



City of Petersburg Virginia

www.petersburgva.gov

January 16, 2024 - Regular City Council Meeting

January 16, 2024
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

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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 from Civica to discuss the latest business updates from the Pharma Company. **(Page 4)**
 - b. Presentation from the City Assessor's Office regarding the upcoming FY2025 Reassessments. **(Page 16)**
 - c. Presentation on the Health Hub
 6. **Responses to Previous Public Information Posted**
 7. **Approval of Consent Agenda (to include minutes of previous meetings):**
 - a. Minutes: **(Page 18)**
 - December 12, 2023 - Regular City Council Meeting Minutes
 - January 2, 2024 - Closed Session Minutes
 - January 2, 2024 - Organizational Meeting Minutes
 - January 2, 2024 - City Council Work Session
 - January 9, 2024 - Closed Session Minutes
 - b. Consideration of an appropriation ordinance for the fiscal year commencing July 1, 2024, and ending on June 30, 2025, for the Edward Byrne JAG Grant in the amount of \$33,140. - 1st Reading **(Page 42)**
 - c. To conduct a public hearing for consideration of an ordinance authorizing the City Manager to execute a Lease Agreement toward the Lease of a City – Owned Property at 301 North Sycamore Street. **(Page 45)**
 - d. To conduct a public hearing for the consideration of an ordinance authorizing the City Manager to execute a Purchase Agreement toward the Sale of a City – Owned Property at 101 West Washington Street. **(Page 65)**

8. Official Public Hearings

- a. A public hearing for an ordinance approving a Comprehensive Plan Amendment to amend and readopt the future land use map from the proposed land use of Low Density Residential to Medium/High Density Residential at 235 Medical Park Boulevard. **(Page 82)**
- b. A public hearing for an ordinance from Sayed Shah Owner, representative of S Shah Properties LLC, to obtain a Special Use Permit at 112 N Crater Road and 114 N Crater Road as provided for under Article 23, 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. **(Page 103)**
- c. A public hearing from Barry Jones, owner, Capital City Homes, RVA, to rezone properties from M-1, Light Industrial, District to B-2, General Commercial, District with the intention of building eight (8) single-family dwellings. The properties are contiguous to one another and are vacant lots, addressed as follows: 901, 905, 909, 915, 921, 925, 929, 933 Commerce St and 208 N Dunlop Street and further identified respectively as 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, and 024140013. **(Page 140)**
- d. 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 162)**

9. Public Information Period

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

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

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

11. Items removed from Consent Agenda

12. Finance and Budget Report

13. Unfinished Business

- a. A public hearing 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 202)**

- b. Consideration of amendments to the City of Petersburg Rules of Council. **(Page 220)**

14. New Business

- a. Consideration of an ordinance for an SRO Grant Initiative Program in the amount of \$278,561 - 2nd Reading **(Page 246)**
- b. Consideration of appointment/s to the Appomattox River Water Authority (ARWA) Board. **(Page 250)**

15. City Manager's Report

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: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Brian Moore

RE: Presentation from Civica to discuss the latest business updates from the Pharma Company. (Page 4)

PURPOSE: To provide a presentation on Civica's business update.

REASON: N/A

RECOMMENDATION: N/A

BACKGROUND: N/A

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

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. Civica Pburg City Council Presentation

Petersburg City Council



Benjamin Jarvela
January 16, 2024



Our Mission

**To deliver
quality generic
medicines that
are available
and affordable
to everyone.**



Civica is an independent not-for-profit company founded by leading health care systems and philanthropists to address critical generic drug shortages caused by market failures.

We work by manufacturing and partnering with pharmaceutical companies to produce generic drugs in short supply or that have become too expensive.

**50
million +
patients
served**

**>1,550
hospitals**

**1/3
of licensed
U.S. hospital
beds**

How it Works

- **Many essential medications are produced by only a few large pharmaceutical companies.**
 - **This creates problems when there are shortages of these drugs**
- **When this happens, patients may not be able to get the medications they need**

To Date: Civica's Health System Partners

Advocate Aurora Health	Intermountain Healthcare	Reid Health
Allegheny Health Network	Kaiser Permanente	Samaritan Health Services
Aspirus Health System	Kootenai Health	Sanford Health SCL Health
Baptist Health	Laura and John Arnold Foundation	Southeast Georgia Health System
Baptist Health South Florida	Mayo Clinic	Spectrum Health
Baylor, Scott & White Health	MemorialCare	SSM Health
BJC Healthcare	Memorial Hermann	St. Clair Hospital
Christiana Care Health System	Montage Health	St. Luke's University Health Network
CommonSpirit Health	MSKCC	Steward Health Care System
Cone Health	New Hanover Regional Medical	The Christ Hospital
El Campo Memorial Hospital	North Memorial Hospital	Thedacare Health System
Emerson Hospital	NorthBay Healthcare	Trinity Health
Franciscan Alliance	Ochsner Health System	U.S. Dept. of Veterans Affairs
Gary and Mary West Foundation	Peterson Center on Healthcare	UnityPoint Health
Griffin Hospital	Piedmont Health	University of Miami
HCA	Promedica	University of Utah Health
Hospital Sisters Health System	Providence St. Joseph Health	VCU Health
Integris Health	Regional One Health	

Benefits of Our Model

- **Ends “race to the bottom” price pressure on manufacturers.**
- **Eliminates price variation for the same product.**
- **Ensures predictability and stability for hospital and personal budgets by eliminating unanticipated price spikes.**
- **Safeguards quality by using high-quality APIs from reliable locations & trusted manufacturers.**
- **Provides transparency through country-of-origin labeling.**

Civica Petersburg

- 140,000 square feet
- 250 employees at full staffing
- 90 million vials per year
- 50 milling syringes per year

- Cartridge filling & pen assembly
- 3 packaging bays
- Warehousing & shipping
- Laboratory



Civica Petersburg will produce dozens of hospital medications as well as the three types of insulin that account for most use in the US:

Glargine	Lispro	Aspart
(Lantus)	(Humalog)	(Novolog)

Civica and California

**California Picks Generic Drug Company
Civica to Produce Low-Cost Insulin**
-Kaiser Health News



Civica is also constructing a 60,000 square foot laboratory quality testing facility in Chesterfield County, Va.



Artist rendering, may not reflect final design

civica®



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Mary Williams

RE: Presentation from the City Assessor's Office regarding the upcoming FY2025 Reassessments. (Page 16)

PURPOSE: Presentation on the upcoming FY2025 Reassessments.

REASON: Update on upcoming FY2025 Reassessments.

RECOMMENDATION: For information only.

BACKGROUND: See attached information.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. FY2025 Reassessment Notices

Presentation from the City Assessor's Office regarding the upcoming FY2025 Reassessments.

FY2025 Reassessment Notices will be mailed on Jan 26, 2024, to approximately 13,000 property owners indicating their new values effective for the beginning of the fiscal year on July 1, 2024.

There will be an appeal period that will run from Jan 26, 2024 – April 1, 2024. Office Appeal Deadline is March 1, 2024, and the Board of Equalization Appeal Deadline is April 1, 2024.

- Office Appeals: If there is a concern about the equity and/or fairness of the assessment of your property you may make an application for a review. Office Review Applications are received and processed following the mailing of Change in Assessment Notices. The completed application should be returned to the City Assessor's Office. With your permission a real estate appraiser will make a detailed inspection (interior and exterior) to confirm the accuracy of the improvement size and property characteristics. Inaccuracies in data will be corrected immediately, the assessed value will be reviewed and adjustments to the assessed value will be made if necessary.
- Board of Equalization Appeals: If the property owners are still dissatisfied of real estate assessment after you appealed to the City Assessor's Office, or if you missed that deadline, you may wish to file an application to appeal to the Board of Equalization. This three-member Board of Petersburg property owners with real estate related backgrounds, are appointed by the Circuit Court Judge, and will hear your appeal to determine if an adjustment is warranted. accordance with the Municipal Code of Petersburg appeals must be filed by April 1 of the year for which the assessment is made, or within 60 days after the date of the notice of change in assessment.

According to the Code of Virginia 58.1-3379, The burden of proof on appeal to the board shall be on the taxpayer to rebut the presumption and show by a preponderance of the evidence that the property in question is valued at more than its fair market value or that the assessment is not uniform in its application and that it was not arrived at in accordance with generally accepted appraisal practices, procedures, rules, and standards as prescribed by nationally recognized professional appraisal organizations such as the International Association of Assessing Officers (IAAO) and applicable Virginia law relating to valuation of property.

The Constitution of Virginia, Article X, Section 2 and the Code of Virginia, § 58.1-3201 require real estate assessments to represent fair market value. For most residential properties, fair market value is best determined from comparable sales data. This process involves analyzing recently sold properties.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM:

RE: Minutes: (Page 18)

-December 12, 2023 - Regular City Council Meeting Minutes

-January 2, 2024 - Closed Session Minutes

-January 2, 2024 - Organizational Meeting Minutes

-January 2, 2024 - City Council Work Session

-January 9, 2024 - Closed Session Minutes

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. December 12, 2023 regular city council minutes
2. January 2, 2024 Closed Session Meeting Minutes

3. January 2, 2024 Organizational Meeting Minutes
4. January 2, 2024- Work Session city council minutes
5. January 9, 2024 Closed Session Meeting Minutes

The regular meeting of the Petersburg City Council was held on Tuesday, December 12, 2023, at the Petersburg Public Library. Vice Mayor Hill called the meeting to order at 5:00 p.m.

1. ROLL CALL:

Present:

Council Member Charles Cuthbert, Jr.
Council Member Marlow Jones
Council Member Arnold Westbrook, Jr.
Council Member W. Howard Myers
Vice Mayor Darrin Hill

Absent: Mayor Samuel Parham
Council Member Annette Smith-Lee (arrived at 5:04pm)

Present from City Council Administration:
City Manager John March Altman, Jr
City Attorney Anthony Williams

2. PRAYER:

Vice Mayor Hill led the city council meeting in the opening prayer.

3. PLEDGE OF ALLEGIANCE:

Vice Mayor Hill led the council and the citizens in the pledge of allegiance.

4. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum was determined with the presence of the city council members except Mayor Parham.

Vice Mayor Hill stated, "I would like to entertain a motion to take item '12A' and bring it to '5' and make it '5E' after all the other presentations."

5. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:

Council Member Myers made a motion to take item '12A' and bring it to '5' and make it '5E' after all the other presentations. Council Member Westbrook seconded the motion. The motion was approved on voice call. On voice vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, and Hill; Absent: Parham

a. Presentation and update on L.L. Bean and City of Petersburg Christmas Event Weekend.

Brian A. Moore, Director of Economic Development, gave an overview of the L.L. Bean and Christmas Event Weekend.

Key Notes:

- Centre Hill had over 500 visitors in two days.
- The dramatic increase in visitors can be attributed to L.L. Bean Pop-Up, the parade, and the on-line advertising of all the events.
- Over 350 tickets were sold for the Homes Tour.

Eva Marie Bowman gave a brief update on L.L. Bean Pop-Up.

Key Notes:

- Increase in local foot traffic.
- Increase in small business sales.
- Engagement on social media.
- Best-selling pop-up shop to date on tour for L.L. Bean.
- Customers who have not visited in over a decade returned.
- Created a proof of concept of pop-up shops in the city on Bank Street
- Proved that small businesses and the city can be successful partners.

Vice Mayor Hill thanked Ms. Bowman for her comments. He stated that he spoke with Mr. Allen in Parks and Recreation about trying to do the tree lighting the same day as the Christmas parade. He stated that this may draw more citizens to the tree lighting event. He stated that he would like them to think about doing a Thanksgiving parade. He stated that he would like to thank public works, the first responders, firefighters, EMS, police officers, recreation department and the economic development department.

- b. Presentation by Green Infrastructure Center, Inc. on the Urban Forestry Community Assistance Program.

Kendall Topping and Jessica Huang of the Green Infrastructure Center gave a brief presentation on the Urban Forestry Community Assistance Program.

Key Notes:

- They provide technical assistance at no cost to the City of Petersburg.
- Conservation mapping, planning, and design from wildlands to downtown.
- They assist local communities in the development and implementation of plans and programs to conserve and enhance the natural resources of the community.
- They will adopt four communities per year with a staff time commitment at no cost to the communities.
- Reduce Stormwater runoff and improve water quality.
- Increase community engagement and appreciation of urban trees.
- Increase government and legal support for tree protection and establishment.
- A more resilient and climate ready community.

There was discussion among City Council and the presenters of the Green Infrastructure Center.

- c. Presentation and update on Poor Creek.

Ben Anderson with JMT gave an update on the overall southeast Petersburg infrastructure improvement.

Key Notes:

- Continued bi-weekly calls with the Virginia Department of Health, Department of Environmental Quality and Public Utilities.
- They continue efforts on the EPA Grant connected to the wastewater project. It is a pending award, and they are waiting on the approval of the waiver for the non-federal match for that grant.
- The inadvertent discovery burial plan was approved. They received the permits last week.
- The environmental assessment is in progress.

- d. Presentation and update on Capital Projects.

Randall Williams, Assistant Director of Public Works, and Darryl Walker, Stormwater coordinator, gave a brief presentation on Capital Projects.

Key Notes:

- Original scope of work – structural repairs to joist, HVAC, wood flooring, stair repair, thermal installation, painting, and pointing of bricks amongst others.
- Project Completion April/May 2024
- Awaiting scope of work for vault solution.
- Farmer Street Safety Building – original Social Services Building is in Phase1. – Renovating the exterior of the building and the additional scopes of ad.
- South Sycamore Street Culvert Rehabilitation – Project is to rehabilitate the existing box culvert that carries Lieutenant Run under Sycamore Street and is located just north of I-95. The existing box culvert is approximately 85 years old & repairs concrete repairs, erosion repairs and tree removal. Project has been delayed due to environmental review by VDOT and then by the Federal Highway Administration.
- Locks Watermain Replacement – Project manual containing technical specifications completed by Timmons Group and purchase requisition requested.
- They have started outreach with ward meetings.
- They should be complete with study and prioritized by the end of year.

There was discussion among the City Council Members and staff.

e. Presentation and update on City Finances.

Leon Glaster, Interim Chief Financial Officer, and Shekira Wynn, Finance Manager, gave an update on the City finances.

Key Notes:

- Financial objective to promote long term financial stability by establishing effective financial policies, provide the city council and citizens with financial transparency by providing consistent monthly financial reports.
- Ensure that the city has sufficient resources to perform mandated responsibilities.
- Coordinate financial planning with day-to-day operations and ensure that the city has the ability to insulate itself for physical crisis.
- Upcoming projects are development of FY2025 Budget, development FY 2025 Five Year Capital Improvement Plan, Assessment of FY 2024 Revenue Projections, FY 2024 Year End Close Process, and continue production of monthly budget to actual financial projects.

There was a discussion between the city council members and staff.

6. RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

Vice Mayor Hill stated that responses are posted on the website.

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

- Minutes:
 - November 21, 2023 - Closed Session Minutes
 - November 21, 2023 – Work Session Minutes
- Consideration of an ordinance for an SRO Grant Initiative Program in the amount of \$278,561 – 1st Reading.

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

8. OFFICIAL PUBLIC HEARINGS:

*No items for this portion of the agenda.

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.

William Jones, 1504 Duke Drive, stated, "I am here to follow up on a previous visit when I was here. I am glad that I came tonight. My concerns are the schools in the City of Petersburg and the lack of new ones. Seems like we need to build a casino to build new schools. Yet, surrounding areas are building new schools without a casino. With the urgency coming up I noticed that there were some general improvements made to buildings in the city. But there were never any improvements in the schools in the city. Every kid in the City of Petersburg goes to the same school that their grandparents or great grandparents attended. This is inexcusable. Another part that has come to me is that I am here to demand an environmental review. If I do not get an answer within 30 days, I am prepared to file a suit. The reason is because all primary and secondary school buildings in the United States was built between 1950 and 1969. We only have two that were built outside that time period. What happens if children are exposed to asbestos? When asbestos is inhaled, it can cause chronic health problems to your lungs, throat, gastrointestinal tract, including the rare type of chest cancer called mesothelioma that can occur five decades after exposure. In 1980, when the US Environmental Protection Agency had an unsuccessful ten-year effort to ban asbestos, one of the first studies declared with no terms, the agency determined that asbestos in school buildings was a significant hazard to public health. Petersburg ranks worst as the unhealthiest city in the State of Virginia. We owe it to our children. We must do something about this. This is not something that you can put off. I noticed that you put in for the referendum to get a casino, but you are not putting it in until 2025. If all goes well the earliest school will be built in 2029 or 2030. This is inexcusable. We cannot do this. This is not something that we have to look past. This is something that we need to address today. These kids are dying if they are not doing it now. Like they said these things can turn up in five decades. I just heard the man say that we have \$52 million dollars in the budget. Schools are being built in the state from anywhere from \$13 to \$25 million dollars. I tell you what, in 30 days if I do not get an answer, I will contact the ACLU and demand an environmental review. And I am not going to leave it up to you. One of the main reasons is that I do not think that any department head in the city has a child that attends Petersburg Public Schools. Thank you for your time."

Mr. Altman stated, "Just for clarity, when we went through the conversation in the Spring with Davenport our financial advisor regarding the financing for the courthouse, it was also planned in that financing for the construction of a new elementary school. We have met with the schools so far for a meeting with the construction committee for a new elementary school in the city. So, we are moving forward with the issues of the schools. It is not dependent upon the casino. We already have the ability to do the financing without having to raise the tax rate. We previously applied for a literary loan to the state to finance the schools. So, we are moving forward in that direction."

Mr. Jones stated, "May I ask a follow-up question. I understand what you said but we found money to build a garage where no cars are parked in. We cannot do that. I did not know it was this bad. We have kids that are going to go to school tomorrow that are going to be exposed to asbestos fibers and water and lead pipes. It is like the urgency is there but when it comes to children it should not be something that is put off. Thank you very much for that response."

Council Member Jones stated, "Mr. City Manager, can we look at getting that environmental review done."

Mr. Altman stated, "I am going to say that I am not an educator and I do not live in the world of school administration. But my understanding from dealing with older schools in a previous community is that typically from an asbestos perspective there has to be a survey to identify that. I think the first thing that we would do is check the schools to see if they have any of those plans done before we go and do something. They should have something, and I would think that they would have something in the books. In the previous community, we had asbestos surveys for all of our schools that were done. So, we will check with the school's first and then we can move forward."

Pamela Bingham, 1717 West Princeton Road, stated, "I live very close to Petersburg High School. I share the gentleman's concerns. I am an environmental engineer and I actually have asthma as a result of mold post Hurricane Katrina working in New Orleans. So, I know the seriousness and I have a friend dying of mesothelioma right now. My parents moved to Petersburg in 1984 and I moved here in 2011 to take care of them. I want to share some information, but I also want to get some information. I have talked to Mr. Williams and so we will have a follow-up meeting about my water and sewer questions. I was gone all summer, and I had the same kind of water bill I always have. There was no one in the house running water and these are the same issues that I have been writing about. But I wanted to give you some information because I am an environmental engineer and I live here in the community, and I work remotely at the University of Maryland. I am an environmental justice expert, and we are now the EPA Technical Assistance Center including Virginia. I am not seeing Petersburg applications in the mix at all for billions of dollars coming out. It is not just IRA it is environmental justice. And do not think for a minute that all these folks that are just showing up are showing up because they care about Petersburg. The pimping has started and that is what it is. We are on a list as a disadvantaged community. The climate and economic justice screening tool that the young lady shared with you is flawed. It is flawed because it does not include race as a major criterion for environmental justice. There are communities all over the country that have worked for 30 years to get this funding. And now it is here, and the pimping has begun. People who have no interest in environmental justice are stepping up and saying they want to help and that they are not diverse, and they do not have low wealth people in their organizations. They want to help us. So, what I came to say to you today is that I am here, and I actually do want to help us. And the first thing that we have to do before we consider any more proposals from people who get millions of dollars and do not even give us ten percent, is that we have to create a community benefits agreement. I have said this over the years, and I have talked to all the different city managers. The community benefits agreement is a template that states what the focus of our interest in Petersburg is. We have a great tree canopy, but we can do better. However, is that really the first priority? And thank you Council Member Jones for your questions because it is most definitely about those who are inequitably treated. We need workforce development, we need good schools, we need jobs, we need people paying taxes, we need safe drinkable water. And that is why I am going to talk to the water person because I am a little concerned right now. I cannot say everything that I need to say but I really wanted you to know that just because we cannot all come to council meetings does not mean we are not paying attention. And thank you for the newsletter but we are still getting it late. I missed two meetings because the newsletter was late. Luckily, I found out about this meeting tonight. I am here and I want to help us. We cannot get this money. And right now, in the state, I do not know whose responsibility it is, but Petersburg should be getting R.E.G.G.I.E. (Regional Greenhouse, Gas Initiative Money) money. We are eligible for that money, and I was on a call yesterday when someone said is Petersburg getting it. I said that I did not know. We can leave it there and talk later. There is so much money coming out that we are eligible for and it's on the table and we are not getting it. I do not know who your grant writer is, but I would like to meet her."

Sara Melissa Witiak, 22 Centre Hill Court, stated, "First of all I would like to thank Mr. Jones for his good questions today. These are two pictures if the city council can turn around and direct their attention to the screen of Sycamore Street between Washington and Wythe Street. Residents had no say in this, and we were not aware of it for about fifteen minutes before it occurred. The trees that were there were not perfect, but they were not useless. We talked a lot tonight about what we want our city to be and about how we can work together. How we can make sure that the least among us is represented. And so, for the remainder of my time, I am going to shut up and let us consider and think about what we want to do with this opportunity that is now presented to us on Sycamore Street."

Geneviene Lohr, 19 Guarantee Street, stated, "Interestingly, I want to say something about the trees

that were just on the screen first. We have to do better about how we take care of things like that. So, planting the right trees, I know I have spoken with folks in charge of that and those weren't the right trees. So, we need to do a better job and plant the right trees. We need to take care of the trees that we plant. Yes, trees are good but that was not it. So, that is an opportunity for the city to come together and the departments to come together to do what needs to be done in the future. I will say that I absolutely love that restaurant sign that I can now see on Sycamore Street. It is super cute. So, that is good. So, moving forward this is an opportunity and we need to take it. So, I am going to share a little bit with you guys. First, I am going to share a definition from the Oxford Languages Dictionary. The definition is for gentrification, 'the process where the character of a poor urban area is changed by wealthier people moving in, improving housing, and attracting new businesses. Typically displacing current habitats in the process.' So, the reason that I want to read that to you is because I get notifications from realtor.com on my phone when there is a house for sale in Petersburg. It is random and I do not get all of them. But I got one earlier this weekend and it was for a home on South Jefferson Street. And while I was reading it, it said some nice things and it talked about it being a federal opportunity in the Enterprise Zone, walking distance to the Farmer's Market. But then it says that 'areas undergoing major gentrification, so hurry and buy your piece of history.' That is what it says in a realtor.com advertisement for a house for sale in Petersburg. I do not think that is good. I think that is a problem. Because your constituents are not new people coming here to buy houses and change things. The constituents are the people that are living here right now who would be displaced by gentrification. So, I think it's important to think about this as far as we know that Petersburg is the least healthy city in the state. And the CDC says that gentrification does not help health outcomes. So, that is something that we need to think about, and we need to remember. Some of the health effects created talk about special populations and special populations being the poor, women, children, and the elderly of racial ethnic minority groups. Which is a significant percentage across Petersburg. These special populations are at an increased risk of the negative consequences of gentrification. Studies indicate the vulnerable populations typically have shorter life expectancy, higher cancer rates, more birth effects, greater infant mortality, and higher incidents of asthma, diabetes, and cardiovascular disease. We do not need more of that. So, we need to figure out as a city what we are doing to counteract that. Are we pro-gentrification? I do not want to be pro-gentrification and I would hope that the city council does not want to be either. Thank you very much."

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "Since we have a different chair and different clerk up there tonight it is an opportunity, but I would have reminded the regulars anyway. But remember I brought up a few meetings ago about the Rules of Council and how when you discuss an ordinance or resolution, that if it is moved and seconded that the chair would open it for public comment. I just wanted to remind you of all of that again. And if need be, I will send it to you. I think that it is page four of your rules. What I wanted to talk about tonight briefly was a favorite topic, the casino. I am assuming that the direction that you all want to make this happen at the General Assembly. And I think that the General Assembly may want some things in return from Petersburg leadership. So, I was just going to make a few suggestions, wish list or New Year's Resolution. To start with, look at ways to increase citizen participation. Because there wasn't any last year. It just sprung on everybody. So, if you look at Danville as a model, they have a citizens group that looked at ideas on how to use the review from operating a casino. But there are things like that. And you can excuse Mr. Jones for hearing that message about how long it will take to build new schools. Because that has been the hype that the city has put out. If we get a casino we can build two new schools, this, that, and the other thing. I realize, as Mr. Altman said, that there is a separate track, and the city is pursuing it, for which I am grateful. But people have heard the hype. So, it's like thinking about this as a new day and being open to all ideas and opportunities. Do not go by the past script and do not use last year's script. One thing in particular for me is to please look at all locations if you are talking about having a casino. Do not be locked into the plan that was developed a year ago. Because there are lots of pros and cons for different parts of the city to have an entertainment area with a casino. The group that you worked with, Cordish, specialized in doing downtown areas over. They did not specialize in making an outside parcel somewhere in which they are proposing here. I am just going to make a quick comment about my own personal passion about this. When I heard the phrase 'We are going to build a city within a city' I found that really scary. For some of the reasons that other people have alluded to tonight is that you are building something out in Prince George County. What happens to the rest of Petersburg that has already been neglected and is suffering from all kinds of deterioration and neglect. I mean it just gets further and further behind. So, I would have a lot more to say about this, but I hope you all will seek public input and even have meetings where people can talk about it. Because there are all kinds of points

of view, and you should hear all of them. Thank you.”

