercial and residential uses. The property is zoned B-2, General Commercial District.

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

7. SPECIAL REPORTS:

- a. Presentation of Proclamation designating the month of November as Family Court Awareness Month.

Mayor Parham read the proclamation out loud.

- b. Presentation of Proclamation designating November 1, 2023, as Extra Mile Day.

Mayor Parham read the proclamation out loud.

- c. Presentation for years of service to Mr. Barrett Harrison in the Department of Utilities.

Mayor Parham presented Mr. Harrison with a certificate of recognition for his 45 years of service.

- d. Presentation to announce L.L. Bean's National Pop-Up Shop coming to Petersburg December 2, 2023, and December 3, 2023.

Brian A. Moore, Director of Economic Development, stated, "Thank you Mr. Mayor and Members of Council. What a wonderful opportunity for Mr. Barrett and to follow him tonight. As we say the boot is coming with L.L. Bean. We had to have a business partner from the street to work with us. We are fortunate to have work with Ms. Eva Marie Bowman. She is the Director of Mingle. She is going to bring forth a presentation of what we have been working with for about a month and a half."

Ms. Bowman stated, "I am local to the area and just moved back home. I have been gone for about eight years. I was born and raised in Prince George. My father served as a Petersburg Officer for about 25 years. My mother has been a Commonwealth Attorney in and out of Petersburg forever. But Petersburg means the world to me. So, I came back after selling off to a big company and wanted to work in more local businesses. So, one of my favorite things is branding. I am excited to share this information tonight and go over the details to see how fabulous that this is going to be for the city."

Key points:

- Petersburg is the only pop-up in the 2023 L.L. Bean Tour located in central/eastern Virginia. This will be the closest pop-up to most Central, Coastal and Southern Virginia Region shoppers.
- The event is fully staffed with all set-up/check-out equipment for the mobile shop with activations.
- L.L. Bean will be selling a variety of inventory.
- The footprint includes the iconic mobile L.L. Bean Boot.
- Media Marketing Plan developed with L.L. Bean and implemented by Mingle. Mingle is partnered with the City of Petersburg to increase foot traffic 15%-30%.
- Promoting the first holiday weekend of December as a small business holiday shopping weekend in Old Towne Petersburg.
- The objective is to have new customers from different cities and states traveling to Old Towne Petersburg.
- The first goal is to create a positive experience for local businesses, owners, residents, and consumers. Small business owners should see an increase in local foot traffic, sales, and engagement on social media.
- The second goal is for this event to increase the overall Petersburg foot traffic, tourism, and new customer engagement.
- This event will show that the City of Petersburg is an attractive, connected location for big brands who are looking to do pop-ups and brand launches outside of bigger cities.
- This event can be proof of the concept that Mingle and The City of Petersburg can work on events as partners to increase marketing, tourism, foot traffic and more.

8. MONTHLY REPORTS:

There are no items for this portion of the agenda.

9. FINANCE AND BUDGET REPORT:

Mr. Altman stated, "I have a finance report that I can send out to everyone. It gives a budget to actual expenditures through October. I received it yesterday, so I will be sending it out to everyone. But the good news is that we should be about 30% to our budget to expenditures. Based on where we are we are actually running below that. We are around 31% of expenditures. We are doing very well with monitoring our budget and utilizing our funds. So, we will send it out to you and make it available on the web page to the public."

10. CAPITAL PROJECTS UPDATE:

Mr. Altman stated, "We are going to do a larger update for you at the December meeting for a lot of our capital projects."

11. UTILITIES:

- a. Update from JMT on Poor Creek Project.

Ben Anderson of JMT gave a brief update and presentation.

Key points:

- Schedule meets funding agency requirements (EDA, EPA, DEQ, VDH)
- Reimbursement No. 1 sent to DEQ is being processed. Reimbursement No. 2 is being drafted.
- They are on schedule and budget.

There was discussion among the City Council Members and Mr. Anderson.

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:

- a. Update on Neighborhood Services Project Maintenance Process.

Jim Reid, Director of Neighborhood Services, gave a presentation on the Neighborhood Services Project Maintenance Process.

Key Notes:

- It is the mission of the Code Compliance Division and Property Maintenance Division to provide prompt assistance to the public, contractors, and homeowner's ensuring that the minimum standards require for the construction of buildings and structures are being observed in order to help protect the health, safety, and welfare of the citizens and visitors of Petersburg.
- Step One: Make a site inspection, Step Two: Notice of violation, Step Three: Site visit re-inspection, Step Four: Inspector enforcement, Step Five: Court action and Step Six: Monitor property for successful conclusion.

There was discussion among the city council members and staff.

Council Member Jones made a request to change the name of Neighborhood Services to Code Enforcement.

Mr. Williams stated that he spoke with Chief Reid and that he is going to work on a amendment to the ordinance for clarity.

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 5:59 p.m.

Clerk of City Council

APPROVED:

Mayor

DRAFT



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: A request to schedule a public hearing and the consideration of an ordinance to amend and re-adopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg and as requested by the Planning Commission, to allow the rehabilitation and continuation of residential structures and four-units or less with a certificate of nonconforming use, development of nonconforming lots, and the rehabilitation of existing neighborhood commercial structures with a certificate of nonconforming use. (Page 27)

PURPOSE: This text amendment is proposed to support the rehabilitation and continuation of existing residential structures (duplexes, triplexes, and quadplexes) and existing neighborhood commercial structures. This amendment also supports the retention of residential structures with more than one unit that has existed for over three years without violations. These approvals would be through an administrative process that requires supporting documents for the applicant to receive a certificate of nonconforming use. This text also makes existing, nonconforming lots developable and structures on nonconforming lots open to expansion.

REASON: The City of Petersburg has seen an influx of building permits to renovate existing structures that have been vacant for years and do not conform with the existing zoning designation. With that, existing duplexes, triplexes, and quadplexes have been required to reduce their density, most often to single-family, to be suitable for redevelopment. This has put some renovations completely on hold, which has stifled the removal of blight. This text amendment is also to allow existing commercial structures in residential districts to redevelop and allow the development of nonconforming lots and expansion of structures on nonconforming lots.

RECOMMENDATION: The Planning Commission recommends approval of this ordinance to amend and readopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg.

BACKGROUND: The City of Petersburg has seen an influx of building permits to renovate existing structures that have been vacant for years and do not conform with the existing zoning designation. With that, existing duplexes, triplexes, and quadplexes have been required to reduce their density, most often to single-family, to be suitable for redevelopment. This has put some renovations completely on hold, which has stifled the removal of blight. This text amendment is also to allow existing commercial structures in residential districts to redevelop and allow the development of nonconforming lots and expansion of structures on nonconforming lots.

COST TO CITY: N/A

BUDGETED ITEM: No

REVENUE TO CITY: Through property tax resulting from the renovation of currently vacant and dilapidated structures.

CITY COUNCIL HEARING DATE: 12/12/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission recommended approval and the Architecture Review Board has provided feedback on this text amendment and support.

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 2023-ZTA-01 Nonconforming Uses and Supplementary Regulations Amendment - Packet - Council
2. Presentation



City of Petersburg

Department of Planning and Community Development

135 N Union St, Room 304

Petersburg, VA 23803

(804) 733-2308

MEMORANDUM

DATE: November 21, 2023

TO: City Council

FROM: Planning Commission

RE: 2023-ZTA-01: A Public Hearing and consideration of an ordinance from the Planning Commission to amend and readopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area, and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg, to allow the rehabilitation and continuation of residential structures with four-units or less with a certificate of nonconforming use, development of nonconforming lots, and existing neighborhood commercial structures with a certificate of nonconforming use.

SUMMARY: This text amendment is proposed to support the rehabilitation and continuation of existing residential structures (duplexes, triplexes, and quadplexes) and existing neighborhood commercial structures. This amendment also supports the retention of residential structures with more than one unit that have existed for over three years without violations. These approvals would be through an administrative process that requires supporting documents for the applicant to receive a certificate of nonconforming use. This text also makes existing, nonconforming lots developable and structures on nonconforming lots open to expansion.

BACKGROUND: The City of Petersburg has seen an influx of building permits to renovate existing structures that have been vacant for years and do not conform with the existing zoning designation. Per Article 24, Section 3, *If any nonconforming use is discontinued for a period of two years ... it shall lose its nonconforming status and any further use shall conform to the provisions of the zoning ordinance.*

With that, existing duplexes, triplexes, and quadplexes have been required to reduce their density, most often to single-family, to be suitable for redevelopment. This has put some

renovations completely on hold, which has stifled the removal of blight, and has required other structures to become single-family homes.

Some properties that have not been able to renovate to their existing density within the past year include the following:

- 932-34 Priam Street (This project is on hold due to the inability to rehabilitate the duplex)
- 1004 McKenzie Street (This project is on hold due to the inability to rehabilitate the duplex)
- 1009 W High Street (This project is on hold due to the inability to rehabilitate the duplex)
- 1138-1140 West High Street (Required to look like a duplex per Architectural Review Board, but operates as a single-family home per zoning)
- 622 – 624 Independence Avenue (This project is on hold due to the inability to rehabilitate the duplex)
- 1002 High Pearl Street (Required to block one of the doors to operate as a single-family home)

This article also impacts existing commercial spaces in residential areas that have been vacant for over two years. This text amendment seeks to allow neighborhood commercial uses within existing commercial structures through the application for a certificate of nonconforming use/structure.

RECOMMENDATION: Staff recommend approval of the proposed text amendments. Planning Commission on 11/2/2023, recommended approval.

ATTACHMENTS

Presentation

Ordinance

Article 24. Nonconforming Uses – Revised.

Article 25. Supplementary Height, Area, and Bulk Regulations – Revised.

CITY COUNCIL
MEETING

NOVEMBER
21, 2023



2023-ZTA-01: A Public Hearing and consideration of an ordinance presented by the Planning Commission to amend and readopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area, and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg to allow the rehabilitation and continuation of residential structures with four-units or less with a nonconforming use certificate, development of nonconforming lots, and reuse of existing neighborhood commercial structures with a certificate of nonconforming use.

Request

2023-ZTA-01: To allow the rehabilitation and continuation of residential structures with four-units or less, the development of nonconforming lots, and the reuse of existing neighborhood commercial structures with a certificate of nonconforming use.

Background

With new interest in Petersburg, homes that have sat vacant for years are attracting attention for rehabilitation.

If these structures do not conform with use and lot requirements (e.g., the building is a duplex, but does not have the required lot frontage for a duplex per the code), then the structure is considered nonconforming.

Per Article 24, Section 3, - *If any nonconforming use is discontinued for a period of two years ... it shall lose its nonconforming status and any further use shall conform to the provisions of the zoning ordinance.*

In this example, the home would have to convert to a single-family residence.

Impacts

With staff review and the proper documentation, this language could offer nonconforming use certificates to support:

- Rehabilitation of existing low-density housing (duplex – quadplex).
- Rehabilitation of existing neighborhood commercial structures.
- Continuation of low-density residential that has been operating for more than three-years without violations.
- Development of nonconforming lots for all uses.

Purpose Examples

1138-1140 West High Street (Before)



Example - 1138-1140 West High Street (After)



1138-1140 West High Street

Though the Architectural Review Board required the second door to remain to respect the historic structure, the functionality of the building was required to operate as a single-family home.

932-934 Priam Street



Project is on hold due to inability to rehab and maintain a duplex.

1004 McKenzie Street



Project is on hold due to inability to rehab and maintain a duplex.

1009 W High Street



Project is on hold due to inability to rehab and maintain a duplex.

622 – 624 Independence Ave



Project is on hold due to inability to rehab and maintain a duplex.

719 High St



If this were vacant for two-years, it could not come back.

Purpose Benefits

Benefits - Residential

- Supports the rehabilitation of blighted properties.
- Affordable by design.
- Creates housing opportunities for diverse residents with different price points and needs.
- Makes ownership more affordable and makes building equity accessible.
- For renters, makes the community associated with a single-family neighborhood more attainable.

Benefits - Commercial

- Supports the rehabilitation of blighted properties.
- Provide neighborhoods with easy access to services.
- Reduces vehicle trips.

Staff Recommendation

Staff recommends approval and readoption of the proposed text amendment to Article 24. Nonconforming Uses and Article 25. Supplementary Height, Area, and Bulk Regulations.

Proposed Language

ARTICLE 24. NONCONFORMING USES

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

Any person having a legal or equitable interest in a nonconforming use that is addressed in this section may apply for a certificate of nonconforming use by complying with the procedure set forth in this section. Upon issuance, a certificate of nonconforming use shall be evidence that the use designated therein is a legal nonconforming use at that time.

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

1. **Application.** Any person having a legal or equitable interest in a nonconforming use may file an application for a certificate of nonconforming use on a form approved by the Preservation Planner and Zoning Administrator.
2. **Nonconforming use establishment.**
 - a. Where an application seeks a certificate of nonconforming use to establish the legal nonconforming status of a use, the Zoning Administrator and Preservation Planner may issue or deny such certificate upon review of:
 - i. A certified survey,
 - ii. Building permits,
 - iii. Evidence that the structure was built with the express intent of this nonconforming use and has not been significantly altered from that nonconforming configuration since construction.
 - iv. Evidence that the current use has been in operation for more than three years,
 - v. Citations and violations,
 - vi. Supporting evidence such as photographs, Sanborn maps, assessors' records, and the like, and
 - vii. Other documentation that is deemed necessary or sufficient.

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

3. Eligible nonconforming use.

- a. **Single-, two-, three-, and four-family dwellings nonconforming as to use as established in Appendix B.** A single-, two-, three-, and four-family dwelling nonconforming as to use which has received a certificate pursuant to this section, shall not be subject to the termination of legal nonconforming use provisions of Article 24 Section 3. Additions to the structure associated with these uses are permissible so long as current use, height, and yards are not made to be nonconforming. If substantial alteration of a single-, two-, three-, and four-family dwelling results in demolition of the structure to include the foundation, the entire structure shall be subject to requirements applicable to a new structure. Should, at a minimum, foundations remain, the structure may be rebuilt to substantial conformity of that which was demolished.

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

- b. Neighborhood commercial establishments nonconforming as to use and parking as established in Appendix B.** Neighborhood commercial establishments nonconforming to use and parking that have received a certificate pursuant to this section, shall not be subject to the termination of legal nonconforming use provisions of Article 24 Section 3 but shall continue to be subject to the requirements that the structure shall not be enlarged, altered, or relocated in such a way as to increase use and parking nonconformities. The existing commercial floor area is not to be expanded, but is permitted to be utilized by the *Retail, shopkeeper, and commercial office* uses as outlined in Appendix B Article 18.1 Section 2. (b). Neighborhood commercial establishments that receive a certificate are further not subject to the parking requirements as outlined in Appendix B Article 19. Any residential components of these commercial establishments issued a certificate would be subject to Section 9.3.a. above.

Section 10. Permitted changes to nonconforming lots.

- 1. In any district, permitted structures may be erected on any nonconforming lot of record; provided that said lot is in separate ownership and not of continuous frontage with other lots in the same ownership which could be combined with said nonconforming lot to provide one or more lots which would comply with applicable set back and yard requirements.**
- 2. 2. In any district, existing permitted structures may be enlarged on any nonconforming lot of record; provided that it is in separate ownership and not of continuous frontage with other lots in the same ownership, and provided that the setback and yard requirements are met.**

Section 10. Permitted changes to nonconforming lots.

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- 2. 2. In any district, existing permitted structures may be enlarged on any nonconforming lot of record; provided that it is in separate ownership and not of continuous frontage with other lots in the same ownership, and provided that the setback and yard requirements are met.**

Article 25. Supplementary Height, Area, and Bulk Regulations

Section 3. Modification of area regulations.

~~3.6. Lot area. Where a lot was of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to the width of lots or lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a one-family dwelling or making other improvements on the lot; provided such improvements conform in all other respects to the applicable zoning regulations and restrictions. However, this section will not apply if the lot or lots in question were contiguous to another lot or lots of record owned by the same person at the time the more restrictive regulations became in force.~~

AN ORDINANCE AMENDING AND READOPTING ARTICLE 24 NONCONFORMING USES AND ARTICLE 25 SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS, AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG, TO ALLOW THE REHABILITATION AND CONTINUATION OF RESIDENTIAL STRUCTURES WITH FOUR UNITS OR LESS AND EXISTING NEIGHBORHOOD COMMERCIAL STRUCTURES WITH A CERTIFICATE OF NONCONFORMING USE AS WELL AS DEVELOPMENT OF NONCONFORMING LOTS.

WHEREAS, the City of Petersburg Zoning Ordinance includes both Article 24. – Nonconforming Uses and Article 25. - Supplementary Height, Area, And Bulk Regulations; and

WHEREAS, the purpose of these sections are to regulate uses and lots; and

WHEREAS, The City of Petersburg has seen an influx of building permits to renovate existing structures that have been vacant for years and do not conform with the existing zoning designation; and

WHEREAS, the City Council seeks to support the rehabilitation of existing, low-density housing to support affordable housing by design, create housing ownership and rental opportunities, make low-density communities accessible to all, and make building equity accessible; and

WHEREAS, the City Council wishes to support the rehabilitation of existing neighborhood commercial structures to encourage the rehabilitation of blight, provide neighborhoods with easy access to services, and reduce vehicles trips; and

WHEREAS, the City Council seeks to allow the continuation of low-density residential that has been operating for more than three-years without violations to preserve housing diversity; and

WHEREAS, the City Council wishes to support the development of nonconforming lots for all uses to reduce barriers to redevelopment on account of lots being created prior to the establishment of the zoning ordinance; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT RESOLVED that City Council does hereby approve an ordinance amending and readopting Article 24. – Nonconforming Uses and Article 25. - Supplementary Height, Area, And Bulk Regulations as indicated in Exhibit A.

Appendix A

PART II - CODE
APPENDIX B - ZONING
ARTICLE 24. NONCONFORMING USES

ARTICLE 24. NONCONFORMING USES

Section 1. Purpose and intent.

The purpose of this article is to regulate nonconforming uses in a manner consistent with sound planning and zoning principles, and in conformity with state law. The general intent is that over time, nonconforming uses will be discontinued in favor of uses conforming to the zoning ordinance and the zoning map.

Section 2. Term defined.

The term "nonconforming use" shall mean any use, lot, building or structure that was lawful on the date of enactment of the zoning ordinance, or amendment thereto, which has been continued although otherwise unlawful by such enactment or amendment. Any use, lot, building, or structure that was lawful on the date of enactment of the zoning ordinance, or amendment thereto, shall remain lawful and shall ~~not~~ be a "nonconforming use."

Section 3. Termination of nonconforming uses.

A nonconforming use may continue as it existed when it became nonconforming, provided that it may not be changed, replaced, relocated, expanded in any manner, nor structurally altered, except as provided for in this article.

1. If any nonconforming use is discontinued for a period of two years, or for a period of less than two years if authorized by Virginia law, it shall lose its nonconforming status and any further use shall conform to the provisions of the zoning ordinance.
2. For the purposes of this article, cessation of a nonconforming use for the aforesaid period shall be conclusively presumed to establish discontinuance. The possession of a business license to conduct business upon a property shall not itself constitute proof of business activities on the premises.
3. Operation of only an accessory or incidental use to the principal nonconforming use during the two-year period shall not have the effect of continuing the principal nonconforming use.

Section 4. Destruction of a nonconforming use.

No building which has been damaged, by any cause whatsoever, to the extent of more than fifty (50%) percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of this ordinance, and all rights as a nonconforming use are terminated. If a building is damaged by less than fifty (50%) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage.

Section 5. Intermittent use.

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

Section 6. Existence of a nonconforming use.

Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Zoning Appeals, after public notice and hearing, and in accordance with the rules of the board.

Section 7. Nonconforming uses not validated.

A nonconforming use in violation of a provision of the ordinance which this ordinance amends or repeals shall not be validated by the adoption of this ordinance.

Section 8. Permitted changes of nonconforming uses.

A nonconforming use may be changed, altered, repaired, restored, replaced, relocated, or expanded only in accordance with the provisions of this article and subject to the appropriate approvals (including, among others, verification of the nonconforming use by the Zoning Administrator, site plan approval, and building permit approval) otherwise required by law.

1. A nonconforming use may change to a conforming use.
2. A nonconforming building or structure may be repaired, provided such repair constitutes only routine maintenance necessary to keep the structure in the same general condition it was in when it originally became nonconforming.
3. A one-family residential structure which is nonconforming with respect to rear yard area or front, rear, or side yard setback requirements, but which otherwise conforms to the use requirements of the district in which it is located, may be expanded so long as additional nonconformities are not introduced. New or expanded residential accessory uses may be permitted subject to the provisions of the zoning ordinance, provided that all new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard requirements, and setbacks, for the zoning district in which located. In no case shall a nonconforming single-family dwelling be modified to accommodate additional dwelling units.

Section 9. Establishment of nonconforming rights, certificate of nonconforming use.

Any person having a legal or equitable interest in a nonconforming use that is addressed in this section may apply for a certificate of nonconforming use by complying with the procedure set forth in this section. Upon issuance, a certificate of nonconforming use shall be evidence that the use designated therein is a legal nonconforming use at that time.

1. **Application.** Any person having a legal or equitable interest in a nonconforming use may file an application for a certificate of nonconforming use on a form approved by the Preservation Planner and Zoning Administrator.
2. **Nonconforming use establishment.**
 - a. Where an application seeks a certificate of nonconforming use to establish the legal nonconforming status of a use, the Zoning Administrator and Preservation Planner may issue or deny such certificate upon review of:
 - i. A certified survey.
 - ii. Building permits.
 - iii. Evidence that the structure was built with the express intent of this nonconforming use and has not been significantly altered from that nonconforming configuration since construction.
 - iv. Evidence that the current use has been in operation for more than three years.

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- v. Citations and violations,
- vi. Supporting evidence such as photographs, Sanborn maps, assessors' records, and the like, and
- vii. Other documentation that is deemed necessary or sufficient.

3. Eligible nonconforming use.

a. **Single-, two-, three-, and four-family dwellings nonconforming as to use as established in Appendix B.** A single-, two-, three-, and four-family dwelling nonconforming as to use which has received a certificate pursuant to this section, shall not be subject to the termination of legal nonconforming use provisions of Article 24 Section 3. Additions to the structure associated with these uses are permissible so long as current use, height, and yards are not made to be nonconforming. If substantial alteration of a single-, two-, three-, and four-family dwelling results in demolition of the structure to include the foundation, the entire structure shall be subject to requirements applicable to a new structure. Should, at a minimum, foundations remain, the structure may be rebuilt to substantial conformity of that which was demolished.

b. **Neighborhood commercial establishments nonconforming as to use and parking as established in Appendix B.** Neighborhood commercial establishments nonconforming to use and parking that have received a certificate pursuant to this section, shall not be subject to the termination of legal nonconforming use provisions of Article 24 Section 3 but shall continue to be subject to the requirements that the structure shall not be enlarged, altered, or relocated in such a way as to increase use and parking nonconformities. The existing commercial floor area is not to be expanded, but is permitted to be utilized by the *Retail, shopkeeper, and commercial office* uses as outlined in Appendix B Article 18.1 Section 2. (b). Neighborhood commercial establishments that receive a certificate are further not subject to the parking requirements as outlined in Appendix B Article 19. Any residential components of these commercial establishments issued a certificate would be subject to Section 9.3.a. above.

Section 10. Permitted changes to nonconforming lots.

1. In any district, permitted structures may be erected on any nonconforming lot of record; provided that said lot is in separate ownership and not of continuous frontage with other lots in the same ownership which could be combined with said nonconforming lot to provide one or more lots which would comply with applicable set back and yard requirements.

2. In any district, existing permitted structures may be enlarged on any nonconforming lot of record; provided that it is in separate ownership and not of continuous frontage with other lots in the same ownership, and provided that the setback and yard requirements are met.

ARTICLE 25. SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this section [article] qualify or supplement the district regulations appearing elsewhere in this ordinance.

Section 2. Modification of height regulations.