Thomas Harriston, 1201 Halifax Street, stated, “Good evening. First, I would like to echo what William Jones said. You all know that I have been screaming about school since day one. I am for the casino. But I also screened that when we break ground for the casino, we should demand that we break ground for the schools during that exact same time. Like if we are going to sell off for a school then let’s say that the schools should open before the casino or in conjunction with the casino. The other thing is that we have these duplexes, and a gang of developers came to the Planning Commission to discuss duplexes. So, much so that in the Comprehensive Plan, I brought it up to find out what we can do because we have all these duplexes and people keep saying we need affordable housing. But we have affordable housing, but we just won’t open it up to be used. So, I am trying to figure out why the Planning Commission has pushed forward something that meets the standard for the Comprehensive Plan that says, ‘hey we are not the first city that had a duplex that made a rule’ and that the duplex is set for two years and they had to go away. Lynchburg had the problem, too. So, when asked we were told that there were certain things that we had to do. Zoning said that we meet the current zoning rules. There are several options that we have but what I noticed is that the council has not done is put it on the agenda. Because we did that two months ago and it is still not before you all and I am trying to figure out why you all are not talking about. Because I counted 27 vacant duplexes. I know that at the Planning Commission that we had ten developers ready to move on duplexes so my understanding from meeting with them is that if it was a duplex that sat for a one hundred years and it had two addresses and two accounts for water that we should make it a duplex again. Why are we turning a duplex into a single-family home? We are saying that we have a shortage of inventory when currently we don’t. WE are just not using the inventory that we have. And lastly, when I talk about the schools, I have a daughter that went to school here and just last night she told me that Vernon Johns when she was there had mold and they just put a board over it and let her go on to school. Do not know if that is true or not because she just mentioned that to me last night. She is currently at the governor’s school. I think that we definitely need to do something about the schools. We have schools that do not have windows and classrooms that do not have windows and people come up here and tell us the importance of sunlight and trees. And we have kids that cannot see trees because they do not have windows in classrooms. So, to me the building of the schools should be a top priority. Again, we did Southside Depot and, but we do not have basketball hoops. I am glad that we spent over \$2 million dollars making Southside Depot wonderful for tourists when they come to town but when they come to town, and they have nothing to do I would have liked to see \$2 million dollars put into the parks for the kids. And then when people come to Southside Depot for tourism, they have some place to go. You all chose the priority, and I am with it. I think that we should take a moment and do something for the youth because the reason we are having all of these problems and it is only going to get worse, is due to lack of entertainment, activities, and education for the youth. They should be our number one priority. That is all. Thank you all.”

Kate McKay, 16 West Bank Street, stated, “I am here this evening to honestly say thank you. I come here representing multiple small businesses that are located in Old Towne. I personally own three businesses in Old Towne, and I am a resident of Old Towne. Everyone wanted the city council to know that they covered the L.L. Bean thing with you. But from the business owners we want to say thank you to the city for the support and for L.L. Bean coming and making a positive impact on everyone. And not just the Old Towne. We spent a large majority of the weekend trying to send them to other areas in the city from Samona’s on Crater Road to Resolution Winery. We tried to highlight the fact that Petersburg is not just Old Towne. And even though the pop-up was being held in Old Towne there were so many other positive areas in our city. We would also on behalf of myself and all of them like to take a minute and say what an amazing job that the Department of Economic Development did overseeing all of the things that needed to be done. The Department of Economic Development hustled so hard for it to happen. They were there all weekend with us meeting and greeting the people. You could not have asked for harder work from that department. And I would just like to say that moving forward since it was such a successful pop-up that we do have full intentions on tracking down some other brands with the intentions of bringing them to Petersburg and highlighting them in Petersburg in hopes of pouring the same amount of visitors. We hope that in the future that you will support those efforts to bring in other national brands to just highlight Petersburg. Thank you.”

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

Council Member Cuthbert asked Mr. VanVoorhees to put up an image of January 12, 2023, of 126 South Jefferson Street. He stated that his topic is on success stories and fighting blight. He stated that this property is a success story. He stated that the property is being saved as seen in the updated photo of November 2023. He stated that blighted property owners are being taken to court for failure to keep up property. He stated that he has a ward meeting in Pocahontas the day after tomorrow at 6:30pm in the Historic Chappell. He stated that the topics are anything that anyone wants to talk about. He stated that his focus is going to be on security, user technology to improve security, and also fighting blight and the progress from that and the distance that they have to go. He stated that he was stunned when the trees disappeared. He stated that the decision was made in 24 hours to cut the trees down. He stated that there was no plan to replant. He asked Mr. Altman if he could bring a replanting plan for council to consider at the work session on January 2nd.

Mr. Altman stated that he does not think that they will have enough time. He stated that they are working on a plan, but they have to go in and address the issues that they have with the sidewalk. He stated that it will take some time. He stated that they will not have a plan by January 2nd but more of a timeframe for February.

Council Member Cuthbert asked Mr. Altman can he provide a date of when they expect to bring a replanting plan before the City Council and before the public.

Mr. Altman stated that it would be the February work session.

Council Member Cuthbert thanked Mr. Altman for that information. He stated that he thinks that the public and council all look forward to hearing the details of the replanting plan. He stated that he hopes that it includes a timeline to getting roots in the ground because the winter is the time to get the trees put in.

Council Member Jones stated that he would like to thank everyone for coming. He stated that he is getting ready to celebrate his first year on city council. He stated that he has a lot to learn. He stated that he wanted to thank everyone for reaching out and showing him the ropes and pointing him in the right direction. He stated that he would like to thank all the speakers present at the meeting tonight. He stated that may not agree with all of the council at the time but each of them has given him some good advice at some time or another. He stated that each and everyone has been a pain in his butt at some point in time or another but that he appreciates them. He stated that sitting up there with the other members is a blessing because he represents the citizens. He stated that this is the reason he has his ward meetings coming up. He stated that he is focused on the projects for the two ward meetings. He stated that he is focusing on Pin Oaks and Petersburg East Apartments. He stated that he does not think that anyone has been out to these areas to talk to the people. He stated that the meeting will be on December 17th at Petersburg East from 12pm to 1pm and then in Pin Oaks from 2pm to 3pm. He stated that OG Ribs and BBQ will provide food. He stated that they will talk about community issues and concerns and who is coming to help them. He stated that the Ramada Inn was there forever, and no one went to jail. He stated that Hotel Petersburg sat there forever, and no one went to jail. He stated that everything that is sitting and looking like that needs to be knocked down and the owners need to go to jail. He stated that with the skating rink he is waiting for the fire alarm and sprinkler system to be inspected. He stated that he is looking at hopefully Christmas if not by the New Year's that it will be open. He stated that it is still on tap. He stated that if anyone wants to donate towards the skating rink to please see him or someone on the team. He stated that it will be crime free, and the kids can skate free every Sunday as long as the crime stays down in the city. He stated that this was his promise. He stated that he wants to make it a family event and keep it going and he thanks the city council for the support.

Council Member Westbrook stated that Petersburg High School had their first Annual Forensic and speech Debate Tournament this past weekend. He stated that it was a remarkable success, but he would like to see more of the community come out. He stated that he does know that it is a growing art form and sport that people are getting behind. He stated that they did have over 250 competitors from thirty high schools. He stated that as they talk about schools it is about how other people come in and view the schools in the City of Petersburg. He stated that he hopes that Mr. Jones and others as well keep the same energy and take it to the school board as well because it is a two-horse race. He stated that in the tournament Mi'Angel Brown placed 2nd Place. He stated that she is on her way to doing wonderful things this year as well from last year. He stated

that Justice Moore got two awards for 1st and 2nd Place. He stated that they are under the direction of Coach Teri Smith and that Ms. Smith is helping him with the VSU Speech and Debate Team. He stated that they are doing great to allow the youth to verbalize their hopes, dreams, and frustration properly. He stated that as they are moving into the holiday season do not forget the elderly. He stated that a lot of times people transition in the month of December and January so to please check on the elderly and let them know that they are loved.

Council Member Myers said Merry Christmas and Happy New Year to everyone.

Vice Mayor Hill asked Council Member Myers to give an update on the ArtistSpace Lofts at Perry Street.

Council Member Myers stated that they did the relaunch for Friday for the Arts on December 8th. He stated that it was well attended and that he would like to thank everyone that attended. He stated that he would like to thank the Mayor and Vice Mayor Hill for coming out and supporting Friday for Arts. He stated that he spoke with the Arts Council about a relaunch in March and that they look forward to that.

Council Member Smith-Lee stated that she is upset that she could not participate in some of the activities that occurred in the last two weeks. She stated that she is getting over acute bronchitis. She stated that she has been down for about two and a half weeks. She stated that she is proud of herself for not coughing as much today. She stated that she has been on a coughing marathon. She stated that wanted to say Happy Holidays to everyone who lives in and loves the City of Petersburg. She stated that it is hard sometimes to receive constructive criticism in reference to the city. She stated that they all know that the city has been economically strapped for a number of years. She stated that now they are beginning to pull themselves up. She stated that she does not let anyone talk badly about the city and that she grew up in the City of Petersburg. She stated that the city was once \$19 million dollars in the hole and that now the city has a fund balance of \$52 million dollars. She stated that she wants a new school for all the children but that she knows that in their hearts they are trying. She stated that on February 15th she is going to have a ward meeting. She stated that the place will be determined a little later. She stated that they are also partnering with Links, Inc. to do a health expo at Pecan Acres. She stated that she will provide more information in the future. She stated that she would like to say Happy Holidays to everyone and their families. She stated that they have to take care of the babies and seniors.

Vice Mayor Hill stated that he would like to thank everyone for coming out today and thanks to all the presenters. He said Merry Christmas and Happy New Year to everyone. He stated that this is the last meeting of the year. He stated that he would like everyone to be safe this year and put their head on a swivel because things happen and make sure that everyone has their valuables in the trunk of their cars when shopping. He stated that he wanted to reflect on the end of year. He stated that he would like to thank all of the staff and all of the workers and those who contributed. He stated that he wants to thank the PR Team for giving a visible light when it comes to the city. He stated that they do not always get a good story in the paper sometimes. He stated that it was the mayor's idea for the newsletter and Joanne and her team executed the idea and brought it to light. He stated that he would like to thank all of the hard workers in the City of Petersburg. He stated to Mr. Altman that they need to produce a plan regarding the parking lot. He stated that leave removal is getting ready to start so everyone needs to rack their leaves to the edge of the curb. He stated that Ward 2 should be starting next week, and Ward 4 started today. He stated that hopefully there will be no snow with the leaves. He stated that he knows that the Commissioner of Revenue is not present but there are a lot of people that are popping up on the side of the roads selling things. He stated that he is not sure what department that goes to. He stated to Ms. Flowers that there are a lot of vendors that are popping up on the side of the road selling things.

Ms. Flowers stated that they are required to have a business license.

Vice Mayor Hill asked how the city checks on their business license.

Ms. Flowers stated that they can pop up on them and ask them if they have a license. She stated that if she is aware then she will go out there herself and check.

Vice Mayor Hill stated that it is a lot of that going on in the city and people are selling all kinds of things and they do not know if they have a license or not. He stated that if you go down Halifax Street you will see some transformation going on and you will see four or five new houses that have been built. He stated that it comes from the hard work of the council and the city staff. He stated that they want to thank everyone for coming today and for the yearly report. He stated that the city has had two bond rating increases this year. He stated that he would like to thank the Commissioner of Revenue Office, Treasurer and Finance Team for sending out bills and collecting the revenue for the city. He stated that they would like to thank the citizens for paying their bills as well.

11. ITEMS REMOVED FROM CONSENT AGENDA:

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

12. FINANCE AND BUDGET REPORT:

a. Presentation and update on City Finances.

This item has been moved to item "5E."

13. UNFINISHED BUSINESS:

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

14. NEW BUSINESS:

a. A resolution of the City Council supporting the application and participation in the Urban Forestry Community Assistance Program.

BACKGROUND: Information attached to the agenda packet.

RECOMMENDATION: Recommend the City Council approve the resolution.

Naomi Siodmok, Director of Planning and Community Development, gave a brief overview of the request.

Vice Mayor Hill opened the floor for public comments.

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "I was suggesting from your rules that it be moved and seconded before opening it up to the floor. But I am glad that you are opening it up to the floor, so no criticism. I just wanted to endorse your approving this resolution. I mean that anything that is beneficial to the environment in Petersburg is a plus. I know that there are lots of other things that need to be done and perhaps if we were in charge of all the priorities this would not be the first one. Since it is here for the offer these two presenters were obviously well versed in this and had a lot of enthusiasm, which I like. I spoke with them briefly tonight. There is so much needed in understanding and education among Petersburg citizens about ecology and the benefits and relationships of the ecosystem. Councilor Jones mentioned a couple of things when he talked about tree roots and things. Another example is when we talked about the trees on Sycamore Street that Councilor Cuthbert talked about that were cut down. Those are in small tree wells, and I would hope that as we plan to replace them that you would be looking at making part of that sidewalk more permeable so that it is more supportive of tree life. Because a tree growing in a little space about the size of this podium is not the healthiest situation and being surrounded by concrete. I have learned some of that the hard way from killing trees. I hope that if we are going to invest in trees and take care of them it is good to have some knowledge about everything you do surrounding them. If you put a tree up and then you put all types of driveways and streets around it, it is going to grow for a while, but it is going to die before its time. Please support this and help by voting for it tonight and putting city resources toward it and encouraging citizens to be involved.

Thanks.”

Pamela Bingham, 1717 West Princeton Road, stated, “So, of course no one is against trees. I am a girl scout leader here and I am on the Wilcox Board and Virginia Conservation Network Board. I am just going to make this statement again. No one is against trees, but I happen to know at least from the USDA this was a \$1 billion-dollar urban forestry grant program. I do not know what Virginia got or what this group is getting but we have to create a way. There are going to be city resources required. We have to create a way in which these grant programs will benefit us. I do not mind these folks doing this project, not only involving Virginia State but all Virginia State folks are not Petersburg folks anymore. So, you have to involve that 18 to 25 group. We have Job Corp, Pathways, YMCA, and the Boys and Girls Club. There has to be more workforce development. I love trees and I am an environmental engineer, but I am not an arborist. Our kids do not know what an arborist is. They do not even get that exposure. I am saying do not negate any of these opportunities but make them work. I have killed trees unfortunately. We planted some trees at Gillfield for Arbor Day, and we did not plant them in the right place. One lived and one did not, so there is a lot to consider with these sidewalks and tree roots. So, there has to be a report somewhere on what happened with this particular set of trees. Wilcox is full of trees and that is where I live. I think we do not have a big tree canopy issue in Petersburg but what I would like to see is workforce development engagement of young people with these folks from out of town working here in partnership with our youth within ages of 18-25. This would be to train, to teach what you know. No one can just go around and handle trees. So, that is all that I am going to say.”

Leonard Curry, 2014 Woodland Road, stated, “You elected me to the CDBG Advisory Committee at the last meeting. In preparation for that I am addressing this issue. In preparation of that I found more than 18 grants and programs for distressed communities that Petersburg can apply for. Three of them dove tailed with this project. It is not just planting trees. It is controlling stormwater run-off. So, if you approve this program and we get grants for other programs, and I cannot explain how it does, but the trees deal with stormwater run-off. It would prevent street water from going into the Appomattox River. And this is only one program but there are two or three others that fit with it. If we can submit a comprehensive application, I think that we have a chance to get large sums of money. I talked to Mr. Jones a few weeks ago about the Choice Neighborhoods Program which also includes that. That is worth more an \$1 million dollars for distressed communities. There is also the Downtown Rejuvenation Grant as these ladies were just saying. There are tons of money coming through the infrastructure bill, but it is millions of dollars and a lot of it is for distressed communities with populations less than \$50,000. This is one and let’s not beat these girls up because they introduced to one program. There are many others and I think that our committee will be looking at those. Thank you.”

Sara Melissa Witiak, 22 Centre Hill Court, stated, “I heartedly support this program. I have begun to work with these folks over the past year and I am impressed by what they can do. I also would like to echo Ms. Bingham’s point that we do need to make sure that we are benefiting from this. Virginia State has been going after this for money. And I have written repeatedly to the city council and others in the city about ways to use this money that we are getting. And I would just ask that they continue to respond quickly. I know that Naomi was fantastic about that, and Mr. Cuthbert tonight was fantastic about that. But it really is going to take everyone working together and again it is not just about trees, but it is about improving the health, safety, and resiliency of our city. I think that it has been said over and over but I do not think that you can go wrong by supporting this tonight.”

Vice Mayor Hill closed public comments.

Council Member Myers made a motion to approve the resolution supporting the application and participating in the Urban Forestry Community Assistance Program. Council Member Westbrook seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, and Hill; Absent: Parham

23-R-72 A RESOLUTION OF THE CITY COUNCIL SUPPORTING THE APPLICATION AND PARTICIPATION IN THE URBAN FORESTRY COMMUNITY ASSISTANCE PROGRAM.

15. CITY MANAGER'S AGENDA:

Mr. Altman stated, "I just want to wish everyone in the community a very Merry Christmas and holiday and a safe and prosperous new year. We are all looking forward to a big new year for us. We have a lot of work in front of us. I know that on behalf of myself and staff, we are prepared and here to support the council and the community to meet those needs. Thank you."

16. BUSINESS OR REPORTS FROM THE CLERK:

Vice Mayor Hill stated, "Our clerk is out as you can see, she just had her baby son. So, we are going to keep her in our prayers. Please do the same for our mayor, he is not here today."

17. BUSINESS OR REPORTS FROM CITY ATTORNEY:

Mr. Williams stated that he has no report.

18. ADJOURNMENT:

The City Council adjourned at 7:35 p.m.

Clerk of City Council

APPROVED:

Mayor

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, January 2, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:03 p.m.

1. ROLL CALL:

Present:

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

Absent: Council Member Marlow Jones (arrived during closed session)

Present from City Administration:

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 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)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the city attorney and legal consultation regarding the subject of specific legal matters requiring the provision of legal advice by the city attorney, specifically including but not limited to matters requiring the legal advice of the city attorney; and under Section 2.2-3711(A)(29) for the purpose of discussion regarding the subject matter of a public contract involving the expenditure of funds and terms or scope of such contract where discussion in an open session would adversely affect the bargaining or negotiating strategy of the public body, specifically including but not limited to the discussion of the award and terms of a public contract; and under Section 2.2-3711(a)(1) for the purpose of discussion pertaining to performance, assignment, and appointment of a specific public employees of the City of Petersburg, specifically including but not limited to discussion of the 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 Smith-Lee seconded the motion.

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

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

CERTIFICATION:

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

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

Vice Mayor Hill made a motion to return the City Council 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

24-R-1 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.

The City Council returned to open session at 5:24pm.

Mayor Parham stated, “I need a motion to direct the city manager to withdraw the city from participation in Central Virginia Waste Management Authority for the purposes of the solid waste collection services contract.

Vice Mayor Hill made a motion to direct the city manager to withdraw the city from participation in Central Virginia Waste Management Authority for the purposes of the solid waste collection services contract. Council Member Myers seconded the motion. There was no discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

Vice Mayor Hill stated, “I move that the City of Petersburg waive the penalty of interest accrued on this month’s current billing cycle from December 31, 2023, to January 19, 2024, for all real estate taxes and utility billing. Let me give some clarity if I can. We know that because of the holiday some people got their real estate bill late because of the mailing that was done. Some people got their water bills late. So, we are going to give that particular current billing from December 31, 2023, to January 19, 2024, so that there will be no penalties given or tax increase because of that cycle. That is my motion.”

Vice Mayor Hill made a motion to waive the penalty of interest accrued on this month’s current billing cycle from December 31, 2023, to January 19, 2024, for all real estate taxes and utility billing. Council Member Myers seconded the motion. There was no discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

3. ADJOURNMENT:

The City Council adjourned at 5:27 p.m.

Clerk of City Council

APPROVED:

Mayor

The Organizational meeting of the Petersburg City Council was held on Tuesday, January 2, 2024, at the Petersburg Public Library. Council Member Parham called the meeting to order at 5:28p.m.

1. CALL TO ORDER

2. ROLL CALL:

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

Absent: None

Present from City Administration:
City Manager John March Altman, Jr.
City Attorney Anthony Williams

3. DISCUSSION AND CONSIDERATION:

a. Consideration of amendments to the City of Petersburg Rules of Council

Mayor Parham stated, "I know that amendments have gone out. Are there any amendments to the amendments that were presented?"

Council Member Myers asked, "I do not recall seeing them. I was wondering if we can table them until the next meeting?"

Mayor Parham called on Mr. Williams.

Mr. Williams stated, "If he has a second."

Council Member Myers made a motion to table consideration of amendments to the Rules of Council until the next meeting. Vice Mayor Hill seconded the motion. There was discussion on the motion. The motion was approved by roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Myers, Westbrook, Hill, and Parham

5. ADJOURNMENT:

City Council adjourned at 5:29 p.m.

Clerk of City Council

APPROVED:

Mayor

The work session meeting of the Petersburg City Council was held on Tuesday, January 2, 2024, at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:30 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:

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 am here. Happy New Year everyone and good to see you back Mayor Parham. I think probably this year when I talk to you all there will be a number of topics on finance that I would like to talk to you about. I forgot to bring my paper up here with me. But I want to talk about one thing tonight. You all have a lot of vacancies in your finance division or office. And I see that Mr. Glaster and one of his staff are here to give the revenue report, which is encouraging. But I am not sure if you have a Budget Manager position that is vacant and a Budget Analyst 2 that is vacant, Accounting 3 and Administrative Assistant that works in finance and Finance Director. There are five or six positions but two of them are top management, Finance Director and Budget Manager. So, it sounds like it would be good to get a handle on that. I have also heard that utility billing is now being done in utilities and not part of finance. And I just wonder how that is working. Because now you have another element in the mix where with the finger pointing citizens want an answer. You do not know if it is the treasurer or the finance office and now it is public utilities. Today, I heard from someone that nobody is answering the phones and I know that is old news. But hopefully in 2024, a lot of this can be tightened up. Thank you.

Otis Hill, 2306 North Whitehill Drive, stated, "I am still waiting for the fire chief. I have not gotten a response to my email about deaf citizens. We need to make progress with the fire alarms. It is very important to us, and we need those alarms, and we need that system. We just have not heard from them. We are waiting. I did not know if maybe you can check into that for me. It has been a while and close to a year. Thank you for checking on that for me."

Mr. Altman stated, "Part of the issue that we are having is that we found some smoke detectors and CO2 detectors, but they are hard wired. We have not been able to find one that is for the hearing impaired that is battery operated. Now the hard-wired ones we would have to have an electrician hard wire it to your house. But we have not been able to find batter operated smoke detectors. So, we are working to try and find that. That has been part of the delay."

Gary Talley, 2323 Fort Rice Street, stated, "I do want to bring up, I do not know if you are aware that I have been chair of CSB for about a year. We are getting more funds next year. There is a requirement for that 10% match. So, I think that you have already gotten a letter from Mr. Stewart. Another thing is about the billing. My water bill has been great for the last year. Since October, I have paid it twice and early through the bank. It has not been posted yet and it has been two months now and it says that I am behind on my water bill, but I am not. I showed them where the bank paid for it, and it is still not resolved. And that will be it for now. Happy New Year."

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

- a. A request to schedule a public hearing on the consideration of an ordinance recommending approval of a Comprehensive Plan Amendment to amend and readopt the future land use map from the proposed land use of Low Density Residential to Medium/High Density Residential at 235 Medical Park Boulevard.
- b. A request to schedule a public hearing to consider an ordinance from Sayed Shah Owner, representative of S Shah Properties LLC, to obtain a Special Use Permit at 112 N Crater Road and 114 N Crater Road as provided for under Article 23, 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.
- c. A request to schedule and consider an ordinance to rezone properties from M-1, Light Industrial, District to B-2, General Commercial, District with the intention of building eight (8) single-family dwellings. The properties are contiguous to one another and are vacant lots, addressed as follows: 901, 905, 909, 915, 921, 925, 929, 933 Commerce St and 208 N Dunlop Street and further identified respectively as 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, and 024140013.
- d. A request to schedule and consider 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.

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

7. SPECIAL REPORTS:

There are no items for this portion of the agenda.

8. MONTHLY REPORTS:

There are no items for this portion of the agenda.

9. FINANCE AND BUDGET REPORT:

Leon Glaster, Interim Chief Financial Officer, and Shekira Wynn, gave an overview of the finance and budget for the City of Petersburg.

Key Notes:

- The FY2023 Revenue Projection is \$76,742,776. The actual revenue received is \$96,901,821.

There was discussion among the city council members and staff.