- (1) The height regulations as prescribed in this ordinance shall not apply to:
 - Belfries;
 - Chimneys;
 - Church spires;
 - Conveyors;
 - Cooling towers;
 - Elevator bulkheads;
 - Fire towers;
 - Flagpoles;
 - Monuments;
 - Ornamental towers and spires;
 - Smokestacks;
 - Stage towers or scenery lofts;
 - Water towers;
 - Tanks.
- (2) Public, semipublic, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet, when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulation for the district in which the building is located.
- (3) Manufacturing buildings located in the "M-2" Heavy Industrial district, on land parcels at or exceeding one hundred fifty (150) acres and used for gravity assisted processing, may erect to a height not exceeding one hundred seventy-five (175) feet, when such buildings are set back from any other contiguous zoning district by at least one foot for each one foot of additional building height above the height regulations for the "M-2" Industrial District.

Section 3. Modification of area regulations.

3.1. Yards generally.

-
- (1) Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard only.
 - (2) Every part of a required yard shall be open to the sky, except as authorized by this article; and ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices and ornamental features, which may project to a distance not to exceed twenty-four (24) inches into a required yard.
 - (3) Within a residence or office-apartment district, the least dimension of a yard upon which the principal entrances or exists of a multiple dwelling face shall be twenty (20) feet.
 - (4) Where a lot is used for a commercial or industrial purpose more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
 - (5) A bathroom not exceeding fifty (50) square feet in area may be constructed on the rear of an existing dwelling which does not have these sanitary facilities, provided the addition is at least ten (10) feet from the rear lot line and conforms to the side line requirements.
 - (6) On residential lots having a width of less than fifty (50) feet ~~and on record prior to November 20, 1947,~~ there shall be a side yard on each side of a building having a width of not less than ten (10) percent of the average width of the lot; provided, however, that such side yard shall not be less than three (3) feet.
 - (7) For housing projects involving the construction of several multiple-group dwellings on the same lot or parcel of land, in order to permit a more flexible placing of the buildings on the land and more desirable grouping of open spaces and such accessory facilities as recreation and parking areas, the following yard requirements shall apply:
 - (a) Front, side and rear yard requirements along the boundaries of the lot shall be in accordance with requirements previously established;
 - (b) Within the lot, minimum distances between main buildings, except Residential Town House Districts, shall be as follows:
 1. When buildings are front to front, not less than fifty (50) feet.
 2. When buildings are front to rear, not less than sixty (60) feet.
 3. When buildings are front to side, not less than fifty (50) feet.
 4. When buildings are side to side, rear to side, or rear to rear, not less than twenty (20) feet for one story buildings and not less than thirty (30) feet when one or both of the buildings are more than one story.

3.2. *Accessory buildings and structures.*

- (1) Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- (2) Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than fifteen (15) feet from the street lines.
- (3) One directional or name sign or sign advertising products sold on the premises may occupy required yards in a district where such sign is permitted by the use regulations of this ordinance; provided such sign is of not more than thirty (30) square feet in area, does not contain flashing, moving, or intermittent illumination; and provided the requirements of other city ordinances are complied with.
- (4) An ornamental fence or wall not more than three and one-half (3½) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of

the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven (7) feet.

- (5) Accessory, open and uncovered swimming pools and home barbecue grills may occupy a required rear yard, provided they are not located closer than five (5) feet to the rear lot line not closer than three (3) feet to a side lot line.
- (6) Accessory buildings which are not a part of the main building, although connected by an open breezeway, may be constructed in a rear yard; provided, such accessory building does not occupy more than twenty-five (25) percent of the area of the required rear yard; and provided, it is not located closer than eight (8) feet to the rear lot line nor closer than three (3) feet to a side lot line.

3.3. *Front yards.*

- (1) Where an official line has been established by the adopted major arterial plan, for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- (2) On through lots, the required front yard shall be provided on each street.
- (3) Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard of fifteen (15) feet on the side street; provided, however, that the buildable width of a lot of record at the time of passage of this ordinance shall not be reduced to less than thirty-two (32) feet.
- (4) Open unenclosed porches, platforms or paved terraces, open or covered by a roof or canopy, and which do not extend above the level of the first floor of the building, may extend or project into the front yard not more than six (6) feet.
- (5) Where twenty-five (25) percent or more of the street frontage, or where twenty-five (25) percent or more of the street frontage within four hundred (400) feet, of the property in question is improved with buildings that have a front yard (with variation of six (6) feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a depth of front yard of more than fifty (50) percent in excess of the depth of the required front yard in the district in which the lot is located shall not be required. Where forty (40) percent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.
- (6) All buildings hereinafter erected, or structurally altered so as to change the character of use of such building, shall observe the following setback requirements or the setbacks or front yard requirements set forth elsewhere in this ordinance, whichever is greater:
 - (a) Except as otherwise provided below, on Washington Street, the minimum setback shall be forty (40) feet, and on Sycamore Street south of Halifax Street, the minimum setback shall be forty-five (45) feet. (On Crater Road, between Graham Road and South Boulevard, the minimum setback on the west side shall be forty (40) feet and on the east side shall be ninety (90) feet for dwellings and sixty (60) feet for all other buildings.) On all other streets thirty (30) feet in width and less than sixty (60) feet in width the minimum setback shall be thirty (30) feet. The term "center line of the street" as used below, shall mean the center line which existed November 20, 1947.
 - (a-1) The minimum setback along U.S. Rout 301 (South Crater Road) from the Norfolk and Western Railway underpass south of Morton Avenue and to the Prince George County Line shall be one hundred (100) feet. The minimum setback along U.S. Route 460 (County Drive) from the Norfolk and Western Railway overpass, at the old corporate limits, to the Prince George County Line shall be one hundred (100) feet. The minimum setback along State Route 604 (Halifax Road) from its intersection with Boydton Plank Road south to the overpass over Interstate 85 shall be one hundred (100) feet; along the west side of Halifax Road from Interstate 85 south to Vaughan

Road the minimum setback shall be one hundred forty-five (145) feet; along Halifax Road from Vaughan Road south to the Dinwiddie County Line the minimum setback shall be one hundred (100) feet. The minimum setback along State Route 142 (Boydton Plank Road) from its intersection with Halifax Road west to the Dinwiddie County Line shall be one hundred (100) feet. The minimum setback along State Route 632 (Wagner Road) from U.S. Route 301 east to U.S. Route 460 shall be one hundred (100) feet. The minimum setback along State Route 608 (Johnson Road) from the Norfolk and Western Railway overpass, at the old corporate limits, south to the Dinwiddie County Line south of Flank Road shall be one hundred (100) feet. The minimum setback along State Route 109 (Hickory Hill Road) from U.S. 460 east to Fort Lee shall be one hundred (100) feet.

The minimum setback along State Route 629 (Rives Road) from U.S. Route 301 east to the Prince George County Line shall be one hundred (100) feet. The minimum setback along State Route 613 (Squirrel Level Road) from Boydton Plank Road southwest to the Dinwiddie County Line shall be one hundred (100) feet. The minimum setback along Dupuy Road from Spring Street Southwest to Boydton Plank Road shall be eighty (80) feet. The minimum setback along State Route 613 (young's Road) from Brick House Run south to Boydton Plank Road shall be eighty (80) feet. The minimum setback along Flank Road from U.S. Route 301 west to State Route 604 (Halifax Road) shall be one hundred fifty (150) feet. The minimum setback along Defense Road from Banister Road west to State Route 142 (Boydton Plank Road) shall be one hundred fifty (150) feet. The term "center line of the street," as used below in subsection (b), when referring to this paragraph shall mean the center line which existed January 1, 1972. Where there are two (2) center lines on a road, the center line referred to is a line running half way between and parallel to the two (2) existing center lines.

- (b) The minimum setback required herein shall be the minimum horizontal distance from the center line of the street to the main building, or any projection thereof. Where an existing building has less setback than provided herein, any building hereafter erected or structurally altered within twenty (20) feet of said existing building may observe the setback line established by the existing building provided that provision be made in the structure for the removal of that portion which extends beyond the setback line established herein, without damage to the balance of the structure, and that the owner of the building to be erected or structurally altered enter into agreement with the City of Petersburg, relieving the city of damage for the removal of that portion of the structure extending beyond the required setback line, when at such time the city acquires title to this portion of the property for street widening.
- (c) No setback of any building shall be required on the south side of East Tabb Street, between North Sycamore Street and Monroe Street.
- (d) Where the minimum setback required herein would require a front yard, the depth of which is greater than ten (10) percent of the average depth of a lot of record prior to November 20, 1947, or require a front yard on the side having the greater, and the front yard is not required by the district regulations, an application for a building permit, conforming to the provisions herein, shall be denied by the building inspector for a period of sixty (60) days. The building inspector shall immediately notify the council of such application for a permit, and unless the building inspector be notified by the clerk of the council within sixty (60) days of date of the application for permit, of the city's intention to purchase the land occupied by the setback required herein, the building inspector shall grant the permit.

3.4. *Side yards.*

- (1) Where dwelling units are erected above business and industrial structures in business and industrial districts, no side yards are required, except such side yard as may be required in the district regulations for a business or industrial building on the side of a lot adjoining a dwelling district.

-
- (2) For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one building occupying one lot.
- (3) The minimum width of side yards for schools, libraries, churches, community houses and other public and semipublic buildings in residence districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business, commercial or industrial district, in which case the width of that yard shall be as required in the chart of article 22, for the district in which the building is located.
- 3.5. *Rear yards.* Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation.
- 3.6. ~~*Lot area.* Where a lot was of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to the width of lots or lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a one-family dwelling or making other improvements on the lot; provided such improvements conform in all other respects to the applicable zoning regulations and restrictions. However, this section will not apply if the lot or lots in question were contiguous to another lot or lots of record owned by the same person at the time the more restrictive regulations became in force.~~

(Ord. No. 88-48, 5-17-1988)

CITY COUNCIL
MEETING

NOVEMBER 21,
2023



2023-ZTA-01: A Public Hearing and consideration of an ordinance presented by the Planning Commission to amend and readopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area, and Bulk Regulations, as set forth in the Zoning Ordinance of the City of Petersburg to allow the rehabilitation and continuation of residential structures with four-units or less, development of nonconforming lots, and reuse of existing neighborhood commercial structures with a certificate of nonconforming use.

Request

2023-ZTA-01: To allow the rehabilitation and continuation of residential structures with four-units or less, the development of nonconforming lots, and the reuse of existing neighborhood commercial structures with a certificate of nonconforming use.

Background

With new interest in Petersburg, homes that have sat vacant for years are attracting attention for rehabilitation.

If these structures do not conform with use and lot requirements (e.g., the building is a duplex, but does not have the required lot frontage for a duplex per the code), then the structure is considered nonconforming.

Per Article 24, Section 3, - *If any nonconforming use is discontinued for a period of two years ... it shall lose its nonconforming status and any further use shall conform to the provisions of the zoning ordinance.*

In this example, the home would have to convert to a single-family residence.

Impacts

With staff review and the proper documentation, this language could offer nonconforming use certificates to support:

- Rehabilitation of existing low-density housing (duplex – quadplex).
- Rehabilitation of existing neighborhood commercial structures.
- Continuation of low-density residential that has been operating for more than three-years without violations.
- Development of nonconforming lots for all uses.

Purpose Examples

1138-1140 West High Street (Before)



Example - 1138-1140 West High Street (After)



1138-1140 West High Street

Though the Architectural Review Board required the second door to remain to respect the historic structure, the functionality of the building was required to operate as a single-family home.

932-934 Priam Street



Project is on hold due to inability to rehab and maintain a duplex.

1004 McKenzie Street



Project is on hold due to inability to rehab and maintain a duplex.

1009 W High Street



Project is on hold due to inability to rehab and maintain a duplex.

622 – 624 Independence Ave



Project is on hold due to inability to rehab and maintain a duplex.

719 High St



If this were vacant for two-years, it could not come back.

Purpose Benefits

Benefits - Residential

- Supports the rehabilitation of blighted properties.
- Affordable by design.
- Creates housing opportunities for diverse residents with different price points and needs.
- Makes ownership more affordable and makes building equity accessible.
- For renters, makes the community associated with a single-family neighborhood more attainable.

Benefits - Commercial

- Supports the rehabilitation of blighted properties.
- Provide neighborhoods with easy access to services.
- Reduces vehicle trips.

Staff Recommendation

Staff recommends approval and readoption of the proposed text amendment to Article 24. Nonconforming Uses and Article 25. Supplementary Height, Area, and Bulk Regulations.

Proposed Language

ARTICLE 24. NONCONFORMING USES

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

Any person having a legal or equitable interest in a nonconforming use that is addressed in this section may apply for a certificate of nonconforming use by complying with the procedure set forth in this section. Upon issuance, a certificate of nonconforming use shall be evidence that the use designated therein is a legal nonconforming use at that time.

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

1. **Application.** Any person having a legal or equitable interest in a nonconforming use may file an application for a certificate of nonconforming use on a form approved by the Preservation Planner and Zoning Administrator.
2. **Nonconforming use establishment.**
 - a. Where an application seeks a certificate of nonconforming use to establish the legal nonconforming status of a use, the Zoning Administrator and Preservation Planner may issue or deny such certificate upon review of:
 - i. A certified survey,
 - ii. Building permits,
 - iii. Evidence that the structure was built with the express intent of this nonconforming use and has not been significantly altered from that nonconforming configuration since construction.
 - iv. Evidence that the current use has been in operation for more than three years,
 - v. Citations and violations,
 - vi. Supporting evidence such as photographs, Sanborn maps, assessors' records, and the like, and
 - vii. Other documentation that is deemed necessary or sufficient.

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

3. Eligible nonconforming use.

- a. **Single-, two-, three-, and four-family dwellings nonconforming as to use as established in Appendix B.** A single-, two-, three-, and four-family dwelling nonconforming as to use which has received a certificate pursuant to this section, shall not be subject to the termination of legal nonconforming use provisions of Article 24 Section 3. Additions to the structure associated with these uses are permissible so long as current use, height, and yards are not made to be nonconforming. If substantial alteration of a single-, two-, three-, and four-family dwelling results in demolition of the structure to include the foundation, the entire structure shall be subject to requirements applicable to a new structure. Should, at a minimum, foundations remain, the structure may be rebuilt to substantial conformity of that which was demolished.

Sec. 9. Establishment of nonconforming rights, certificate of nonconforming use.

- b. Neighborhood commercial establishments nonconforming as to use and parking as established in Appendix B.** Neighborhood commercial establishments nonconforming to use and parking that have received a certificate pursuant to this section, shall not be subject to the termination of legal nonconforming use provisions of Article 24 Section 3 but shall continue to be subject to the requirements that the structure shall not be enlarged, altered, or relocated in such a way as to increase use and parking nonconformities. The existing commercial floor area is not to be expanded, but is permitted to be utilized by the *Retail, shopkeeper, and commercial office* uses as outlined in Appendix B Article 18.1 Section 2. (b). Neighborhood commercial establishments that receive a certificate are further not subject to the parking requirements as outlined in Appendix B Article 19. Any residential components of these commercial establishments issued a certificate would be subject to Section 9.3.a. above.

Section 10. Permitted changes to nonconforming lots.

- 1. In any district, permitted structures may be erected on any nonconforming lot of record; provided that said lot is in separate ownership and not of continuous frontage with other lots in the same ownership which could be combined with said nonconforming lot to provide one or more lots which would comply with applicable set back and yard requirements.**
- 2. 2. In any district, existing permitted structures may be enlarged on any nonconforming lot of record; provided that it is in separate ownership and not of continuous frontage with other lots in the same ownership, and provided that the setback and yard requirements are met.**

Section 10. Permitted changes to nonconforming lots.

- 1. In any district, permitted structures may be erected on any nonconforming lot of record; provided that said lot is in separate ownership and not of continuous frontage with other lots in the same ownership which could be combined with said nonconforming lot to provide one or more lots which would comply with applicable set back and yard requirements.**
- 2. 2. In any district, existing permitted structures may be enlarged on any nonconforming lot of record; provided that it is in separate ownership and not of continuous frontage with other lots in the same ownership, and provided that the setback and yard requirements are met.**

Article 25. Supplementary Height, Area, and Bulk Regulations

Section 3. Modification of area regulations.

~~3.6. Lot area. Where a lot was of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to the width of lots or lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a one-family dwelling or making other improvements on the lot; provided such improvements conform in all other respects to the applicable zoning regulations and restrictions. However, this section will not apply if the lot or lots in question were contiguous to another lot or lots of record owned by the same person at the time the more restrictive regulations became in force.~~



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Kate Sangregorio

RE: A public hearing on an appeal by John Brockwell, applicant of 21 W. Washington Street, Tax Parcel 022-03-0001, owned by Labrodor Properties LLC/John Brockwell, on the decision of the Architectural Review Board (ARB). The property is located within the Courthouse Local Historic District. (Page 94)

PURPOSE: A public hearing to receive citizen comment and consideration of an appeal of the Architectural Review Board's decision for 21 W. Washington Street.

REASON: City Council is required to conduct a public hearing upon receiving a request from the owner no more than 30 days from the date of the Architectural Review Board (ARB) meeting.

RECOMMENDATION: Staff recommends that City Council uphold the decision of the ARB.

BACKGROUND: Mr. Brockwell submitted an application for a Certificate of Appropriateness (COA) on August 24 with a request to remove the standing seam metal roof on the easternmost gable roofed section of this building and replace it with TPO. The rest of the roof is flat and not visible from public right-of-way, but the section in question is and is therefore subject to review by the ARB. The application was heard at the September 13, 2023 ARB meeting and denied as submitted based on the Design Guidelines Chapter 4 Section F. An appeal of this decision was received by the Clerk of Council on May 12, 2022, requesting that City Council overturn the ARB's denial.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 11/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. ARB Packet_September 2023_Item 6c
2. Guidelines_Chapter4.F_Roofs
3. Selection of the ARB Minutes_September 2023
4. Market St



Agenda
Architectural Review Board
Wednesday, September 13, 2023
Multipurpose Room, Petersburg Public Library
201 W. Washington St.
6:00 p.m.

1. Call to Order
2. Pledge of Allegiance
3. Review of Minutes
4. Approval of Agenda
5. Public Information Period
6. Request(s) for Certificate of Appropriateness:

Regular Agenda:

a) 115-117 Pine Street (T.P. 023-30-0002) Folly Castle Historic District; Owner: Glenroy O'Gilvie; Applicant: Derwin Kinston Jr.

Replace wood siding with vinyl on sides of house.

b) 122 W. Old Street (T.P. 011-13-0001) Old Towne Historic District; Owner: Historic Petersburg Foundation; Applicant: Same

Construct garden in empty lot, including fencing and a bench.

c) 21 W. Washington Street (T.P. 022-03-0001) Courthouse Historic District; Owner: Labrador Properties LLC, John Brockwell Applicant: John Brockwell

Replace metal roof with TPO.

d) 1151-1153 West High Street (T.P. 024-08-0022) Battersea/ West High Street Historic District; Owner: Mirosław Wapniarz and David Budych; Applicant: Ogemdi Maka

Construct additions.

e) 722 S. Sycamore Street (T.P. 031-28-0007) Poplar Lawn Historic District; Owner: Horrace Collins; Applicant: Same

Removal of decorative elements, replacement of slate roof with faux slate, installation of fencing, and other alterations.

f) 104 E. Fillmore Street (T.P. 023-38-0002) Poplar Lawn Historic District; Owner: KBL Property Holdings LLC; Applicant: Kameron Lawrence

Renovation.

g) 224 E. Fillmore Street (T.P. 021-10-0001) Poplar Lawn Historic District; Owner: KBL Property Holdings LLC; Applicant: Kameron Lawrence

Renovation.

h) 930 McKenzie Street (T.P. 024-07-0013) Battersea/ West High Street Historic District; Owner: Martin Borisov and Asen Dinev; Applicant: Asen Dinev

Replace front porch railings.

7. Old Business:

8. New Business:

Administrative Approvals:

- a) 420 Grove – in-kind roof replacement
- b) 229 S. Sycamore – in-kind roof replacement
- c) 106 W. Old – signage
- d) 338 Harrison – renewal of COA# 2022-6-8-6b
- e) 307 Webster – paint
- f) 9 N. Sycamore – paint
- g) 106 W. Old – paint
- h) 10 Centre Hill – in-kind roof

9. Work Session:

- a) Upcoming eminent danger demolitions

623 Harrison Street
931 West High Street.

10. Adjournment:

6c. 21 W. Washington Street

Historic District: Courthouse
Review Date: September 13, 2023
Tax Parcel #: 022-03-0001

Applicant: John Brockwell

City of Petersburg
Architectural Review Board
Staff Report



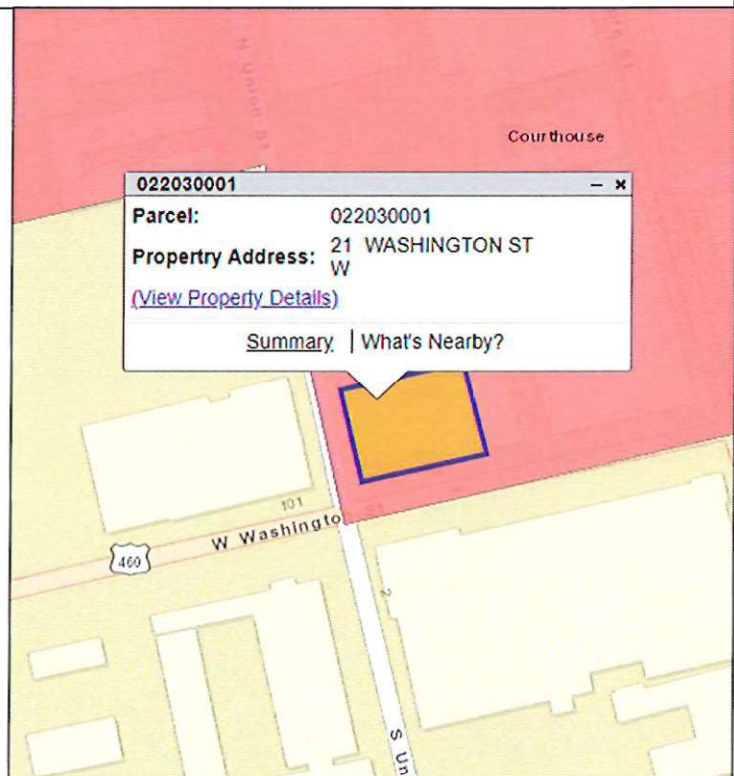
Project Description: Replace metal roof with TPO.

Applicant proposal:

Replace metal roof with TPO.

Attachments:

None.



Staff Recommendation:

Denial based on the Design Guidelines Chapter 4 Section F

As per the Design Guidelines, roofs should be replaced in-kind with the same materials.

Petersburg, Virginia

Parcel: 022030001

Summary

Owner Name	LABRADOR PROPERTIES LLC JOHN W BROCKWELL	National Historic District:	Courthouse
Owner Mailing Address	2425 BOULEVARD #6 COLONIAL HGHTS, VA 23834	Enterprise Zone:	Yes
Property Use	319	Opportunity Zone:	51730811300
State Class:	3 Multi Family	VA Senate District:	16
Zoning:	B-3	Va House District:	63
Property Address	21 WASHINGTON ST Petersburg, VA	Congressional District:	4
Legal Acreage:	.326	City Ward:	5
Legal Description:	140.5-136X101	Polling Place:	Union Train Station
Subdivision:	Olde Town (Not Platted)	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8102
Local Historic District:	Courthouse	Elementary School:	Pleasants Lane
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	25,322	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
	8/3/2004	\$139,000	2004/3362

Assessments

Valuation as of	01/01/2019	01/01/2020	01/01/2021	01/01/2022	01/01/2023
Effective for Billing:	07/01/2019	07/01/2020	07/01/2021	07/01/2022	07/01/2023
Reassessment					
Land Value	\$73,100	\$73,100	\$73,100	\$73,100	\$73,100
Improvement Value	\$167,900	\$218,100	\$218,100	\$306,700	\$306,700
Total Value	\$241,000	\$291,200	\$291,200	\$379,800	\$379,800

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.

Property Information

Property Names

Name	Commercial Building, 21-25 W. Washington Street
Function/Location	
Current	Lees Express

Property Evaluation Status

Not Evaluated

This Property is associated with the Petersburg Courthouse Historic District.