10. CAPITAL PROJECTS UPDATE:

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

11. UTILITIES:

a. Update from JMT on Poor Creek Project.

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

Key points:

- EPA Grant Reporting Assistance is ongoing and pending award and approval of non-federal match.
- Water Tank Addendum is completed. Addendum No. 3 is in progress. Award and Contract signing will be on February 7th and February 23rd.
- Construction completion is September 2025.
- Booster is out for bid currently. The completion of the project is March 2025.
- Wastewater completion will be August 2025. The bid will be advertised on January 11th.
- Weekly meetings are taking place with the design firms. All projects are on time for completion in 2025.

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

12. STREETS:

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

13. FACILITIES:

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

14. ECONOMIC DEVELOPMENT:

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

15. CITY MANAGER'S AGENDA:

Mr. Altman stated, "I received some requests from Council Member Cuthbert on some items. One of which we mentioned earlier is the Class Comp Study. We have our kick-off meeting tomorrow with the contractor to start the study. Health insurance bids for our employees are due next Monday the 8th. The Downtown Master Plan consultant is working on a plan to go to the advisory committee for review and comments. Once that occurs, we are anticipating a presentation to the city council at the February 6th Work Session. I have met with procurement with regard to utilizing the soliciting PPA approach for the courthouse. There will be a draft to that, and we should be moving forward with trying to place that bid by the end of January for that to go out. With Southside, we did a little bit of an update on the project at the December

meeting. But where we are the project completion is looking to be May of this year. We do have some issues in which the contractors are working on some solutions for that. That could push our completion date back out a little bit. We are working on a change order. We are preparing to seal a vault that is underneath the facility that collects water. The work on the bathroom is completed and the handrails out back will be completed tomorrow. Within the next couple of weeks, they will build a ramp out in front of the building. And the last item is our zoning ordinance rewrite. Our planning director is currently on vacation, so I was not able to get an update. But I know that we are utilizing a Cooperative Procurement Agreement with Dinwiddie County to utilize the Berkely Group to rewrite the zoning ordinance. But again, I will get more of an update once she gets back. That is all I have Mr. Mayor."

Mayor Parham stated, "Mr. Altman can you chime in on the ceiling and vault thing. Is that the best avenue to proceed? There are a lot of historic pieces here. So, you are saying that this is the best way which is to seal the vault."

Mr. Altman stated, "I will have Mr. Williams come up and talk about that."

Mr. Williams stated, "So, there is a portion of Southside Depot in which the floor is still open. There is this big vault underneath Southside Depot that has some of everything running under the foundation. So, when we get rain then it gets in the vault under the building. So, what we have done is that we have a change order that is being completed and it should be completed in the next day or two. SRC has met with them and has a solution going forward."

There was continued discussion among the City Council and staff regarding the vault and the rain that gets under the building.

Council Member Cuthbert asked Mr. Altman to tell everyone where the city stands with the National Park Service and Southside Depot.

Mr. Altman stated that there is a new superintendent at the National Battlefield. He stated that he had not met with her yet. He stated that they are working to establish another meeting with her to discuss the MOU that was agreed to. He stated that Senator Kaine wrote a letter for solution for Southside Depot. He stated that they are trying to schedule a meeting with Senator Warner who has not been to the Southside Depot. He stated that Congresswoman has been, but they are trying to get her back to tour Southside Depot and to discuss what they are trying to accomplish.

Council Member Cuthbert asked Mr. Altman can he provide an update at the February work session. He also stated that on the zoning ordinance update where do they stand.

Mr. Altman stated that as soon as Ms. Siodmok is back, they will get that information from her.

Council Member Cuthbert asked can she provide that information at the February work session.

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 6:19 p.m.

APPROVED:

Mayor

DRAFT

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, January 9, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 5:03 p.m.

1. ROLL CALL:

Present:

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

Absent:

Council Member Marlow Jones
Council Member Arnold Westbrook, Jr.

Present from City Administration:

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)(1) for the purpose of discussion pertaining to performance, assignment, and appointment of a specific public employees of the City of Petersburg, specifically including but not limited to discussion of the performance, assignment, and appointment of a specific public officer of the City of Petersburg.; and under Section 2.2-3711(A)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the city attorney and legal consultation regarding the subject of specific legal matters requiring the provision of legal advice by the city attorney, specifically including but not limited to matters requiring the legal advice of the city attorney.

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

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

The City Council entered closed session at 5:04 p.m.

CERTIFICATION:

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called today to certify in accordance with §2.2-3712 that the Code of Virginia that to the best of each members knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should 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 Cuthbert 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, Smith-Lee, Myers, Hill, and Parham; Absent: Jones and Westbrook

- 24-R-2 A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER’S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.**

The City Council returned to open session at 5:44pm.

3. ADJOURNMENT:

The City Council adjourned at 5:45 p.m.

Clerk of City Council

APPROVED:

Mayor



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Captain Larry Mann

RE: Consideration of an appropriation ordinance for the fiscal year commencing July 1, 2024, and ending on June 30, 2025, for the Edward Byrne JAG Grant in the amount of \$33,140.
- 1st Reading (Page 42)

PURPOSE: To request approval from City Council to appropriate the funds for the Edward Byrne JAG Grant.

REASON: Petersburg Bureau of Police was awarded \$33,140 for ballistic shields and restraint devices.

RECOMMENDATION: Recommend that council accept the funds for the Edward Byrne Grant to be spent in the fiscal year.

BACKGROUND: Petersburg Bureau of Police applied for and was awarded the Edward Byrne JAG Grant. See attached ordinance.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

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. Grant Process
2. Ordinance Byrne Grant (1)

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Memorial Justice Assistance Grant Program FY 2023 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2023 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

Signature of Chief Executive of the Applicant Unit of
Local Government

Printed Name of Chief Executive

Name of Applicant Unit of Local Government

Date of Certification

Title of Chief Executive

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025
FOR “What type of Project your working on”**

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

I. That appropriations for the fiscal year commencing July 1, 2024, in the “Project Type” for the following resources and revenues of the city, for the fiscal year ending June 30, 2025.

Previously adopted Revenue:	\$0.00
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ADD: BJA FY 23 Edward Byrne Memorial Assistance Grant (JAG) Program

Total Revenues	\$33,140
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II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2023 and ending June 30, 2024, the following sums for the purposes mentioned:

Previously adopted Expenditures:	\$0.00
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ADD: RE: 507934-FY24 SRO; SRO Incentive Grant Program

Total Expenses:	\$33,140
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City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Brian Moore

RE: To conduct a public hearing for consideration of an ordinance authorizing the City Manager to execute a Lease Agreement toward the Lease of a City – Owned Property at 301 North Sycamore Street. (Page 45)

PURPOSE: To lease a city – owned property at 301 North Sycamore Street.

REASON: To expand the outdoor seating and beautification of the establishment.

RECOMMENDATION: Approve by ordinance, the leasing of 301 North Sycamore Street.

BACKGROUND: N/A

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: \$6000 Annually

CITY COUNCIL HEARING DATE: 2/20/2024

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. Draft Lease Agreement and Letter of Intent
2. Ordinance - Old Town Alibi's

McCay Enterprises LLC.
16 W. Bank St. Apt C. Petersburg, Va 23803

August 10, 2023

To Whom It May Concern;

My name is Virginia McCay and I am the owner of Old Towne's Alibi. We are located at 305 N. Sycamore Street in the heart of Old Towne Petersburg. I love that my restaurant is on the corner of Sycamore St. and Bank St. I view that as one of the most common entrance points for the lower half of Old Towne. It is an incredibly busy intersection that sees visitors and local residents every day. It is currently one of the main parking areas for people visiting all areas of Old Towne.

Recently, it has been brought to my attention that the City of Petersburg has purchased the lot directly beside our business. I would like to place a formal request to be offered the ability to lease the entire lot from the City of Petersburg.

If given that opportunity, I would make an immediate effort to beautify the corner while expanding the outside dining area of our establishment. The mural on the side of our building is already a local highlight and an incredible sight to behold. I would love to build on its existing appeal and make it more of a focal point. I envision it to include a living fence of greenery, shrubs, raised flower beds, and an overall well-manicured appearance. Although it would technically be a dining patio, we would make every effort to make it a beautiful destination with major curb appeal. I witness people on a daily basis stopping to take pictures of our corner, building, and mural. I would love the ability to make it a real highlight for everyone in passing.

Since taking over ownership of Old Towne's Alibi over two years ago, it has been a passionate mission of mine to give back to the community that supports us. In total, our establishment has raised over \$35,000 that has benefited many areas of the local community and those in need. We also host quarterly give backs that support Petersburg directly, from the fire stations to the animal shelter. It gives me great joy to be able to put so many positive things into Petersburg. I feel confident that if we were able to expand our outdoor dining area and serve even more customers, we would have more funds available for our community give backs and be able to put even more positive into our local community.

In closing, I appreciate your consideration in this matter and look forward to hearing from you.

Warm Regards,
Virginia "Kat" McCay

Petersburg, Virginia

Parcel: 011140014

Summary

Owner Name	CITY OF PETERSBURG VIRGINIA	National Historic District:	Old Towne
Owner Mailing Address	135 N UNION ST PETERSBURG , VA 23803	Enterprise Zone:	Yes
Property Use	479	Opportunity Zone:	51730811300
State Class:	7 Exempt Local	VA Senate District:	16
Zoning:	B-3	Va House District:	63
Property Address	301 SYCAMORE ST Petersburg , VA	Congressional District:	4
Legal Acreage:	.089	City Ward:	4
Legal Description:	41.5X85.1-87.9 & INT IN ALLEY TO EAST	Polling Place:	Union Train Station
Subdivision:	Bolling Terminal	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8102
Local Historic District:	Old Towne	Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

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

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
MASTER PROPERTIES LLC,	6/15/2023	\$3,232,000	2023/2112
	12/18/1962	\$11,000	602/483

Assessments

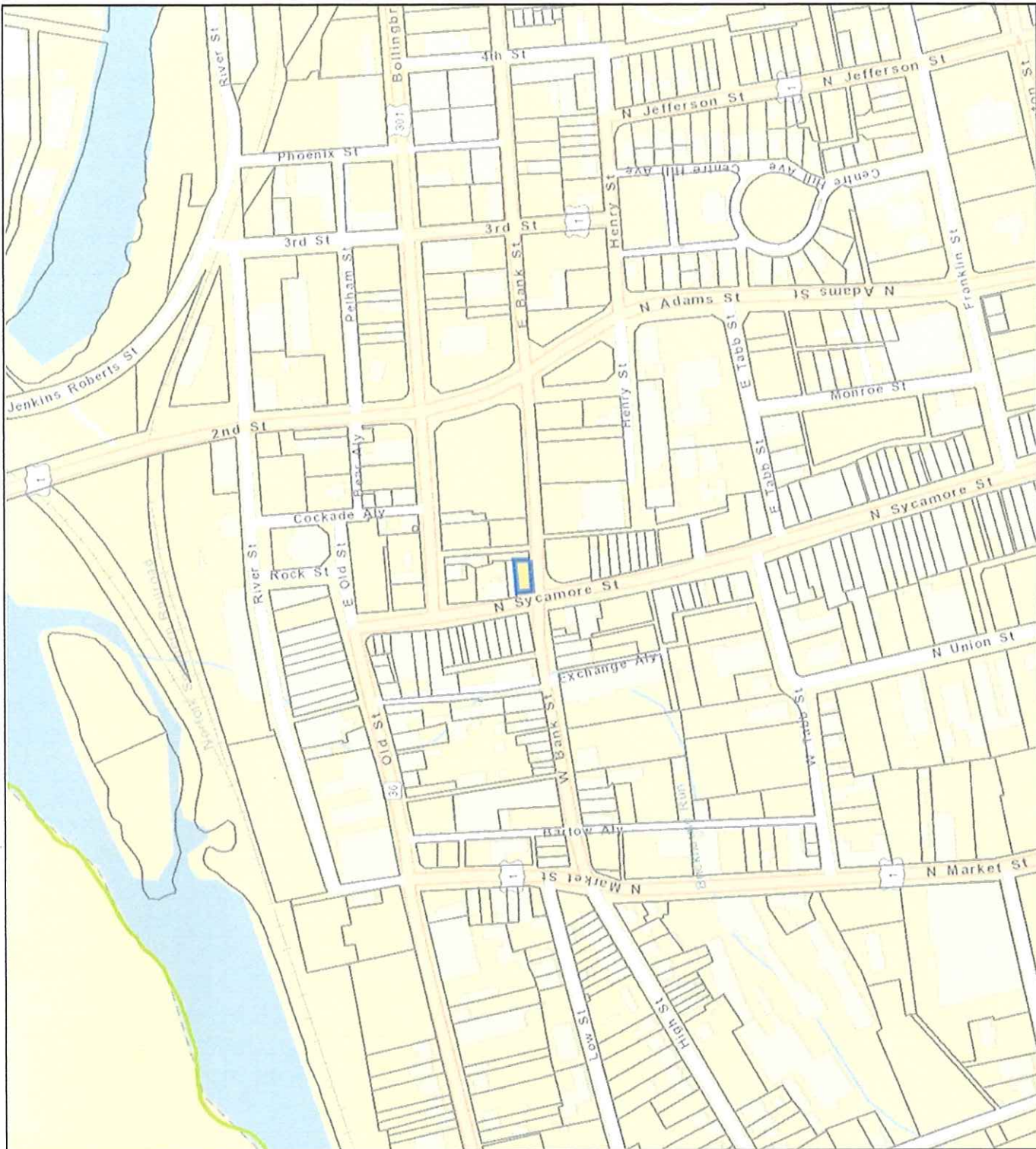
Valuation as of	01/01/2019	01/01/2020	01/01/2021	01/01/2022	01/01/2023
Effective for Billing:	07/01/2019	07/01/2020	07/01/2021	07/01/2022	07/01/2023
Reassessment					
Land Value	\$21,500	\$21,500	\$21,500	\$21,500	\$21,500
Improvement Value	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000
Total Value	\$33,500	\$33,500	\$33,500	\$33,500	\$33,500

Property Tax (Coming Soon)

Petersburg, Virginia

Legend

- County Boundaries
- Parcels



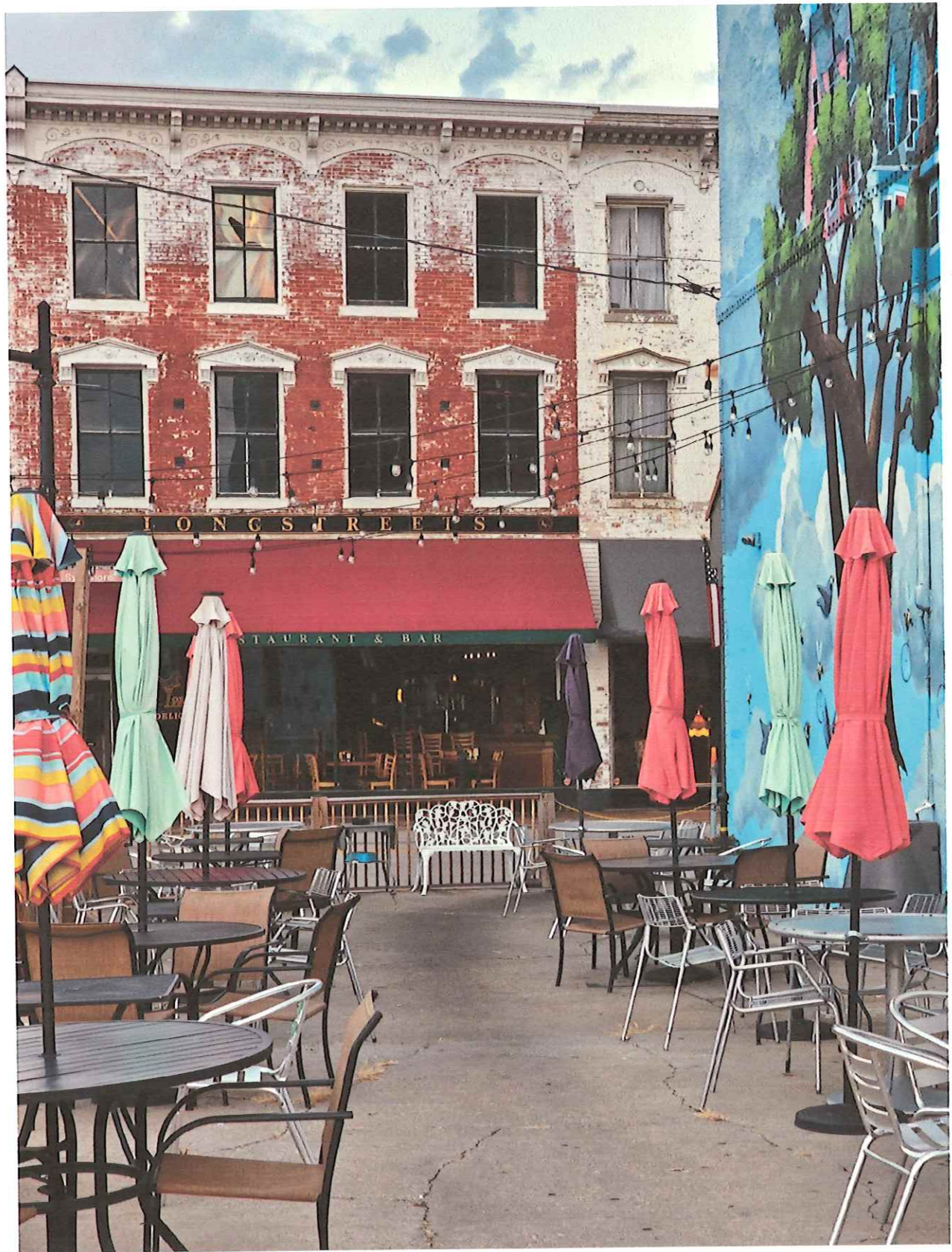
Parcel #: 011140014

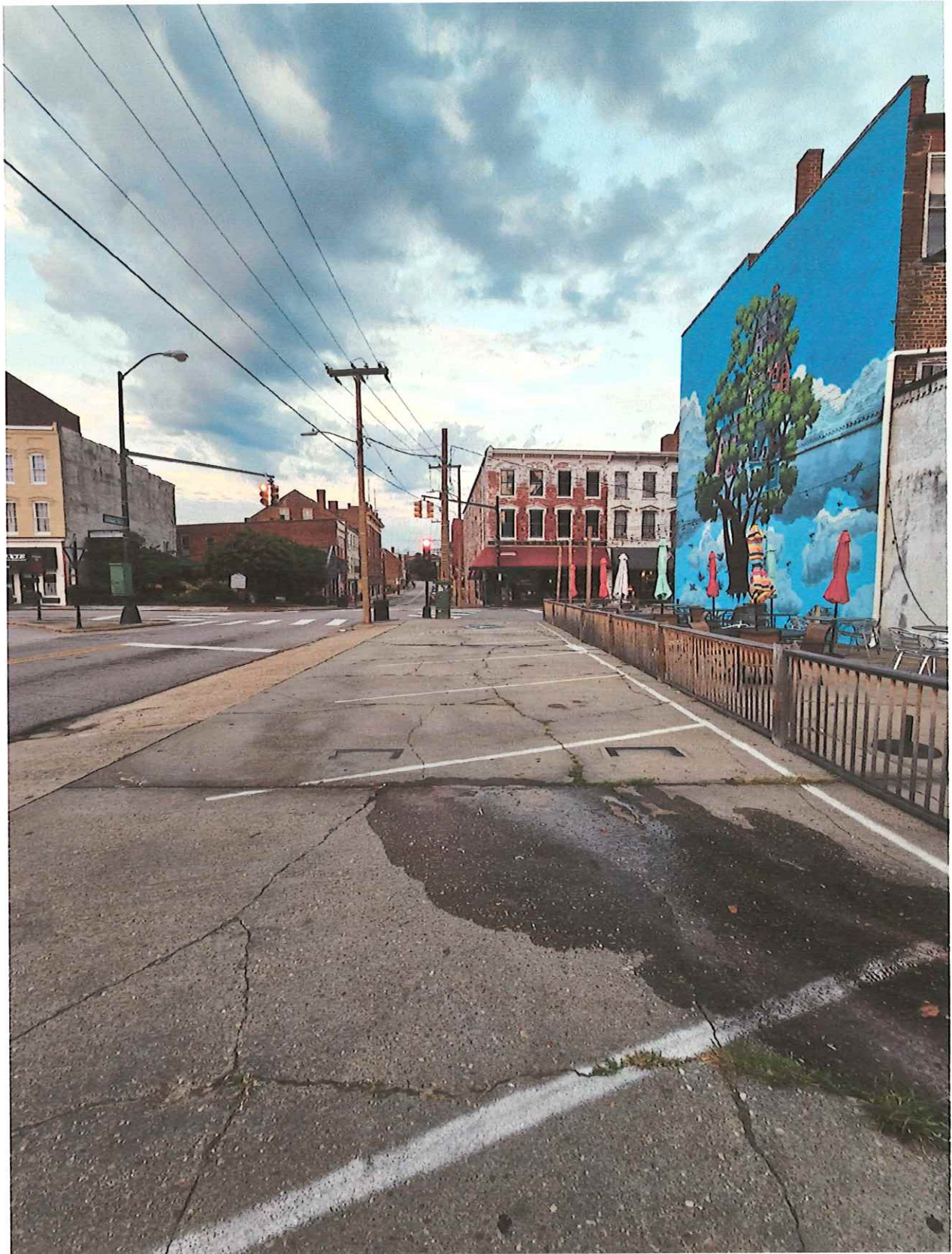
Date: 11/21/2023



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











**Desired look of planter boxes for Old
Towne's Alibi patio perimeter.
To be filled with shrubs and/or
azalea bushes.**



Desired look of living fence on Old Towne's Alibi patio perimeter.

We hope to achieve full coverage with live greenery and/or ivy.

To be grown on the desired new picket fence.



**Preferred stain color option for new
fencing and planter boxes.**

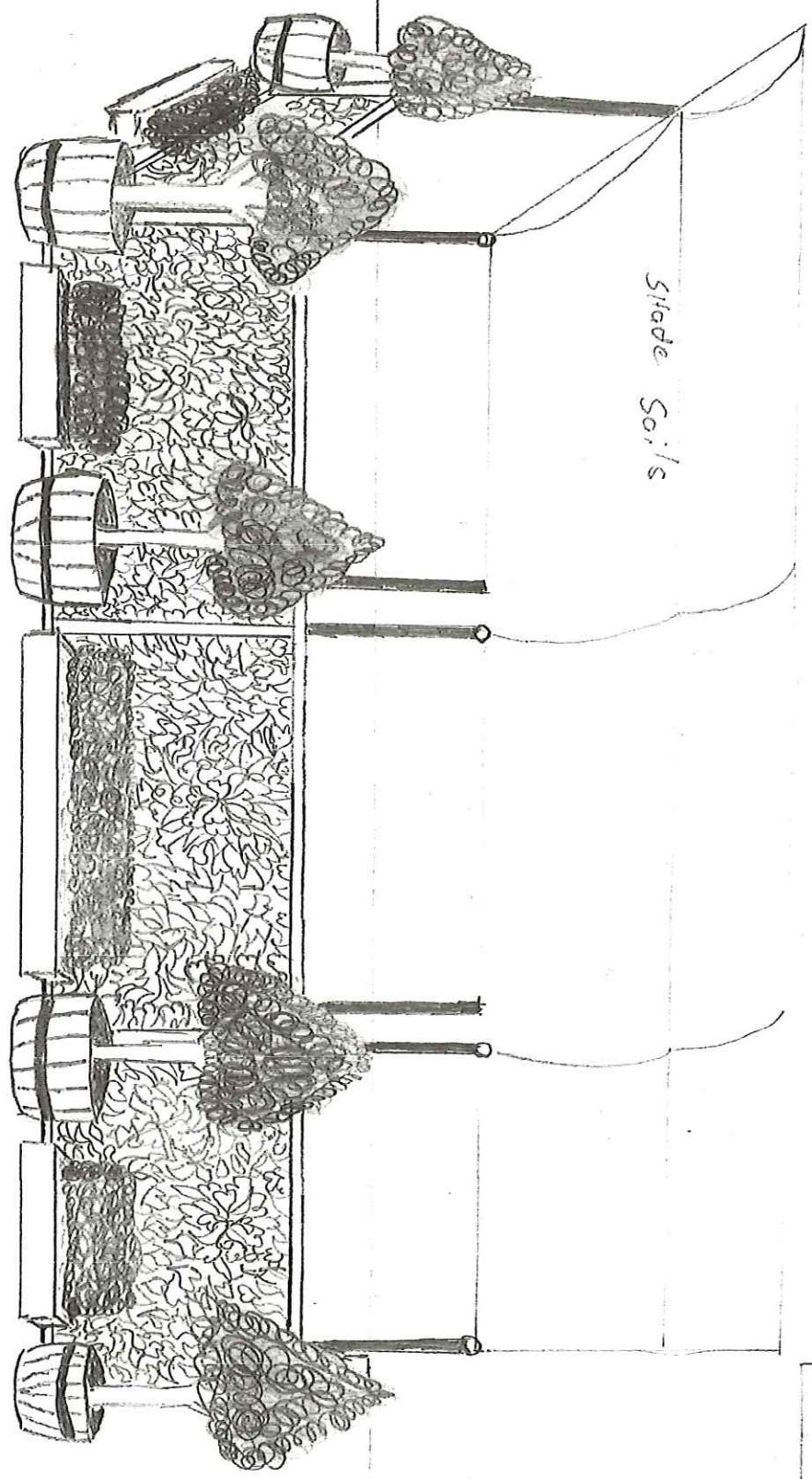
Teak or Cherry



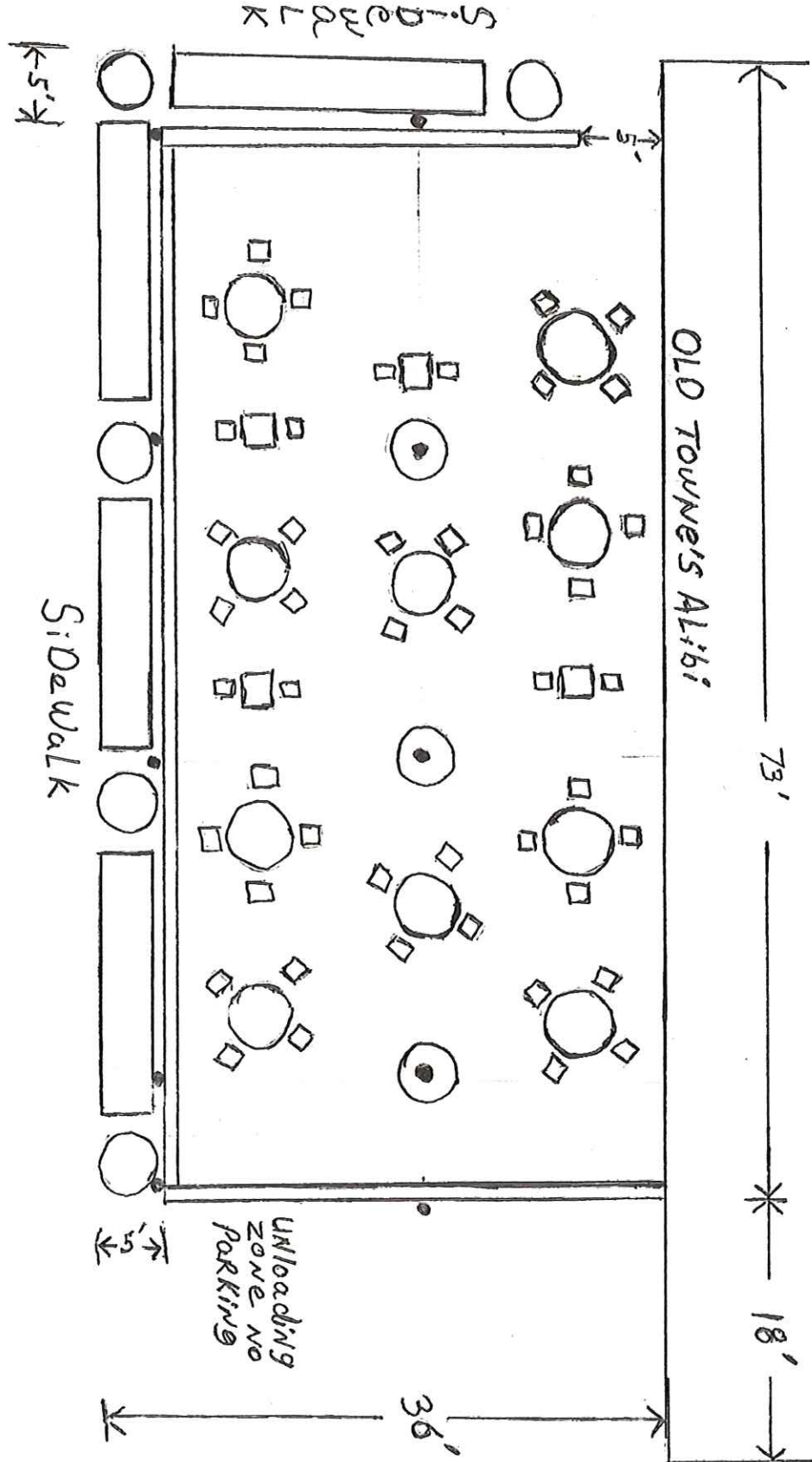
**Example of desired new
fencing for Old Towne's
Alibi patio perimeter.**

OLD TOWN'S ALIBI

Slide Soils



3/32 scale



INSIDE PATIO DIMENSIONS 31' x 67'

○ Small Tree Whiskey Barrel Planters

● Shade Sail Center Supports

▭ Planters

• OUTER SUN SHADE SAIL SUPPORTS

LIVING FENCE HEIGHT 4.5'





**Example of desired look for corner
planters with live trees for the
corners of Old Towne's Alibi patio.**

LEASE AGREEMENT

Between the City of Petersburg and McCay Enterprises, LLC, for the expansion of outdoor seating on property addressed as 301 North Sycamore Street

This Lease Agreement, entered on the [numeric day] day of [Month], 2024, by and between *McCay Enterprises, LLC* ("Tenant") and the **City of Petersburg** ("The City");

WHEREAS, the City is the current owner of a .089-acre parcel identified as City of Petersburg Parcel Identification Number 011140014, with a street address of 301 North Sycamore Street, Petersburg, Virginia 23803 ("Property"); and

WHEREAS, the City and Tenant shall enter into this Lease Agreement, to permit use of the Property to expand the outdoor seating and beautification of the establishment: and

WHEREAS, the City believes that the objectives and planned uses for the Property are appropriate and will benefit the City; and

WHEREAS, the City wishes to enter into a lease with the Tenant for rent and for the mutual consideration and promises described herein do agree to be bound by the following terms:

1. **Lease Term:** This lease shall commence upon the date identified in the first paragraph of this Lease hereinafter referred to as the "Commencement Date" and shall renew annually, automatically for a term of three (3) years unless terminated in accordance with this Lease Agreement. Prior to the conclusion of the third year, the parties may extend this lease for an additional two-year term. At the end of the additional two-year term, the parties may extend this lease for a second two-year term.
2. **Rent:** Tenant shall pay the City Five hundred dollars (\$500.00) monthly for the lease of the Property.
3. **Representations/Title:** The City makes no representations concerning the condition of or title to the subject property. The property is accepted by the Tenant "as is" at the Tenant's sole risk. Upon the discovery of any issue or concern in relation to the subject property, either party may exercise their right to terminate this Agreement for cause with no further recourse except as expressly stated herein.
4. **Use/Improvements:** Tenant shall use the property to expand the outdoor seating and beautification of the establishment. Any improvements made to the Property by the Tenant shall be approved by the City or the Architectural Review Board prior to installation/construction as needed. At the conclusion of the lease, all improvements made to the subject property shall automatically become the property of the City and deemed as part of the consideration provided to the City by Tenant for the lease of this property.
5. **Maintenance/Utilities/Services:** Tenant shall be responsible for maintaining the Property in accordance with all applicable laws and regulations. Tenant shall maintain the property in all respects and shall be solely responsible for any costs associated with maintenance and utilities.

6. **Condition:** The property shall be returned in substantially the same condition that it was in when it was received by Tenant except for authorized improvements in accordance with this Lease Agreement, and any subsequent addendum thereto. Tenant shall be responsible for damage to the property occurring during the lease term, including extensions, and shall promptly make repairs at their sole expense.
7. **Insurance:** The Tenant shall obtain at its sole expense and maintain for the entire lease term including extensions a policy of general liability insurance naming the City as an additional insured in an amount and issued by an insurer to the satisfaction of the City's Risk Manager at their sole discretion.
8. **Termination:** Either party may terminate this lease for cause upon written Notice to the other party, if either party shall have failed to observe or perform any covenant or obligation of such party hereunder and such party shall not have cured such failure within thirty (30) days after such party shall have received a written notice from the other party; provided, however, that no termination for cause shall be permitted if such failure is such as cannot with diligent effort be cured within thirty (30) days, and such party demonstrates that it has commenced action to remedy such failure promptly following notice thereof and thereafter continues in good faith to prosecute the same with due diligence (provided that in no event shall the period granted to such defaulting Party to remedy such failure exceed ninety (90) days after the non-defaulting Party first delivered notice to the defaulting Party of such failure). Upon termination for cause, the City shall have no further liability under this Agreement. Upon termination with or without cause, the other party shall have no further recourse except as expressly stated in this Agreement. Termination of this Lease shall not modify any obligation of the parties under the Agreement.
9. **Notice:** All Notices required pursuant to this Agreement shall be provided to the parties as follows:

To the City:

John M. Altman, City Manager (or successor in office)
35 N. Union Street
Petersburg, VA 23803

With copy to:

Anthony C. Williams, City Attorney (or successor in office)
35 N. Union Street
Petersburg, VA 23803

To Tenant:

Virginia McCay
McCay Enterprises, LLC
16. West Bank Street
Petersburg, VA 23803

10. Jurisdiction and Venue: This Lease Agreement shall be construed under the laws of the Commonwealth of Virginia. Any dispute arising from the performance or non-performance of any term contained herein shall be litigated exclusively in the Circuit Court for the City of Petersburg, Virginia or the federal court in Richmond, Virginia.

11. Modification: This document represents the entire agreement between the parties concerning the matters described herein. Any prior or subsequent agreement concerning these matters that is not memorialized in a written addendum to this Agreement and signed by all parties is hereby declared to be null and void.

The undersigned represent that they have the power to bind their respective entities to the terms of this Agreement and by executing this document do hereby bind said entities to all terms contained herein.

McCay Enterprises, LLC

By: _____
Virginia McCay, Managing Member

City of Petersburg

By: _____
John M. Altman, City Manager

Approved as to Form

By: _____

ORDINANCE

This is an Ordinance Authorizing the City Manager to execute a Lease Agreement toward the Lease of a City-owned property at 301 North Sycamore Street.

WHEREAS, the City of Petersburg has received a proposal from McCay Enterprises, LLC to lease the City-owned property at 301 North Sycamore Street, to expand the outdoor seating and beautification of the establishment; and

WHEREAS, the potential benefits to the City include infill development, economic growth, and increased tax base; and

WHEREAS, in accordance with applicable legal requirements, a public hearing was held prior to approving and authorizing the lease of City-owned property.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg hereby authorizes the City Manager to execute a Lease Agreement with McCay Enterprises, LLC toward the Lease and development of City-owned property located at 301 North Sycamore Street.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Brian Moore

RE: To conduct a public hearing for the consideration of an ordinance authorizing the City Manager to execute a Purchase Agreement toward the Sale of a City – Owned Property at 101 West Washington Street. (Page 65)

PURPOSE: To sale a city – owned property at 101 West Washington Street.

REASON: To construct a medical office building.

RECOMMENDATION: Approve by ordinance the sale of 101 West Washington Street.

BACKGROUND: N/A

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: \$173,250

CITY COUNCIL HEARING DATE: 2/20/2024

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. ECIMed Letter of Intent
2. Ordinance - ECIMed-1
3. Purchase Agreement 101 West Washington

November 20, 2023

By Email

Brian Moore
Director of Economic Development
135 N. Union Street
Petersburg, VA 23803
Email: bamoore@petersburg-va.org

Re: Letter of Intent – Purchase of 101 W. Washington Street, Petersburg, VA

Dear Mr. Moore:

This letter of intent sets forth the following basic terms and conditions upon which ECIMED-1, LLC would be willing to enter into negotiations for the purchase of the referenced property:

<u>PURCHASER:</u>	ECIMED-1, LLC, a Virginia limited liability company (the "Purchaser").
<u>SELLER:</u>	City of Petersburg (the "Seller").
<u>PROPERTY:</u>	The real property consisting of approximately 1.707 acres located at 101 W. Washington Street, Petersburg, Virginia, together with all improvements thereon and appurtenances thereto (collectively, the "Property").
<u>INTENDED USE:</u>	Medical office building (the "Project").
<u>PURCHASE PRICE:</u>	\$173,250.00 (the "Purchase Price"), payable in cash at Closing (as hereinafter defined).
<u>DEPOSIT:</u>	\$10,000.00 (the "Deposit") to be paid to Safe Harbor Title Insurance Company, as escrow agent, within five (5) business days after the execution of a mutually acceptable Purchase and Sale Agreement (the "Purchase Agreement"). The Deposit shall be applied to the Purchase Price at Closing or refunded to the Purchaser as provided herein.
<u>DUE DILIGENCE:</u>	The Purchaser shall have a period of 180 days after the date the Purchase Agreement is fully executed (the "Study Period"), at the Purchaser's expense, to perform all inspections, investigations, tests and undertakings deemed necessary or appropriate by the Purchaser to determine the feasibility of constructing and operating the Project on the Property. The Purchaser and its agents shall have the right to enter the Property to perform such inspections. In the event the results of the foregoing due diligence are not

{01582311;v3}

satisfactory to the Purchaser in its sole discretion, the Purchaser may terminate the Purchase Agreement within five (5) days after the expiration of the Study Period, in which event the Deposit shall be returned to the Purchaser.

**CONDITIONS
PRECEDENT:**

The obligation of the Purchaser to purchase the Property shall be subject to the satisfaction or waiver by the Purchaser of the following conditions precedent (the "Conditions Precedent"):

- (a) The Purchaser's receipt of all requisite approvals and consents from the applicable regulatory authorities for the operation of the Project on the Property, prior to the expiration of the Study Period.
- (b) The Purchaser's receipt of an acceptable title insurance commitment and ALTA survey with respect to the Property, prior to the expiration of the Study Period.
- (c) The Purchaser's receipt of an acceptable environmental assessment report that the Property does not contain any environmental contamination, hazardous waste, wetlands or other unacceptable condition, prior to the expiration of the Study Period.
- (d) The Purchaser's receipt of an acceptable geotechnical or soils report for the construction of the Project on the Property, prior to the expiration of the Study Period.
- (e) The Purchaser's receipt of confirmations satisfactory to the Purchaser that all utility services (including, without limitation, water, sanitary sewer, gas, electricity, storm drainage and telephone facilities) are available to the Property with sufficient capacity for the operation of the Project and that the Purchaser will have all easement rights necessary to utilize such utility services, prior to the expiration of the Study Period.
- (f) The Purchaser's receipt of all necessary licenses, permits and approvals from the applicable governmental authorities and third parties (including, without limitation, zoning, variances, site plan and subdivision approvals, signage approval, curb cuts and other access approvals, utility connection permits and building permit), upon terms and conditions acceptable to the Purchaser in its sole discretion, for the construction and operation of the Project on the Property (collectively, the "Permits").

In the event any of the foregoing Conditions Precedent are not satisfied within the time periods set forth above, the Purchaser shall have the right to (i) terminate the Purchase Agreement and receive a refund of the Deposit or (ii) waive the Condition Precedent and proceed to Closing or (iii) with respect to the Permits, extend the Study Period for an additional period as reasonable necessary to obtain the Permits but not to exceed an additional 90 days.

CLOSING:

Closing of the purchase and sale of the Property ("Closing") shall occur within 30 calendar days after the satisfaction or waiver by the Purchaser of the Conditions Precedent, TIME BEING OF THE ESSENCE, at a mutually acceptable location.

DEED AND
CLOSING COSTS:

Good and marketable fee simple title to the Property shall be conveyed to the Purchaser at Closing by general warranty deed (the "Deed") in form approved by the Purchaser's counsel and subject only to such matters of record approved by the Purchaser. The Seller shall pay all costs of Closing incurred by the Seller, the cost of preparing the Deed, the grantor's tax on the Deed and the fees of its legal counsel. The Purchaser shall pay all costs of Closing incurred by the Purchaser, the grantee's tax on the Deed and the fees of its legal counsel. All real estate taxes, assessments, rents, utilities and operating expenses, if any, shall be prorated between the Seller and the Purchaser as of the date of Closing. The Seller shall be responsible for the payment of any rollback taxes.

REAL ESTATE
COMMISSION:

The parties will represent and warrant that neither party has employed a real estate broker or salesperson with respect to this transaction. Each party will indemnify, defend and hold harmless the other party from all loss, cost, damage, claim and expense (including reasonable attorneys' fees) arising from a breach of the foregoing representation.

MISCELLANEOUS:

1. The Purchase Agreement shall include customary representations and warranties by the Seller with respect to the Property including, without limitation, the environmental condition of the Property.
2. Within 3 business days after full execution of the Purchase Agreement, the Seller shall provide to the Purchaser, at no cost, copies of any title policies, surveys, environmental reports, geotechnical or soils reports and all other studies and reports with respect to the Property in the Seller's possession or control.

Brian Moore
Director Economic Development
November 20, 2023
Page 4

3. The Purchase Agreement shall provide that in the event the Purchaser defaults thereunder, the Seller's sole remedy shall be to retain the Deposit as liquidated damages.

4. The Purchase Agreement shall provide that, if requested by the Purchaser, the Seller shall cooperate with the Purchaser to complete a like-kind exchange in connection with the purchase of the Property.

This letter is intended to express the non-binding interest of the parties to purchase and sell the Property and, notwithstanding any provision to the contrary contained herein, neither party shall be obligated to purchase or sell the Property unless and until a Purchase Agreement, containing mutually acceptable terms and conditions, has been fully executed and approved by both parties. Notwithstanding the foregoing, the Seller agrees to negotiate exclusively with the Purchaser to finalize a Purchase Agreement for a period of 60 days after the date hereof.

If the foregoing terms and conditions are acceptable, please have the enclosed copy of this letter executed on behalf of the Seller by a duly authorized representative and returned to me. Upon receipt, I will direct our legal counsel to prepare the Purchase Agreement incorporating the terms and provisions set forth herein and forward the Purchase Agreement for your review.

If you have any questions regarding this letter, please call me at 804-380-5070.

Sincerely,

/s/ Ari Hirsch

Ari Hirsch, MD

ACCEPTED THIS DAY OF -----, 2023:

City of Petersburg

By: _____

Name: _____

Title: _____

{01582311;v3}

Petersburg, Virginia

Parcel:

022020800

Summary

Owner Name	CITY OF PETERSBURG	National Historic District:	Courthouse
Owner Mailing Address	135 N. Union St Petersburg, VA 23803	Enterprise Zone:	Yes
Property Use	479	Opportunity Zone:	51730811300
State Class:	7 Exempt Local	VA Senate District:	16
Zoning:	B-3	Va House District:	63
Property Address	101 WASHINGTON ST Petersburg, VA	Congressional District:	4
Legal Acreage:	1.707	City Ward:	5
Legal Description:	PARCEL C1.707 ACRES	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):		Shed:	
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
PERVAZ MOHAMMAD S	11/15/2011	\$197,500	2011/2471
	11/18/2005	\$209,000	2005/5565

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	\$892,283	\$892,300	\$892,300	\$266,200	\$266,200
Improvement Value	\$	\$	\$	\$80,300	\$80,300
Total Value	\$892,283	\$892,300	\$892,300	\$346,500	\$346,500

Property Tax (Coming Soon)

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

Petersburg, Virginia

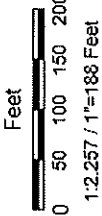
Legend

- County Boundaries
- Parcels



Parcel #: 022020800

Date: 11/21/2023



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

ORDINANCE

This is an Ordinance Authorizing the City Manager to execute a Purchase Agreement toward the Sale of a City-owned property at 101 West Washington Street.

WHEREAS, the City of Petersburg has received a proposal from ECIMED-1, LLC to purchase the City-owned property at 101 West Washington Street, to construct a medical office building; and

WHEREAS, the potential benefits to the City include infill development, economic growth, and increased tax base; and

WHEREAS, in accordance with applicable legal requirements, a public hearing was held prior to approving and authorizing the sale of City-owned property.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg hereby authorizes the City Manager to execute a Purchase Agreement with ECIMED-1, LLC toward the sale and development of City-owned property located at 101 West Washington Street.

REAL ESTATE PURCHASE AGREEMENT

Assessed Value: \$346,500

Consideration: \$173,250

Tax Map No.: 022020800

This Real Estate Purchase Agreement (the "Agreement") is dated November 20, 2023, between the CITY OF PETERSBURG, a municipal corporation of the Commonwealth of Virginia, hereinafter referred to as "Seller" and party of the first part, ECIMED-1, LLC, hereinafter referred to as "Purchaser", and party of the second part, and Pender & Coward (the "Escrow Agent") and recites and provides the following:

RECITALS:

The Seller owns certain parcel(s) of property and all improvements thereon and appurtenances thereto located in Petersburg, Virginia, commonly known as: 101 W. Washington Street, Tax Map Number: 022020800 (Property).

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

1. **Sale and Purchase:** Subject to the terms and conditions hereof, Seller shall sell and Purchaser shall purchase, the Property. The last date upon which this Agreement is executed shall be hereinafter referred to as the "Effective Date".
2. **Purchase Price:** The purchase price for the Property is one hundred seventy-three thousand, two hundred fifty dollars (\$173,250) (the "Purchase Price"). The Purchase Price shall be payable all in cash by wired transfer or immediately available funds at Closing.
3. **Deposit:** Purchaser shall pay ten percent (10%) of the Purchase Price, seventeen thousand, three hundred twenty-five dollars (\$17,325) (the "Deposit") within fifteen (15) business days of the Effective Date to the Escrow Agent which shall be held and disbursed pursuant to the terms of this Agreement.
4. **Closing:** Closing shall take place on or before ninety (90) business days after the completion of the Due Diligence Period described in Section 5. Purchaser may close on the Property prior to completion of the Due Diligence Period with reasonable advance notice to Seller. At Closing, Seller shall convey to Purchaser, by Deed Without Warranty, good and marketable title to the Property in fee simple, subject to any and all easements, covenants, and restrictions of record and affecting the Property and current taxes.

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

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

Seller shall be responsible for paying the real estate commission, Seller's attorney fees, applicable Grantor's tax and the cost associated with the preparation of the deed and other Seller's documents required hereunder. All other closing costs shall be paid by the Purchaser.

- a. At or before the extinguishing of the Due Diligence Period, the Purchaser shall draft a Development Agreement in conformance with the proposal presented to City Council on February 20, 2024. Such proposal shall be reviewed by the City to determine its feasibility and consistency with the original proposal made on February 20, 2024. Approval and execution of the Development Agreement shall not be unreasonably withheld by either party, and execution of the Development Agreement by all parties shall be a condition precedent to closing on the property. The Development Agreement shall be recorded by reference in the deed of conveyance to the Property which shall include a right of reverter in the event that the Developer fails to comply with the terms of the Development Agreement.

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

- a. If Purchaser determines that the project is not feasible during the Due Diligence Period, then, after written notice by Purchaser delivered to Seller, nine percent (9%) of the Purchase Price shall be returned to the Purchaser and one percent (1%) of the Purchase Price shall be disbursed to Seller from the Deposit held by Escrow Agent and the Purchaser waives any rights or remedies it may have at law or in equity.

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

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

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

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

8. Purchaser’s Representations and Warranties:

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

Escrow Agent shall not be liable or responsible for loss of the Deposits (or any part thereof) or delay in disbursement of the Deposits (or any part thereof) occasioned by the insolvency of any financial institution unto which the Deposits is placed by the Escrow Agent or the assumption of management, control, or operation of such financial institution by any government entity.

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

SELLER:

The City of Petersburg

John "March" Altman

City Manager

135 North Union Street

Petersburg, VA 23803

Anthony C. Williams, City Attorney

City of Petersburg, Virginia

135 N. Union Street

Petersburg, VA 23803

PURCAHSER:

COPY TO:

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

15. **Attorneys' Fees and Costs:** Should either party hereto incur costs, including attorney's fees, to enforce the terms of this Agreement, the substantially prevailing party shall be entitled to recover all such costs and attorney's fees from the non-substantially prevailing party.

16. **Modification:** The terms of this Agreement may not be amended, waived or terminated orally, but only by an instrument in writing signed by the Seller and Purchaser.
17. **Assignment; Successors:** This Agreement may not be transferred or assigned without the prior written consent of both parties. In the event such transfer or assignment is consented to, this Agreement shall inure to the benefit of and bind the parties hereto and their respective successors and assigns.
18. **Counterparts:** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one of the same instrument.
19. **Survival:** All of the representations, warranties, covenants and agreements made in or pursuant to this Agreement made by Seller shall survive the Closing and shall not merge into the Deed or any other document or instrument executed and delivered in connection herewith.
20. **Captions and Counterparts:** The captions and paragraph headings contained herein are for convenience only and shall not be used in construing or enforcing any of the provisions of this Agreement.
21. **Governing Law; Venue:** This Agreement and all documents and instruments referred to herein shall be governed by, and shall be construed according to, the laws of the Commonwealth of Virginia. Any dispute arising out of performance or non-performance of any term of this Agreement shall be brought in the Circuit Court for the City of Petersburg, Virginia.
22. **Entire Agreement:** This Agreement contains the entire agreement between Seller and Purchaser, and there are no other terms, conditions, promises, undertakings, statements or representations, expressed or implied, concerning the sale contemplated by this Agreement. Any and all prior or subsequent agreements regarding the matters recited herein are hereby declared to be null and void unless reduced to a written addendum to this Agreement signed by all parties in accordance with Section 16.
23. **Copy or Facsimile:** Purchaser and Seller agree that a copy or facsimile transmission of any original document shall have the same effect as an original.
24. **Days:** Any reference herein to "day" or "days" shall refer to calendar days unless otherwise specified. If the date of Closing or the date for delivery of a notice or performance of some other obligation of a party falls on a Saturday, Sunday or legal holiday in the Commonwealth of Virginia, then the date for Closing or such notice of performance shall be postponed until the next business day.
25. **Title Protection:** Deed to this property is conveyed without warranty. During the due diligence period, purchaser may research title issues associated with the property and may purchase title insurance at his own expense or terminate the agreement in accordance with the provisions of this contract in the event that issues regarding title are discovered.