Property Addresses

Current - 21 W. Washington St.

County/Independent City(s): Petersburg (Ind. City)

Incorporated Town(s): No Data

Zip Code(s): No Data

Magisterial District(s): No Data

Tax Parcel(s): No Data

USGS Quad(s): PETERSBURG

Additional Property Information

Architecture Setting: Urban

Acreage: No Data

Site Description:

January 2009: The resource at 21-25 W. Washington Street is a commercial building located on the north side of the street within the City of Petersburg. It is located within a primarily commercial and industrial neighborhood of the city. Other commercial buildings sit flush to this resource on the east and west sides. An alley, located just north of the building, extends from N. Union Street to the alley that runs north/south just east of 17-19 W. Washington Street. The parcel is void of vegetation and the building, which sits flush with the sidewalk, faces south toward the road.

January 2009: None.

Surveyor Assessment:

Typical example of Georgian Revival commercial block with mid 20th century alterations.

January 2009: The resource at 21-25 W. Washington Street is a typical mid-twentieth century commercial building with several phases of extreme modifications. It has no outstanding architectural significance or merit that would make it potentially eligible for the NRHP. In addition, the building has no known association with an important event or individual. As such, it is recommended that this resource is not eligible for the NRHP as an individual property under Criteria A-C. It was not evaluated under Criterion D. It is recommended that this building remains a contributing element to the Courthouse Historic District (123-0103).

Surveyor Recommendation: No Data

Ownership

Ownership Category	Ownership Entity
Private	No Data

Primary Resource Information

Resource Category:	Commerce/Trade
Resource Type:	Commercial Building
NR Resource Type:	Building
Historic District Status:	Contributing
Date of Construction:	Ca 1940
Date Source:	Site Visit
Historic Time Period:	World War I to World War II (1917 - 1945)
Historic Context(s):	Commerce/Trade
Other ID Number:	No Data
Architectural Style:	Vernacular
Form:	No Data
Number of Stories:	2.0

Condition: Fair
Threats to Resource: Major Alteration
Cultural Affiliations: No Data
Cultural Affiliation Details:

No Data

Architectural Description:

Architecture Summary: Denticulated pediment, large scale windows on upper store covered with louvers, divided into two store fronts.

January 2009: The resource located at 21-25 W. Washington Street is a two-story, six-bay building within the City of Petersburg. The commercial building was built in the mid-twentieth century, likely around 1940. The brick foundation and structural system are laid in a one-to-five (1:5) common bond. The first story of the primary (south) elevation is covered by two, very different store fronts. The easternmost is clad in a brick, stretcher bond veneer and features a shed roof awning supported by wood brackets. Above this storefront the brick wall is exposed, and pierced by window frames; however, the windows have been converted into vents. The westernmost storefront is clad in vertical and horizontal wood panels. The door is recessed and surrounded by plate glass windows. The second story above the westernmost storefront features boarded up window openings; the brick sills are still visible. Above the second story windows is a denticulated cornice and a pediment with dentil-like ornamentation; the tympanum is stuccoed and features a round, louvered window. A large, stuccoed pediment lines the edge of the flat roof.

Exterior Components

Component	Component Type	Material	Material Treatment
Structural System and Exterior Treatment	Masonry	Brick	Bond, American, 5-course
Roof	Gable, Front	No Data	Other
Foundation	Raised	Brick	Bond, American, 5-course
Windows	Storefront	Aluminum	Plate Glass

Secondary Resource Information

Historic District Information

Historic District Name: Petersburg Courthouse Historic District
Local Historic District Name: No Data
Historic District Significance: No Data

CRM Events

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: No Data
Investigator: Barile, Kerri
Organization/Company: Unknown (DSS)
Photographic Media: No Data
Survey Date: 1/1/2009
Dhr Library Report Number: No Data

Project Staff/Notes:

Survey of Three Historic Districts within the City of Petersburg. 2009. Kerri Barile and Heather Dollins. Dovetail Cultural Resource Group I, Inc., Fredericksburg, Virginia.

Project Bibliographic Information:

Name: Land and Community Associates
Record Type: Other
Bibliographic Notes: Phase I Architectural Survey of the Courthouse Historic District. 1990. Land and Community Associates. Documents on file, Virginia Department of Historic Resources, architectural survey forms.

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: *No Data*
Investigator: Land & Community Associates
Organization/Company: Unknown (DSS)
Photographic Media: *No Data*
Survey Date: 6/1/1990
Dhr Library Report Number: *No Data*
Project Staff/Notes:

No Data

Project Bibliographic Information:

Name: Land and Community Associates

Record Type: Other

Bibliographic Notes: Phase I Architectural Survey of the Courthouse Historic District. 1990. Land and Community Associates. Documents on file, Virginia Department of Historic Resources, architectural survey forms.

Bibliographic Information

Bibliography:

No Data

Property Notes:

No Data



City of Petersburg - Architectural Review Board
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (COA)

Address: 21 W. Washington Street
Historic District: Courthouse

☒ Application for COA ☐ Application for Historic Building Plaque ☐ Application for Discussion

Applicant: John Brookwell E-Mail: John@theRealtorpro.com
Address: 210 Temple Ave, Colonial Heights, VA Phone: 804-518-0503

Owner: Labrador Properties E-Mail: John@TheRealtorpro.com
Address: 210 Temple Ave, Colonial Heights, VA 23834 Phone: 804-518-0503

Firm/Contractor Preparing Plans: S.W. MacLin E-Mail: BuZZAbuZZA52@AOL.com
Address: P.O. Box 67, Sutherland VA 23885 Phone: 804-216-0903

Firm/Contractor to Perform Work: S.W. MacLin E-Mail: BuZZAbuZZA52@AOL.com
Address: P.O. Box 67, Sutherland VA 23885 Phone: 804-216-0903

Type of Project:

- ☐ Residential
☒ Commercial

Category:

- ☐ Repair
☐ Renovation, Restoration
☒ Change in materials
☐ Approval of paint colors
☐ Fencing
☐ Signage

- ☐ Addition
☐ Driveway, sidewalk, parking lots
☐ New construction
☐ Demolition
☐ Plaque
☐ Other:

Project Description (attached additional sheets as needed):

Please provide as much information as possible. The Architectural Review Board may deny or table requests that lack sufficient information for review and if you or your representative are not present. Please see Application Guidance and the Historic District Design Guidelines for additional information. The Historic District Guidelines are available for \$25 in the Planning Department.

Remove Metal Roof - Replace with TPO

Applicant's Signature: [Signature]

Date: 8/24/23

FOR OFFICE USE

Date received: _____ Agenda date: _____

Tax Parcel: _____ Zoning: _____

Additional permits needed from planning: _____

4. REHABILITATION OF BUILDING ELEMENTS/FEATURES



F. ROOFS

One of the most important elements of a structure, the roof serves as the “cover” to protect the building from the elements. Good roof maintenance is absolutely critical for the roof’s preservation and for the preservation of the rest of the structure.

1. Retain original or historically significant roof materials whenever possible.
2. Repair historic and original roof materials using in-kind materials.
3. Consolidate original roof materials to the most visible areas, and use replacement materials on areas not in view from public ways.
4. Replace the entire roof only when the roof is beyond repair. Salvage historic and original materials for reuse where possible.
5. If replacement is necessary, the new material should match the original roof covering in composition, size, shape, color, and texture.
6. Appropriate roof covering materials are dependent upon the style/era of the structure. See the **Guide to Roof Materials** on page 4-18.
7. Dormers should not be added to existing historic structures unless they are an accurate reconstruction of a missing original element.
8. Vents and skylights may be approved, if placed inconspicuously on the rear of buildings.
9. The original roof shape should be preserved.



Battersea’s central building exhibits a hipped roof, hyphens are side-gabled and wings end-gabled. All are clad in standing-seam metal.



An early gambrel roof is covered in a combination of wood shingles and standing-seam metal.

10. Architectural features, including dormers, cupolas, cornices, brackets, and chimneys, should be retained.
 - a. Repairs or replacement of parts should be made in-kind with materials that duplicate the original materials.

Preservation Brief #04:
Roofing for Historic Buildings

**Architectural Review Board
City of Petersburg, Virginia**

Minutes of the Regular Meeting
September 12, 2023 6:00 p.m.
Multipurpose Room, Petersburg Public Library
201 W. Washington Street, Petersburg VA 23803

Members Present:

Chair, Joe Battiston
Bill Hartsock
Louis Malon
Celeste Wynn
Dino Lunsford

Members Absent:

Vice-Chair, Larry Murphy

Staff:

Secretary to the ARB, Kate Sangregorio

Selection of the Minutes Regarding 21 W. Washington Street

6. REGULAR AGENDA

6c. 21 W Washington Street

Applicant present, John Brockwell.

The applicant was seeking approval to replace the current metal roof with TPO. Staff recommended denial based on Design Guidelines Chapter 4 Section F.

Applicant claimed that the roof is only visible from a small angle from the sidewalk and that the change of material will not be significant to the surrounding area.

Applicant did cite financial concerns with replacing roof with metal instead of the cheaper TPO and that the non-visible parts of the roof have already been replaced.

Chair Battiston said if the roof was visible from public right of way, the material had to be retained. Mr. Battiston suggested using a roof sealant material known as “Correcto” to patch any leaks and would not recommend TPO. Mr. Brockwell stated that he had used a coating in the past but his roofer recommended replacement.

Mr. Brockwell points out the inconsistency of city properties not keeping original roofing materials. He shared photos of his damaged roof and some other TPO roofs in the area. Board informed the applicant that the city is not required to go through the ARB process.

ARB noted that following historic guidelines might qualify the property for historic tax credits. Chair Battiston suggested that if the eastern half was not visible from

public right of way it wouldn't be subject to ARB review, so he could use TPO on that side.

ARB notified Mr. Brockwell that the decision of the ARB may be appealed by city council.

Chair Battiston opened the floor for anyone to speak for or against the application.

Mr. Marvin Kaldiph came forward. He stated that TPO has a much shorter lifespan than that of a metal roof, and that doing a half and half roof with different materials would cause leaks eventually.

With there being no further public comments, Chair Battiston closed the public comment period.

Mr. Lunsford motioned to deny the application as presented based on the Design Guidelines Chapter 4 Section F, with a second from Mr. Malon. The motion passed unanimously.





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Brian Moore

RE: A public hearing and consideration of ordinance to amend and re-adopt Chapter 107 of the City Code pertaining to the Commercial property - assessed clean energy (CPACE) program - 2nd Reading (Page 108).

PURPOSE: To re-establish the Commercial property-assessed clean energy (CPACE) program so our development community can access additional capital for projects.

REASON: N/A

RECOMMENDATION: Adopt by ordinance the Commercial property-assessed clean energy (CPACE) program.

BACKGROUND: See Attachments

COST TO CITY: N/A.

BUDGETED ITEM: N/A.

REVENUE TO CITY: N/A.

CITY COUNCIL HEARING DATE: 11/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: City Manager and City Attorney

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A.

REQUIRED CHANGES TO WORK PROGRAMS: N/A.

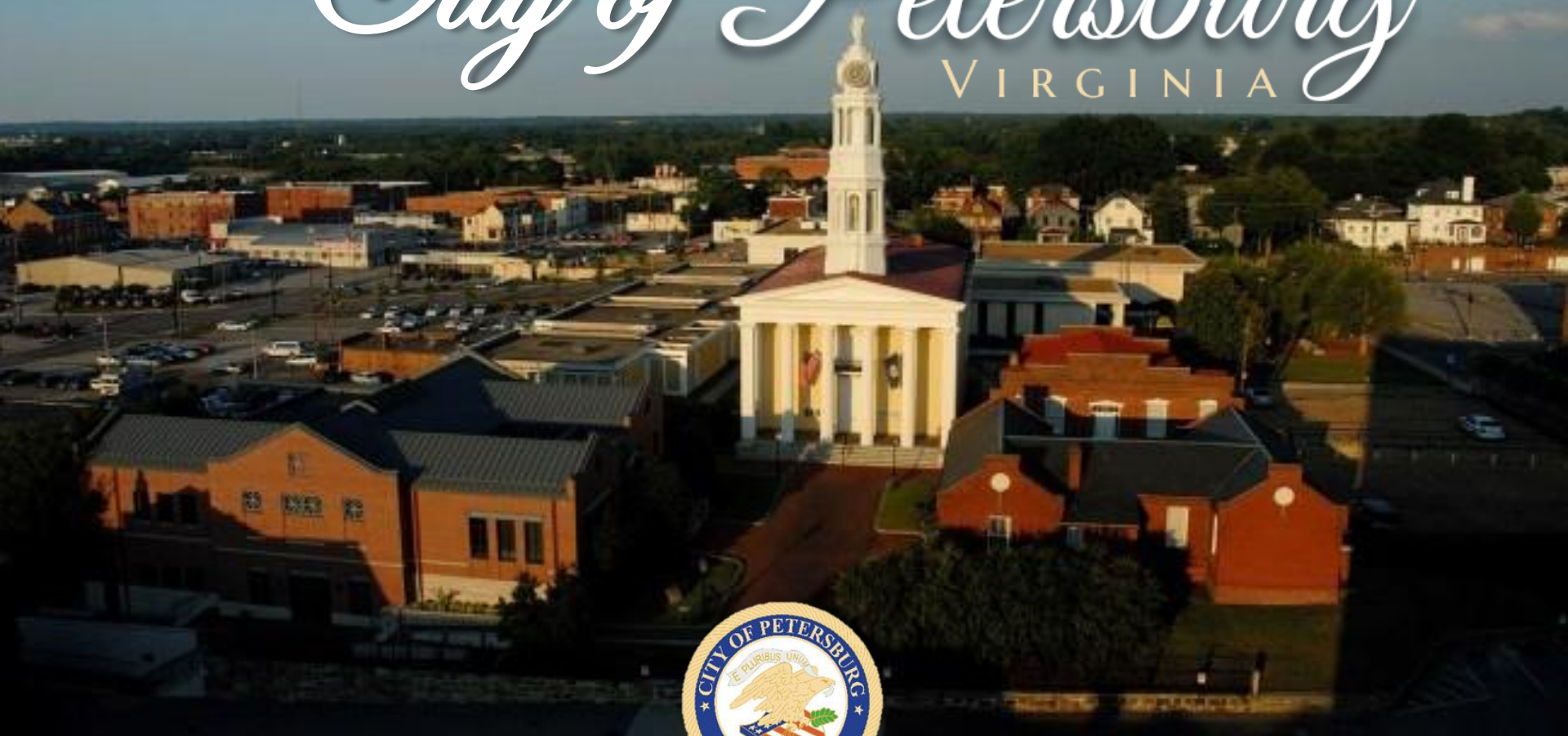
ATTACHMENTS:

1. 6.E.1 CPACE PPT Final_2023
2. C-PACE Program Agreement (Appendix A) FINAL V2
3. C-PACE Program Ordinance FINAL V2

4. C-PACE Virginia Energy - Locality C-PACE Agreement (Appendix B) FINAL V2

Commercial Property Assessed Clean Energy (C-PACE) Program

City of Petersburg VIRGINIA



What is C-PACE?



- C-PACE is a market-based financial product that provides 100% upfront funding for energy efficiency, renewable energy and water efficiency, flooding, and storm water upgrades.

C-PACE in the Virginia Code



- C-PACE is a financing mechanism for clean energy programs codified in the Code of Virginia, Section 15.2-958.3
- By Code, any locality may, by ordinance, authorize contracts to provide loans for the initial acquisition and installation of clean energy improvements with free and willing property owners of both existing properties and new construction.

Key C-PACE Features



- **Eligible Improvements:** depending on the authorizing legislation, eligible projects may include energy efficiency, renewable energy, and energy storage and non-energy measures
- **Duration and transferability:** terms tend to be longer (15-30 years) because repayment is secured by the tax assessment and transfers to the next property owner
- **Scale:** C-PACE program may be organized at the local, multi-jurisdictional, or statewide levels
- **Capitalization:** public or private funds may be used to finance property improvements. Private capital from regional banks or national specialty lenders is increasingly common as programs mature and grow to scale, while many programs have leveraged public funding (e.g. through bonding)
- **Multiple Actors:** C-PACE financing may include commercial property owners, capital providers, a program administrator, and the mortgage holder, the contractor providing retrofits, a tax assessor and others.

How does C-PACE work?



- C-PACE is voluntary for all parties involved
- C-PACE can cover 100% of all project eligible hard and soft costs
- Loan financing terms between 15-30 years
- Can be combined with utility, local and federal incentive programs
- Energy projects are permanently affixed to a property
- The C-PACE assessment is filed with the local municipality as a lien on the property

- The City is NOT liable for the loan amount or success or failure of any development projects
- We are NOT committing any City funds/credit to guarantee repayment of the loan
- Can be leveraged as an economic development incentive to spur development and redevelopment of blighted buildings within the City of Petersburg

Transferability



- C-PACE financing is attached to a building through a tax assessment; it's not attached to an individual or business
- If the building is sold before the PACE assessment is paid off, it transfers to the new owner

Eligibility, Stakeholders & Benefits



<i>Types of Equipment Eligible</i>	<ul style="list-style-type: none"> • Heating/Ventilation, lighting, roof, motors, solar panels, Insulation, Water Pumps
<i>Types of Buildings Eligible</i>	<ul style="list-style-type: none"> • Office, Multi-family, non-profit, agriculture, hotel, retail, industrial • Residential over 4 units; does not include condos or other residential classes
<i>Benefits of PACE</i>	<ul style="list-style-type: none"> • Workforce Development: creates local jobs • Economic Development: Lowers costs of doing business • Building Stock: Maintained and upgraded • Bottom Line: Directly impacts local businesses • Healthy Air: Environmental impact; reductions in Greenhouse gas emissions
<i>Benefits of PACE for Property Owners</i>	<ul style="list-style-type: none"> • No out of pocket cost • Low-rate, long-term • Cash flow positive • Increased comfort, decreased maintenance • Aligned landlord and tenant interests
<i>Who is involved in a C-PACE Loan?</i>	<ul style="list-style-type: none"> • Property owner, PACE lender, lender, contractor, city/program administrator

Program Administration Options



<i>Options</i>	<i>Advantages</i>	<i>Disadvantages</i>
Option A- Locally Administered	<ul style="list-style-type: none">➤ City oversight➤ Revenue potential for City through administrative fees	<ul style="list-style-type: none">➤ Staffing resources➤ Would have to create an administrative system
Option B - Third- Party Administer	<ul style="list-style-type: none">➤ Saves staff time➤ Existing administrative system	<ul style="list-style-type: none">➤ Revenue from fees would not go to the City➤ Procurement process delays implementation

Next Steps



- Should City Council pass the ordinance, the City has the option of either locally administering the program or retaining a third party administrator

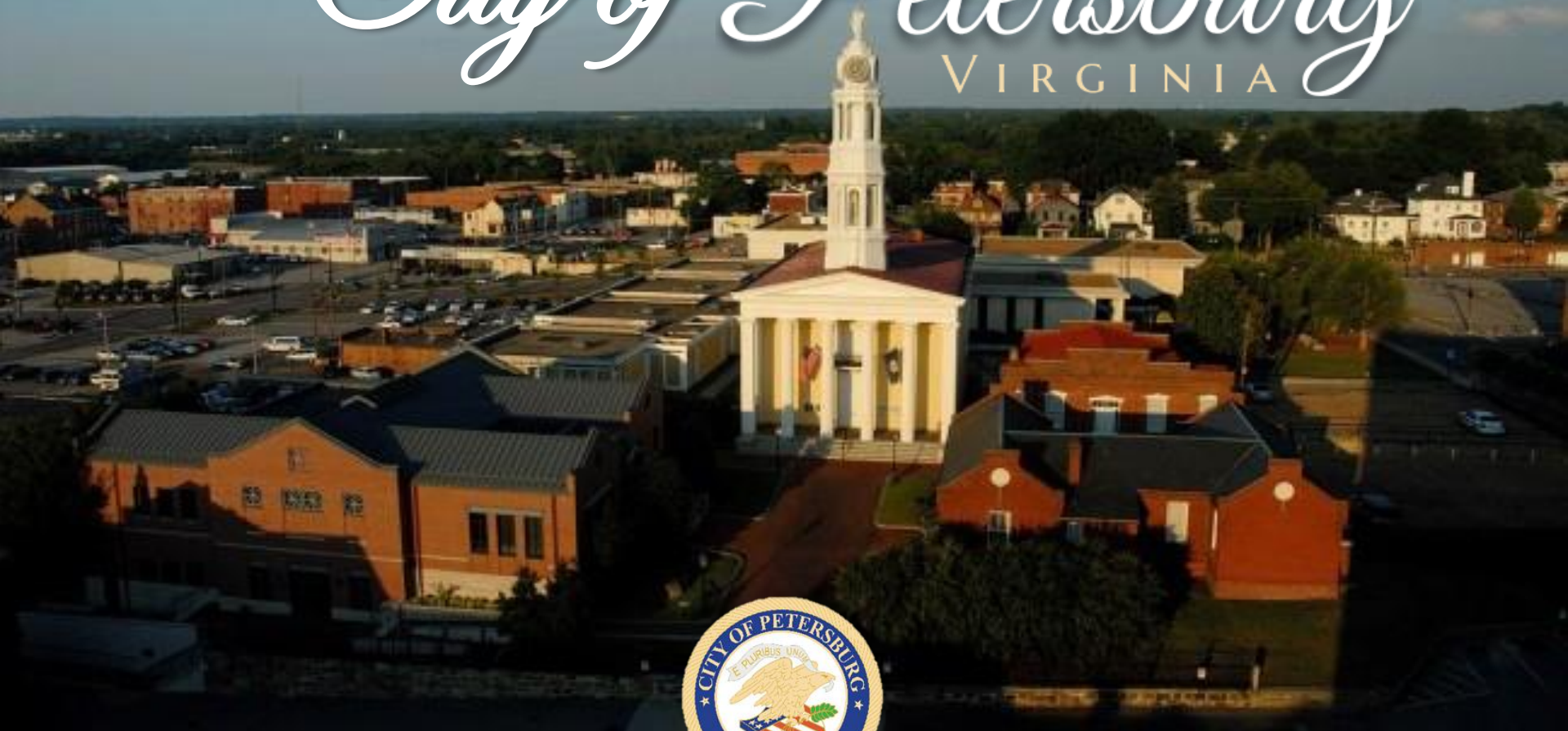
Recommendation



- Staff recommends adoption of the C-PACE ordinance and approval of option B (locally administered program)

Commercial Property Assessed Clean Energy (C-PACE) Program

City of Petersburg VIRGINIA



**COMMERICAL PROPERTY ASSESSED
CLEAN ENERGY (C-PACE) FINANCING PROGRAM**

C-PACE PROGRAM AGREEMENT

THIS C-PACE PROGRAM AGREEMENT (the “Agreement”) is made and entered into as of the date it is fully executed (the “Effective Date”), by and among the **CITY OF Petersburg, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the “City”); (the “Property Owner”); and, a [*state of organization*] [*type of business entity*] (the “Capital Provider”), and their respective successors and assigns (collectively, the “Parties”).

RECITALS:

WHEREAS, §15.2-958.3 of the Virginia Code (the “C-PACE Act”), authorizes the creation of a statewide Commercial Property Assessed Clean Energy (“C-PACE”) Program (the “Statewide Program”), sponsored by Virginia Energy, and managed by the Virginia PACE Authority, its selected program administrator (the “Program Administrator”), and authorizes Virginia localities to opt into the Statewide Program instead of establishing a stand-alone C-PACE Program for the locality; and

WHEREAS, the Statewide Program facilitates Capital Providers making C-PACE Loans to Property Owners to enable the Property Owners to make Eligible Improvements to Eligible Properties; and

WHEREAS, each C-PACE Loan is secured by a Property Owner’s voluntary grant of a C-PACE Lien on an Eligible Property to the locality in which the Eligible Property is located; and

WHEREAS, the City has determined to enable Property Owners to obtain C-PACE Loans for Eligible Improvements located on Eligible Properties in the County by causing the City to opt into the Statewide Program, adopting the Statewide Program as the City’s own C-PACE Program, and to implement such determination, the Council of the City has adopted Chapter 107 of the Ordinances of the City (the “Ordinance”); and

WHEREAS, pursuant to the C-PACE Act, the Ordinance, a Locality Agreement between Virginia Energy and the City and the Program Guidelines, the Parties are required to enter into a written agreement specifying the terms and conditions for participating in the Statewide Program;

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth herein and to implement the purposes of the C-PACE Act and the Ordinance, the Parties hereby agree as follows:

Section 1 - Definitions.

Unless otherwise defined herein, capitalized terms in this Agreement shall have the meanings given them in the Ordinance.

Section 2 – Representations and Covenants.

(a) Property Owner represents and covenants that it is the fee simple record owner of the Eligible Property more particularly described in Exhibit A hereto (the "Property").

(b) Property Owner represents and covenants that (i) it has applied to participate in the Statewide Program, (ii) the Program Administrator has given notice to the City of its approval of Property Owner's application for C-PACE financing and (iii) desires to obtain a C-PACE Loan to construct or install certain Eligible Improvements on the Property.

(c) Property Owner represents and covenants that it has entered or will enter into a Financing Agreement with the Capital Provider that sets forth the terms of the C-PACE Loan. The Assessment Payment Schedule for the C-PACE Loan is set forth in Exhibit B hereto. Property Owner and Capital Provider acknowledge and agree that the Financing Agreement shall include only those costs and fees (including Program Fees) for which a C-PACE Lien may be imposed under the C-PACE Act and the Ordinance.

(d) The Parties acknowledge and agree that should Property Owner default on the C-PACE Loan, the City, acting through its Department of Billing and Collections, may enforce the C-PACE Lien for the benefit of Capital Provider according to the C-PACE Documents, the C-PACE Act, the Locality Agreement, and the Ordinance. If the City, acting through its Department of Billing and Collections, determines not to enforce the C-PACE Lien, which determination shall be made within thirty (30) days of receipt by the City from the Capital Provider of notice of the Property Owner's default under the terms of the C-PACE Documents, then the City shall, within fifteen (15) days of the City's determination not to enforce the C-PACE Lien, assign the right to enforce the C-PACE Lien in accordance with the terms of the C-PACE Documents to the Capital Provider by executing a C-PACE Assignment (Locality) and deliver such instrument to the Capital Provider for recordation in the Land Records. The preceding sentence notwithstanding, a C-PACE Assignment (Locality) may be executed and recorded at any time during the term of the C-PACE Loan, including at the C-PACE Loan's closing, regardless of whether the C-PACE Loan is then in default.

(e) Property Owner and Capital Provider confirm that they have obtained Lender Consents for each deed of trust or mortgage lien against the Property.

Section 3 – Program Terms and Conditions.

(a) C-PACE Loan. The Capital Provider will provide financing for the Property Owner's Eligible Improvements in accordance with the C-PACE Documents.

(b) Program Fee(s): Property Owner agrees that Program Fee(s) will be deducted from C-PACE Payments and remitted by Capital Provider to the Program Administrator in accordance with the C-PACE Documents and the Program Guidelines and in the amount of \$_____, as follows:

(c) Imposition of C-PACE Lien. In consideration for the C-PACE Loan provided to Property Owner under the Program, Property Owner hereby requests and authorizes the City to levy a C-PACE Lien against the Property in the Loan Amount, together with all interest, delinquent interest, late fees, other types of fees, penalties, and collection costs (including attorneys' fees and costs) payable in connection therewith. To evidence the C-PACE Lien, Property Owner requests that the City execute a C-PACE Lien Certificate that will be recorded in the Land Records of the City, which C-PACE Lien Certificate shall state that it secures both the Loan Amount and also all interest, delinquent interest, late fees, other types of fees, penalties, Program Fees and collection costs (including attorneys' fees and costs) payable in connection therewith, and a copy of the Assessment Payment Schedule shall be attached thereto as an exhibit.

(d) C-PACE Payments. The C-PACE Loan is due and payable to the Capital Provider for the benefit of the Capital Provider as set forth in the Assessment Payment Schedule and remitted as follows: _____

_____.
Once the C-PACE Loan, including all accrued interest (both current and delinquent), late fees, other types of fees, penalties, collection costs and Program Fees, has been satisfied and paid in full, Capital Provider and the City, acting at the request and direction of Capital Provider (which shall certify such payment in full to the City), shall execute a joint release of the C-PACE Lien Certificate, and the Capital Provider shall record the release in the Land Records and deliver a copy of the recorded release to Property Owner and the City.

(e) Remittance of C-PACE Payments to Capital Provider: The C-PACE Loan shall be serviced by the Capital Provider, and Property Owner's C-PACE Payments shall be paid directly to its Capital Provider. The foregoing notwithstanding, if for any reason Property Owner's C-PACE Payments are payable to the Program Administrator or the City, then the party receiving such C-PACE Payments shall remit all such payments to the Capital Provider within thirty (30) days of receipt, subject, if applicable, to the deduction and remittance of the Program Fees to the Program Administrator as set forth in Section 3(b), above, the C-PACE Documents and the Program Guidelines.

(f) Maintenance of Assessment. The City agrees to maintain and continue the C-PACE Lien on the Property for the benefit of Capital Provider until the C-PACE Loan, including all principal, interest, fees, other types of fees, penalties, collection costs and Program Fees and other sums due, is paid in full.

(g) Assignment. Capital Provider shall have the right to assign the C-PACE Loan and C-PACE Lien to a successor Capital Provider by the execution, delivery, and recordation of a C-PACE Assignment (CP) in the Land Records, provided all the following conditions are met:

- (1) The C-PACE Assignment (CP) is made pursuant to the requirements of the Ordinance and the Program Guidelines;

(2) The Program Administrator and Property Owner are notified in writing of the assignment or transfer and provided the address where future C-PACE Payments should be mailed, either at closing, if the assignment occurs then, or at least thirty (30) days before the next Payment is due according to the Assessment Payment Schedule; and

(3) The assignee or transferee, by operation of the C-PACE Assignment (CP) or otherwise, assumes Capital Provider's obligations under the C-PACE Documents.

(4) If for any reason C-PACE Payments are being paid to the City shall not obligated to remit C-PACE Payments to a new Capital Provider to which the C-PACE Loan is being assigned until a recorded copy of the C-PACE Assignment (CP) has been provided to the City at the following address[es]:

City:

With Copy to:
Department of Billings and Corrections
Mailing Address:
135 North Union Street
Petersburg, Virginia 23803

Upon written notice to the Program Administrator and Property Owner of an assignment or transfer of the right to receive the C-PACE Payments that meets all of these conditions, the assignor shall be released of all of the obligations of the Capital Provider under the C-PACE Documents accruing after the date of the assignment. Any attempt to assign or transfer the C-PACE Loan or C-PACE Lien that does not meet all these conditions is void.

(h) Lien Priority and Enforcement. Pursuant to the C-PACE Act, the Ordinance, and the Program Guidelines:

(1) Delinquent Payments on the C-PACE Loan will incur interest and penalties as set forth in the C-PACE Documents.

(2) The C-PACE Lien, together with any penalties and interest thereon:

(i) has the same priority status as a lien for City real estate taxes;

(ii) has superior lien status to all subordinated liens against the Property from the date on which the C-PACE Lien Certificate is filed in the Land Records until the financing secured by the C-PACE Lien and any penalties and interest are paid in full;

- (iii) shall run with the land, and notwithstanding Va. Code Sec. 58.1-3967, any portion of the C-PACE Lien that has not yet become due under the C-PACE Documents is not eliminated by the foreclosure of: (i) a City property tax lien, or (ii) the lien for any past due portion of the C-PACE Loan.
- (iv) In the event of a sale or transfer of the Property by the Property Owner, the obligation for the C-PACE Lien and Property Owner's obligations under the C-PACE Documents will be assumed by and transferred to the succeeding owner.

(3) In the event of Property Owner's default under the terms of the C-PACE Documents, the City, acting by and through the Department of Billing and Collections, may enforce the C-PACE Lien for the amount of the Delinquent Payments, late fees, penalties, interest, and any costs of collection in the same manner that a property tax lien against real property may be enforced under Title 58.1, Chapter 39, Article 4 of the Virginia Code. Va. Code Sec. 58.1-3965.1 shall be applied to the sale of any Property to enforce a C-PACE Lien to collect Delinquent Payments. Capital Provider agrees to cooperate with the City in its enforcement of the C-PACE Lien by providing all necessary documents and information concerning the delinquent C-PACE Loan as requested by the City Attorney's Office. If the City, determines not to enforce the C-PACE Lien itself, which determination shall be made within thirty (30) days of receipt by the City from the Capital Provider of notice of the Property Owner's default under the terms of the C-PACE Documents, then the City, shall, within fifteen (15) days of the City's determination not to enforce the C-PACE lien, assign the right to enforce the C-PACE Lien in accordance with the terms of the C-PACE Documents to the Capital Provider by executing a C-PACE Assignment (Locality) and deliver such instrument to the Capital Provider for recordation in the Land Records. The preceding sentence notwithstanding, a C-PACE Assignment (Locality) may be executed and recorded at any time during the term of the C-PACE Loan, including at the C-PACE Loan's closing, regardless of whether the C-PACE Loan is then in default. Upon such assignment and recordation, the Capital Provider is authorized to, and shall, enforce the C-PACE Lien according to the terms of the C-PACE Documents, in the same manner that a property tax lien against real property may be enforced under Title 58.1, Chapter 39 of the Virginia Code, including the institution of suit in the name of the City, and this right to enforce expressly includes authorization for the Capital Provider to engage legal counsel to advise the Capital Provider and conduct all aspects of such enforcement. Such legal counsel, being authorized to institute suit in the name of the City, shall have the status of "Special Counsel to the City" and an "attorney employed by the governing body," and possess all the rights and powers of an attorney employed under Va. Code Secs. 58.1-3966 and 58.1-3969, with the express authority to exercise for the benefit of the Capital Provider every power granted to a local government and its or their attorneys for the enforcement of a property tax lien

under, or in connection with, any provision contained in Title 58.1, Chapter 39, Article 4 of the Virginia Code. All collection and enforcement costs and expenses (including legal fees and costs), interest, late fees, other types of fees, and penalties charged by the City or Capital Provider, as applicable and consistent with the C-PACE Act and the Virginia Code, shall (i) be added to the Delinquent Payments being collected, (ii) become part of the aggregate amount sued for and collected, (iii) be added to the C-PACE Loan, and (iv) be secured by the C-PACE Lien. Nothing herein shall prevent the Capital Provider to which the C-PACE Lien has been assigned from enforcing the C-PACE Lien to the fullest extent permitted by the C-PACE Documents, the C-PACE Act or general law. The Property Owner of a Property being sold to pay Delinquent Payments, or other interested party, may redeem the Property at any time prior to the Property's sale, in accordance with Va. Code Secs. 58.1-3974 and 58.1-3975.

(4) In a bill in equity for sale of a Property to collect Delinquent Payments, the City will be entitled to recover the Delinquent Payments, late fees, other types of fees, penalties, Program Fees, interest due, and the costs and expenses of collection, including attorney's fees and costs, all as set forth in the C-PACE Documents.

(i) Property Owner's Waiver of Certain Defenses; Confession of Judgment: By executing this Agreement, Property Owner acknowledges and agrees as follows:

- (1) After the C-PACE Lien Certificate is recorded, Property Owner waives the right to contest the Lien on the basis that the improvements funded with the C-PACE Loan are not Eligible Improvements;
- (2) Property Owner waives all defenses, affirmative or otherwise, to any enforcement or collection action brought as a result of Property Owner's default in the payment of the C-PACE Payments due pursuant to the C-PACE Documents;
- (3) To the extent permitted by the Financing Agreement, Property Owner waives all defenses to the imposition of personal liability for corporate officers as permitted under Section 58.1-3965(F) of the Virginia Code;
- (4) Property Owner shall provide a confession of judgment if requested by the Capital Provider.

(j) Written Contract Required by the C-PACE Act and Ordinance. This C-PACE Program Agreement constitutes the written contract specifying the terms and conditions for C-PACE Program participation as required by §15.2-958.3(A)(7) of the C-PACE Act.

(k) Transfer of C-PACE Funded Improvements. Property Owner agrees that all Improvements purchased, constructed, or installed through financing obtained pursuant to the C-PACE Program shall be permanently affixed to the Property and will transfer with the Property to the transferee in the event of and sale or assignment of the Property; provided, however, that if Improvements become obsolete or the Property Owner otherwise determines they need to be

replaced with other Improvements of equal or greater value, such Improvements may be removed and other Improvements of equal or greater value installed.

(l) No Cost to City. No provision of this Agreement requires the City to expend or risk its own funds or otherwise incur any financial liability in the performance of any of its duties hereunder.

(m) Term of the Agreement. The term of this Agreement shall commence upon the Effective Date and shall be in full force and effect until the C-PACE Loan has been irrevocably paid in full.

Section 4 - Indemnification.

Without limiting any other obligation or liability of the Property Owner, or any right or remedy of the Capital Provider or the City, Property Owner agrees to indemnify and hold harmless the Capital Provider and the City, their councilmembers, directors, officers, employees, agents, subsidiaries, and affiliates (each, an “Indemnified Party”), from and against all damages, losses, settlement payments, obligations, liabilities, claims, suits, penalties, assessments, citations, directives, demands, judgments, actions or causes of action, whether created by statute or common law, including all costs and expenses, including attorneys’ fees, arising from or associated with this C-PACE Loan transaction. This section shall survive the expiration of the Term of this Agreement.

Section 5 - Miscellaneous Provisions.

(a) Construction. This Agreement is to be construed in accordance with and with reference to the C-PACE Act, the Ordinance, the Locality Agreement, and the Program Guidelines.

(b) Further Assurances. Property Owner further covenants and agrees to do, execute, and deliver, or cause to be done, executed and delivered all such further acts for implementing the intention of this Agreement as may be reasonably necessary or required.

(c) Severability. If the C-PACE Act, the Ordinance, the Locality Agreement or any clause, provision, or section of this Agreement, is challenged and held by a court of competent jurisdiction to be unenforceable by the City or Capital Provider, Property Owner agrees to continue to make the C-PACE Payments required under the C-PACE Documents and agrees to execute any and all documentation to perfect and enforce the C-PACE Loan as required by the City or Capital Provider. The invalidity of any clause, provision, or section of this Agreement shall not affect any remaining clauses, provisions, or sections of this Agreement, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision, or section had not been included herein.

(d) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which together shall constitute but one and the same instrument. Electronically transmitted and digitally signed signatures shall have the same force and effect as, and shall be treated as, a “wet ink” original signature.

(e) Notices. All notices, requests, consents, and other communications (collectively,

“Notices”) shall be in writing and shall be delivered, mailed by first class mail, postage prepaid, or overnight delivery service, to the Parties, as follows:

If to the City:

[Address]

If to the Property Owner:

[Address]

If to the Capital Provider:

[Address]

If to the Program Administrator:

[Address]

Notice by e-mail under this paragraph is only permitted if each party listed above has furnished its respective e-mail address as part of its notice address above. By doing so, each such party agrees, for itself and its successors and assigns, to supply to each of the other Parties any replacement e-mail address within two (2) business days of its adoption, by a permitted means other than e-mail. All Notices are effective when received.

(f) Amendment and Waivers. Except as otherwise set forth in this Agreement, any amendment to or waiver of any provision of this Agreement must be in writing and mutually agreed by the Parties.

(g) Applicable Law and Venue. This Agreement and its provisions shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. In any action, in equity or at law, with respect to the enforcement or interpretation of this Agreement, venue shall be in the City.

(h) Successors and Assigns. This Agreement is binding upon and made for the benefit of the Property Owner, the Capital Provider, the City, and their respective successors and permitted assigns.

(i) Entire Agreement. This instrument constitutes the entire agreement between the Parties and supersedes all previous discussions, understandings and agreements between the Parties relating to the subject matter of this Agreement.

(j) Headings. The headings in this Agreement are solely for convenience, do not constitute a part of this Agreement and do not affect its meaning or construction.

IN WITNESS WHEREOF, the City, its Treasurer, the Property Owner, and the Capital Provider have each caused this Agreement to be executed on the date(s) entered below:

CITY OF Petersburg, VIRGINIA

By: _____
Name: _____
Title: _____
Date: _____

APPROVED AS TO FORM:

By: _____
Name: _____
Title: _____
Date: _____

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURES CONTINUE ON NEXT PAGE]

PROPERTY OWNER:
[insert Property Owner’s name]

By: _____
Name: _____
Title: _____
Date: _____

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURES CONTINUE ON NEXT PAGE]

[CAPITAL PROVIDER’S SIGNATURE PAGE TO C-PACE PROGRAM AGREEMENT]

CAPITAL PROVIDER:

[insert Capital Provider’s name]

By: _____
Name: _____
Title: _____
Date: _____

Exhibit A
Property Description

Exhibit B
Assessment Payment Schedule

**AN ORDINANCE TO RESCIND, REPLACE, AND RE-ADOPT CHAPTER 107
COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) FINANCING
PROGRAM**

WHEREAS, Council previously adopted June 18, 2019, to create the City of Petersburg Commercial Property Assessed Clean Energy (C-PACE) Financing Program, and

WHEREAS, The program adopted is currently not operational and needs to be updated, and;

WHEREAS, the City has retained a consultant who has recommended substantial amendments to these provisions based upon updates to the Code of Virginia pertaining to this program; and

WHEREAS, it is the belief of Council that such amendments are necessary and proper.

NOW THEREFORE BE IT ORDAINED that Chapter 107 of the City Code is hereby rescinded and replaced with the following provisions:

Chapter 107 - COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) FINANCING PROGRAM

ARTICLE I. - IN GENERAL

Sec. 107-1. - Purpose.

The purpose of this chapter is to create a “The City of Petersburg Commercial Property Assessed Clean Energy (C-PACE) Financing Program,” to operate in coordination with the statewide C-PACE program, all in accordance with Va. Code §15.2-958.3 (hereinafter, the “C-PACE Act”). The local and statewide C-PACE programs, working together, will facilitate Loans made by Capital Providers to Property Owners of Eligible Properties to finance Eligible Improvements thereon. Subject to the limitations set forth in this chapter, the C-PACE Act, or other applicable law, each C-PACE Loan, inclusive of principal, interest, and any financed fees, costs, or expenses, will be secured by a voluntary special assessment lien on the Property that is the subject of such Loan.

Sec. 107-2. - Definitions.

- (a) *Assessment Payment Schedule* means the schedule of installments of C-PACE Payments to be made in the repayment of the C-PACE Loan, which shall be attached as Exhibit B to the C-PACE Program Agreement.
- (b) *Capital Provider* means (i) a private lending institution that has been approved by the Program Administrator in accordance with the Program Guidelines to originate a C-PACE Loan and its successors and assigns; or (ii) the current holder of a C-PACE Loan.
- (c) *City* means the City of Petersburg, Virginia.
- (d) *Clerk’s office* means the Office of the Clerk of the Circuit Court of the City of Petersburg, Virginia.
- (e) *Commonwealth* means the Commonwealth of Virginia.
- (f) *Council/Board of Supervisors* means the Council of the City of Petersburg, Virginia.
- (g) *C-PACE* means Commercial Property Assessed Clean Energy.
- (h) *C-PACE Act* means Virginia’s “Commercial Property Assessed Clean Energy (C-PACE) financing programs” law, codified at Va. Code §15.2-958.3.
- (i) *C-PACE Amendment* means an amendment of the C-PACE Lien executed by the Capital Provider, the Property Owner and the Program Manager, as permitted in the C-PACE Documents, which C-PACE Amendment shall be recorded in the Clerk’s Office to evidence each amendment to the C-PACE Loan and the C-PACE Lien.

(j) *C-PACE Assignment (CP)* means a written assignment by one Capital Provider to another Capital Provider of the C-PACE Payments and/or C-PACE Lien pursuant to the terms of the assignment document.

(k) *C-PACE Assignment (Locality)* means a written assignment by the City to the Capital Provider to whom the C-PACE Loan is then due, wherein the City relinquishes and assigns its right to enforce the C-PACE Lien to the Capital Provider, substantially in the form attached as Addendum 1 to the C-PACE Lien Certificate.

(l) *C-PACE Documents* means the C-PACE Program Agreement, Financing Agreement, C-PACE Lien Certificate, C-PACE Assignment (CP) (if any), C-PACE Assignment (Locality) (if any), C-PACE Amendment (if any), and any other document, agreement, or instrument executed in connection with a C-PACE Loan.

(m) *C-PACE Lien* or *Lien* means the voluntary special assessment lien levied against the Property as security for the C-PACE Loan.

(n) *C-PACE Lien Certificate* means the voluntary special assessment lien document duly recorded among the Land Records against an Eligible Property to secure a C-PACE Loan.

(o) *C-PACE Loan* or *Loan* means a loan from a Capital Provider to finance a Project, in accordance with the Program Guidelines.

(p) *C-PACE Payment* means the periodic installment payments of the C-PACE Loan by a Property Owner, due and payable to the or Capital Provider as permitted by the C-PACE Act in such amounts and at such times as described in the Assessment Payment Schedule.

(q) *C-PACE Program* means the program established by the *City* through this chapter, in accordance with the C-PACE Act, that in coordination with the Statewide Program facilitates the financing of Eligible Improvements and provides for a C-PACE Lien to be levied and recorded against the Property to secure the C-PACE Loan.

(r) *C-PACE Program Agreement* means the agreement executed among the Property Owner, the *City*, and the Capital Provider, and their respective successors and assigns, which includes the terms and conditions for participation in the C-PACE Program and the Property Owner's acknowledgment and consent for the *City* to impose a voluntary special assessment, record a C-PACE Lien Certificate against the Property Owner's Eligible Property and, if the *City* so determines, assign the rights to enforce the C-PACE Lien and C-PACE Lien Certificate to the Capital Provider. The C-PACE Program Agreement shall be substantially in the form attached hereto as Appendix A.

(s) *Delinquent Payment* means any C-PACE Payment that was not paid by a Property Owner in accordance with the C-PACE Documents.

(t) *Eligible Improvements* means the initial acquisition and installation of any of the following improvements made to Eligible Properties:

- (1) Energy efficiency improvements;
- (2) Water efficiency and safe drinking water improvements;
- (3) Renewable energy improvements;
- (4) Resiliency improvements;
- (5) Stormwater management improvements;
- (6) Environmental remediation improvements; and
- (7) Electric vehicle infrastructure improvements.

Eligible Improvements may be made to both existing Properties and new construction, as further prescribed in this chapter and the Program Guidelines. Eligible Improvements shall include types of authorized improvements added by the General Assembly to the C-PACE Act after the date of adoption of this chapter, without need for a conforming amendment of this chapter. In addition to the elaboration on the types of Eligible Improvements provided in Sec. 107-4(a), below, a Program Administrator may include in its Program Guidelines or other administrative documentation definitions, interpretations, and examples of these categories of Eligible Improvements.

(u) *Eligible Property or Property* means all assessable commercial real estate located within the *City*, with all buildings located or to be located thereon, whether vacant or occupied, improved or unimproved, and regardless of whether such real estate is currently subject to taxation by the *City*, excluding (i) a residential dwelling with fewer than five (5) units, and (ii) a residential condominium as defined in Va. Code §55.1-2100. Common areas of real estate owned by a cooperative or a property owners' association described in Va. Code Title 55.1, Subtitle IV (§55.1-1800 et seq.), that have a separate real property tax identification number are Eligible Properties. Eligible Properties shall be eligible to participate in the C-PACE Program.

(v) *Financing Agreement* means the written agreement, as may be amended, modified, or supplemented from time to time, between a Property Owner and a Capital Provider, regarding matters related to the extension and repayment of a C-PACE Loan to finance Eligible Improvements. The Financing Agreement may contain any lawful terms agreed to by the Capital Provider and the Property Owner.

(w) *Land Records* means the Land Records of the Clerk's Office.

(x) *Lender Consent* means a written subordination agreement executed by each mortgage or deed of trust lienholder with a lien on the Property that is the subject of a C-PACE Loan, which allows the C-PACE Lien to have senior priority over the mortgage or deed of trust liens.