26. **Development Agreement:** A Development agreement detailing the development scope, budget, funding, schedule and any other agreed upon performance requirements of the Developer will be executed prior to the transfer of the deed for the property.
27. **Reversion Provision:** The deed of conveyance to this property shall contain a provision that this property will revert back to the City if performance requirements are not met by the Developer within the time period specified in the Development Agreement upon Notice of Breach to Developer and failure to timely cure.
28. **Failure to Develop Provision:** In addition to the Reversion Provision detailed in paragraph 27, if performance requirements are not met by the Developer within the time period specified in the Development Agreement, fifty percent of the purchase price will be kept by the City as a penalty.
29. **Purchaser Investment Penalty Provision:** Consistent with the terms of the Development Agreement, in the event the Purchaser does not raise the assessed value of the purchased property equal to fifty percent amount proposed in total construction cost, the Seller reserves the right to penalize the Purchaser for ten percent (10%) of the total proposed investment amount. Failure of the Purchaser to pay this penalty within the time period specified in the Development Agreement may result in reversion of the property back to the City.
30. **Compliance with Zoning, land use and Development requirements:** Execution of this document shall not be construed to affect in any way the obligation of the purchaser to comply with all legal requirements pertaining to zoning, land use, and other applicable laws.

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

PURCHASER: _____

By: _____, _____

Title: _____

Date: _____

SELLER:

The City of Petersburg, Virginia

By: _____, John "March" Altman

Title: City Manager

Date: _____

ESCROW AGENT:

By: _____, _____

Title: _____

Date: _____

Approved as to form:

Date: _____

By: _____, Anthony Williams

Title: City Attorney



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: A public hearing for an ordinance approving a Comprehensive Plan Amendment to amend and readopt the future land use map from the proposed land use of Low Density Residential to Medium/High Density Residential at 235 Medical Park Boulevard. (Page 82)

PURPOSE: To bring the Comprehensive Plan Future Land Use Map in compliance with existing conditions and for the Future Land Use Map to support the growth and need for housing identified in the Comprehensive Plan.

REASON: Comprehensive Plan Amendment to support multifamily housing at 235 Medical Park Boulevard.

RECOMMENDATION: Approval of an ordinance for a Comprehensive Plan Amendment to amend and readopt the future land use map from the proposed land use of Low Density Residential to Medium/High Density Residential at 235 Medical Park Boulevard.

BACKGROUND: The applicant submitted a request for a Special Use Permit for multifamily housing and was notified, after initial meetings with the Planning Commission and community, that the request was not consistent with the Comprehensive Plan, so the staff could not recommend approval. In November 2023, a Comprehensive Plan amendment was submitted by the applicant to precede the request for a Special Use Permit.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Related to 23-SUP-06 for a Special Use Permit for multifamily housing at 235 Medical Park Boulevard.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 2023-CPA-01 Packet



City of Petersburg

Department of Planning and
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia 23803

Naomi Siodmok
Planning and Community Development Director
804-566-0757
nsiodmok@petersburg-va.org

To: Mayor and Council

From: Naomi Siodmok, Director of Planning & Community Development

Date: January 16, 2024

Subject: Case 2023-CPA-01
235 Medical Park Blvd
Tax Parcel: 087030811

2023-CPA-01: Request by Ryan Rodgers, Developer with Pedcor Investments, A Limited Liability Company, for a Comprehensive Plan Amendment at 235 Medical Park Boulevard (Tax Parcel ID 087030811) to support the proposed use of multi-family apartments. The Comprehensive Plan currently suggests this area is suitable for Low Density Residential and the request is for the Comprehensive Plan to be amended to designate that area for Medium/High Density Residential.

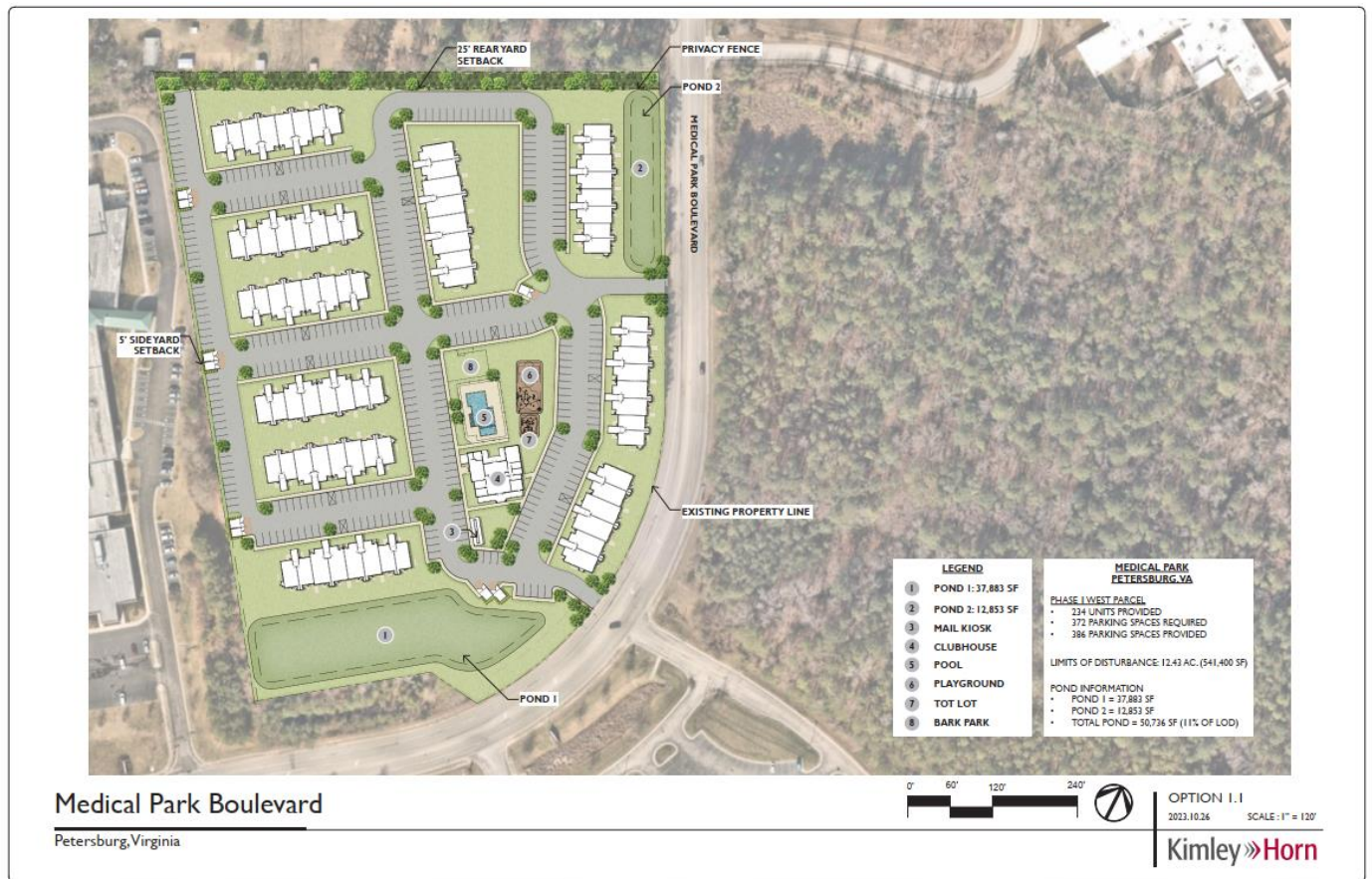
Should this request be approved, a special use permit is still required to allow for multi-family in the B-2, General Commercial District.

I. APPLICANT'S PROPOSAL AND BACKGROUND

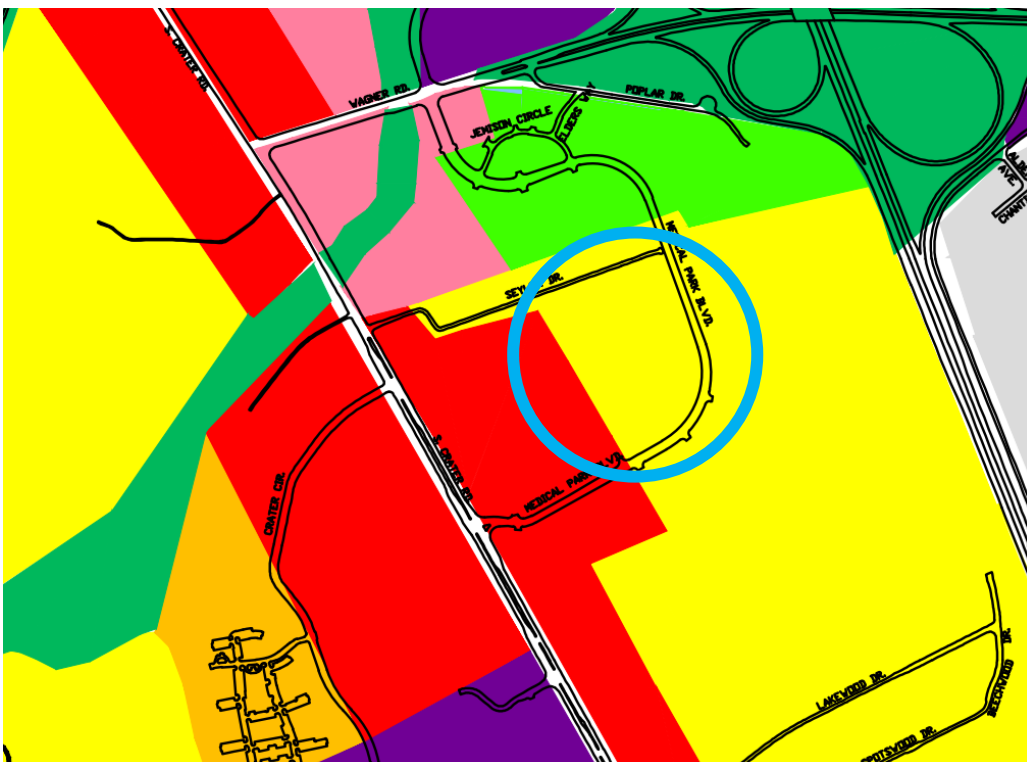
The proposal is for 234 units with a mix of 1, 2 and 3 bedrooms at 235 Medical Park Boulevard. The property is currently a vacant, wooded lot. 386 parking spaces will be provided, which exceeds what is required. Community space will also be provided such as a pool, playground, dog park, and community space.

The applicant submitted a request for a Special Use Permit and was notified, after initial meetings with the Planning Commission and community, that the request was not consistent with the Comprehensive Plan, so the staff could not recommend approval. In November 2023, a Comprehensive Plan amendment was submitted by the applicant to precede the request for a Special Use Permit.

The following images show the proposed development as well as the current land use designation.



The above concept is the preferred concept for the apartment development.



Future Land Use designation showing the subject property as Low Density Residential as well as the

II. Rationale for a Comprehensive Plan Amendment

The proposed multi-family housing is adjacent to the Southside Regional Medical Center, which is mentioned multiple times in the 2014 Comprehensive Plan. On page 11 of the Plan, Southside Regional Medical Center is recognized as an area that has spurred growth and has drawn an increase in population between 2007 and 2013, yet, the land use designation for even the Medical Center is identified as Low Density Residential. This reflects a lack of update in the land use map and a need to accommodate growth in and around the Medical Center as more residents are drawn to the area.

In the 2014 Comprehensive Plan, the Medical Center is also noted as the largest employer in the city of Petersburg. Page 27 talks further of the site being an important base of the economy to include the Walmart on site. Locating housing next to jobs takes vehicles off the road, saves workers money, benefits the environment, and improves employee health. Further, multi-family housing can serve as a transition between commercial development and existing single-family development as is generally seen in the New Urbanist concept of urban-rural transects.

III. PUBLIC COMMENTS

No comments have been received on this Comprehensive Plan amendment. Yet, feedback has been received on the Special Use Permit, which is outlined in that staff report.

IV. RECOMMENDATION

Planning Commission per their recommendation on December 7, 2023, and Staff recommend approval of the Comprehensive Plan amendment from Low Density Residential to Medium/High Density Residential as outlined in the rationale above. The multi-family housing project proposed supports accommodating the observed growth in the area, serves as a transition between commercial and low-density residential uses, and locates people next to jobs.

V. Exhibits

- 1) Presentation
- 2) Ordinance
- 3) Applicant's Petition
- 4) Adjacent Property Notification

CITY COUNCIL

JANUARY 16,
2024



2023-CPA-01

Request by Pedcor Investments for a Comprehensive Plan Amendment (CPA) at 235 Medical Park Blvd to designate the property as Medium/High Density Residential instead of Low Density Residential.

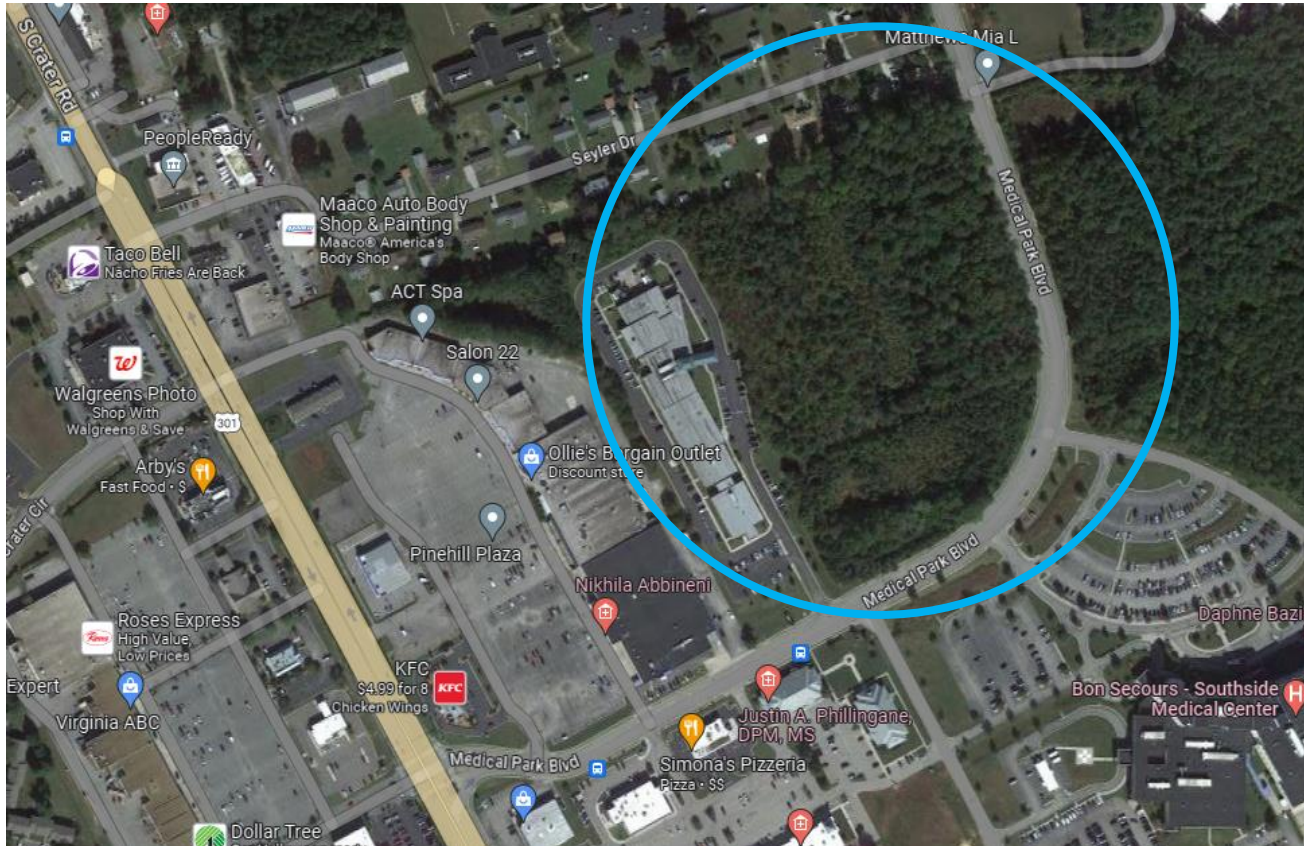
Background

Applicant: Pedcor Investments represented by Ryan Rodgers

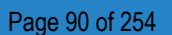
Request: The applicant is proposing 234 apartment units with a mix of 1, 2, and 3 bedrooms as well as community space.

The Comprehensive Plan designates the site for Low Density Residential. To comply with the Comprehensive Plan, the applicant is requesting a Comprehensive Plan Amendment for the site to reflect Medium/High Density Residential.

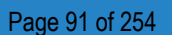
Location 235 Medical Park Boulevard



Petersburg
VIRGINIA



Petersburg
VIRGINIA



Preferred Concept



Rationale

- Adjacent to the Southside Regional Medical Center, which, per the Comprehensive Plan, is an area that has spurred growth/drawn an increase in population. There is a need to accommodate growth in and around the Medical Center as more residents are drawn to the area.

Rationale (continued)

- In the Comprehensive Plan, the Medical Center is also noted as the largest employer in Petersburg and further mentions the site being an important base for the economy with the Walmart onsite. Locating housing next to jobs takes vehicles off the road, saves workers money, benefits the environment, and improves employee health.

Rationale (continued)

- Multi-family housing can serve as a transition between commercial development and existing single-family development as is generally seen in the New Urbanist concept of urban-rural transects.

Public Comment

No comments have been received regarding the Comprehensive Plan Amendment, though comments have been received regarding the Special Use Permit as is outlined in Case 2023-SUP-06.

The Special Use permit was deferred until February 2024 by Planning Commission for the applicant to hold another community meeting.

Recommendation

Planning Commission (12/7/2023) and Staff recommend approval of the Comprehensive Plan amendment from Low Density Residential to Medium/High Density Residential;

As outlined in the previous rationale, the multi-family housing project proposed supports accommodating the observed growth in the area, serves as a transition between commercial and low-density residential uses, and locates people next to jobs.

AN ORDINANCE APPROVING A PETITION FOR A COMPREHENSIVE PLAN AMENDMENT FOR MULTI-FAMILY DEVELOPMENT AT 235 MEDICAL PARK BOULEVARD TO CHANGE THE FUTURE LAND USE MAP FROM LOW DENSITY TO MEDIUM/HIGH DENSITY RESIDENTIAL.

WHEREAS, the City of Petersburg received a Petition for a Comprehensive Plan Amendment (CPA) for Multi-Family development at 235 Medical Park Boulevard, PIN: 087030811; and

WHEREAS, a the Future Land Use designation for the property is currently Low Density Residential and the request is for Medium/High Density Residential; and

WHEREAS, the 2014 Comprehensive Plan recognizes the area, which is next to the Southside Regional Medical Center, as an area of growth, which could be accommodated with additional housing density; and

WHEREAS, The Medical Center and the nearby Walmart are recognized as major employers in Petersburg, which could benefit from adjacent housing to support the workforce and provide benefits such as taking vehicles off the road, saving workers money, benefiting the environment, and improving employee health; and

WHEREAS, multifamily housing can further serve as a transition between commercial development and existing single-family development as is generally seen in the New Urbanist concept of urban-rural transects; and

WHEREAS, the public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Petersburg hereby approve the petition for a Comprehensive Plan Amendment to amend and readopt the Future Land Use Map designation from Low Density Residential to Medium/High Density Residential.



COMPREHENSIVE PLAN AMENDMENT APPLICATION

Department of Planning and Community Development
135 N Union Street, Petersburg, Virginia 23803
(804) 733-2300 | <https://www.petersburgva.gov/>

OFFICE USE ONLY

APPLICATION #:

DATE SUBMITTED:

APPLICANT FILL-IN ALL BLANKS BELOW

REQUEST / PROPERTY DETAILS

IS THIS REQUEST RELATED TO A CURRENT ZONING APPLICATION? (IF SO, SPECIFY CASE#): 2023-SUP-06

REQUEST ADDRESS / LOCATION:

235 MEDICAL PARK BLVD, PETERSBURG, VA

AFFECTED ACREAGE:

12.427 AC

ENTIRE PARCEL (Y / N):

YES

WHAT SPECIFIC CHANGE(S) IS/ARE REQUESTED FOR THE FUTURE LAND USE MAP/COMPREHENSIVE PLAN?

CHANGE FUTURE LAND USE MAP FOR THIS PARCEL TO BE CONSISTENT WITH EXISTING B-2 ZONING

EXISTING FUTURE LAND USE DESIGNATION:

LOW-DENSITY RESIDENTIAL

REQUESTED FUTURE LAND USE DESIGNATION:

COMMERCIAL

REQUIRED ATTACHMENTS (CHECK IF ATTACHED):

☐ RATIONALE DOCUMENT
(SUPPORTING FACTS, REASONS)

☐ ADDITIONAL ATTACHMENTS (LIST):

☒ MAP TO SCALE
(USE GIS OR ENGINEER DRAWING)

LEGAL OWNER

NAME(S):

PETERSBURG SOUTH ASSOCIATES C/O BETSY PALMER

MAILING ADDRESS (INCL. CITY, STATE, ZIP):

7204 GLEN FOREST DR, STE 100, RICHMOND, VA 23226

E-MAIL:

PHONE:

APPLICANT CONTACT

NAME(S) (IF DIFFERENT THAN OWNER):

RYAN RODGERS

RELATION TO OWNER:

DEVELOPER

MAILING ADDRESS (INCL. CITY, STATE, ZIP):

770 3RD AVE., S.W. CARMEL, IN 46032

E-MAIL:

RRODGERS@PEDCOR.NET

PHONE:

317-705-7970

OWNER AFFIDAVIT

The undersigned Property Owner(s) or duly authorized Agent or Representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

NAME:

Bernadette G. Palmer

NAME:

SIGNED:

Bernadette G. Palmer

SIGNED:

DATE: 11-9-23

DATE: _____

NOTARIZATION:

STATE OF VIRGINIA

COUNTY OF: HENRICO

Subscribed and sworn before me this 9TH day of NOVEMBER 2023

VERAPS

Notary Public

My Commission expires: JUNE 30 2024



OFFICE USE ONLY

CURRENT ZONING DISTRICT(S):

SURROUNDING ZONING DISTRICT(S):

CURRENT LAND USE(S):

SURROUNDING LAND USE(S):

PRE-APPLICATION MEETING REQUIRED? (CIRCLE ONE)

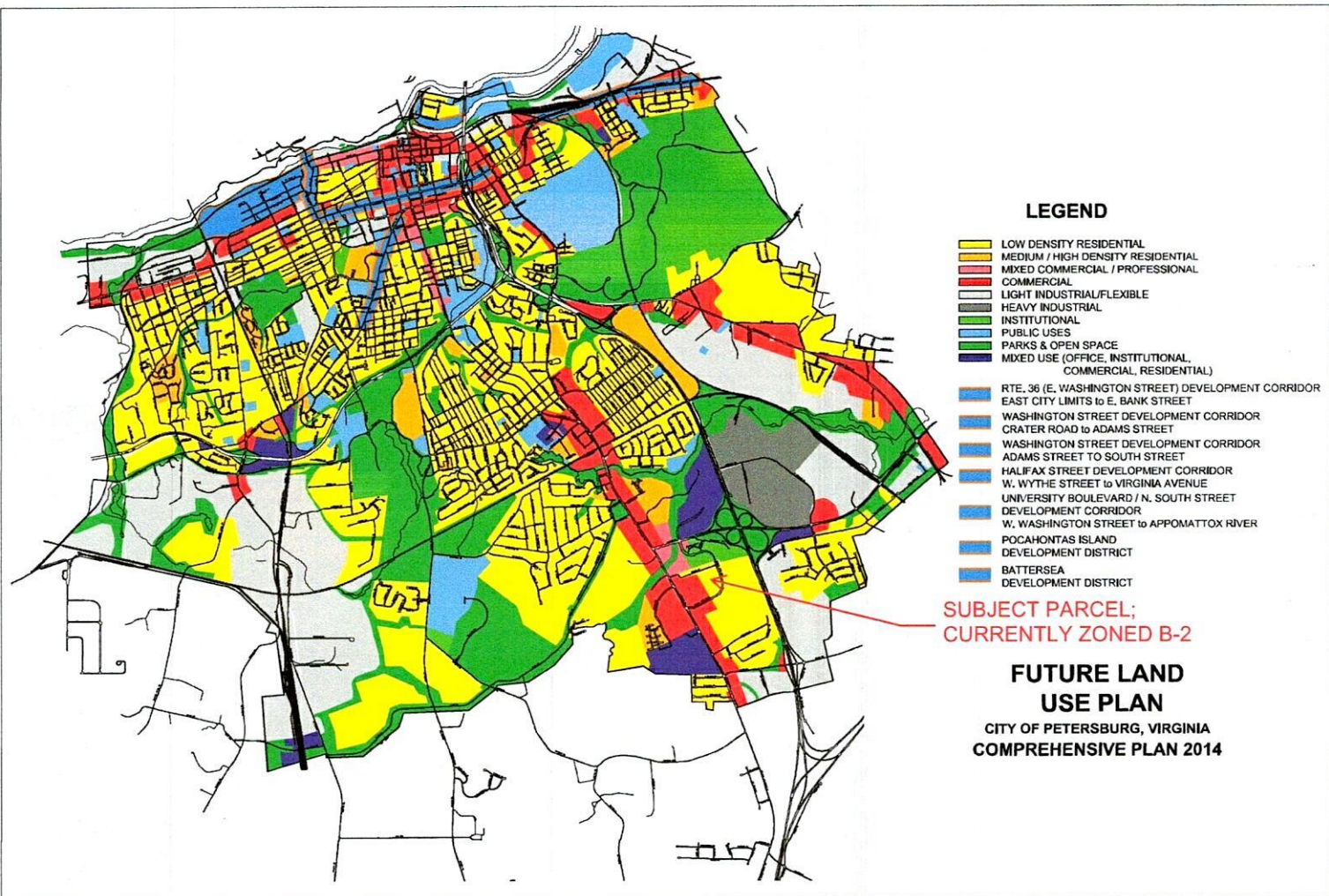
Y / N / TBD / Held: _____

COMMUNITY MEETING REQUIRED? (CIRCLE ONE)

Y / N / TBD / Held: _____

COMMENTS:

PAYMENT	FEE DUE:	FEE PAID:	PAYMENT TYPE:
	AMEND COMPREHENSIVE PLAN: TBD		CHECK / CASH / CREDIT / DEBIT
	CHECK # / TRANSACTION #:	DATE RECEIVED:	RECEIVED BY:





City of Petersburg

Department of Planning and
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia 23803

Sandra A Robinson
Zoning Administrator
804-733-2308
srobinson@petersburg-va.org

November 30, 2023

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Dear Owner, Agent or Occupant of each parcel involved; abutting and immediately across the street or road from the property affected:

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold a public hearing on Thursday, December 7, 2023, beginning at 6:30 p.m. at the Petersburg Public Library, 201 W. Washington Street, Petersburg, Virginia 23803 located in the multi-purpose room.

2023-CPA-01: A public hearing and consideration of a resolution recommending approval of a Comprehensive Plan Amendment to amend the future land use map from the proposed land use of Low Density Residential to Medium/High Density Residential at 235 Medical Park Boulevard.

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

A copy of the related material may be examined in the Department of Planning & Community Development in City Hall Room 304, telephone (804)733-2308. The Planning Dept. is open from 8:30am to 5:00pm, Monday - Friday.

Naomi Siodmok,
Director of Planning & Community Development



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: A public hearing for an ordinance from Sayed Shah Owner, representative of S Shah Properties LLC, to obtain a Special Use Permit at 112 N Crater Road and 114 N Crater Road as provided for under Article 23, 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. (Page 103)

PURPOSE: To obtain a Special Use Permit for a stand-alone used vehicle sales establishment located at 112 and 114 N Crater Road.

REASON: Applicant wishes to operate a used vehicle dealership at 114 and 112 N Crater Road.

RECOMMENDATION: Approval of an ordinance for a Special Use Permit at 112 N Crater Road and 114 N Crater Road.

BACKGROUND: An application for a Special Use Permit was submitted to the Petersburg Department of Planning & Community Development on September 11, 2023, by the applicant Mr. Sayed Shah. The application includes the operation of a used automobile dealership. The subject property had been utilized for auto related businesses and transportation service activity (taxi) for years; however, the property has remained vacant for an extended period. Prior to the current owner's purchase of the property, there had been many inquiries regarding the permitted uses allowed, mainly auto related uses, such as a vehicle tow lot, used car lot, and the continuation of taxi stands.

The request went before the Planning Commission in November, but was deferred pending the submission of a site plan. The case was heard again in December, and the Planning Commission recommended approval.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Case Report 23 SUP 08 112-114 N Crater Rd Sayed Shah Packet



City of Petersburg

Department of Planning and
Community Development
804-733-2308

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

To: Mayor and Council

Through: Naomi Siodmok, Director, Planning and Community Development

From: Sandra A Robinson, Zoning Administrator

Date: January 16, 2024

SUBJECT: Case 23-SUP-08
112 and 114 N. Crater Road
Tax Parcel: 012110010; 012110009

23-SUP-08: Request by Sayed Shah, owner, representative of S Shah Properties LLC., to obtain a Special Use Permit as provided for under Article 23, 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 uses. The property is zoned B-2, General Commercial District.

I. APPLICANT'S PROPOSAL

An application for a Special Use Permit was submitted to the Petersburg Department of Planning & Community Development on September 11, 2023, by the applicant Mr. Sayed Shah. The application includes the operation of a used automobile dealership. The subject property had been utilized for auto related businesses and transportation service activity (taxi) for years; however, the property has remained vacant for an extended period. Prior to the current owner's purchase of the property there had been many inquiries regarding the permitted uses allowed, mainly auto related uses, such as a vehicle tow lot, used car lot, and the continuation of taxi stands.

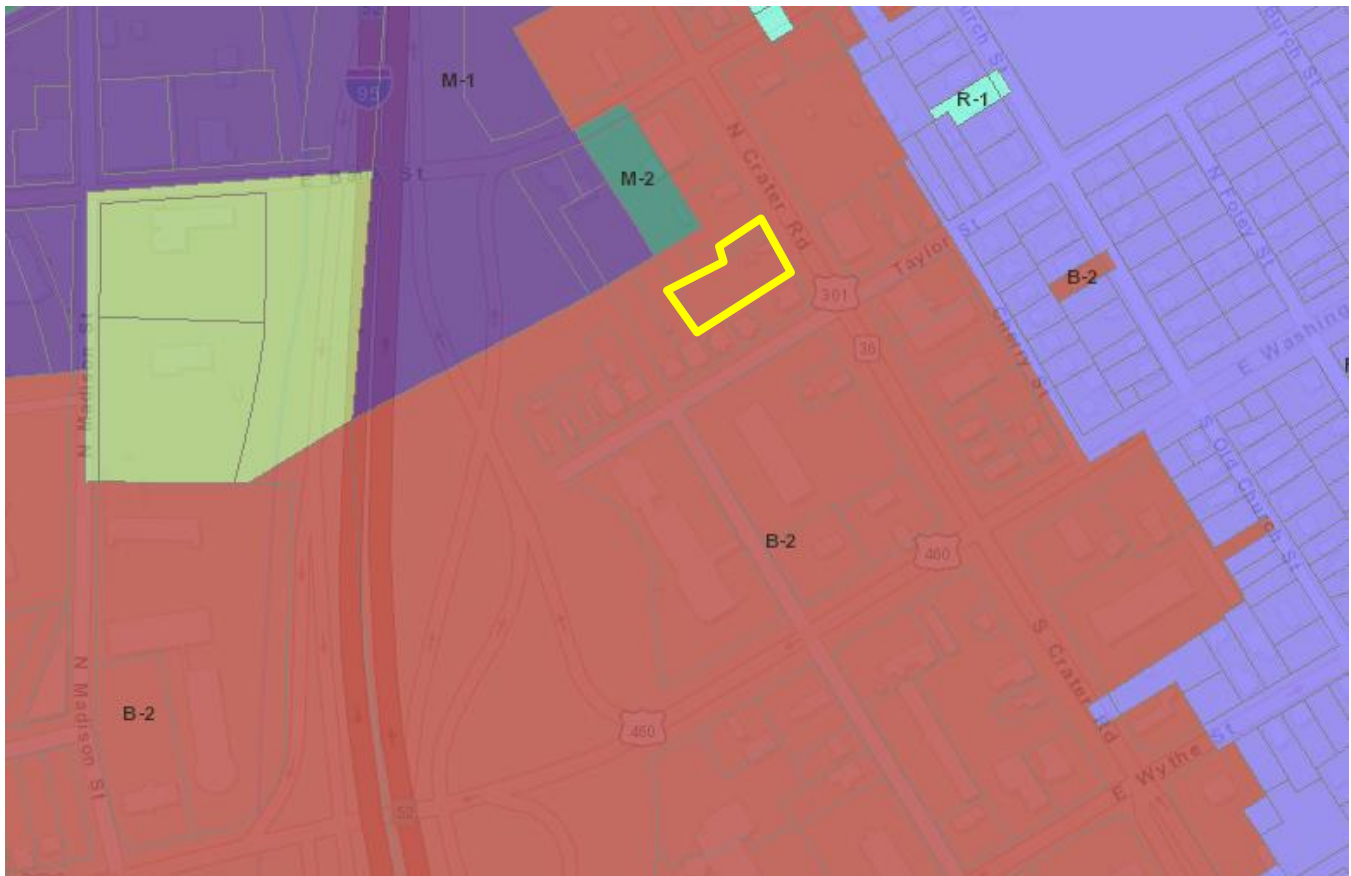
Use of the property for auto sells and related uses are permitted by right, if located on parcels greater than one acre in area. Should a parcel be less than an acre, the individual would be required to obtain a Special Use Permit for the establishment of a used auto sells business. According to the City Assessor's Department information the subject parcel is .335 acres. There have been several approved Special Use Permits granted in the past for properties in the vicinity of the subject parcel, the most recent would be 944-946 E Wythe Street, Chris Faraq, owner (Case 22-SUP-02) on September 1, 2022, and located in a B-2, General Commercial District. Wilson Rivera, Owner of Midnight Towing and Recovery, located in a M-1, Light Industrial District at 709

Bollingbrook Street, and Eldrika Whitaker, Barely Used Cars & Trucks, 2306 E Washington St, located in a B-2, General Commercial District.

On November 2, 2023, the Planning Commission voted to defer the case until December 7, 2023, so the applicant could provide more information on the plans for the site.

II. ZONING AND NEIGHBORING USES/CHARACTER

The subject property and all surrounding properties along N Crater Road including those properties along Taylor Street to the southside of Cherry Street and taking in Little Church St, E Wythe Street, N Little Church Street, and Crater Rd to its intersection with Bollingbrook St. are zoned B-2, General Commercial District.



Subject properties are highlighted in yellow in the zoning map above.

The subject property and surrounding properties have been the location of automobile sales and service establishments over several decades. The area has seen a shift from new auto sales to used auto sales and repair businesses to include towing and auto body shops, collision, and painting businesses. New car dealerships have relocated outside of the city to highly visible locations off Interstate-95, along Temple Ave in Colonial Heights, VA and at the Walthall Exit within Chesterfield County, Virginia.

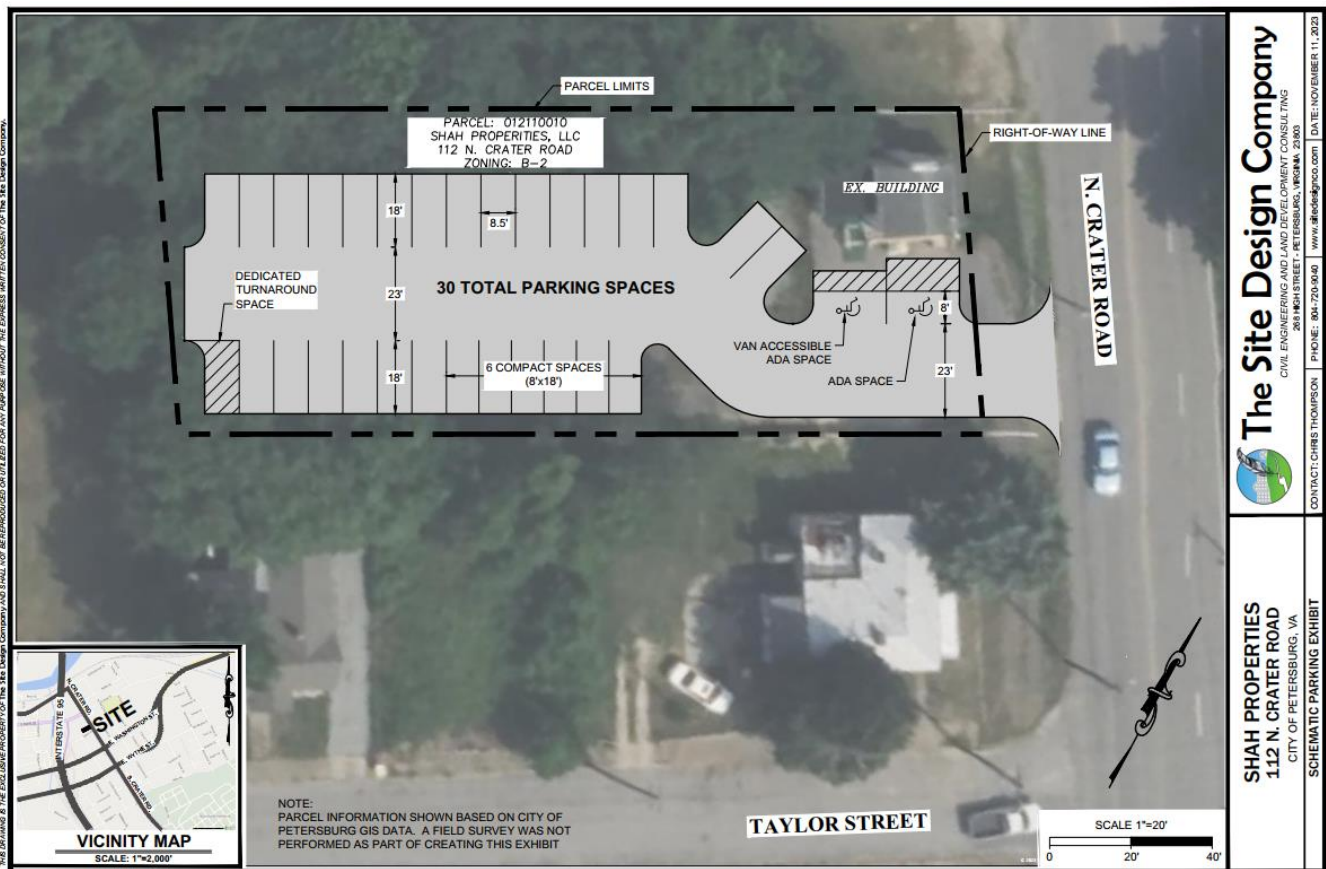
The subject property has one structure located on it which was built as a single-family residence along N Crater Rd. There are scattered residences located along this commercial corridor. In addition to the residential structures, there are several businesses located along N Crater Rd. Those business activities to name a few are: Motel 6, community convenience stores with the sale of gasoline on each corner of Crater Rd and Washington Streets, four used car lots in the immediate area along E. Washington St., Quality Moving & Self-Storage

Company, VAMAC, at the Intersection of Taylor Street and S Crater Road. The surrounding area also consists of business offices for auto repair/garage services, tire sales, and wheel alignments. The applicant has places of business in other areas of Virginia which he states are auto sales related.

The general area is comprised of vacant, dilapidated hotel/motels and several service stations/ convenience stores along Washington, Wythe Street, and the Crater Rd corridors. The subject location and request for a SUP appears to be for the expansion of services within the community, the area currently is and always has been utilized for the purpose of automotive related uses and activities. In researching the area, staff believe that this site does NOT have adequate space for the owner to position vehicles for sale on the lot, accommodate employee parking, nor accommodate ingress and egress. The lot is very narrow and was cluttered with vehicles upon staff posting of the SUP signs. The property appears currently to be utilized as a vehicle storage lot. Below is the proposed site plan for the property.



The above image is of the Future Land Use Map in the Comprehensive Plan, which supports commercial uses.



Proposed site plan for the used vehicle sales establishment.

III. ZONING ORDINANCE (SPECIAL USE PERMIT)

Article 23 of the Zoning Ordinance provides that “certain uses may be desirable when located within the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in Section 4. When found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted... Before (the use is allowed), preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures, and premises, shall be submitted to the Planning Commission. The Commission shall hold a public hearing as provided for in Article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures, or uses shall have upon the surrounding territory, submit a recommendation to the City Council within thirty (30) days following said hearing. Following receipt of the Commission’s report, the city council may permit such buildings, structures, or uses, where requested, providing that the public health, safety, morals, and general welfare will not be adversely affected, that ... ample safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.”

IV. RECOMMENDATION

Planning Commission recommends approval per the December 7, 2023 meeting with the following condition:

- 1) The lot shall be maintained in an appropriate, clean manner; paved; and vehicles for sale shall be parked only one per space in the 30 delineated parking spaces.

The Department of Planning and Community Development recommends denial of this used car dealership due to concerns with safety associated with the site being unable to accommodate the vehicles for sale and visitors and concerns about ingress and egress from North Crater Road.

V. EXHIBITS

- 1) Presentation
- 2) Proposed Site Plan
- 3) Ordinance
- 4) Applicant's Petition
- 5) Adjacent Property Notification

CITY COUNCIL
JANUARY 16,
2024



2023-SUP-08

Request by Sayed Shah to obtain a Special Use Permit to establish stand-alone used vehicle sales located at 112 and 114 N Crater Road

Background

Applicant: Sayed Shah, owner, representative of S Shah Properties LLC.

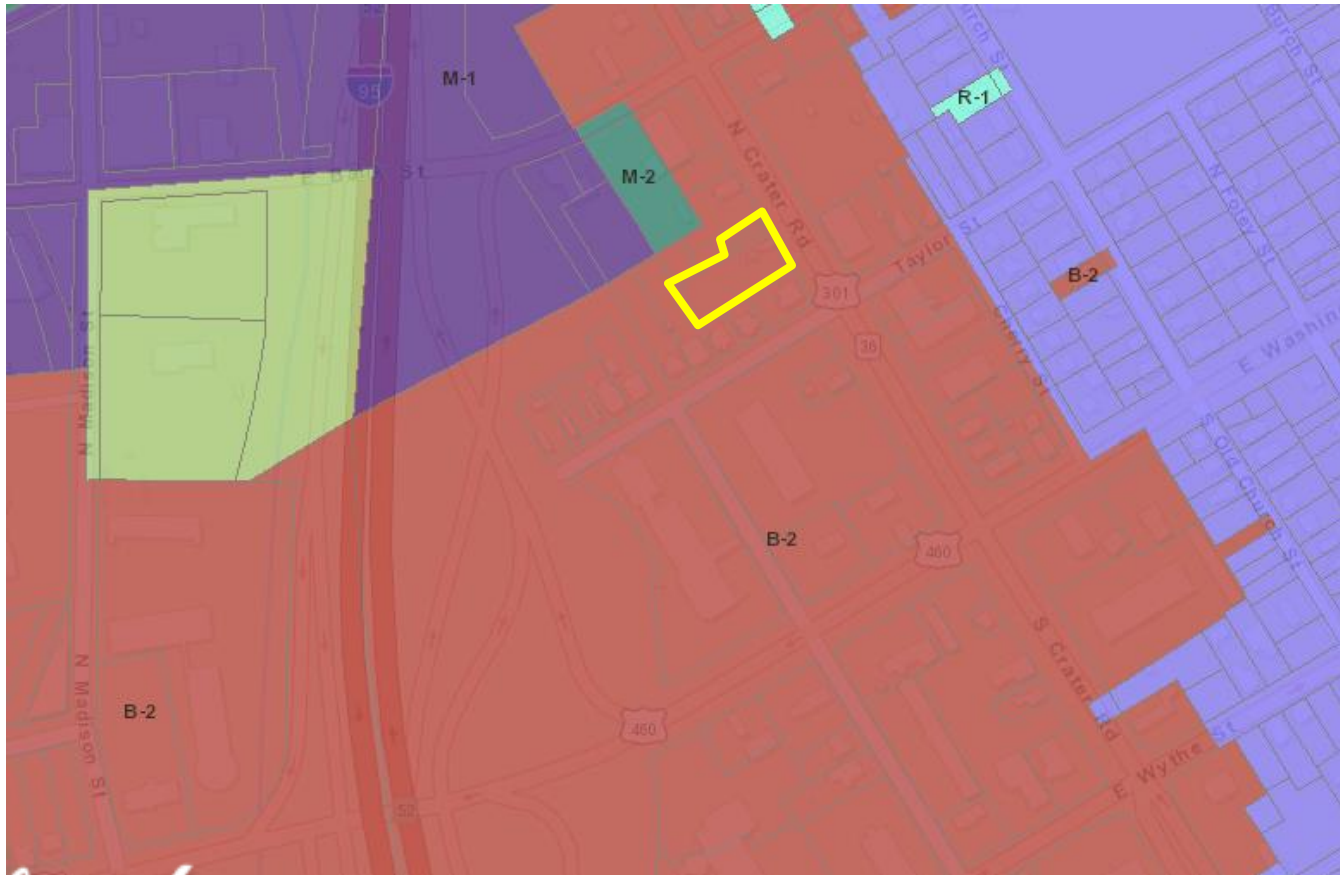
Request: A Special Use Permit for the operation of a used automobile dealership.

Code Requirement: Per Article 23, 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.

Location 112 & 114 N Crater Road



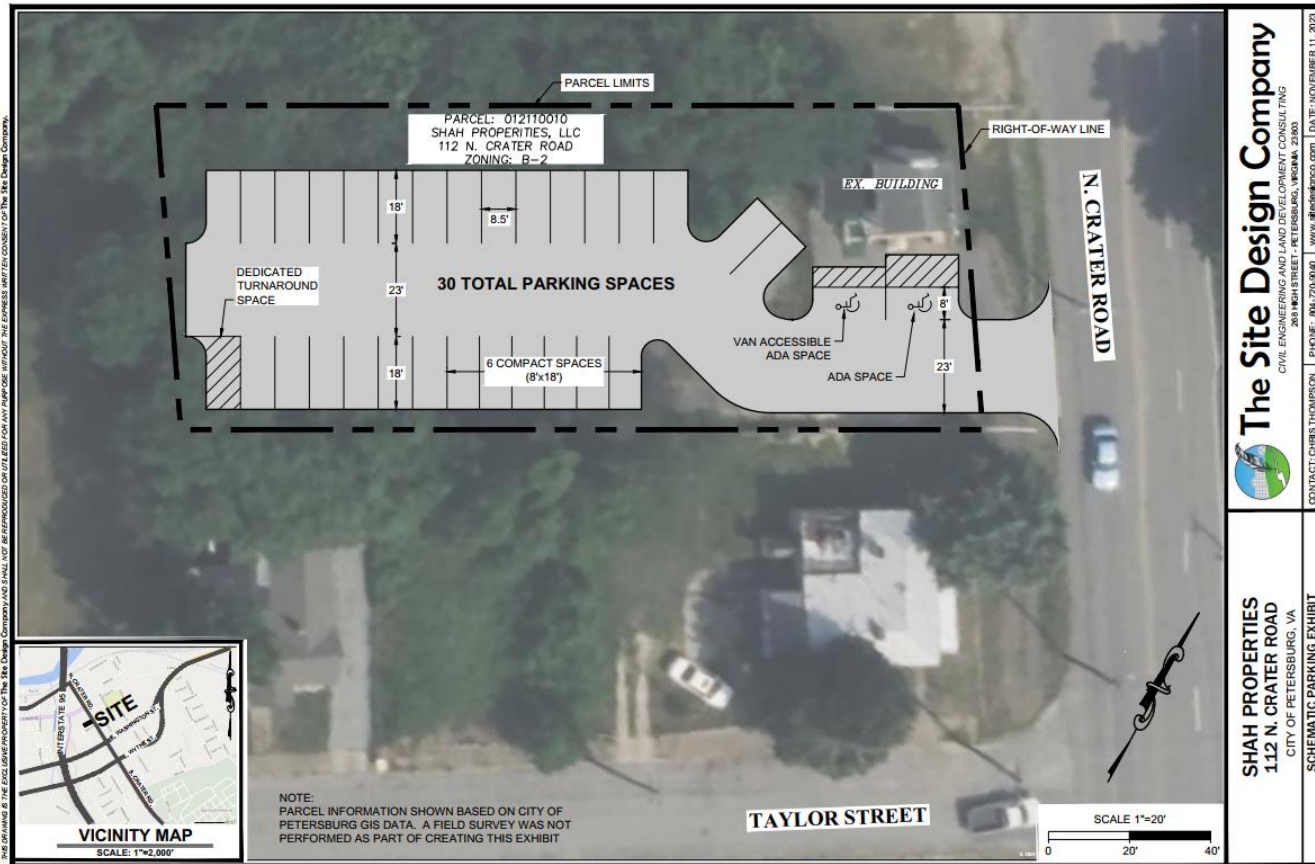
Zoning B-2, General Commercial



Comprehensive Plan Commercial



Site Plan



Recommendation

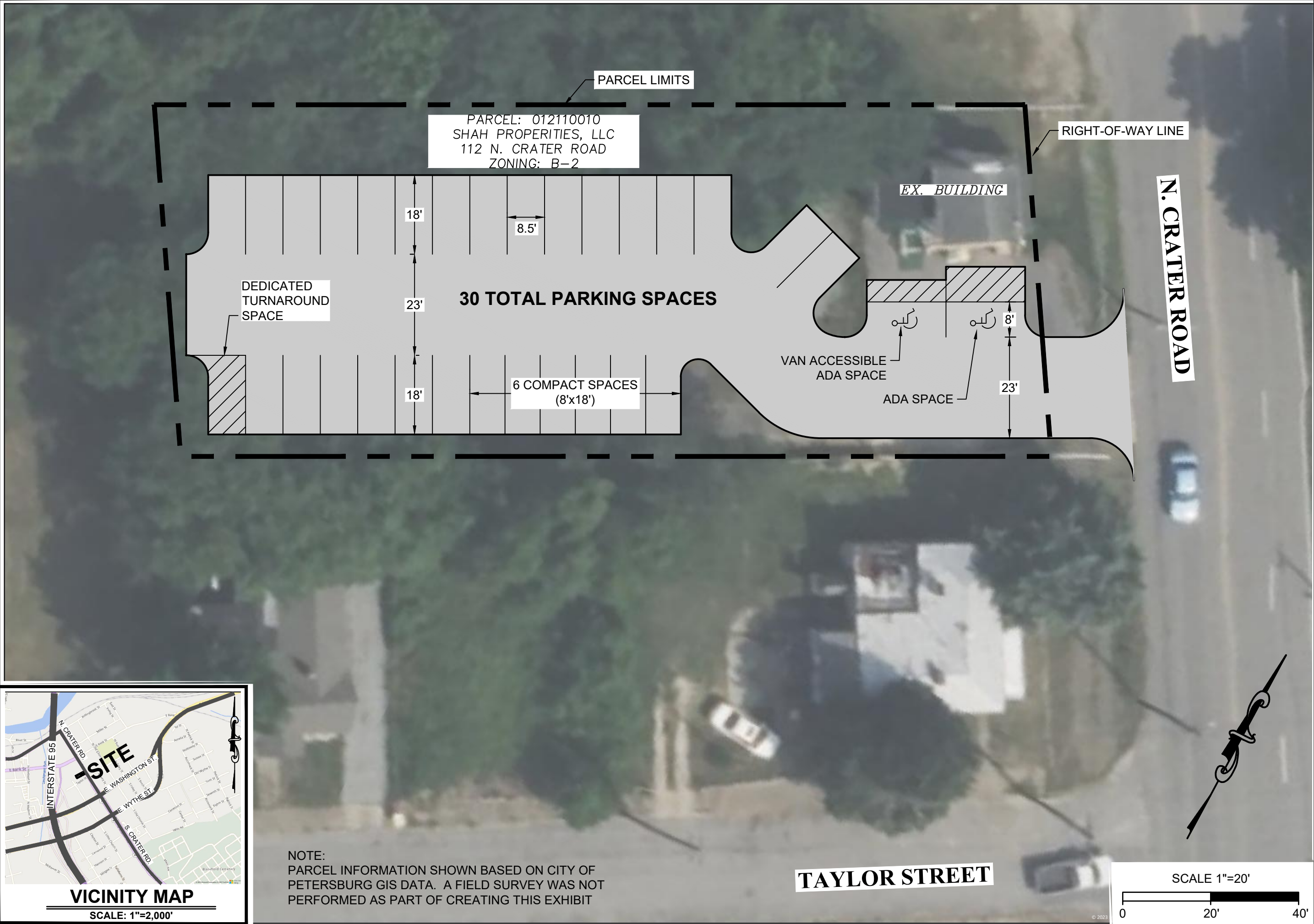
Planning Commission recommended approval on December 7, 2023, with the following condition:

- 1) The lot shall be maintained in an appropriate, clean manner; paved; and that vehicles for sale shall be parked only one per space in the 30 delineated parking spaces.