- (y) *Loan Amount* means the original principal amount of a C-PACE Loan.
- (z) *Locality Agreement* means the Virginia Energy – Locality Commercial Property Assessed Clean Energy Agreement between Virginia Energy and the *City*, pursuant to which the *City* elects to participate in the Statewide Program. The Locality Agreement shall be substantially in the form attached hereto as Exhibit B.
- (aa) *Program Administrator* means the private third party retained by Virginia Energy to provide professional services to administer the Statewide Program in accordance with the requirements of the C-PACE Act, this chapter, the Locality Agreement, and the Program Guidelines.
- (bb) *Program Fee(s)* means the fee(s) authorized by the C-PACE Act and charged to participating Property Owners to cover the costs to design and administer the Statewide Program, including, without limitation, compensation of the Program Administrator. While Capital Providers are required to service their C-PACE Loans, if a Capital Provider does not do so and the Program Administrator assumes the servicing responsibility and charges a servicing fee, the servicing fee shall also be included among the Program Fees.
- (cc) *Program Guidelines* means a comprehensive document setting forth the procedures, eligibility rules, restrictions, Program Fee(s), responsibilities, and other requirements applicable to the governance and administration of the Statewide Program.
- (dd) *Program Manager* means the City Manager, or such person designated in writing by the City Manager to (i) supervise the *City/County/Town's* C-PACE Program and participation in the Statewide Program, (ii) act as liaison with the Program Administrator and (iii) advise the Program Administrator as to who will sign the C-PACE Documents to which the Locality is a party on the Locality's behalf. If the employee of the City who customarily signs agreements for the Locality is not the person designated as Program Manager, then references in this Ordinance and in the C-PACE Documents to the Program Manager signing certain C-PACE Documents on behalf of the Locality shall be construed to also authorize such customary signatory for the City to execute such C-PACE Documents.
- (ee) *Project* means the construction or installation of Eligible Improvements on Eligible Property.
- (ff) *Property Owner* means (i) the Property Owner(s) of Eligible Property who voluntarily obtain(s) a C-PACE Loan from a Capital Provider in accordance with the Program Guidelines; or (ii) a successor in title to the Property Owner.
- (gg) *Property Owner Certification* means a notarized certificate from Property Owner, certifying that (i) Property Owner is current on payments on Loans secured by a mortgage or deed of trust lien on the Property and on real estate tax payments, (ii) that the Property Owner is not insolvent or in bankruptcy proceedings, and (iii) that the title of the Property is not in dispute, as evidenced by a title report or title insurance commitment from a title insurance company acceptable to the Program Administrator and Capital Provider.

(hh) *Statewide Program* means the statewide C-PACE financing program sponsored by Virginia Energy, established to provide C-PACE Loans to Property Owners in accordance with the C-PACE Act, this chapter, the Locality Agreement, the C-PACE Documents, and the Program Guidelines.

(ii) *Useful Life* means the normal operating life of the fixed asset.

(jj) *Virginia Code or Va. Code* means the Code of Virginia of 1950, as amended.

(kk) *Virginia Energy* means the Virginia Department of Energy.

Sec. 107-3. - Effective date.

This chapter shall become effective immediately following its adoption.

ARTICLE II. - PROGRAM STRUCTURE

Sec. 107-4. - C-PACE Program; Eligible Improvements.

(a) *C-PACE Program*. The C-PACE Program shall be available throughout the *City*, provided that the Property Owner, the Property, the proposed Eligible Improvements, the Capital Provider, and the principal contractors all qualify for the Statewide Program. The following types of Eligible Improvements may be financed with a C-PACE Loan:

(1) Energy usage efficiency systems (e.g., high efficiency lighting and building systems, heating, ventilation, and air conditioning (HVAC) upgrades, air duct sealing, high efficiency hot water heating systems, building shell or envelope improvements, reflective roof, cool roof, or green roof systems, and/or weather-stripping), or other capital improvements or systems which result in the reduction of consumption of energy over a baseline established in accordance with the Program Guidelines;

(2) Water usage efficiency and safe drinking water improvements (e.g., recovery, purification, recycling, and other forms of water conservation), or other capital improvements or systems which result in the reduction of consumption of water over a baseline established in accordance with the Program Guidelines;

(3) Renewable energy production facilities (e.g., solar photovoltaic, fiber optic solar, solar thermal, wind, wave and/or tidal energy, biomass, combined heat and power, geothermal and fuel cells), whether attached to a building or sited on the ground, and the storage and/or distribution of the energy produced thereby, whether for use on-site or sale or export to a utility or pursuant to a power purchase agreement with a non-utility purchaser;

(4) Resiliency improvements which increase the capacity of a structure or infrastructure to withstand or recover from natural disasters, the effects of climate change, and attacks and accidents, including, but not limited to:

- a. Flood mitigation or the mitigation of the impacts of flooding;
- b. Inundation adaptation;
- c. Natural or nature-based features and living shorelines, as defined in Va. Code § 28.2-104.1;
- d. Enhancement of fire or wind resistance, including but not limited to reinforcement and insulation of a building envelope to reduce the impacts of excessive heat or wind;
- e. Microgrids;
- f. Energy storage; and
- g. Enhancement of the resilience capacity of a natural system, structure, or infrastructure;

(5) Stormwater management improvements that reduce onsite stormwater runoff into a stormwater system, such as reduction in the quantity of impervious surfaces or providing for the onsite filtering of stormwater;

(6) Environmental remediation improvements, including but not limited to:

- a. Improvements that promote indoor air and water quality;
- b. Asbestos remediation;
- c. Lead paint removal; and
- d. Mold remediation;

(7) Soil or groundwater remediation;

(8) Electric vehicle infrastructure improvements, such as charging stations;

(9) Construction, renovation, or retrofitting of a Property directly related to the accomplishment of any purpose listed in subsections (1) – (8) above, whether such Eligible Improvement was erected or installed in or on a building or on the ground; it being the express intention of the City to allow Eligible Improvements that constitute, or are a part of, the construction of a new structure or building to be financed with a C-PACE Loan; and

(10) Any other category of improvement (i) approved by the Program Administrator with the consent of the Program Manager as qualifying for financing under the Statewide Program, in accordance with the C-PACE Act (including amendments thereto which authorize additional types of Eligible Improvements), or (ii) added by the General Assembly to the C-PACE Act after the date of adoption of this chapter, without need for a conforming amendment

of this chapter. In addition, a Program Administrator may include in its Program Guidelines or other administrative documentation definitions, interpretations, and examples of these categories of Eligible Improvements.

(b) *Use of C-PACE Loan proceeds.* The proceeds of a C-PACE Loan may be used to pay for the construction, development, and consulting costs directly related to Eligible Improvements, including without limitation, the cost of labor, materials, machinery, equipment, plans, specifications, due diligence studies, consulting services (e.g., engineering, energy, financial, and legal), program fees, C-PACE Loan fees, capitalized interest, interest reserves, and C-PACE transaction underwriting and closing costs.

(c) *Program applications; prioritization.* The Program Administrator shall make available the Statewide Program's program application process, to provide for the review and approval of proposed Eligible Improvements and C-PACE Documents. Program applications will be processed by the Statewide Program in accordance with the eligibility requirements and procedures set forth in the Program Guidelines.

Sec. 107-5. - C-PACE Loan requirements; Program Fees; reporting; Program Administrator; Program Guidelines.

(a) *Source of Loans.* C-PACE Loans shall be originated by Capital Providers. The City/County/Town and/or its respective governmental entities shall have no obligation to originate or guarantee any C-PACE Loans.

(b) *C-PACE Loan Amount thresholds.* The minimum Loan Amount that may be financed for each Project is fifty thousand dollars (\$50,000.00). There is no maximum aggregate amount that may be financed with respect to an Eligible Property, except as stipulated in the Program Guidelines. There shall be no limit on the total value of all C-PACE Loans issued under the C-PACE Program.

(c) *C-PACE Loan refinancing or reimbursement.* The Program Administrator may approve a Loan application submitted within two (2) years of the City's issuance of a certificate of occupancy or other evidence that the Eligible Improvements comply substantially with the plans and specifications previously approved by the City and that such Loan may refinance or reimburse the Property Owner for the total costs of such Eligible Improvements.

(d) *C-PACE Loan interest.* The interest rate of a C-PACE Loan shall be as set forth in the C-PACE Documents.

(e) *C-PACE Loan term.* The term of a C-PACE Loan shall not exceed the weighted average Useful Life of the Eligible Improvements, as determined by the Program Administrator.

(f) *Apportionment of costs.* All of the cost's incidental to the financing, administration, collection, and/or enforcement of the C-PACE Loan shall be borne by the Property Owner.

(g) *Financing Agreements.* Capital Providers may use their own Financing Agreements for C-PACE Loans, but the Financing Agreement may not conflict with the provisions of this chapter, the C-PACE Act, or the C-PACE Program Agreement. To the extent of any conflict, this chapter, the C-PACE Act, and the C-PACE Program Agreement shall prevail.

(h) *C-PACE Program Agreement.* In order to participate in the C-PACE Program, Property Owner and Capital Provider shall enter into a C-PACE Program Agreement, which sets forth certain terms and conditions for participation in the C-PACE Program. The Program Manager is authorized to approve the C-PACE Loan and execute the C-PACE Program Agreement on behalf of the City without further action by the City Council. The City Manager is also authorized to execute the C-PACE Program Agreement without further action by the City Council. The C-PACE Program Agreement shall be binding upon the parties thereto and their respective successors and assigns until the C-PACE Loan is paid in full. The Program Administrator may modify the C-PACE Program Agreement as necessary to further the Statewide Program's purpose and to encourage Program participation, so long as such modifications do not conflict with the Program Guidelines, this chapter, the Locality Agreement, or the C-PACE Act.

(i) *Repayment of C-PACE Loan; collection of C-PACE Payments.* C-PACE Loans will be repaid by the Property Owner through C-PACE Payments made in the amounts and at such times as set forth in the Assessment Payment Schedule, the C-PACE Documents and Program Guidelines. The Capital Provider shall be responsible, subject to and in accordance with the terms of the C-PACE Program Agreement and other C-PACE Documents, for the servicing of the C-PACE Loans and the collection of C-PACE Payments. If a Capital Provider fails to service a C-PACE Loan, such C-PACE Loan shall be serviced by the Program Administrator. Nothing herein shall prevent the Capital Provider or the Program Administrator from directly billing and collecting the C-PACE Payments from the Property Owner to the extent permitted by the C-PACE Act or other applicable law. The enforcement of C-PACE Loans and their C-PACE Documents during an event of default thereunder is governed by Section 107-6(e).

(j) *C-PACE Loan assumed.* A party which acquires a Property which is subject to a C-PACE Lien, whether it obtained ownership of the Property voluntarily or involuntarily, becomes the Property Owner under the C-PACE Documents and, by virtue of the C-PACE Lien running with the land, assumes the obligation to repay all remaining unpaid C-PACE Payments which are due and which accrue during such successor Property Owner's period of ownership. Only the current C-PACE Payment and any Delinquent Payments, together with any penalties, fees, and costs of collection, shall be payable at the settlement of a Property upon sale or transfer, unless otherwise agreed to by the Capital Provider.

(k) *Transfer of C-PACE Loans.* C-PACE Loans may be transferred, assigned, or sold by a Capital Provider to another Capital Provider at any time until the C-PACE Loan is paid in full provided that the Capital Provider shall (i) notify the Property Owner and the Program Administrator of the transfer prior to the billing date of the next C-PACE Payment due (and within thirty (30) days if the C-PACE Loan is serviced by the Program Administrator), (ii) record a C-PACE Assignment (CP) among the Land Records, and (iii) deliver a copy of the recorded C-PACE Assignment (CP) to the Property Owner, the City, and the Program

Administrator. Recordation of the C-PACE Assignment (CP) shall constitute an assumption by the new Capital Provider of the rights and obligations of the original Capital Provider contained in the C-PACE Documents.

(l) *Program Fees.* The Statewide Program is self-financed through the Program Fees charged to participating Property Owners, together with any funds budgeted by the General Assembly to support the Statewide Program. The Program Fees are established to cover the actual and reasonable costs to design and administer the Statewide Program, including the compensation of a third-party Program Administrator. The amount(s) of the Program Fees shall be set forth in the Program Guidelines. Program Fees may be changed by the Program Administrator from time to time and shall only apply to C-PACE Loans executed after the date the revised fees are adopted.

(m) *Locality Agreement.* The City shall opt into the Statewide Program by entering into the Locality Agreement, adopting the Statewide Program as the City's own C-PACE Program. In accordance with the C-PACE Act, opting into the C-PACE Program shall not require the City to conduct a competitive procurement process. The Program Manager is authorized to execute the Locality Agreement on behalf of the City without further action by the City Council.

(n) *Program Guidelines.* The Program Administrator, under the direction of and in consultation with Virginia Energy, has designed the Program Guidelines to create an open, competitive, and efficient C-PACE Program. The Program Administrator may modify the Program Guidelines from time to time, provided such amendments are (i) consistent with the C-PACE Act and (ii) approved by Virginia Energy before taking effect.

(o) *Indemnification.* The Program Administrator shall indemnify, defend, and hold the City harmless against any claim brought against the City or any liability imposed on the City as a result of any action or omission to act by the Program Administrator.

Sec. 107-6. - Levy of assessment; recordation; priority; amendment; enforcement and collection costs.

(a) *Levy of voluntary special assessment lien.* Each C-PACE Loan made under the C-PACE Program shall be secured by a voluntary special assessment lien (i.e., a C-PACE Lien) levied by the [City/County/Town] against each Property benefitting from the Eligible Improvements financed by such C-PACE Loan. The C-PACE Lien shall be in the Loan Amount but shall secure not only the principal of the C-PACE Loan, but also all interest, delinquent interest, late fees, penalties, Program Fees, and collection costs (including attorneys' fees and costs) payable in connection therewith.

(b) *Recordation of C-PACE Lien Certificate.* Each C-PACE Lien shall be evidenced by a C-PACE Lien Certificate in the Loan Amount but shall also expressly state that it also secures all interest, delinquent interest, late fees, other types of fees, penalties, and collection costs (including attorneys' fees and costs) payable in connection therewith, and a copy of the Assessment Payment Schedule shall be attached thereto as an exhibit. The Program Manager is hereby authorized to, and shall promptly, execute the C-PACE Lien Certificate on behalf of the

City and deliver it to the Capital Provider, without any further action by the City Council. Upon the full execution of the C-PACE Documents and funding of the C-PACE Loan, the Capital Provider shall cause the recordation of the C-PACE Lien Certificate in the Land Records.

(c) *Priority.* The C-PACE Lien shall have the same priority as a real property tax lien against real property, except that it shall have priority over any previously recorded mortgage or deed of trust lien on the Property only if prior to the recording of the C-PACE Lien, (i) Property Owner has obtained a written Lender Consent, in a form and substance acceptable to the holder of such prior mortgage or deed of trust in its sole and exclusive discretion, executed by such lienholder and recorded with the C-PACE Lien Certificate in the Land Records; and (ii) prior to the recording of the C-PACE Lien Certificate, Property Owner has delivered an executed Property Owner Certification to the City in connection with the C-PACE Loan closing. Only the current C-PACE Payment and any Delinquent Payments shall constitute a first lien on the Property. The C-PACE Lien shall run with the land and that portion of the C-PACE Lien under the C-PACE Program Agreement that has not yet become due shall not be eliminated by foreclosure of a real property tax lien.

(d) *Amendment of lien.* Upon written request by a Capital Provider in accordance with the Program Guidelines, the Program Manager, without any further action by the City Council, shall join with the Capital Provider and the Property Owner in executing a C-PACE Amendment of the C-PACE Loan and the C-PACE Lien after the closing of a C-PACE Loan. The C-PACE Amendment shall be recorded in the Land Records.

(e) *Enforcement and collection costs.* In the event of Property Owner's default under the terms of the C-PACE Documents, the City, may enforce the C-PACE Lien for the amount of the Delinquent Payments, late fees, penalties, interest, and any costs of collection in the same manner that a property tax lien against real property may be enforced under Title 58.1, Chapter 39, Article 4 of the Virginia Code. Va. Code Sec. 58.1-3965.1 shall be applied to the sale of any Property to enforce a C-PACE Lien to collect Delinquent Payments. If City elects not to enforce the C-PACE Lien, which election shall be made within thirty (30) days of receipt by the City from the Capital Provider of notice of the Property Owner's default under the terms of the C-PACE Documents, then the City, shall, within fifteen (15) days of the City's determination not to enforce the C-PACE Lien, assign the right to enforce the C-PACE Lien in accordance with the terms of the C-PACE Documents to the Capital Provider by executing a C-PACE Assignment (Locality) and delivering such instrument to the Capital Provider for recordation in the Land Records. The preceding sentence notwithstanding, a C-PACE Assignment (Locality) may be executed and recorded at any time during the term of the C-PACE Loan, including at the C-PACE Loan's closing, regardless of whether the C-PACE Loan is then in default. Upon such assignment and recordation, the Capital Provider is authorized to, and shall, enforce the C-PACE Lien according to the terms of the C-PACE Documents, in the same manner that a property tax lien against real property may be enforced under Title 58.1, Chapter 39 of the Virginia Code, including the institution of suit in the name of the City, and this right to enforce expressly includes authorization for the Capital Provider to engage legal counsel to advise the Capital Provider and conduct all aspects of such enforcement. Such legal counsel, being authorized to institute suit in the name of the City and its Treasurer, shall have

the status of “Special Counsel to the City” and an “attorney employed by the governing body,” and possess all the rights and powers of an attorney employed under Va. Code Secs. 58.1-3966 and 58.1-3969, with the express authority to exercise for the benefit of the Capital Provider every power granted to a local government and its or their attorneys for the enforcement of a property tax lien under, or in connection with, any provision contained in Title 58.1, Chapter 39, Article 4 of the Virginia Code. The City, on its behalf, waives its right to require such legal counsel to post the optional bond described in Va. Code Sec. 58.1-3966. All collection and enforcement costs and expenses (including legal fees and costs), interest, late fees, other types of fees, and penalties charged by the City or Capital Provider, as applicable and consistent with the C-PACE Act and the Virginia Code, shall (i) be added to the Delinquent Payments being collected, (ii) become part of the aggregate amount sued for and collected, (iii) be added to the C-PACE Loan, and (iv) be secured by the C-PACE Lien. Nothing herein shall prevent the Capital Provider to which the C-PACE Lien has been assigned from enforcing the C-PACE Lien to the fullest extent permitted by the C-PACE Documents, the C-PACE Act or general law. The Property Owner of a Property being sold to pay Delinquent Payments, or other interested party, may redeem the Property at any time prior to the Property’s sale, in accordance with Va. Code Secs. 58.1-3974 and 58.1-3975.

Sec. 107-7. - Role of the City/County/Town; limitation of liability.

Property Owners and Capital Providers participate in the C-PACE Program and the Statewide Program at their own risk. By executing the C-PACE Documents, including the C-PACE Program Agreement, or by otherwise participating in the C-PACE Program and the Statewide Program, the Property Owner, Capital Provider, contractor, or other party or participant acknowledge and agree, for the benefit of the City and as a condition of participation in the C-PACE Program and the Statewide Program, that: (i) the City undertakes no obligations under the C-PACE Program and the Statewide Program except as expressly stated herein or in the C-PACE Program Agreement; (ii) in the event of a default by a Property Owner, the City has no obligation to use City funds to make C-PACE Payments to any Capital Provider including, without limitation, any fees, expenses, and other charges and penalties, pursuant to a Financing Agreement between the Property Owner and Capital Provider; (iii) no C-PACE Loan, C-PACE Payment, C-PACE Lien, or other obligation arising from any C-PACE Document, the C-PACE Act, or this chapter shall be backed by the credit of the City, the Commonwealth, or its political subdivisions, including, without limitation, City taxes or other City funds; (iv) no C-PACE Loan, C-PACE Payment, C-PACE Lien or other obligation arising from any C-PACE Document, the C-PACE Act, or this chapter shall constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or restriction; (v) the City has not made any representations or warranties, financial or otherwise, concerning a Property Owner, Eligible Property, Project, Capital Provider, or C-PACE Loan; (vi) the City makes no representation or warranty as to, and assumes no responsibility with respect to, the accuracy or completeness of any C-PACE Document, or any assignment or amendment thereof; (vii) the City assumes no responsibility or liability in regard to any Project, or the planning, construction, or operation thereof; (viii) each Property Owner or Capital Provider shall, upon request, provide the City with any information associated with a Project or a C-PACE Loan that is reasonably necessary to confirm that the Project or C-PACE Loan satisfies the requirements of the Program Guidelines; and (ix) each Property Owner, Capital Provider, or

other participant under the C-PACE Program, shall comply with all applicable requirements of the Program Guidelines.

Sec. 107-8. - Severability.

As provided by Chapter 1, General Provisions, Section 1-19. – Severability of parts of code of the City, the provisions of this chapter are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid, or that the application of any part of the chapter or provision to any person or circumstance is invalid, the remaining provisions of this chapter shall not be affected by that decision and continue in full force and effect.

Appendix A – C-PACE Program Agreement

Appendix B – Locality Agreement

VIRGINIA ENERGY – LOCALITY COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AGREEMENT

THIS AGREEMENT is made and entered into as of this ____ day of _____, 20__, between Petersburg Virginia, a political subdivision of the Commonwealth of Virginia (the “Locality”), and the Virginia Department of Energy (“Virginia Energy”), a public agency of the Commonwealth of Virginia.

RECITALS

1. Pursuant to § 15.2-958.3. of the Code of Virginia, entitled “Financing clean energy, resiliency, and stormwater management programs” (“C-PACE Act”), Locality has exercised its right to authorize contracts to provide C-PACE loans through the adoption of a C-PACE ordinance (“Ordinance”), attached hereto as Exhibit 1.
2. Pursuant to the C-PACE Act and Ordinance, Locality has agreed to opt into the statewide C-PACE loan program sponsored by Virginia Energy (“Virginia C-PACE Program”) and administered by a competitively selected private program administrator (“Program Administrator”). The current Program Administrator and its contact information are set forth on Exhibit 2 attached hereto.
3. The Virginia C-PACE Program provides the Locality with a uniform process for the application, approval, closing and servicing of C-PACE loans and with outreach and training support to promote the program to property owners. A Locality participating in the Virginia C-PACE Program agrees to adopt the set of legal and administrative documents and to abide by the requirements of the statewide C-PACE Program Guidelines (“Program Guidelines”) attached hereto as Exhibit 3.

NOW THEREFORE, to implement the local C-PACE Ordinance, the Locality hereby opts into the Virginia C-PACE Program sponsored by Virginia Energy and managed and operated by Virginia Energy’s Program Administrator, on the terms set forth hereinbelow and in accordance with the program design detailed in the Program Guidelines.

ARTICLE 1

(a) **Term.** The term of this Agreement shall commence upon the date the last party executes the Agreement. This Agreement shall remain in full force and effect until either Virginia Energy terminates the Virginia C-PACE Program, or the Locality opts out of the Virginia C-PACE Program. Either party may terminate this Agreement at any time upon ninety (90) days’ advance written notice to the other party, provided that the collection of C-PACE Lien payments for C-PACE loans made prior to the termination date shall continue until all C-PACE Lien payments (including the interest, penalties, and fees thereon) have been collected and all such C-PACE loans have been paid in full.

(b) Servicing of C-PACE Loans. C-PACE Loans shall be serviced by their respective capital provider, in accordance with the Ordinance and the Program Guidelines.

(c) Enforcement of C-PACE Liens. The Locality has agreed to **delegate enforcement of the C-PACE Lien to a third party** in accordance with the C-PACE Act, the obligations of which are described in the Ordinance and the Program Guidelines.

(d) Cooperation in Operating C-PACE Program. The Locality shall cooperate with the Program Administrator in the latter's operation of the C-PACE Program in the Locality. This cooperation shall include, but not be limited to the Locality:

(i) designating (A) an employee of the Locality to serve as Program Manager, and if the Program Manager wishes to delegate some or all of the duties assigned to the Program Manager, identifying the Program Manager's designee and promptly communicating the contact information for the Program Manager and any designee to the Program Administrator and (B) which employee(s) of the Locality will sign documents requiring the Locality's signature for C-PACE Loan closings;

(ii) complying with the review and other periods of time prescribed for the Locality to take a required action specified in the Program Guidelines;

(iii) taking reasonable steps to procure the timely participation of the Department of Billings and Collections in the processes and procedures described in the Program Guidelines and the Ordinance, it being understood that such processes and procedures are based on the collection of C-PACE Payments in the same manner as real property taxes; and

(iv) in the discretion of the Locality, providing reasonable assistance in jointly promoting the Locality's C-PACE Program to lenders, contractors and businesses located in, or considering locating in, the Locality.