The Department of Planning & Community Development, recommended denial of the requested Special Use Permit for the following reason:

Public safety – The applicant has not made clear that the site can accommodate the use. There are concerns that the lack of space may impact the safety on N Crater Road.

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF The Site Design Company AND SHALL NOT BE REPRODUCED OR UTILIZED FOR ANY PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT OF The Site Design Company.



SHAH PROPERTIES
112 N. CRATER ROAD
CITY OF PETERSBURG, VA



The Site Design Company

CIVIL ENGINEERING AND LAND DEVELOPMENT CONSULTING
268 HIGH STREET - PETERSBURG, VIRGINIA 23803

SCHEMATIC PARKING EXHIBIT

CONTACT: CHRIS THOMPSON

PHONE: 804-720-9040

www.sitedesignco.com

DATE: NOVEMBER 11, 2023

AN ORDINANCE APPROVING A PETITION FOR A SPECIAL USE PERMIT WITH CONDITION AT 112 AND 114 N CRATER ROAD PARCEL IDENTIFICATION NUMBERS 012110010 AND 012110009 IN THE B-2, GENERAL COMMERCIAL, ZONING DISTRICT FOR STAND-ALONE USED VEHICLE SALES NOT ASSOCIATED WITH A NEW-VEHICLE DEALERSHIP.

WHEREAS, the City of Petersburg Zoning Ordinance establishes zoning districts and permitted uses within each district; and

WHEREAS, the properties are located at 112 and 114 N. Crater Road, Tax Parcel Numbers: 012110010 and 012110009, respectively; and

WHEREAS, the properties are in the B-2, General Commercial, zoning district; and

WHEREAS, the City received a petition submitted Sayed Shah, owner, representative of S Shah Properties LLC., to obtain a Special Use Permit as provided for under Article 23, 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.

WHEREAS, the proposed use of a used car lot falls within the requirements for a SUP under Article 23; and

WHEREAS, the City's Comprehensive Plan Future Land Use Plan designates the property as commercial; and

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

NOW THEREFORE BE IT RESOLVED that Council does hereby approve a Special Use Permit for 112 and 114 N. Crater Road with the following condition:

- 1) The lot shall be maintained in an appropriate, clean manner; paved; and vehicles for sale shall be parked only one per space in the 30 delineated parking spaces.



City of Petersburg

Department of Planning and Community Development

PROCEDURES FOR PETITION FOR REZONINGS OR SPECIAL USE PERMITS

1. Applicant files petition in triplicate (3 sets) with the Petersburg Planning Department, City Hall, Room 304, Petersburg, Virginia 23803. **Filing fee for Petitions for Rezoning or Special Use Permits are \$1,500** Checks, Money Order, and/or cash are to accompany the application (*Checks or money orders made payable to the City of Petersburg*) A Plat of the property must accompany the petition.
2. Planning Department Staff refers the petition to Planning Commission. Planning staff shall advertise twice during a fourteen day period, holds a public hearing, and forwards a recommendation to City Council.
3. City Council schedules a public hearing and advertises twice during a fourteen day period.
4. City Council renders final decision to approve, refer it back to Planning Commission or disapprove petitions.

PLEASE NOTE: THE REZONING OR SPECIAL USE PERMIT PROCESS MAY TAKE UP TO 120 DAYS.

CASE NUMBER 2023-SUP-08

Applicant: SYED SHAH

PETITION FOR REZONING OR SPECIAL USE PERMIT

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

A. Property Information

1. SYED SHAH, do hereby petition to rezone the following described properties
from zoning district B2 to zoning district B2 to
permit Special Use permit

2. Legal Description: (Use attachment if necessary) - Identify proposed Use

Used car Sales

3. Tax Parcel Identification Number(s):

Map

Block

Lot

012

11

0010

4. Current Street Address(es): - (if assigned)

112 N Center Rd

Petersburg VA 23803

5. Approximate Area: _____ sq. ft.

.335

acres

6. Public Street Frontage _____ ft.

7. A boundary plat of this property outlining the area to be rezoned shall be attached to this petition.

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

Attached

9. Brief:

Said deed restrictions will expire on :

Attached

B. JUSTIFICATION FOR REZONING

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

Need to Convert to Carsales

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

it is a fenced in lot with its own

parking entrance not disturbing any close by

3. The proposed rezoning will be advantageous to the City and benefit the welfare of the general public because: (Specify reasons to substantiate this statement).

will open more jobs

4. The proposed rezoning is necessary because suitable property for the proposed use is not presently situated within required existing zoning districts. (Specify reasons for this determination).

Car sales situated B3 need

Special permit for car sales

C. CERTIFICATION:

The undersigned applicant certifies that: (He) (She):

✓ (a) Is the owner or lessee or agent specified in writing, for

 (b) Possesses a proprietary interest in: (contract or option agreement)

the property(ies) identified within this PETITION FOR REZONING; and that the foregoing answer and statements herein contained and all other information herewith submitted are in all respects true and correct to the best of (his) (her) knowledge and belief.

APPROVED

Signed: _____

Mailing Address: _____

City Attorney

Phone Number: _____

TO BE FILED IN TRIPLICATE (3-SETS) IN THE PLANNING DEPARTMENT, CITY HALL

ACTION RECORD

Date Filed (with Planning Department) 9-11-2023

Date of Planning Commission Public Hearing 11-2-2023

Planning Commission Action(s) _____

Date of City Council Hearing: _____

City Council Action(s): _____

ADJACENT PROPERTY OWNER LIST 112 -114 N CRATER RD

SYED SHAH – 2023-SUP-08

Joseph Floyd – Property Address: 612 Bank St	Mailing: 126 N Crater Rd Petg., VA
Michelle McKeever Davis – 104 N Crater Rd	5125 Bayview Dr Richmond, VA 23234
Luz Jimenez – 613 Taylor Street	P.O. Box 1811 Petersburg, VA 23805
India N. Miles – 609 Taylor Street	609 Taylor Street, Petersburg, VA 23805
Pivotclear LLC – 605 Taylor Street	1750 Tysons Blvd Ste 1500, McLean, VA 22102
James Herbert & Elizabeth S Williams – 32 N Crater Rd	11021 Easy St. Disputanta, VA 23842
Sterling Properties LLC – 25 N Little Church St., Petersburg, Virginia	SAME
Beth Yeshua For All People - 23 N Crater Rd., Petersburg, VA 23803	SAME
V.A.T. Properties LLC – 33 & 41 N Crater Rd	P.O. Box 331, Chesterfield, VA 23832
Harold E. Brown III – 37 Crater Rd	56 Grayson Street Petersburg, VA 23803
Ruben C Lopez – 717 Taylor Street	4431 Waldor Dr Richmond, VA 23234
Harold E Brown III – 711 Taylor Street	56 Grayson St Petersburg, VA 23803
VAMAC INC - 101 Crater Rd	P.O. Box 11225 Richmond, VA 23803
Karen J Smith – 115 Crater Road	729 Taylor Street Petersburg, VA 23803
Colonial Realty & Finance LLC – 700 Bank St	316 Blvd Colonial Heights, VA 23834
Joseph Floyd & Joe McNamara – 138 N Crater Rd	126 N Crater Rd Petersburg, VA 23803
Jocelyn & Stanley B. Gaskins Jr. – 122 Crater Rd	120-122 N Crater Rd Petersburg, VA 23803
Joseph M. Floyd – 124 Crater Road	126 N Crater Rd, Petersburg, VA 23803

Property Owner(s): Adjacent to Affected Property

Address(es)

[illegible]

For additional names, use back of sheet

PIN: 012-110010

PIN: 012-110009

Prepared By:
THOMAS P. CHELSEA, ESQ.

VS# No. 16689
3311 Jolly Road
Colonial Heights, VA 23834

CONSIDERATION: \$ 120,000.00

ASSESSED VALUE: \$ 96,700.00

TITLE INSURER: NONE

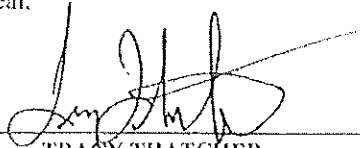
THIS DEED, made this 14th day of February, 2023 by and between TRACY THATCHER, also known as TRACY TODD THATCHER, Grantor and party of the first part, and S SHAH PROPERTIES LLC, a Virginia limited liability company, Grantee and party of the second part, and whose address is 10376 James Madison Parkway, King George, VA 22485.

WITNESSETH: That for and in consideration of TEN DOLLARS (\$10.00) and other valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey with *GENERAL WARRANTY* and *ENGLISH COVENANTS OF TITLE* except as hereinafter set forth, unto the said S SHAH PROPERTIES LLC, a Virginia limited liability company, in fee simple, the following described real property, to-wit:

SEE SCHEDULE "A" ATTACHED HERETO

This conveyance is made subject to all conditions, easements, restrictions, reservations and agreements of record to the extent that they may lawfully apply.

WITNESS the following signature and seal.



TRACY THATCHER, (SEAL)
a/k/a Tracy Todd Thatcher

STATE OF VIRGINIA

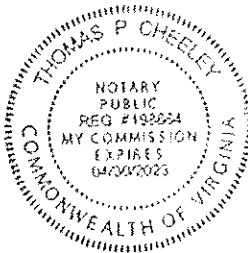
City of COLONIAL HEIGHTS, to-wit:

The foregoing instrument was acknowledged before me on this 14th day of February,
2022, by TRACY THATCHER, a/k/a TRACY TODD THATCHER.

My commission expires: APRIL 30, 2023

Notary Registration No. 198664


Notary Public



SCHEDULE "A"

PARCEL ONE: PIN: 012-110010

ALL that certain lot or parcel of land with the improvements thereon and appurtenances thereto belonging, lying in the City of Petersburg, Virginia, bearing the current City Street Number 112 North Crater Road, designated as a part of Lot No. Eighteen (18) on a plat of New Blandford, recorded in the Clerk's Office of the Circuit Court of the City of Petersburg, Virginia, in Plat Book 1, as Plat No. 49.

BEING the same property that was conveyed to Tracy Thatcher by Deed from WAL, Inc., a Virginia corporation, dated June 4, 2021 and recorded June 16, 2021, in the Circuit Court Clerk's Office of the City of Petersburg, Virginia as Instrument No. 210001920.

PARCEL TWO: PIN: 012-110009

ALL that certain lot or parcel of land with improvements thereon and appurtenances thereto belonging, being and situate on the west side of Crater Road, formerly Main Street, in that part of the City of Petersburg, Virginia, called Blandford, on which said street said lot of land fronts twenty (20) feet and nine (9) inches, and from which it extends back westwardly eighty (80) feet, said lot of land being bounded on the east by said Crater Road, on the south by the land now or formerly belonging to James Meyers, and on the west and north by land formerly owned by Samuel T. Smith.

BEING the same property that was conveyed to Tracy Todd Thatcher by Special Commissioner's Deed dated February 28, 2022 from N. Reid Broughton, Esq., Special Commissioner, on behalf of Guillermo Roviralta and Angela Roviralta, and which Deed is of record in the Circuit Court Clerk's Office of the City of Petersburg, Virginia as Instrument No. 202204760.

INSTRUMENT 202300548
RECORDED IN THE CLERK'S OFFICE OF
PETERSBURG CIRCUIT COURT ON
FEBRUARY 17, 2023 AT 02:58 PM
\$120.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$60.00 LOCAL: \$60.00
MAYTEE E. PARHAM, CLERK
RECORDED BY: CXW

Petersburg, Virginia

Parcel:

012110010

Summary

Owner Name	S SHAH PROPERTIES LLC	National Historic District:	
Owner Mailing Address	10376 JAMES MADISON PKWY KING GEORGE, VA 22485	Enterprise Zone:	Yes
Property Use	319	Opportunity Zone:	51730810100
State Class:	3 Multi Family	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	112 CRATER RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.335	City Ward:	4
Legal Description:	NEW BLANDFORD PT LT 18	Polling Place:	Union Train Station
Subdivision:	New Blandford	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8101
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	656	Shed:	120
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	1
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
THATCHER, TRACY	2/17/2023	\$120,000	2023/0548
WAL INC,	6/16/2021	\$92,500	2021/1920
	8/22/2006	\$40,000	2006/4214

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	\$42,000	\$42,000	\$42,000	\$42,000	\$42,000
Improvement Value	\$54,700	\$54,700	\$54,700	\$54,700	\$54,700
Total Value	\$96,700	\$96,700	\$96,700	\$96,700	\$96,700

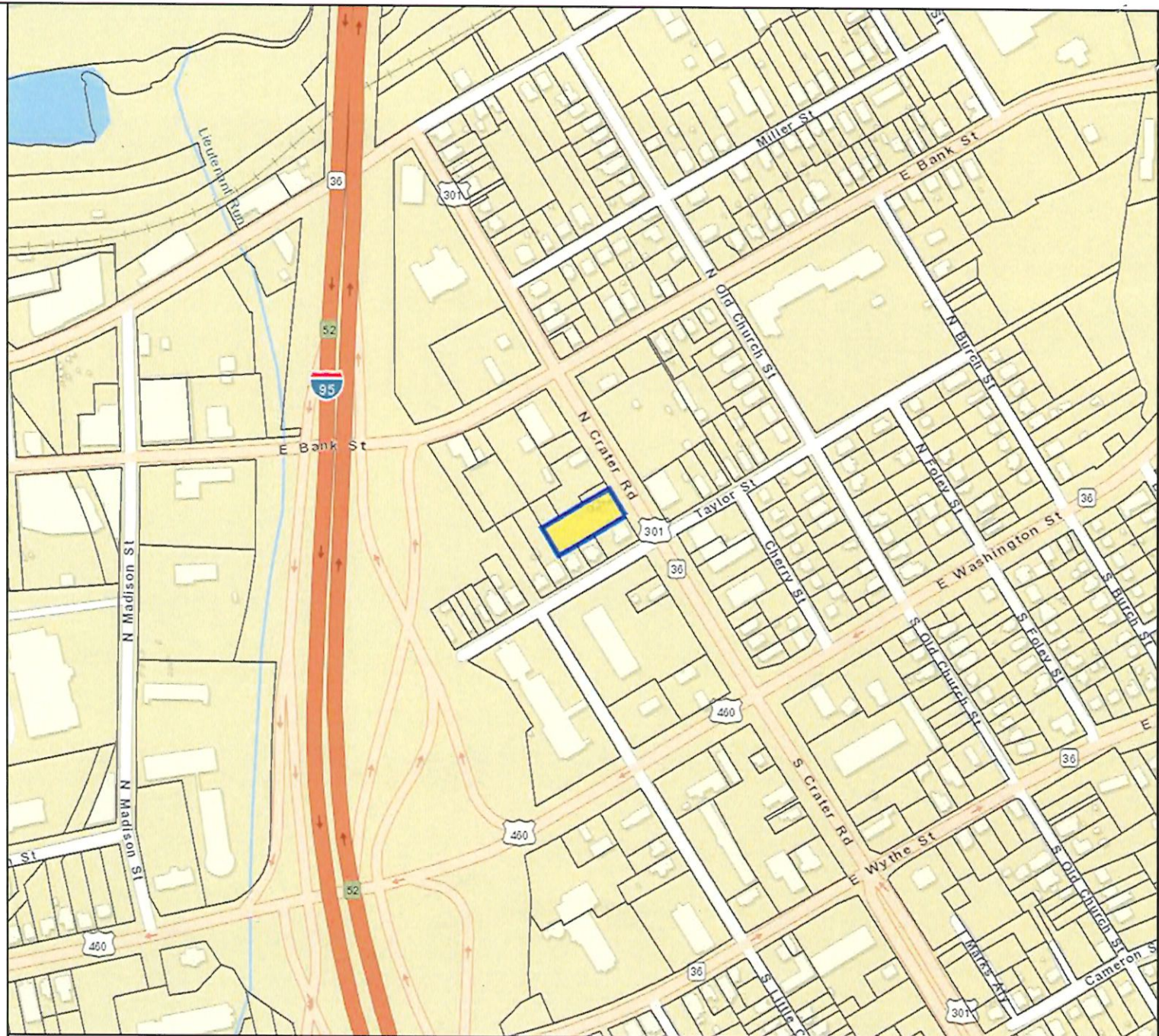
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 012110010

Date: 9/11/2023

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



COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

Office of the Clerk

July 9, 2022

SYED MUDASHER SHAH
210 E WASHINGTON ST
Petersburg, VA, 23803

RECEIPT

RE: S SHAH PROPERTIES LLC
ID: 11409692
FILING NO: 2207094724301
WORK ORDER NO: 202207092872794

Dear Customer:

This is your receipt for \$100.00 to cover the fee for filing articles of organization for a limited liability company with this office.

The effective date of the certificate of organization is July 9, 2022.

If you have any questions, please call (804) 371-9733 or toll-free 1-866-722-2551.

Sincerely,

Bernard J. Logan
Clerk of the Commission

Delivery Method: Email

**COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION**

AT RICHMOND, JULY 9, 2022

The State Corporation Commission has found the accompanying articles of organization submitted on behalf of

S SHAH PROPERTIES LLC

to comply with the requirements of law, and confirms payment of all required fees. Therefore, it is ORDERED that this

CERTIFICATE OF ORGANIZATION

be issued and admitted to record with the articles of organization in the Office of the Clerk of the Commission, effective July 9, 2022.

The limited liability company is granted the authority conferred on it by law in accordance with the articles of organization, subject to the conditions and restrictions imposed by law.

STATE CORPORATION COMMISSION

By

A handwritten signature in black ink, appearing to read "Judith Williams Jagdmann", written over a horizontal line.

Judith Williams Jagdmann
Commissioner

Commonwealth of Virginia



STATE CORPORATION COMMISSION

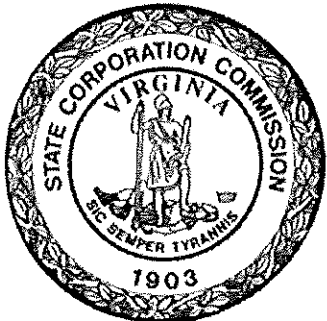
Richmond, July 9, 2022

This is to certify that the certificate of organization of

S SHAH PROPERTIES LLC

was this day issued and admitted to record in this office and that the said limited liability company is authorized to transact its business subject to all Virginia laws applicable to the company and its business.

Effective date: July 9, 2022



STATE CORPORATION COMMISSION

Attest:

A handwritten signature in cursive script, reading "Bernard J. Stoy".

Clerk of the Commission



**City of Petersburg
Petersburg, VA 23803
Department of Economic Development, Planning & Community
Development**

Customer Receipt
PAID

PAYOR'S NAME: Elite Auto Nation of Petersburg, LLC

Syed Shah

Amount Received:

\$ 150.00

Date:

9/11/2023

Form of Payment:

CHECK # 963

Purpose of Payment:

2023 – SPECIAL USE PERMIT

112 N. Crater Rd.

Parcel ID # 012110010

Zoned: "B-2", General Commercial District

Payment Received By: **D. Porter**

A handwritten signature in black ink, appearing to be "D. Porter", is written over the printed name.