ARTICLE 2

MISCELLANEOUS PROVISIONS

(a) Model Ordinance. The Locality represents and warrants to Virginia Energy and its Program Administrator that the Ordinance substantially conforms to model ordinance adopted by the Program Administrator for use in the Virginia C-PACE Program and furnished to the Locality.

(b) Non-Assignability. The Locality may not assign or transfer its rights or obligations under this Agreement without prior written consent of Virginia Energy; provided, however, that this paragraph shall not be construed to apply to, or restrict, the assignment of C-PACE Liens in accordance with the Locality's Ordinance and related C-PACE Documents.

(c) Locality Acknowledgments. The Locality acknowledges and agrees that: (i) Virginia Energy has employed the Program Administrator to carry out Virginia Energy's obligations under this Agreement and the Virginia C-PACE Program generally; (ii) if Virginia Energy replaces the Program Administrator listed on Exhibit 2, then the successor Program

Administrator will succeed to the rights, duties and obligations of the Program Administrator, except to the extent specified in Virginia Energy's agreements with such Program Administrators; (iii) for purposes of this Agreement and the Locality's C-PACE program, the Program Administrator shall speak and act for Virginia Energy and that any notices required under the terms of this Agreement to be sent to Virginia Energy shall also be sent to the Program Administrator; (iv) the Program Administrator is made a third party beneficiary of this Agreement, and by accepting the benefits of such status, shall be deemed to have covenanted with the Locality to adhere to and comply with its obligations under the Program Guidelines in administering the Locality's C-PACE Program; and (v) the Program Administrator is entitled to be paid by Property Owners (the Locality having no liability therefor) the Program Fees set forth from time in the Program Guidelines.

(d) Non-waiver; Amendment. Any waiver of any provision of this Agreement must be in writing and mutually agreed to by Virginia Energy and the Locality. Except for a specific provision of this Agreement, which is amended, this Agreement shall remain in full force and effect after such amendment and is subject to the same laws, obligations, conditions, provisions, rules, and regulations as it was before the amendment.

(e) Severability. If any clause, provision, or section of this Agreement is held to be illegal or invalid by any court, the invalidity of the clause, provision or section will not affect any of the remaining clauses, provisions or sections, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision or section has not been contained in it.

(f) Counterparts; Scanned and Digital Signatures. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which together shall constitute but one and the same instrument. Scanned signatures (e.g., a "PDF" document) and digital signatures (e.g., DocuSign) shall have the same force, effect, and validity as an original signature.

(g) Notices. All notices, requests, consents, and other communications shall be in writing and shall be delivered, mailed by first class mail, postage prepaid, hand delivered, or overnight delivery service, to the parties, as follows:

If to the Locality:

City of Petersburg
135 N. Union Street
Petersburg, Virginia 23803
Attention: _____

If to Virginia Energy:

817 Washington Building
1100 Bank Street
Richmond, Virginia 23219
Attention: Energy Efficiency and Financing Programs Manager

With a copy to the Program Administrator at the address on Exhibit 2.

Any party may change its notice address by providing the new notice address to the other parties in accordance with this paragraph (g).

(h) Jurisdiction and Venue. This Agreement shall be construed, interpreted, and enforced according to the laws of the Commonwealth of Virginia. Any claim brought in connection with this Agreement must be brought in the Circuit Court of the City of Richmond and the party's consent to its jurisdiction.

(i) Definitions and Captions. Capitalized terms not defined in this Agreement shall have the meaning ascribed to them in the Ordinance attached hereto in Exhibit A. The headings in this Agreement are solely for convenience, do not constitute a part of this Agreement, and do not affect its meaning or construction.

(j) Integration. This Agreement constitutes the entire agreement between the parties and supersedes all previous discussions, understandings and agreements between the parties relating to the subject matter of this Agreement.

(j) No Joint Venture, etc. Nothing in this Agreement, and no act of the Locality, Virginia Energy, or the Program Administrator, shall be deemed to create any relationship of third-party beneficiary, principal, and agent, limited or general partnership, joint venture, or any other relationship between the Locality and Virginia Energy.

[Remainder of the page intentionally left blank]

IN WITNESS WHEREOF, the Locality and Virginia Energy have each caused this Agreement to be executed and delivered as of the date set forth above:

City of Petersburg

By: _____
Name: _____
Title : _____
Date: _____

*[Remainder of the page intentionally left blank;
Signature pages continue]*

[VIRGINIA ENERGY – LOCALITY AGREEMENT
SIGNATURE PAGE FOR VIRGINIA DEPARTMENT OF ENERGY]

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENERGY**

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT 1

COPY OF LOCALITY ORDINANCE

(See attached)

EXHIBIT 2

NAME AND ADDRESS OF PROGRAM ADMINISTRATOR

Virginia PACE Authority
c/o Gather Newport News
700 Tech Center Pkwy, Suite 200
Newport News, VA 23606

Attention: Abigail C. Johnson
Executive Director
Tel: 757-603-3555
abby@virginiapace.com

EXHIBIT 3
PROGRAM GUIDELINES
(See attached)



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Petersburg Area Arts Council

RE: A public hearing on the consideration of an ordinance to amend and re-adopt Chapter 21 including Sections 21-1 and 21-2 to change the name of the "Petersburg Area Public Arts" to the "Petersburg Arts Council." (Page 157)

PURPOSE: A public hearing to amend Chapter 21, Arts Council, of the City Code.

REASON: To solicit public input on the proposed ordinance amending the City Code, a public hearing is required to amend the City Code.

RECOMMENDATION: Staff recommends approval of the request to amend Chapter 21, Arts Council, including Sections 21-1 and 21-2 of the City Code by ordinance.

BACKGROUND: The members of the Arts Council have requested an amendment to Chapter 21, Arts Council, to change the name of the Arts Council to the "Petersburg ARts Council" for operational reasons, including to secure a website which they intend to fund and maintain.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 11/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Ordinance Amend Chapter 21 - Arts Council

AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 21 INCLUDING SECTIONS 21-1 AND 21-2 TO CHANGE THE NAME OF THE “PETERSBURG AREA PUBLIC ARTS COUNCIL” TO THE “PETERSBURG ARTS COUNCIL”

WHEREAS, Council previously adopted Chapter 21 of the Petersburg City Code to Create an advisory board known as the “Petersburg Area Public Arts Council;” and

WHEREAS, Arts Council has been working to commence operations; and

WHEREAS, the Members of the Arts Council have indicated that they wish to change the name of the Arts Council to the “Petersburg Arts Council” for operational reasons including but not limited to securing a website which they intend to fund and maintain; and

WHEREAS, the proposed amendment to Chapter 21 of the City Code on their behalf; and

WHEREAS, Council believes that granting this request is in the best interest of fostering the operations of the Arts Council.

NOW THEREFORE BE IT ORDAINED that Chapter 21 including Sections 21-1 and 21-2 of the City Code are hereby amended and re-adopted as follows:

Chapter 21 – PETERSBURG ARTS COUNCIL

Sec. 21-1. - Creation and purpose.

There is hereby created the "Petersburg ~~Public~~ Arts Council" (hereinafter "PAAC"). The purpose of the public arts council is to make recommendations to city council and city management on the acquisition, donation, commission and/or funding of public art and the acceptance of gifts and loans of public art and the deaccession of public art from the city's collection.

(Ord. No. 23-19, 3-21-2023)

Sec. 21-2. - Terms of office; filling vacancies in office.

The members of the PAAC shall be appointed by the city council and shall serve two-year terms. Members are eligible for re-appointment and may serve up to three consecutive terms (for a total of six years of service on PAAC). The first appointments will be staggered with one at-large member appointed for one year and the other at-large member appointed for two years. The remaining seven members shall be appointed one for each ward based either upon their residence or business location in the respective ward that they serve. The public art council members must be residents of the city or represent a business or an arts non-profit located in the city. The public art council shall consist of nine members and be composed of the following representatives: at least three practicing artists, at least two members belonging to an arts or culture organization, at least two members associated with design and historical architecture. No member who has served three complete terms shall be eligible for reappointment until after a lapse of an intervening period of one year.

(Ord. No. 23-19, 3-21-2023)



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Leon Glaster, Interim Chief Financial Officer

RE: A public hearing to consider an ordinance to amend and re-adopt Chapter 2 Article VII Subdivision I of the Petersburg City Code to include Section 2-360 to authorize the City Manager to administratively approve amendments to the purchasing manuals & purchasing procedure. (Page 160)

PURPOSE: A public hearing to amend Chapter 2, Article VII, Division 3, Purchasing, of the City Code.

REASON: To solicit public input on the proposed ordinance amending the City Code; a public hearing is required to amend the City Code.

RECOMMENDATION: Staff recommends approval for the request to amend Chapter 2, Article VII, Division 3, Purchasing, of the City Code adding 2-360 by ordinance.

BACKGROUND: The proposed amendment would authorize the City Manager to adopt and amend a Purchasing Manual and Purchasing Procedures, which shall be consistent with the provisions set forth in Chapter 2, Article VII, Finance, Division 3, Purchasing, and shall be made publicly available by posting upon the City's website and in the Purchasing Agent's Office.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 11/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. purchasing manual

AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 2 ARTICLE VII SUBDIVISION I OF THE PETERSBURG CITY CODE TO INCLUDE SECTION 2-360 TO AUTHORIZE THE CITY MANAGER TO ADMINISTRATIVELY APPROVE AMENDMENTS TO THE PURCHASING MANUAL & PURCHASING PROCEDURE

WHEREAS, City Council has previously adopted Chapter 2 Article VII of the Petersburg City Code in accordance with the Virginia Public Procurement Act to provide for necessary regulations associated with the purchase of goods and services by the City of Petersburg; and

WHEREAS, said provisions provide for the basic framework of the City's purchasing activities; and

WHEREAS, in addition to the foregoing, in year 2014 City Council approved a Purchasing Manual and Purchasing Procedures to supplement and aid in the proper application of the Purchasing Provisions of the City Code and applicable State Code provisions; and

WHEREAS, said Purchasing Manual and Purchasing Procedures are not identified in the City Code, and require administrative update and amendments from time to time; and

WHEREAS, it is the belief that authorizing the Manager to authorize such updates and amendments would be in the best interests of efficient and effective operations; and

WHEREAS, Section 2-360 has been proposed by staff to authorize the Manager to make such administrative updates and amendments without further formal authorization by Council.

NOW therefore be it ORDAINED that Chapter 2 Article VII of the Petersburg City Code is hereby amended and re-adopted to include Section 2-360 as follows:

Sec. 2-360. Purchasing Manual and Purchasing Procedures

The City Manager is authorized to adopt a *Purchasing Manual and Purchasing Procedures* which may be amended and updated from time to time by the City Manager. Such *Purchasing Manual and Purchasing Procedures* shall be consistent with the provisions set forth in this Chapter and shall be made publicly available by posting upon the City's website. A copy shall also be available to the public in the Purchasing Agent's Office. In the event of any conflict between the *Purchasing Manual and Purchasing Procedures* and the City Code, the provisions of the City Code shall supersede.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Nykesha Lucas, Naomi Siodmok

RE: **Consideration of appointment/s to the Community Development Block Grant Advisory Board. (Page 163)**

PURPOSE: To fill vacant seats on the Community Development Block Grant Advisory Board.

REASON: There are several vacancies on the CDBG Board.

RECOMMENDATION: City Council make appointment/s to the Community Development Block Grant Advisory Board. Also to make appointments by resolution.

BACKGROUND: Members serve in an advisory capacity to the City Council. Reviews, conducts public hearings, and makes recommendations for City Council action regarding requests for projects to be funded from the city's annual CDBG entitlement under this federal program. The City Council makes final approval of project allocations.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 11/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. appointment to CDBG 2023 resolution
2. Community Development Block Grant Advisory Board

3. Community Development Block Grant Citizen Advisory Board 2023

**A RESOLUTION APPOINTING _____ WITH
A TERM ENDING SEPTEMBER 30, 2025 TO THE
COMMUNITY DEVELOPMENT BLOCK GRANT
ADVISORY BOARD.**

BE IT RESOLVED, by the City Council of the City of Petersburg, that it hereby appoints _____, with a term ending September 30, 2025 to the Community Development Block Grant Advisory Board.

Community Development Block Grant Advisory Board (CDBG)

Duties:

Serves in an advisory capacity to the City Council. Reviews, conducts public hearings, and makes recommendations for City Council action regarding requests for projects to be funded from the city's annual CDBG entitlement under this federal program. The City Council makes final approval of project allocations.

CDBG is composed of twelve (12) members appointed by the City Council; (1) from each of the seven (7) wards and five (5) at large.

****Four-year terms.**

*Director of Board:
Jennifer Murphy-James
CDBG Administrator
135 North Union Street
Petersburg, VA 23803
804-605-2954 (Work cell)*

Members of the Board Information:

1. Shabaka N. Moore
406 Claremont Street
Petersburg, VA 23805
Telephone #:
Email:
Ward: 4
Term Date: September 15, 2020 to September 30, 2024
2. Tamika L. Green
514 Byrne Street
Petersburg, VA 23803
Telephone #:
Email:
Ward: 5
Term Date: September 15, 2020 to September 30, 2024
3. Kofi Adih (Chairman)
1000 Sunset Avenue
Petersburg, VA 23805
Telephone #: 804-829-3095
Email: kadih1@msn.com
Ward: 3
Term Date: May 18, 2021 – September 30, 2025
4. Ethan Calvert
414 Harrison Street
Petersburg, VA 23803
Telephone #: 540-958-2836
Email: ethan.calvert@outlook.com
Ward: 5 (At-Large seat)
Term Date: May 18, 2021 – September 30, 2025
5. Vacant
Telephone #:
Email:
Ward:
Term Date:
6. Vacant
Telephone #:

Email:
Ward:
Term Date:

7. Vacant
Telephone #:
Email:
Ward:
Term Date:

8. Vacant
Telephone #:
Email:
Ward:
Term Date:

9. Vacant
Telephone #:
Email:
Ward: At-Large
Term Date:

10. Vacant
Telephone #:
Email:
Ward: AT-Large
Term Date:

11. Vacant
Telephone #:
Email:
Ward: At-Large
Term Date:

12. Vacant
Telephone #:
Email:
Ward: At-Large
Term Date:

COMMUNITY DEVELOPMENT BLOCK GRANT CITIZEN ADVISORY BOARD		
TERMS		
APPLICANTS	Date	WARDS
Sonja J. Holt, 2035 Colston Street	7/20/2022	2
Leonard Curry, 2014 Woodland Road	12/9/2022	3
Maisha Henry, 1324 Hinton Street	3/10/2023	6
Genevieve Lohr, 19 Guarantee Street	7/17/2023	5
Marcus Squires, 1701 Monticello Avenue	7/24/2023	4
Taurean Morrow, 325 Glenwood Ct	8/2/2023	4
Michelle Murrills, 131S. Market Street	10/23/2023	5



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Nykesha Lucas

RE: Consideration of appointments to the Petersburg Arts Council. (Page 170)

PURPOSE: To appoint members to Petersburg Arts Council to make recommendations to City Council and City Management on the acquisition, donation, commission and/or funding of public art and the acceptance of gifts and loans of public art and the deaccession of public art from the city's collection.

REASON: Currently, there are three vacancies on the Petersburg Arts Council.

RECOMMENDATION: Recommend City Council to appoint members to the Petersburg Arts Council to fill vacant seats.

BACKGROUND: The members of the PAAC shall be appointed by the city council and shall serve two (2) year terms. Members are eligible for re-appointment and may serve up to three (3) consecutive terms (for a total of six years of service on PAAC. The first appointments will be staggered with one at-large member appointed for one year and the other at large member appointed for two years. The remaining seven members shall be appointed one for each ward based either upon their residence or business location in the respective ward that they serve.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 11/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Appointment to Arts Council
2. Arts Council

**A RESOLUTION APPOINTING _____ TO THE
PETERSBURG ARTS COUNCIL.**

BE IT RESOLVED, by the City Council of the City of Petersburg, that it hereby appoint
_____ to the Petersburg Arts Council.

Petersburg Area Arts Council			
Terms	Members	Ward	
09/5/2023-09/30/2024	Toni S. Clark, 1164 Northampton Road		
09/5/2023-09/30/2024	William D. Nicholson, 209 High Street		
09/5/2023-09/30/2024	Alexander C. Graham, 104 Adingham Court, Henrico, VA 23229		
09/5/2023-09/30/2024	Kristopher A. Russell, 1200 Woodland Road		
09/5/2023-09/30/2024	Tiara Russell, 215 North Market Street		
09/5/2023-09/30/2025	Tamara Tazewell, 120 Perry Street		
09/5/2023-09/30/2025	TyAsia T. Williams, 120 Perry Street		
	Vacant		
	Vacant		
	Vacant		
	Total of Members: 10		

New Applicants
Laurel Charboneau, 1636 Blair Road
Martha M. Atkinson, 431 Cross Street
Tre Simms, 1700 Johnson Road, Apt 53D
Amber A. Salter, 878 Three Chopt Road, Manakin-Sabot, VA 23103



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Dustin Sloan

RE: **Consideration of ordinance appropriation for 508516-LE ARPA - Law Enforcement Equipment Grant - 2nd Reading (Page 175)**

PURPOSE: This is needed to equip Officer of the Bureau with additional weaponry should additional resources be needed for public safety. (Patrol Rifles and safety mounts for vehicles.)

REASON: At the current time, the Bureau has limited patrol rifles.

RECOMMENDATION: Recommend City Council approve the attached appropriation ordinance.

BACKGROUND: See the attached ordinance.

COST TO CITY: Reimbursable grant funding

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 11/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 20231012093405009

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

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
--	---------------

ADD: 508516-LE ARPA – Law Enforcement Equipment Grant

Total Revenues	<u>(\$43,000.00)</u>
-----------------------	-----------------------------

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

Previously adopted Expenditures:	\$0.00
---	---------------

ADD: 508516- LE ARPA – Law Enforcement Equipment Grant

Total Expenses:	(\$43,000.000)
------------------------	-----------------------



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Randall Williams

RE: Consideration of an appropriation for a \$2,467 increase to the FY24 approved & adopted budget for the Litter Grant received from the Virginia Department of Environmental Quality (DEQ). This increases the amount from \$10,158 to \$12,645 for the City of Petersburg's Litter Prevention and Recycling Program activities for FY24 - 2nd Reading. (Page 177)

PURPOSE: To request City Council approve to appropriate an additional \$2,487 over and above the \$10,158 included in the FY24 approved & adopted budget from the Virginia DEQ for the City of Petersburg's FY24 Litter Prevention & Recycling Program. The award letter is attached to this agenda item.

REASON: To continue implementation of litter prevention and recycling educational programs in the City of Petersburg for FY24.

RECOMMENDATION: The Department of Public Works & Utilities recommends that City Council approve to appropriate the additional \$2,487 to the Litter Grant.

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

COST TO CITY: \$0

BUDGETED ITEM: Yes (in the amount of \$10,158)

REVENUE TO CITY: \$2,487

CITY COUNCIL HEARING DATE: 11/21/2023

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

AFFECTED AGENCIES: Street Operations

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: NA

REQUIRED CHANGES TO WORK PROGRAMS: NA

ATTACHMENTS:

1. FY24 Litter Grant Ordinance
2. FY24 Litter Grant Award Letter

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION
FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2023 & ENDING ON
JUNE 30, 2024 IN THE GRANTS FUND**

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

I. That appropriations for the fiscal year commencing July 1, 2023, and ending June 30, 2024, are made from the following resources and revenues anticipated for the fiscal year.

Revenue:

Previously Appropriated (FY24 Budget)	\$ 10,158.00
---------------------------------------	--------------

FY 2024 DEQ Litter Grant (3-200-024040-0615-0-401)	<u>\$ 2,487.00</u>
--	--------------------

Total Revenue	<u>\$ 12,645.00</u>
----------------------	----------------------------

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

Expenditures:

Previously Appropriated (FY24 Budget)	\$ 10,158.00
---------------------------------------	--------------

FY 2024 DEQ Litter Grant (4-200-040000-6005-0-102)	<u>\$ 2,487.00</u>
--	--------------------

Total Expenditures	<u>\$ 12,645.00</u>
---------------------------	----------------------------

FY2024 Non-Competitive Litter Prevention and Recycling Grant

ceds@deq.virginia.gov <ceds@deq.virginia.gov>

Mon 10/30/2023 2:15 PM

To: March Altman <maltman@petersburg-va.org>; Randall Williams <rwilliams@petersburg-va.org>

Cc: Randall Williams <rwilliams@petersburg-va.org>

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



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482 FAX (804) 698-4178

www.deq.virginia.gov

Travis A. Voyles
Acting Secretary of Natural
and Historic Resources

Michael S. Rolband, PE, PWD,
PWS Emeritus, PE, PWD, PWS
Emeritus
Director
(804) 698-4020

October 30, 2023

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

Dear March Altman:

I am pleased to inform you that a total grant award of **\$12,645.00** has been approved for the **City of Petersburg** Litter Prevention and Recycling Program activities and the Extended Polystyrene (EPS) campaign for the period of July 1, 2023 to June 30, 2024.

The total grant award amount above includes the following:
Non-Competitive Grant Award: \$12,645.00

Processing of the grant awards is underway, and a payment for this amount should be received within the next two weeks if funds can be transferred electronically (EDI) or in thirty days if processing by check is required.

If you have any questions or need additional information, please contact Prina Chudasama at prina.chudasama@deq.virginia.gov or at (804) 659-1530.

Sincerely,



Sanjay Thirunagari
Programs Manager
Division of Land Protection & Revitalization

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



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: **Consideration of a resolution of the City Council for the City of Petersburg supporting the application for Highway Safety Improvement Program funds for safety initiative projects. (Page 182)**

PURPOSE: In order to implement safety improvements across the roadway network in Virginia, the Virginia Department of Transportation offers funds to projects that use a data-driven approach to implement improvements such as High Visibility Signal Backplates, Flashing Yellow Arrows, Pedestrian Crossings, Road Diets, Intersection Signalization, and Curve Deliniation. This resolution provides support for the application that the City of Petersburg submitted on October 31st for pedestrian crossings at six intersections and high visibility backplates at 41 intersections to improve signal visibility and reduce accidents by as much as 20 percent.

REASON: For the City Council to voice support of a grant application submitted to support pedestrian and vehicular safety in Petersburg.

RECOMMENDATION: Approval of the Resolution.

BACKGROUND: City staff worked with consultants, Kimley-Horn, at no cost thanks to services funded by the Virginia Department of Transportation to identify roadway safety improvements based on a data-driven approach looking at crash data. On October 31, 2023, an application was submitted to support the following projects:

- 1) Installation of high-visibility signal backplates at 41 intersections in the City of Petersburg to improve signal visibility.
- 2) Improving pedestrian crossings at 6 locations: 1) Washington Street & Union Street, 2) Adams Street & Wythe Street, 3) Sycamore Street & Mars Street (Midblock), 4) Halifax Street & Melville Street (Midblock), 5) Crater Road & Flank Road & Cavalier Drive (Midblock), and 6) Wythe Street and Crater Road. Proposed improvements include high-visibility crosswalks, pedestrian signal poles and push buttons (where applicable), and curb ramps with detectable warning surfaces. A pedestrian hybrid beacon is proposed at the midblock crossing locations. A raised pedestrian crossing is proposed at the midblock crossing on Sycamore Street.

The total funds requested are \$2,728,549. No match is required.

COST TO CITY: None

BUDGETED ITEM: No

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 11/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Public Works

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Resolution for HSIP
2. 11132; Planning StudySafety ; Petersburg Crash Data Per Intersect
3. 11134; Planning StudySafety ; Petersburg Crash Data Per Intersect
4. City of Petersburg Safety Presentation HSIP

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF PETERSBURG SUPPORTING THE APPLICATION FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS FOR SAFETY INITIATIVE PROJECTS.

WHEREAS, the City of Petersburg City Council is interested in reducing fatalities and serious injuries on all public roadways; and

WHEREAS, the Virginia Highway Safety Improvement Program (HSIP) provides an opportunity to address safety issues that result in injuries and fatalities through a data-driven approach that focuses on improvements such as High Visibility Backplates, Flashing Yellow Arrows, Pedestrian Crossings, Road Diets, Unsignalized Intersections, and Curve Delineation; and

WHEREAS, the City Council supports the advancement of a HSIP application to install high-visibility signal backplates at 41 intersections in the City of Petersburg to improve signal visibility; and

WHEREAS, the City Council supports the advancement of a HSIP application to improve pedestrian crossings at 6 locations: 1) Washington Street & Union Street, 2) Adams Street & Wythe Street, 3) Sycamore Street & Mars Street (Midblock), 4) Halifax Street & Melville Street (Midblock), 5) Crater Road & Flank Road & Cavalier Drive (Midblock), and 6) Wythe Street and Crater Road. Proposed improvements include high-visibility crosswalks, pedestrian signal poles and push buttons (where applicable), and curb ramps with detectable warning surface. A pedestrian hybrid beacon is proposed at the midblock crossing locations. A raised pedestrian crossing is proposed at the midblock crossing on Sycamore Street. Preliminary cost estimates available upon request.

NOW THEREFORE BE IT RESOLVED that the City Council does hereby adopt this resolution to support the application for Highway Safety Improvements Program funds for safety initiative projects in Petersburg.

Petersburg Crash History – Pedestrian

Table 1 summarizes five years of crash data (2018-2022) by severity type at each intersection included in the VHSIP application. A crash was associated with an intersection provided that it occurred within 250 feet of the center of the intersection. In the case that a crash was within 250 feet of two different intersections, the crash was associated only with the closer of the two intersections.

Table 1: 2018-2022 Crash Data Per Intersection

Intersection	K	A	B	C	O	TOTAL
Crater Rd and Flank Rd/ Cavalier Dr (Mid-block)		2			4	6
Halifax St and Melville St/Virginia Ave (Mid-block)	1	2	4	5	5	17
Sycamore St and Mars St/Fillmore St (Mid-block)	1				2	3
Washington St and Union St		3	2	5	13	23
Wythe St and Adams St		1	4	5	15	25
Wythe St and Crater Rd		6	10	12	16	44

Petersburg Crash History – HVSB

Table 1 summarizes five years of crash data (2018-2022) by severity type at each intersection included in the VHSIP application. A crash was associated with an intersection provided that it occurred within 250 feet of the center of the intersection. In the case that a crash was within 250 feet of two different intersections, the crash was associated only with the closer of the two intersections.

Table 1: 2018-2022 Crash Data Per Intersection

Intersection	K	A	B	C	O	TOTAL
2nd St and Bollingbrook St	1	2		6	14	23
Adams St and Franklin St			2	1	10	13
Bank St and 2nd St			1	5	11	17
Bank St and Sycamore St				4	7	11
Canal St and High St			1		5	6
Crater Rd and Crater Cir			2	7	10	19
Crater Rd and Flank Rd			3	5	10	18
Crater Rd and Graham Rd			8	14	30	52
Crater Rd and Holly Hill Dr		1	5	5	9	20
Crater Rd and Medical Park Blvd			2	3	10	15
Crater Rd and Morton Ave			3	4	15	22
Crater Rd and Myrick Ave		1	1	8	13	23
Crater Rd and Rives Rd			3	2	4	9
Crater Rd and Sycamore St			4	10	18	32
Crater Rd and Wagner Rd		3	7	21	32	63
Crater Rd and Windham St		1	1	2	1	5
South Blvd and Crater Rd		2	5	5	5	17
South Blvd and Johnson Rd/Defense Rd		1	3	3	10	17
South Blvd and Sycamore St			6	4	7	17
Wagner Rd and County Dr		7	10	12	28	57
Wagner Rd and Medical Park Blvd		1	2	11	18	32
Wagner Rd and Normandy Dr			4	1	6	11
Washington St and Adams St		1	7	11	22	41
Washington St and Bank St		1	2	1	8	12
Washington St and Courthouse Rd			1	10	22	33
Washington St and Crater Rd			10	7	26	43
Washington St and Jefferson St		1	3	8	18	30
Washington St and Market St		1	3	6	9	19
Washington St and South St		1	1	2	16	20
Washington St and Sycamore St		1	5	4	20	30
Washington St and Union St		3	2	4	13	22
Washington St and West St		1	2	4	9	16

Intersection	K	A	B	C	O	TOTAL
Wythe St and Adams St		1	4	5	15	25
Wythe St and Crater Rd		6	10	12	16	44
Wythe St and Jefferson St		1	5	6	21	33
Wythe St and Market St			2	4	6	12
Wythe St and South St			1	3	8	12
Wythe St and Sycamore St			6	8	8	22
Wythe St and Union St			3	4	2	9
Wythe St and West St		1	2	5	4	12
Young Ave and Halifax St	1	1	2	4	5	13

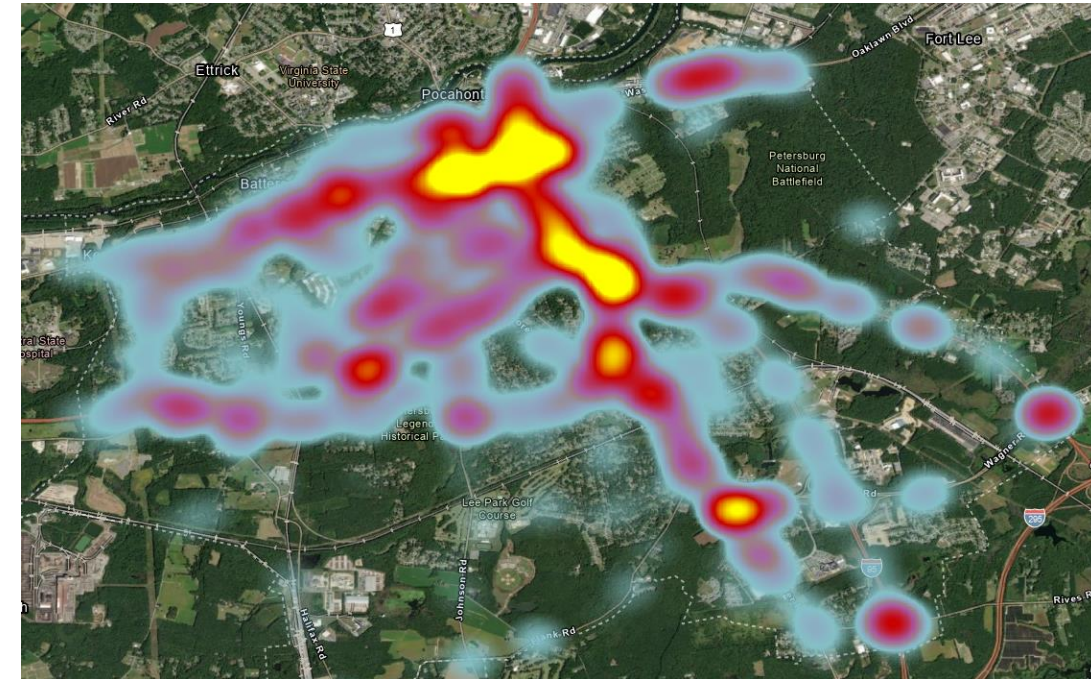
Safety Circuit Rider City of Petersburg

Crash Data Analysis Summary

November 2022

Data

- Crash data for 5 years (2017-2021)
 - VDOT Crash Analysis Tool
- Other resources for countermeasure recommendation locations
 - VDOT Pedestrian Safety Action Plan (PSAP)
 - VDOT Potential Safety Improvement (PSI) Map
- List of safety countermeasures
 - Virginia Highway Safety Improvement Plan Locality Systemic Initiatives



Analysis Method

Countermeasures were recommended for locations based on the following order of priority*:

1. Specific locations listed in the VDOT PSAP and PSI maps
2. High-crash locations above a given threshold determined by the average number of crashes at intersections and segments of roadway
3. Existing use of the eight safety countermeasures

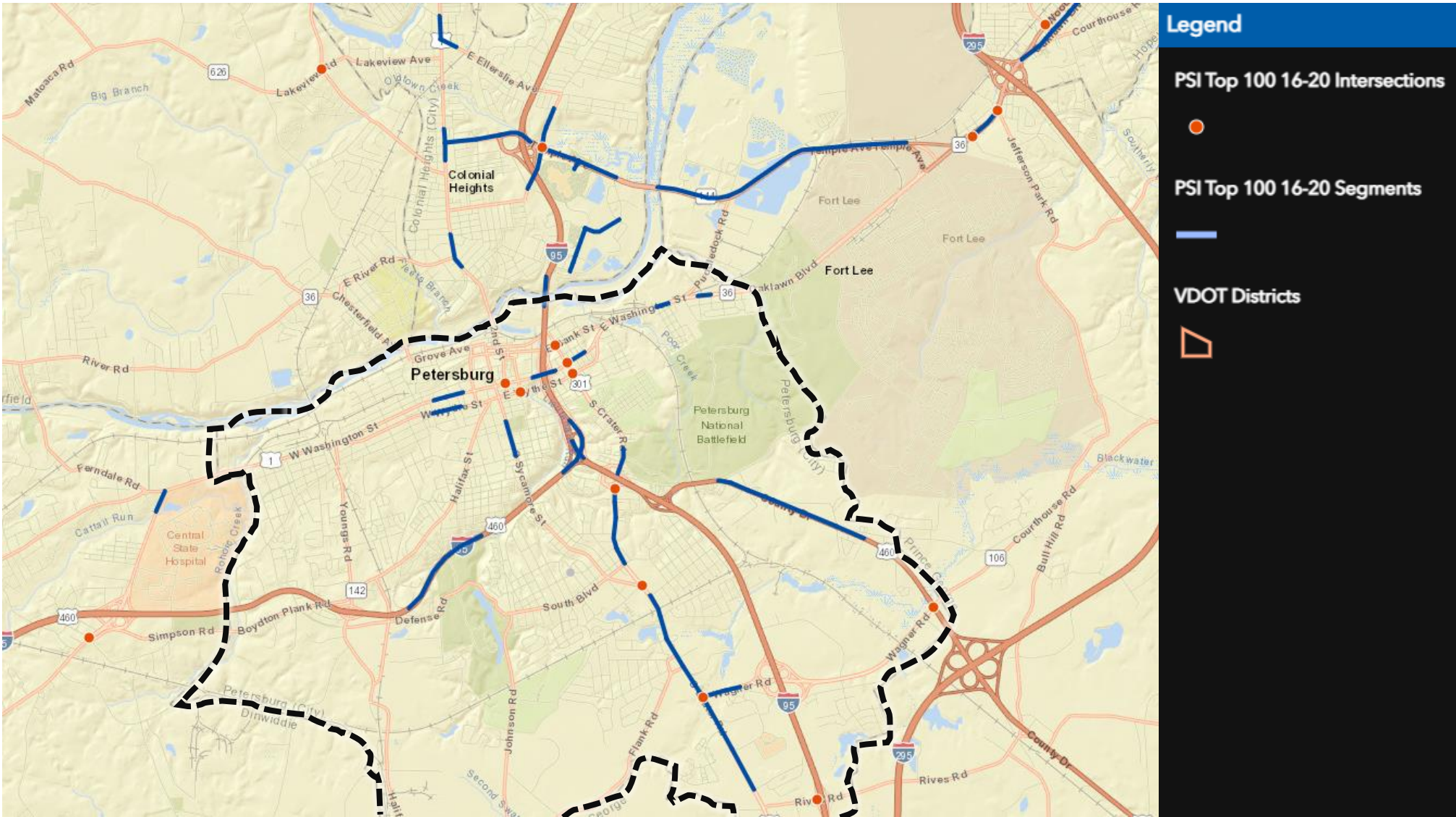
* locations with existing countermeasures in place were not included in the recommended locations

Year	K	A	B	C	O	Total	EPDO
2017	1	29	53	247	217	547	4,532
2018	0	42	43	236	317	638	5,497
2019	4	35	54	242	299	634	5,364
2020	4	39	85	110	343	581	5,398
2021	4	29	124	19	456	632	4,596
Total	13	174	359	854	1,632	3,032	
	0.4%	5.7%	11.8%	28.2%	53.8%	100%	

EPDO =
 $(K+A)*85 + B*10 + C*5 + O$

EPDO =
 Equivalent Property Damage
 Only

VDOT PSI Map



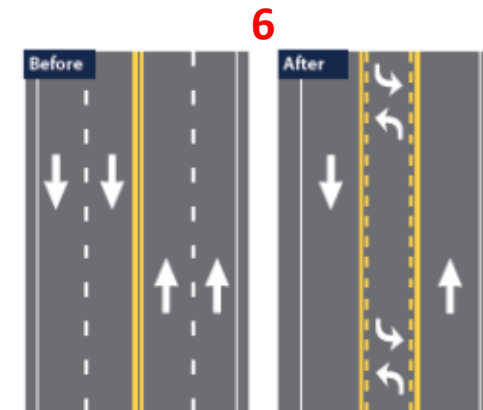
Legend

- PSI Top 100 16-20 Intersections
- PSI Top 100 16-20 Segments
- VDOT Districts

Six Systemic Safety Countermeasures

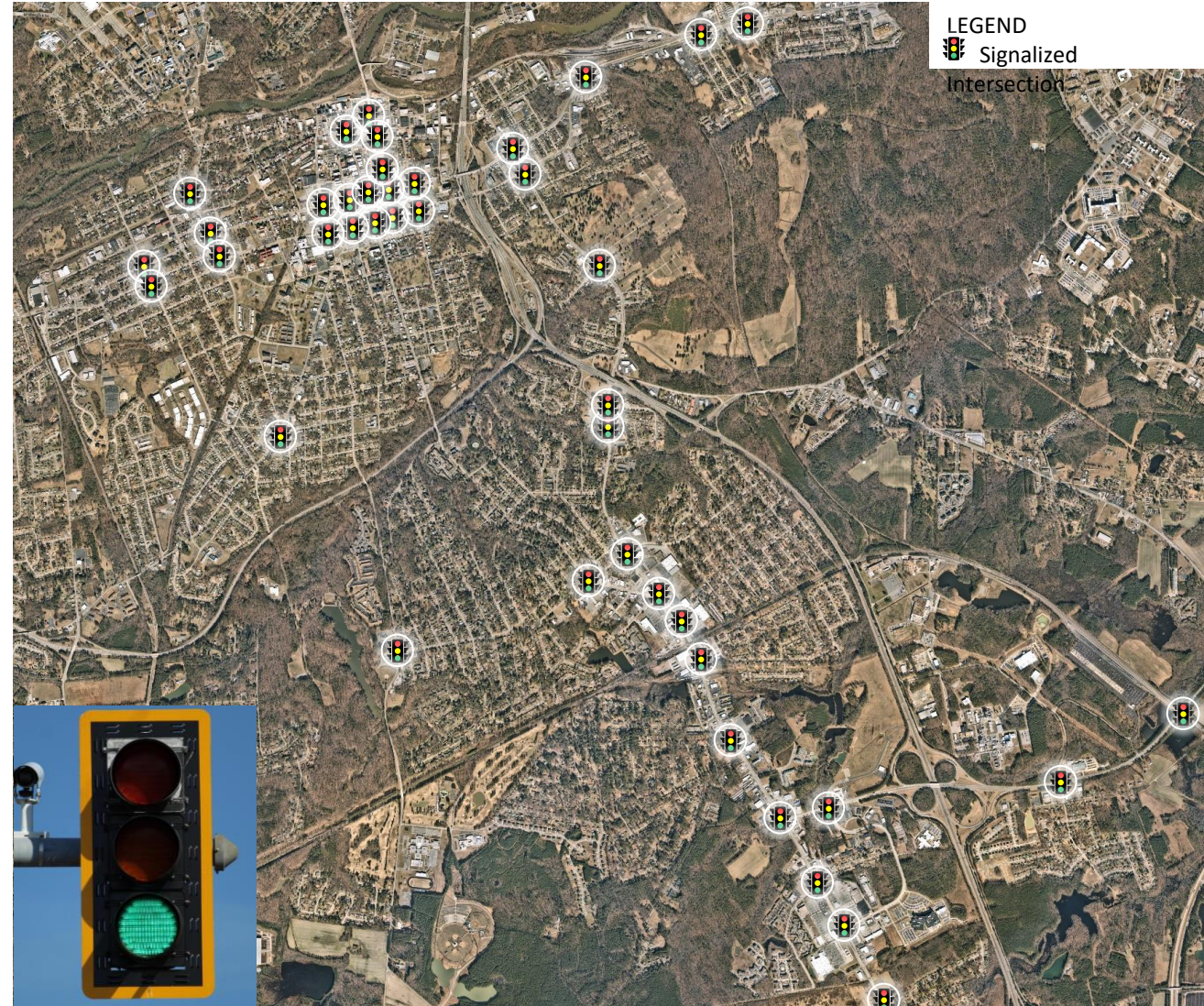
Locally-Maintained Roads

1. High-visibility signal backplates (HVSB)
2. Flashing yellow arrows (FYA)
3. Pedestrian crossings
4. Curve delineations
5. Unsignalized intersections
6. Road reconfigurations (road diet)



High-Visibility Signal Backplates (HVSBS)

- All VDOT-maintained intersections are required to have HVSBS
- Improves visibility, conspicuity, and orientation for older and color vision deficient drivers
- Prioritization consideration
 - All signalized intersections without HVSBS



High-Visibility Signal Backplates (HVSBs)

Location Summary Table

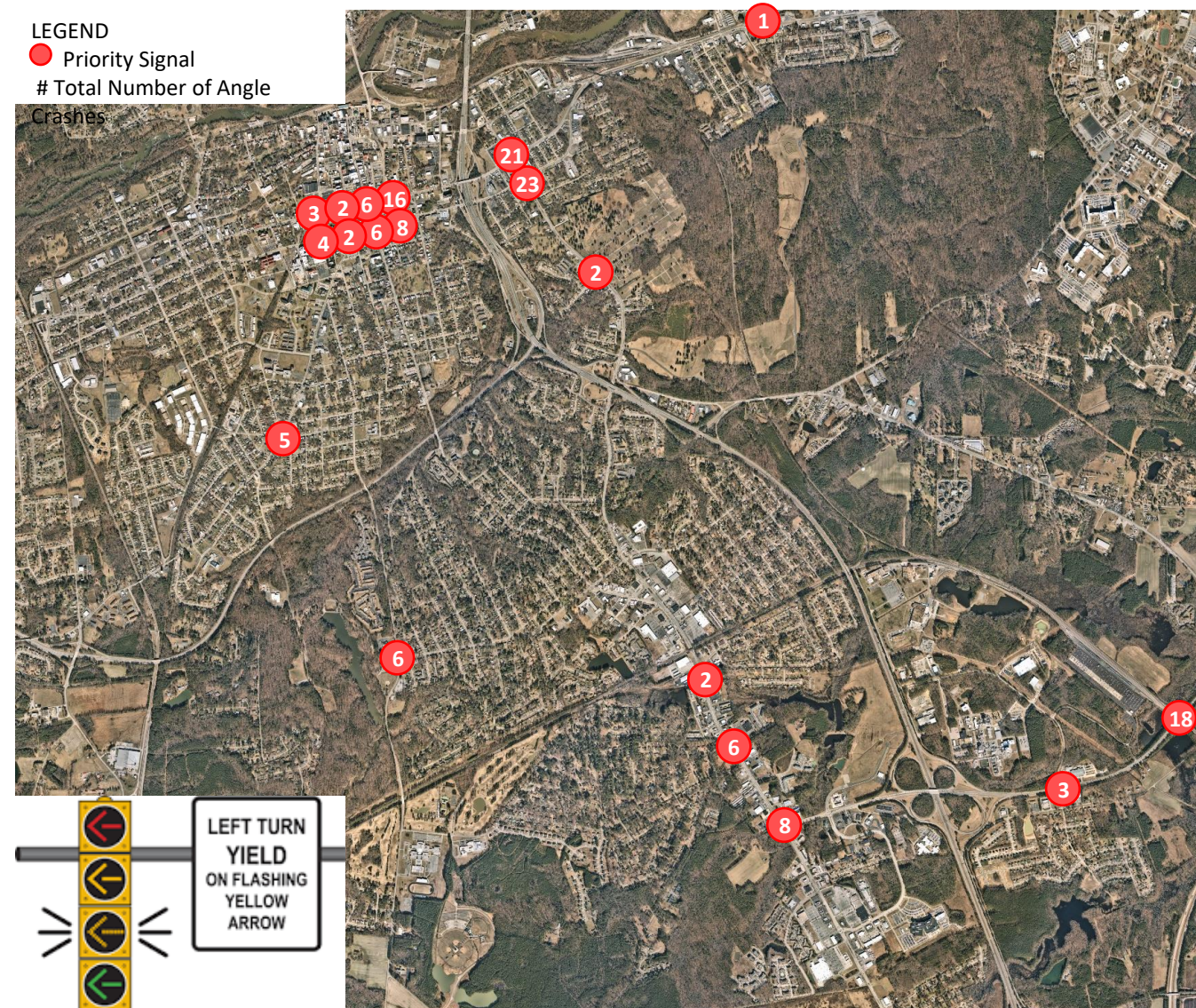
NO.	INTERSECTION
1	Wythe St and West St
2	Wythe St and South St
3	Wythe St and Market St
4	Wythe St and Union St
5	Wythe St and Sycamore St
6	Wythe St and Adams St
7	Wythe St and Jefferson St
8	Wythe St and Crater Rd
9	Washington St and West St
10	Washington St and South St
11	Washington St and Market St
12	Washington St and Union St
13	Washington St and Sycamore St
14	Washington St and Adams St
15	Washington St and Jefferson St

NO.	INTERSECTION
16	Washington St and Bank St
17	Washington St and Slage Ave
18	Washington St and Courthouse Rd
19	Washington St and Crater Rd
20	Bank St and Sycamore St
21	Bank St and 2nd St
22	2nd St and Bollingbrook St
23	Young Ave and Halifax St
24	Canal St and High St
25	Adams St and Franklin St
26	South Blvd and Johnson Rd
27	South Blvd and Sycamore St
28	South Blvd and Crater Rd
29	Crater Rd and Windham St
30	Crater Rd and Graham Rd

NO.	INTERSECTION
31	Crater Rd and Myrick Ave
32	Crater Rd and South Blvd
33	Crater Rd and Sycamore St
34	Crater Rd and Morton Ave
35	Crater Rd and Holly Hill Dr
36	Crater Rd and Flank Rd
37	Crater Rd and Wagner Rd
38	Crater Rd and Crater Cir
39	Crater Rd and Medical Park Blvd
40	Crater Rd and Rives Rd
41	Wagner Rd and Medical Park Blvd
42	Wagner Rd and Normandy Dr
43	Wagner Rd and County Dr

Flashing Yellow Arrow (FYA)

- Safety is improved for left-turning vehicles
- Prioritization consideration
 - Intersections with a protected-permissive green or permissive green for left-turn movements
 - Intersections must have dedicated left-turn lane
 - Intersections without existing FYA signal heads and phasing in place
- Specific recommendations
 - Review existing left-turn phase type to determine FYA need



Flashing Yellow Arrow (FYA)

- Safety is improved for left-turning vehicles
- Prioritization consideration
 - Intersections with a protected-permissive green or permissive green for left-turn movements
 - Intersections must have dedicated left-turn lane
 - Intersections without existing FYA signal heads and phasing in place
- Specific recommendations
 - Review existing left-turn phase type to determine FYA need

$$EPDO = (K+A)*85 + B*10 + C*5 + O$$

NO.	INTERSECTION	TOTAL CRASHES	EPDO CRASHES
1	Wythe St at Crater Rd	23	273
2	Washington St at Crater Rd	21	78
3	Wagner Rd at County Dr	18	321
4	Washington St at Adams St	16	85
5	Wythe St at Adams St	8	109
6	Crater Rd at Wagner Rd	8	95
7	Wythe St at Sycamore St	6	27
8	Washington St at Sycamore St	6	23
9	Defense Rd at South Blvd	6	14
10	Crater Rd at Flank Rd	6	14
11	Halifax St at Young Ave	5	181
12	Wythe St at Market St	4	105
13	Wagner Rd at Normandy Dr	3	12
14	Washington St at Market St	3	7
15	Washington St at Union St	2	10
16	Crater Rd at Holly Hill Dr	2	10
17	Wythe St at Union St	2	6
18	Crater Rd at Windham St	2	6
19	Washington St at Puddledock Rd	1	1

Pedestrian Crossings

Location Summary Table

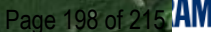
- Pedestrian crossings provide designated, higher-visibility areas for pedestrians to cross
- Improves safety for crossing pedestrians and visibility of crossing locations
- Prioritization consideration
 - Locations with one or more pedestrian-involved crashes
 - Locations outlined in the VDOT PSAP
- Specific recommendations
 - Review existing pedestrian facilities (pedestrian signal heads, crosswalks, advanced placement warning signs)
 - Consider implementing
 - Crosswalks and pedestrian signal heads with countdowns
 - ADA-compliant curb ramps
 - Accessible Pedestrian Signals (APS) and Accessible Pedestrian Signal Detectors (APD)

NO.	INTERSECTION	LOCATION	TOTAL CRASHES	EPDO CRASHES
1	Blanford area	Area	6	205
2	Washington St at Union St	Intersection	4	185
3	Wythe St at Adams St	Intersection	2	90
4	Sycamore St at Mars St and Fillmore St	Mid-block	2	170
5	Halifax St at Melville St and Virginia Ave	Mid-block	5	110
6	Morton Ave at Warren St and Bishop St	Mid-block	4	185
7	County Dr at Jamestown Dr	Mid-block	3	95
8	Crater Rd-Flank Rd and Cavalier Dr	Mid-block	2	170

EPDO Crashes

Fatal (K), Suspected Serious Injury (A) = 85 PDO crashes

Suspected Minor Injury (B) = 10 PDO crashes, Possible Injury (C) = 5 PDO crashes



Pedestrian Crossings

Zoomed in

Blandford Area
6 crashes, 205 EPDO

1



Pedestrian Crossings

Zoomed in

Washington St/Union St
4 crashes, 185 EPDO



Wythe St/Adams St
2 crashes, 90 EPDO



Sycamore St/Mars St/Fillmore St
2 crashes, 170 EPDO



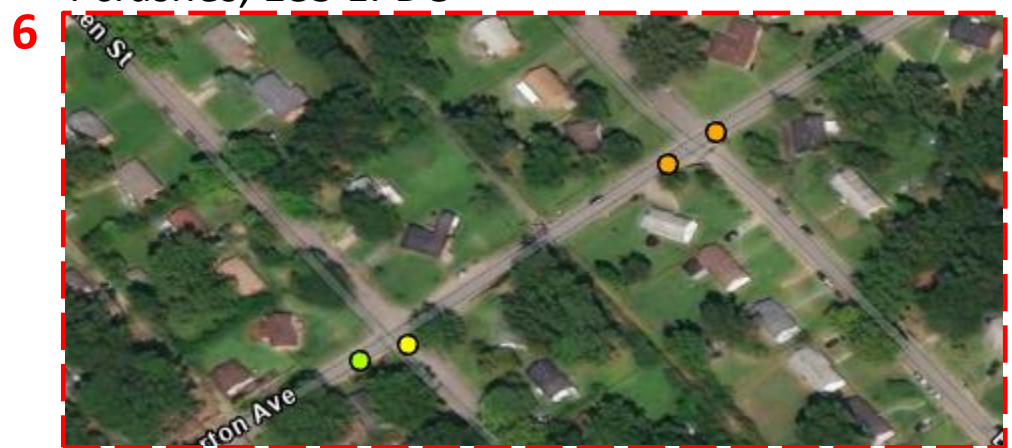
Halifax St/Melville St/Virginia Ave
5 crashes, 110 EPDO



Pedestrian Crossings

Zoomed in

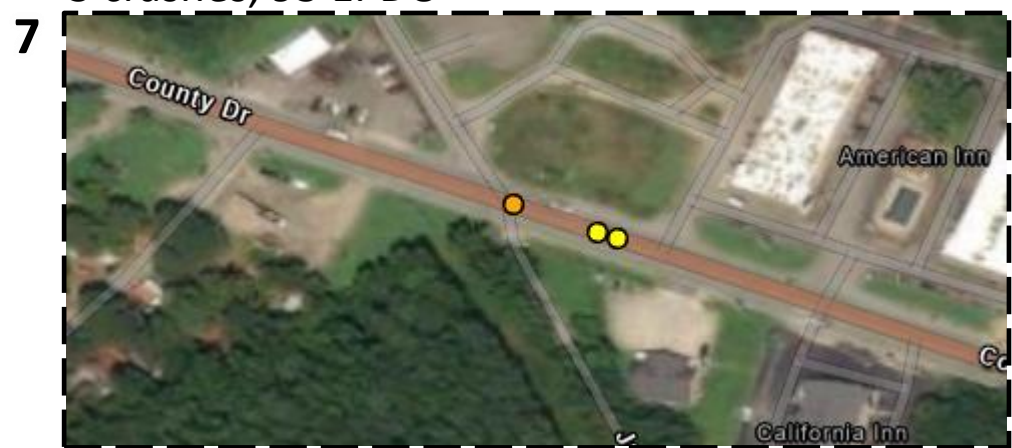
Morton Ave/Warren St/Bishop St
4 crashes, 185 EPDO



Crater Rd-Flank Rd/Cavalier Dr
2 crashes, 170 EPDO

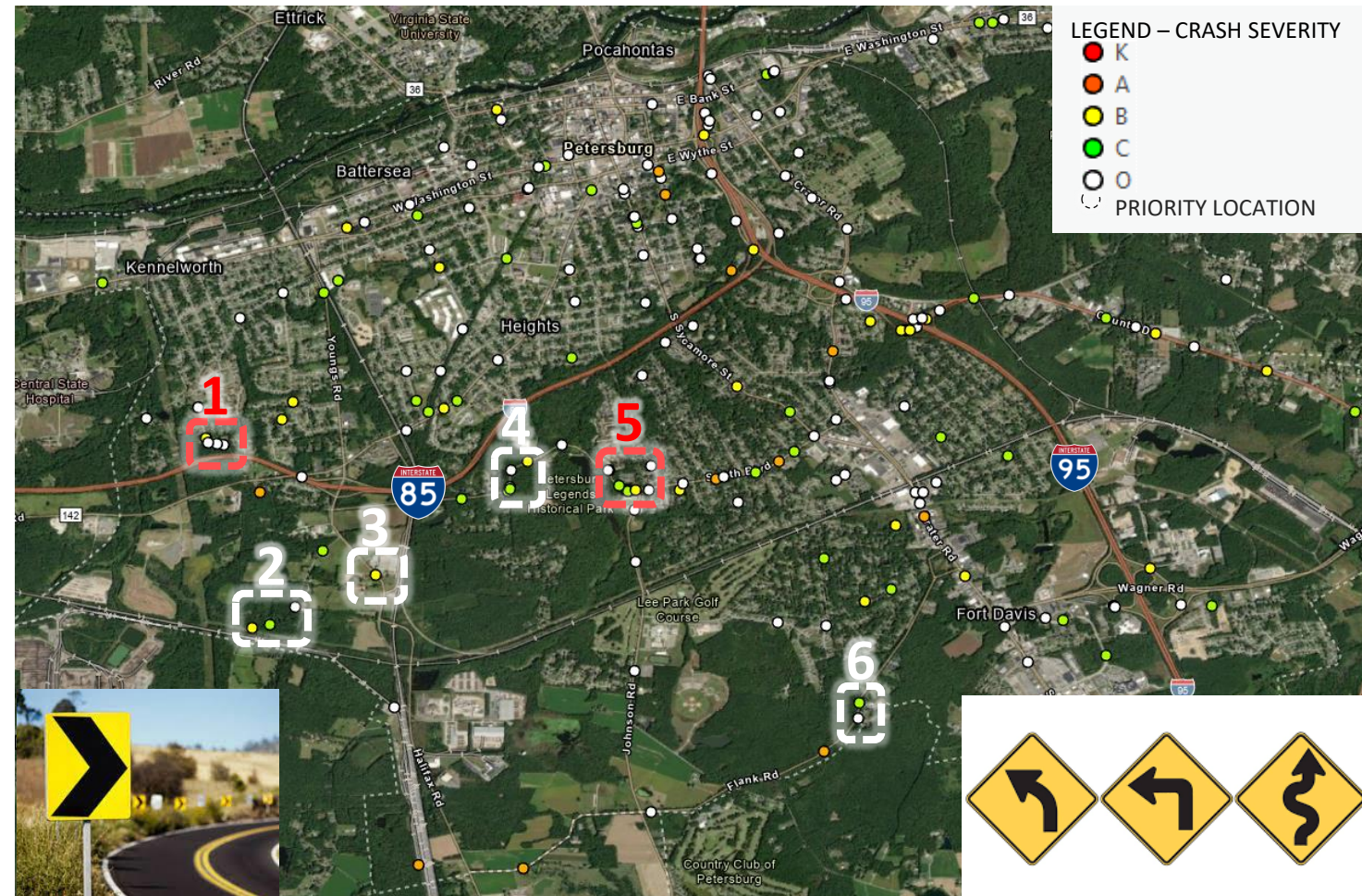


County Dr/Jamestown Dr
3 crashes, 95 EPDO



Curve Delineation

- Curve delineation warns drivers of curves in the road that can lead to roadway departures
- Improves safety and vision of drivers approaching the curve
- Prioritization consideration
 - Segments of curved roadway with four or more crashes
 - Segments with no existing curve delineation
 - Segments of roadways with minor curvature are not considered (based on observation of being less than 10°)
- Specific recommendations
 - Review existing curve delineation along the roadway segments
 - Consider implementing
 - Advanced placement warning signs
 - Reduced speed limit signs along curves
 - Chevrons



Curve Delineation

Zoomed in

Fort Lee Rd-Sandy Ln/Nance Dr
4 crashes, 13 EPDO



Squirrel Level Rd-Squirrel Dr/Wells Rd
3 crashes, 16 EPDO



Wells Rd/Halifax Rd
1 crashes, 10 EPDO



Defense Rd-Bannister Rd/Baylors Ln
7 crashes, 108 EPDO



Defense Rd/Johnson Rd
8 crashes, 117 EPDO



Flank Rd/Fort Hayes Ct
2 crashes, 11 EPDO



Unsignalized Intersections

- Safety of turning vehicles is improved
- Advanced awareness of upcoming intersections is improved
- Prioritization consideration
 - Unsignalized intersections with more than three crashes
- Specific recommendations
 - Review existing unsignalized intersections for existing advanced placement warning signs and pavement markings
 - Consider implementing
 - Improved pavement markings (stop bars, word messages)
 - Increased size of warning signs and stop/yield signs
 - Implementation of advanced warning signs

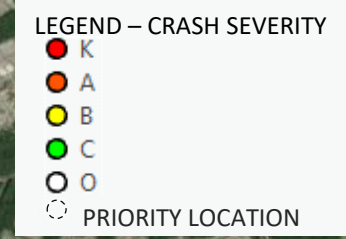
NO.	INTERSECTION	TOTAL CRASHES	EPDO CRASHES
1	Boynton Plank Rd at Fort Lee Rd	8	70
2	Halifax St at Baylors Ln	7	120
3	E Bank St at N Crater Rd	7	120
4	S Crater Rd at Weyanoke St	6	115
5	S Sycamore St at Glenroy St	6	200
6	S Crater Rd at Wawa Store	8	50

EPDO Crashes

Fatal (K), Suspected Serious Injury (A) = 85 PDO crashes

Suspected Minor Injury (B) = 10 PDO crashes,

Possible Injury (C) = 5 PDO crashes



Unsignalalized Intersections

Zoomed in

Boydton Plank Rd/Fort Lee Rd
8 crashes, 70 EPDO



Halifax St/Baylors Ln
7 crashes, 120 EPDO



E Bank St/N Crater Rd
7 crashes, 120 EPDO



S Crater Rd/Weyanoke St
6 crashes, 115 EPDO



S Sycamore St/Glenroy St
6 crashes, 200 EPDO



S Crater Rd/Wawa Store
8 crashes, 50 EPDO



Road Diet

- Goal: improve safety, mobility, and access for all travel modes by making updates to pavement marking and signing on existing streets and roads
- Extensive asphalt/paving work and streetscaping are ineligible under this initiative
- Wherever possible, road diet should be implemented in coordination with resurfacing

Sample Road Diets in Virginia

<https://vdot.maps.arcgis.com/apps/MapTour/index.html?appid=c730982f5249411693e8ce0a23cdb9a9>

- Road diet include converting roads with four or more lanes and reconfiguring space to include the following treatments:
 - Pedestrian refuge island
 - Center area that is used for left turns, pedestrian refuge islands, or median space
 - Pedestrian crossing enhancements (e.g., Pedestrian crossing treatments at intersections, including ADA-compliant curb ramps)
 - Curb extensions/bulb-outs
 - Crosswalk visibility enhancements (e.g., high-visibility crosswalk marking patterns, signage, and daylighting)
 - On-street parking (if on-street parking is utilized, be familiar with funding implications associated with it)
 - Bicycle lanes and/or transit lanes
 - Rectangular Rapid Flashing Beacon (RRFB)*
 - Pedestrian Hybrid Beacons (PHB)*
 - Eradication of existing pavement markings
 - Lane narrowing

* Indicates treatments that may be eligible through the pedestrian crossing initiative



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: November 21, 2023
TO: The Honorable Mayor and Members of City Council
THROUGH: March Altman, Jr., City Manager
FROM: Joanne Williams
RE: Presentation of the 2024 Legislative Agenda (Page 208)

PURPOSE: Approval is requested for the 2024 Petersburg Legislative Agenda and a Resolution supporting independent governance for Richard Bland College.

REASON: Presentation of Legislative Agenda.

RECOMMENDATION: Presentation of Legislative Agenda.

BACKGROUND: See attached.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 11/21/2023

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 11 15 2023 RBC City of Petersburg, VA - Resolution of Support for Independent Governing Board
2. 11 15 2023 DRAFT Legislative Agenda

**RESOLUTION OF SUPPORT FOR RICHARD BLAND COLLEGE
TRANSITION TO AN INDEPENDENT GOVERNANCE STRUCTURE**

WHEREAS, Richard Bland College was established in 1960 as one of five separate institutions, each overseen by an entity then known as the Board of Visitors of the Colleges of William and Mary;

WHEREAS, the General Assembly subsequently granted three of those institutions independent governing boards, and those institutions exist today as Old Dominion University, Virginia Commonwealth University, and Christopher Newport University;

WHEREAS, Richard Bland College has responded to General Assembly directives in place since 2014 to model collaborative, innovative approaches to education that would yield improved attainment of higher education—and attendant credentials—for Virginia citizens and robust economic development for the Commonwealth;

WHEREAS, the 2022 General Assembly directed Richard Bland College to present a report by November 1, 2022, on “steps necessary to transition to an innovative model for higher education that prepares citizens for jobs in high-demand fields and industries critical to the economic development of the Petersburg area, Virginia Gateway Region and Commonwealth of Virginia”;

WHEREAS, on November 1, 2022, a report entitled *Richard Bland College: A Model for Higher Education Innovation* was submitted to the House and Senate Education and Finance Committees of the General Assembly;

WHEREAS, the report submitted on November 1, 2022, defines Richard Bland College as an innovative, hybrid model for higher education in Virginia and posits that, as such, the College requires a dedicated, independent Board of Visitors;

WHEREAS, the Board of the College of William & Mary in Virginia expressed its unanimous support for Richard Bland College’s proposed governance transition in a resolution dated November 17, 2022;

WHEREAS, the College intends to pursue legislation during the 2024 General Assembly session that would grant Richard Bland College a dedicated governing board without elevating its degree status;

NOW THEREFORE BE IT RESOLVED, the City of Petersburg, VA City Council supports Richard Bland College’s proposed transition to a dedicated, independent governance structure.



City of Petersburg

Government Relations

135 N. Union Street Petersburg, Virginia 23803
Joanne Williams jwilliams@petersburg-va.org
(804) 347-3321

OVERVIEW

Petersburg, located approximately 23 miles south of Richmond, is an integral part of the Richmond-Petersburg Metropolitan Statistical Area. Nestled at the Appomattox River's fall line and the intersection of two major north-south interstate highways, I-95 and I-85, Petersburg serves as a principal entry point for travelers entering Virginia from the south.

Despite facing a near financial collapse in 2015, the city has made significant strides toward recovery, now boasting an A+ bond rating due to effective governance. However, revenues are still insufficient to meet the demands of the city's high-poverty population, address health challenges, improve K-12 education and workforce training, reduce unemployment, and upgrade the aging infrastructure. As a federally classified distressed city, Petersburg's socio-economic needs can only be met with long-term funding, an increase in the local tax base, and a commitment from Virginia and the federal government to assist Petersburg in addressing foundational issues.

The pharmaceutical companies in Petersburg (AMPAC Fine Chemicals, CivicaRx, Phlow) are scheduled to be fully operational by the end of 2024 and promise to bring good-paying jobs and sustainable growth. The Pharmaceutical Campus is estimated to buildout over 20 years. Petersburg will begin construction in 2024 on the expansion and upgrades of the Poor Creek water and wastewater systems needed for the Pharmaceutical Campus, the regional hospital, and future growth in the Southeastern section of the City that contains 31% of Petersburg's land mass.

While this growth is essential for the future of Petersburg, there is an immediate demand for an increase in the tax base that can be provided by a proposed Entertainment/Mixed-Use Development that includes a casino.

The JLARC study, released in October 2022, stated, *"Demand is sufficient in the Petersburg market to support a casino with a minimum \$300M capital investment"*. An entertainment complex including a casino would provide needed funds for a new school, health care programs, capital improvements, tourism, jobs, and poverty reduction.

Petersburg's legislative agenda reflects its needs and its commitment to progress with the assistance of the Commonwealth and Federal Government.



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Poor Creek Water/Wastewater Area/Southeastern Area Infrastructure Upgrades

Major economic development projects in the Poor Creek service area, Phlow Corp., AMPAC Fine Chemicals, and CivicaRx depend on these infrastructure upgrades and the future success of the Petersburg Pharmaceutical Campus and related supply chain companies. The Poor Creek Service area (Southeastern area of Petersburg) includes 31% of Petersburg's land mass. Nearly 2,000 acres of undeveloped land are in this area of the city.

With the support of \$29.5M and \$5M budget amendments from the General Assembly and federal grants, Petersburg has secured approximately \$44M for the Poor Creek upgrades. This does not include funding for inflation, increases in labor costs, additional needed repairs, and upgrades required for water and wastewater feeder pump stations and piping connected to Poor Creek and the needs of neighboring localities (Prince George County, Sussex, Dinwiddie County).

The need exists to upgrade from a 24-inch force main to a 36-inch force main and the associated upgrades in the pump stations.

1.	Increase in Costs	\$	15,000,000.00
2.	Federal Grants Match Funding (Designated general fund, not ARPA monies)	\$	2,000,000.00
			<hr/>
		\$	17,000,000.00



City of Petersburg

Government Relations

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Casino

Approval is requested from the General Assembly to allow Petersburg to hold a referendum by November 2025 on the question of whether to allow casino gaming in the City. Petersburg requests that the 5th license be issued to the casino selected by Petersburg as soon as licensure requirements are met. Petersburg requests that the language allowing a city with a population of over 200,000 be removed from § 58.1-4107, Section A, Items 4 & 5, Section D & E.

In light of Petersburg's status as a distressed locality, advancing a casino could provide significant economic relief, like the benefits experienced by Danville and Bristol. This venture could offer residents employment opportunities that surpass the current median household income of roughly \$44,000 per year and individual income of about \$26,000 per year. It is estimated that as many as 1,800 direct jobs could be created annually, along with up to 1,000 construction jobs.

According to projections by JLARC, the proposed Petersburg casino could generate \$204M in net gaming revenues each year. Of this revenue, Petersburg would receive 6%, equating to \$12,240,000. This figure does not include local taxes from real estate, machinery & tools, sales, admissions, lodging, and meals.



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Appomattox River Trail

Completing the Appomattox River Trail in Petersburg is key to promoting community health, tourism, and economic development. Petersburg has partnered with The Friends of the Lower Appomattox River (FOLAR) in envisioning a pristine river and a world-class trail that enhances river access and conservation. The new Fall Line Trail will begin/end on the Appomattox River Trail in Petersburg, bringing thousands of new visitors into the city each year and offering citizens a connection to outdoor activities in the region. This vision aligns to foster a culture of active outdoor recreation, which is instrumental in improving the overall health of the community.

The trail provides ample space for outdoor activities such as hiking, biking, jogging, and enjoying nature. These activities promote physical well-being and contribute to mental health benefits associated with leisure time.

The Appomattox River Trail is more than just a recreational path; it's a journey through history in Petersburg. The trail will wind along the banks of the Appomattox River, a designated Virginia State Scenic River, and pass through historic Old Towne and Pocahontas Island. This area also offers an inviting backdrop for shopping and dining experiences.

Economically, the Appomattox River Trail will stimulate growth and job creation. As more tourists visit the trail, local businesses, including restaurants, hotels, B&Bs, and shops, will grow, and more people will be employed.

The total project cost is estimated at \$37M. Petersburg requests funding to complete the Appomattox River Trail from the Fall Line Trail at Patton Park to Pocahontas Island.

A.	Patton Park	\$	4,000,000.00
B.	Grove Avenue (Squaw to Peter Jones)	\$	3,000,000.00
C.	Old Towne (Peter Jones to River St./Union Station)	\$	2,000,000.00
D.	River St/Union Station to I-95 (Pocahontas Island)	\$	6,000,000.00
			<hr/>
			\$ 15,000,000.00



City of Petersburg

Government Relations

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Oakhill Bridge Replacement

The bridge's closure is causing safety issues for residents and commuters in Petersburg. This vital transportation route connects Rt. 301 (Crater Road) to the Battlefield Park neighborhood, as well as providing access to Vernon Johns Middle School and Petersburg High School. The failure of the corrugated metal bridge for the past 2.5 years is impeding the safety of residents and visitors to the City.

\$ 3,500,000.00

Percentage Increase of 599 Funds to Federally Distressed Localities

Petersburg is continually at the top of the rankings for the most homicides per capita, over 1,000 calls for service regarding shots fired, and over 100 shootings yearly. Petersburg has consistently ranked above the state average for homicide per 100,000, with the lowest in the 21st century occurring in 2004 when the rate was only twice that of the Virginia state average; it was 12 times the Virginia state average in 2021, and there has been a consistent increase in homicides per 100,000 since 2012 except outliers in 2015 and 2020. Gun violence impacts the entire city and traumatizes children and adults.

Petersburg has one of the highest poverty rates and one of the highest single-parent household rates (60%) in the Commonwealth. These are contributors to high crime.

Although the Code of Virginia sets out a distribution formula for calculating the amounts for eligible localities, in recent years, the General Assembly has instead specified in the Appropriations Act that localities' allocations in a given fiscal year are to be based on a standard, across-the-board percentage increase or decrease from the previous fiscal year's allocations. The distribution formula has, in effect, been superseded during those years by the instructions in the Appropriations Act.

There is a need for a revised formula for the distribution of 599 funding. **Petersburg requests distressed localities in Virginia with high crime and poverty receive an additional 40% in 599 funds annually.**



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Independent Governance for Richard Bland College

The City of Petersburg supports Richard Bland College's request to seek independent governance. This would allow the college to separate from the College of William & Mary and establish its own Board of Visitors. Expected benefits are substantial for both the region and the Commonwealth. They include strengthening regional collaborations, introducing new and creative solutions to boost educational success, developing new delivery methods, enhancing operational efficiency, and promoting economic and community growth.

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