Petersburg, Virginia

Parcel:

012110010

Summary

Owner Name	S SHAH PROPERTIES LLC	National Historic District:	
Owner Mailing Address	10376 JAMES MADISON PKWY KING GEORGE, VA 22485	Enterprise Zone:	Yes
Property Use	319	Opportunity Zone:	51730810100
State Class:	3 Multi Family	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	112 CRATER RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.335	City Ward:	4
Legal Description:	NEW BLANDFORD PT LT 18	Polling Place:	Union Train Station
Subdivision:	New Blandford	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8101
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	656	Shed:	120
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	1
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
THATCHER, TRACY	2/17/2023	\$120,000	2023/0548
WAL INC,	6/16/2021	\$92,500	2021/1920
	8/22/2006	\$40,000	2006/4214

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
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Land Value	\$42,000	\$42,000	\$42,000	\$42,000	\$42,000
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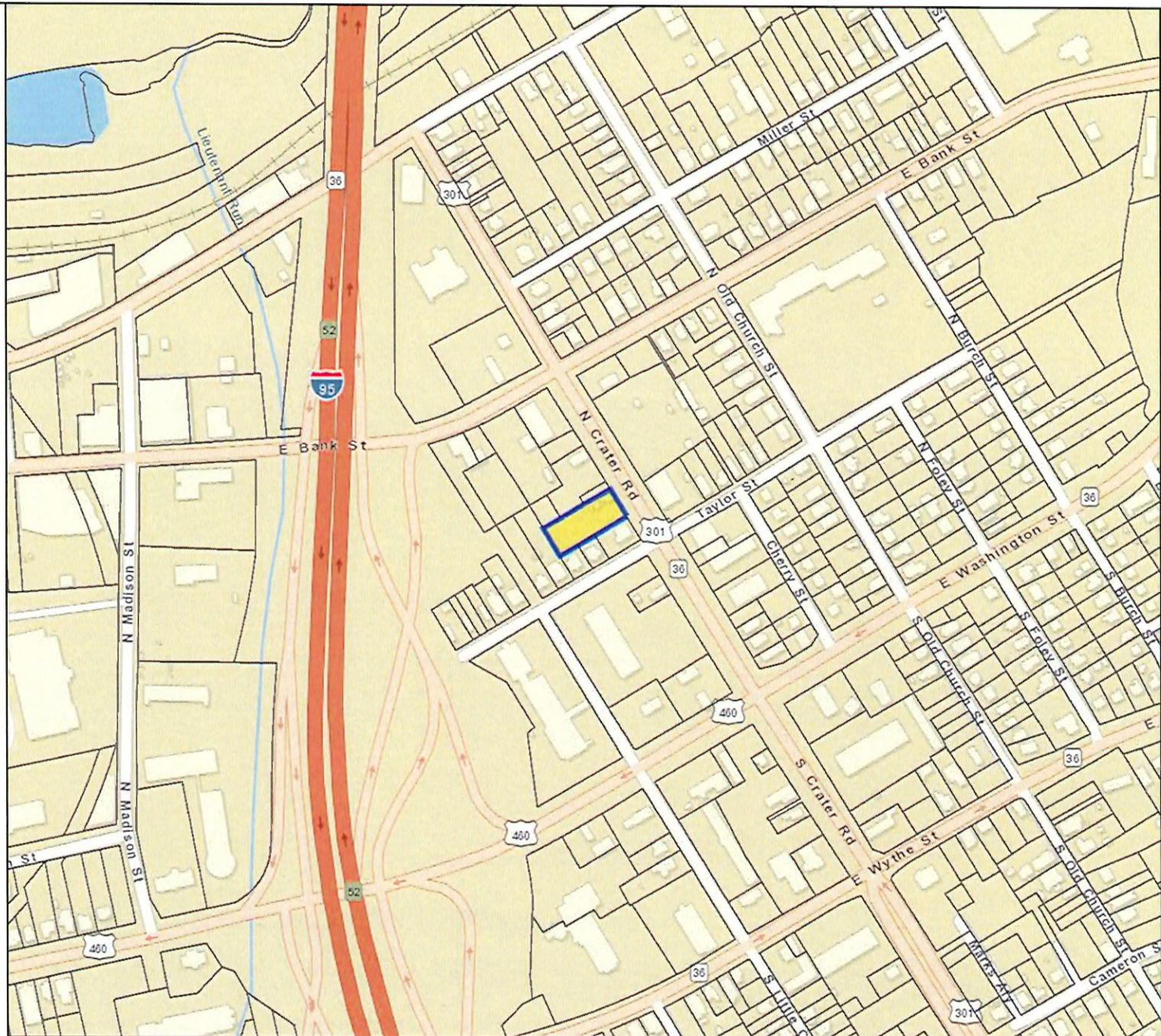
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 012110010

Date: 10/4/2023

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Petersburg, Virginia

Parcel:

012110009

Summary

Owner Name	S SHAH PROPERTIES LLC	National Historic District:	
Owner Mailing Address	10376 JAMES MADISON PKWY KING GEORGE, VA 22485	Enterprise Zone:	Yes
Property Use	400	Opportunity Zone:	51730810100
State Class:	4 Commercial and Industrial	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	114 CRATER RD Petersburg, VA	Congressional District:	4
Legal Acreage:	.038	City Ward:	4
Legal Description:	20.75 X 80	Polling Place:	Union Train Station
Subdivision:	N B	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8101
Local Historic District:		Elementary School:	Lakemont
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

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

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
THATCHER, TRACY TODD	2/17/2023	\$120,000	2023/0548
ROVIRALTA, GUILLERMO ANGELA	12/22/2022	\$4,180	2022/4760
	11/29/2007	\$4,500	2007/6417

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	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500

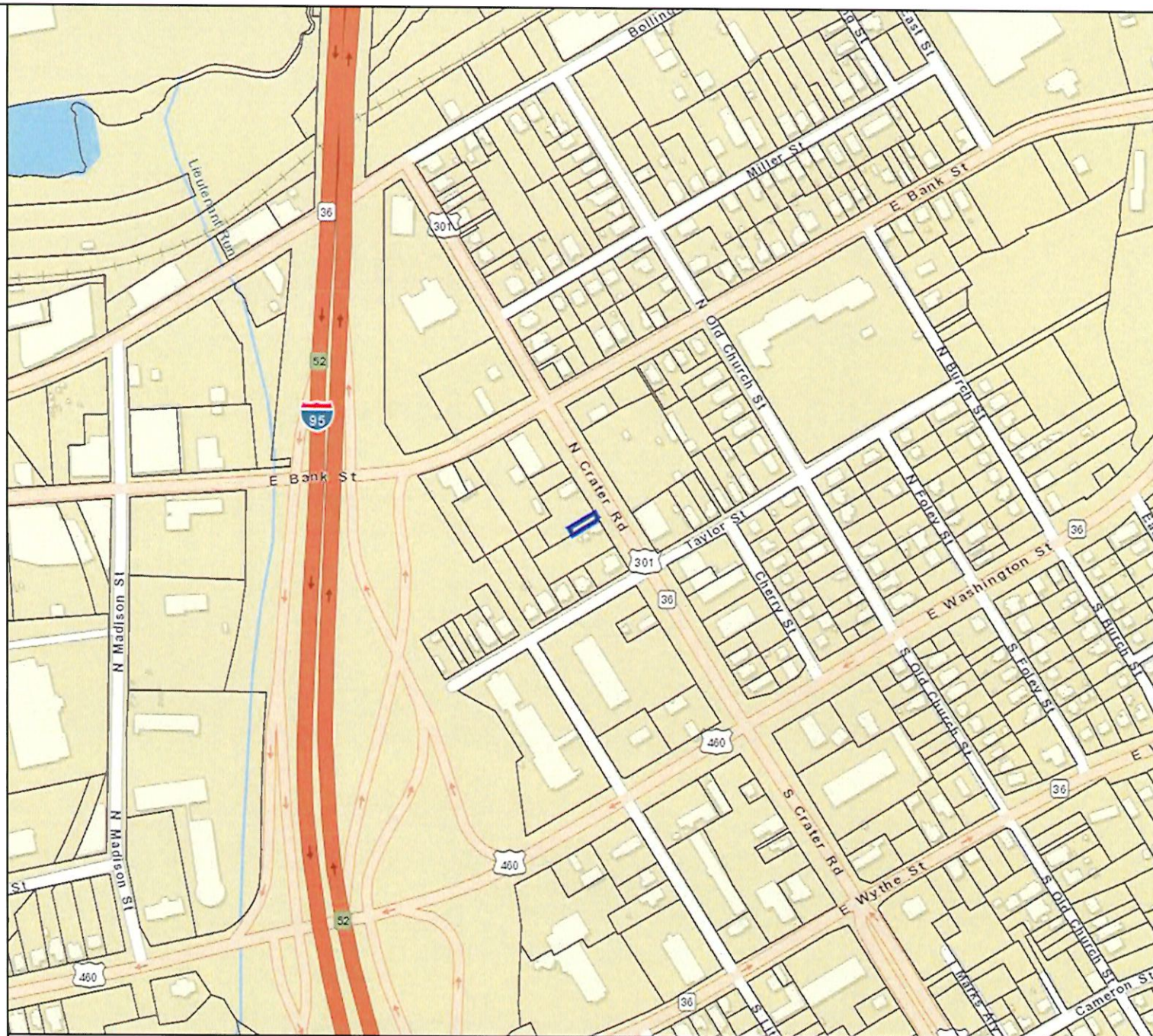
Property Tax (Coming Soon)

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Petersburg, Virginia

Legend

- County Boundaries
- Parcels



Parcel #: 012110009

Date: 10/4/2023

Feet
0 100 200 300 400
1:4,514 / 1"=376 Feet

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City of Petersburg

Department of Planning and
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia 23803

Sandra A Robinson
Zoning Administrator
804-733-2308
srobinson@petersburg-va.org

October 20, 2023

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Dear Owner, Agent or Occupant of each parcel involved; abutting and immediately across the street or road from the property affected:

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold a public hearing on Thursday, November 2, 2023, beginning at 6:30 p.m. at the Petersburg Public Library, 201 W. Washington Street, Petersburg, Virginia 23803 located in the multi-purpose room.

2023-SUP-08: 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 23, 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.

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

A copy of the related material may be examined in the Department of Planning & Community Development in City Hall Room 304, telephone (804)733-2308. The Planning Dept. is open from 8:30am to 5:00pm, Monday - Friday.

Naomi Siodmok,
Director of Planning & Community Development



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: A public hearing from Barry Jones, owner, Capital City Homes, RVA, to rezone properties from M-1, Light Industrial, District to B-2, General Commercial, District with the intention of building eight (8) single-family dwellings. The properties are contiguous to one another and are vacant lots, addressed as follows: 901, 905, 909, 915, 921, 925, 929, 933 Commerce St and 208 N Dunlop Street and further identified respectively as 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, and 024140013. (Page 140)

PURPOSE: To rezone 901 905, 909, 915, 921, 925, 929, 933 Commerce St and 208 N Dunlop Street from M-1, Light Industrial, to B-2, General Commercial to construct eight single-family homes.

REASON: Rezoning request

RECOMMENDATION: Approval to rezone properties from M-1, Light Industrial, District to B-2, General Commercial, District with the intention of building eight (8) single-family dwellings.

BACKGROUND: See attachments.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Staff Report 2023 REZ 06 Commerce St Parcels Packet



City of Petersburg

Department of Planning and
Community Development
804-733-2308

135 N. Union Street, Room 304
Petersburg, Virginia 23803

To: Mayor and Council

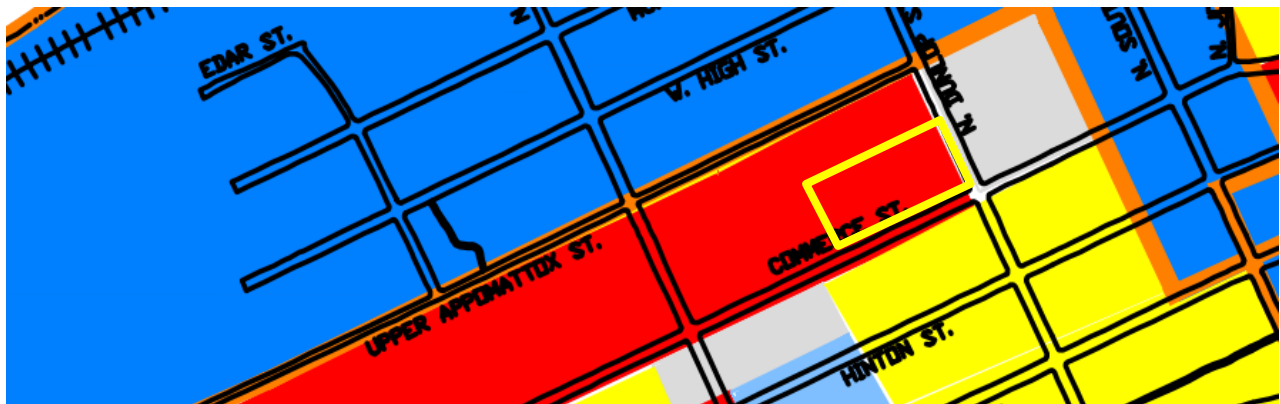
From: Sandra A. Robinson, Zoning Administrator
Naomi Siodmok, Director of Planning & Community Development

Date: January 16, 2024

Subject: 2023-REZ-06
Commerce Street - 901 905, 909, 915, 921, 925, 929, 933 Commerce St and 208 N Dunlop Street and further identified respectively as Tax Parcels: 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, and 024140013.

2023-REZ-06: A request by Barry Jones, owner, Capital City Homes, RVA, to rezone properties from M-1, Light Industrial District to B-2, General Commercial District. The properties are contiguous to one another and are vacant lots, addressed as follows: 901 905, 909, 915, 921, 925, 929, 933 Commerce St and 208 N Dunlop Street and further identified respectively as 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, and 024140013. The property has a public street frontage of approximately 400 ft and has approximately 40,000 sq ft lot area. If approved, the applicant will resubdivide ten (10) lots into eight (8) buildable, single-family residential lots.

The applicants request to rezone these vacant lots from M-1 to B-2 is consistent with the Comprehensive Plan as shown in the map below:



The desire to build single-family residential is a permitted use in the B-2 and could encourage a variety of mixed use and mixed income development within communities/neighborhoods.

Allowing construction of single-family residences will further eliminate the potential of blight on vacant, or deteriorated property.

I. Surrounding Conditions

The subject property is currently zoned M-1, Light Industrial District and surrounding properties located along the North, East, West and South side of the subject property are zoned PUD – Planned Unit Development District, M-1, Light Industrial District, R-3, Two-Family Residence, B-2, General Commercial District. Current uses located within the area of the subject property include business and commercial uses, churches, auto repair, automobile sells, barber & beauty salons to name a few. Each of the multifamily developments resulted from the adaptive reuse of an existing industrial or commercial structure and was rezoned to their present zoning classifications excluding those which carried a B-2, General Commercial designation as multi-family usage was a by-right use until March 2023.



II. Findings

- A. The 2014 Comprehensive Plan designates the subject property as commercial and surrounding property for Low Density Residential usage. Adjacent property now owned by Tri-Cities Habitat for Humanity is designated as Light Industrial.
- B. The property is currently designated as M-1, Light Industrial District which disallows Single-Family Residential development use, as a by-right use. The area has transitioned with the development of multifamily dwellings/apartments in the immediate area of the subject property.
- C. The uses mentioned under the newly proposed zoning district will encourage appropriate and compatible residential activity and remain in keeping with the existing and future land uses.
- D. It is not believed that the proposed location will pose a burden to the existing neighborhood or property owners as the existing property owners and businesses have been operating or living in this neighborhood for more than 20 years.

- E. The construction of single-family homes will be suitable and consistent development for the area and will provide tax dollars to the city, in addition, to cleaning up vacant parcels of land and will encourage other owners to reinvest in their properties and the community.
- F. As of the preparation of this report, our office has received one concern by phone from the owner of 214 and 301 N Dunlop Street about the request.

III. Statement of Law

Zoning is a legislative process by which a local government classifies land within the community into areas and districts referred to as zones. Zoning regulates building and structure dimensions, design, placement, and use. Zoning generally follows the land use designations set forth in a comprehensive land use plan. (The Comprehensive Plan)

The request to rezone the subject properties is in alignment with the City's current Comprehensive Plan 2014 and Draft Comprehensive Plan 2040 version which depicts the properties designation as commercial. Properties zoned under a B-2, General Commercial District classification allows by-right usage of property for single-family residential purposes. There are several properties located along Commerce, Hinton, Dunlop, and West Street. The area has seen enormous changes by the approving of adjacent properties under PUD, Planned Unit Development rezoning classifications to permit multifamily development through an adaptive reuse/rehabilitation process. By doing so the area has changed and permits residential housing although not single-family it is a housing type.

ARTICLE 17. "M-1" LIGHT INDUSTRIAL DISTRICT REGULATIONS

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

(1) Any use permitted in the "B-2" General Commercial District, except dwellings, hospitals, institutions, or other buildings used for permanent or temporary housing of persons, except as described in (a) and (b) of this subsection, below:

(a) Dwellings for resident watchmen and caretakers employed on the premises.

(b) Accessory farm dwellings on a farm of ten (10) acres or more.

As shown above, under the M-1, Light Industrial District designation, residential usage is not permitted unless an individual meets one of the above-mentioned stipulations.

IV. Recommendation

Planning Commission recommended approval on 12/7/2023.

The Department of Planning & Community Development recommends approval of the request to rezone all properties noted within the application proposal for the development and construction of Eight (8) single-family dwelling units per an approved subdivision plan.

V. Exhibits

- 1) Presentation
- 2) Ordinance
- 3) Applicant's Petition
- 4) Tax Parcel Map Extract

CITY COUNCIL

JANUARY 16,
2024



2023-REZ-06

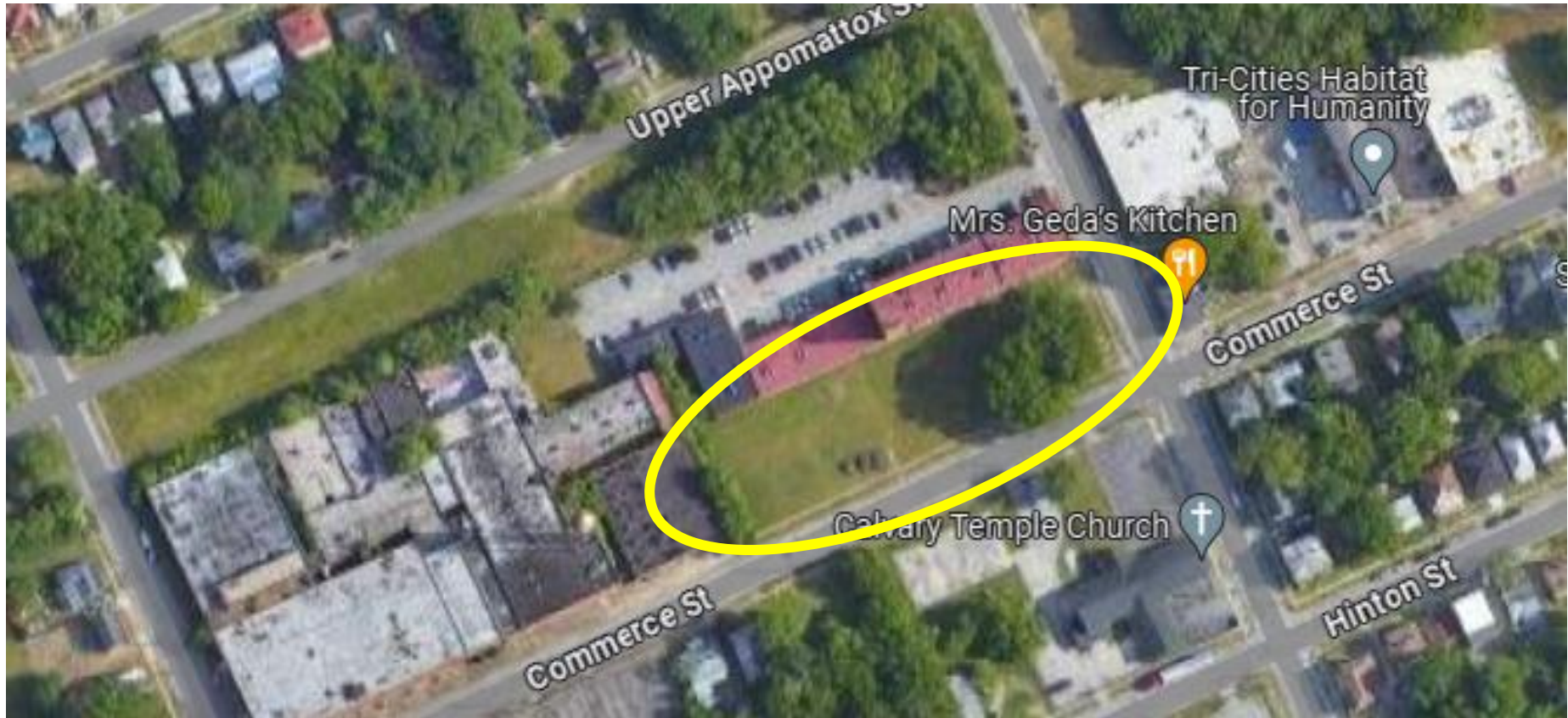
A request by Barry Jones, owner, Capital City Homes, RVA, to rezone properties from M-1, Light Industrial, District to B-2, General Commercial, District for 8 single family homes.

Background

Applicant: Barry Jones, owner, Capital City Homes, RVA

Request: Rezone properties from M-1, Light Industrial District to B-2, General Commercial District for eight, single family homes.

Location 901 905, 909, 915, 921, 925, 929,
933 Commerce St and 208 N Dunlop Street



Zoning M-1, Light Industrial



Comprehensive Plan Commercial



PARCEL ID 024140002
NARAH DUNLOP STREET LOFTS LLC
INST. NO. 202300343
ZONING: PUD

PARCEL ID 024140002
CITY OF PETERSBURG
DB. SWS. PG. 74
ZONING: M-1

NEW AREA= 0.178 AC.
PROPOSED LOT 7

NEW AREA= 0.155 AC.
PROPOSED LOT 7

NEW AREA= 0.115 AC.
PROPOSED LOT 6

NEW AREA= 0.115 AC.
PROPOSED LOT 5

NEW AREA= 0.115 AC.
PROPOSED LOT 4

NEW AREA= 0.115 AC.
PROPOSED LOT 3

NEW AREA= 0.117 AC.
PROPOSED LOT 2

NEW AREA= 0.115 AC.
PROPOSED LOT 1

COMMERCIAL STREET

55' 0" W/4' 0" S, 1-PLAT 80

Recommendation

Planning Commission Recommended approval 12/7/2023.

The Department of Planning & Community Development, recommends approval of the requested rezoning, since the request bring the properties in conformance with the Comprehensive Plan.

AN ORDINANCE APPROVING A PETITION TO REZONE PROPERTIES FROM M-1, LIGHT INDUSTRIAL, TO B-2, GENERAL COMMERCIAL. THE PROPERTIES ARE CONTIGUOUS AND ADDRESSED AS FOLLOWS: 901 905, 909, 915, 921, 925, 929, 933 COMMERCE ST AND 208 N DUNLOP STREET AND FURTHER IDENTIFIED RESPECTIVELY AS 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, AND 024140013.

WHEREAS, the City of Petersburg Zoning Ordinance establishes zoning districts and permitted uses within each district; and

WHEREAS, the City received a petition by Barry Jones, owner, Capital City Homes, RVA, to rezone properties from M-1, Light Industrial, District to B-2, General Commercial, District; and

WHEREAS, the properties are contiguous and addressed as follows: 901 905, 909, 915, 921, 925, 929, 933 Commerce Street and 208 N Dunlop Street and further identified respectively as 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, and 024140013; and

WHEREAS, the Comprehensive Plan Future Land Use Map identifies the properties as commercial, so the request for B-2 zoning is consistent with the plan; and

WHEREAS, the proposed use of eight, single-family homes are consistent with the uses permitted in the B-2, General Commercial, District; and

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

NOW THEREFORE BE IT RESOLVED that City Council approves the rezoning request from M-1 to B-2 for 901 905, 909, 915, 921, 925, 929, 933 Commerce Street and 208 N Dunlap Street.

PETITION FOR REZONING OR SPECIAL USE PERMIT

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

CASE NUMBER:

2023-REZ-06

APPLICANT:

Barry Jones (Capital City Homes)

ADDRESS:

788 Cedar Run Trail
Marbleton Sabet VA 23103

I, Barry Jones (Capital City Homes) hereby petition to rezone the following described properties
from zoning district M-1 to zoning district B-2c

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

Build 8 single family homes

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

024140003, 024140005, 024140006, 024140007, 024140008, 024140009
024140010, 024140011, 024140012, 024140013

2. Current Street Address(es) if assigned):

901, 905, 909, 915, 919, 921, 925, 929, 933 Commerce St.
208 N. Dunlap St

3. Approximate Area:

40,000 sq. ft. .92 app. acres

4. Public Street Frontage:

app. 400 ft.

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

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

7. Brief:

Said deed restrictions will expire on:

C. JUSTIFICATION FOR REZONING

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

Property is currently vacant and is in an area that is mainly residential. Changing it from M-1 to R-2 will fit the area + also provide needed housing.

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

The proposed rezoning will not be detrimental to the community. Adding much needed single family houses in an already largely residential neighborhood should not negatively impact adjacent property owners.

3. The proposed rezoning will be advantageous to the City and benefit the welfare of the general public because: (Specify reasons to substantiate this statement).

The rezoning will take a vacant lot + turn it into housing. Additional housing will bring in new tax revenue.

4. The proposed rezoning is necessary because suitable property for the proposed use is not presently situated within required existing zoning districts. (Specify reasons for this determination).

We currently own the property that is being proposed for rezoning. We believe that changing it to R-2 will be the best use for the property instead of it just sitting vacant.

D. CERTIFICATION:

The undersigned applicant certifies that they:

- _____ (a) are the owner, lessee or agent for (specified in writing)
_____ (b) possess a proprietary interest in (contract or option agreement)

the property(ies) identified within this PETITION FOR REZONING, and that the foregoing information and statements herein provided, and all other information herewith submitted, are in all respects true and correct to the best of their knowledge and belief.

Signed:

Banyan

Mailing Address:

788 Cedar Run Trail
Marathon Sabet VA 23103

Phone Number:

804 283-1725

Email Address:

Capitalcityhomes22@gmail.com

APPROVED

City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION RECORD

Date Filed (with Planning Department):

10-20-2023

Date of Planning Commission Public Hearing:

12-7-2023

Planning Commission Action(s):

Date of City Council Hearing:

City Council Action(s):

PC. AD Dates: 11-22-2023 + 11-29-2023

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

MT Calvary Church

110 N. Dunlap st
Petersburg VA 23803

Crissy Royall

908 Commerce st
Petersburg VA 23803
Mailing Address
P.O. Box 37388
N. Chesterfield VA 23234

Vega Darbin + Daniel Giton

934 Commerce st
Petersburg VA 23803
mailing address
4044 Dorette Dr.
N. Chesterfield VA 23237

House of Restoration

930 Commerce st
Petersburg VA 23803
Mailing address
P.O. Box 2489
Petersburg VA 23804

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

JL Empire Homes LLC

944 Commerce St

Petersburg VA 23803

Mailing Address

7109 Dexter Rd

Richmond VA 23226

Gillian Odell

940 Commerce St

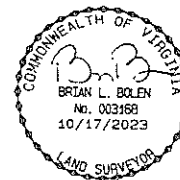
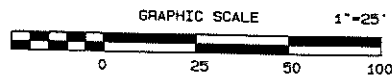
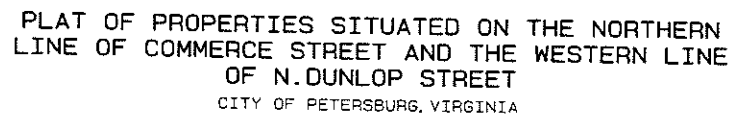
Petersburg VA 23803

Petersburg Lofts Richmond Dunlap Street LLC 214 N. Dunlap St
Petersburg VA 23803

Mailing Address

P.O. Box 92129

Southlake TX 76092

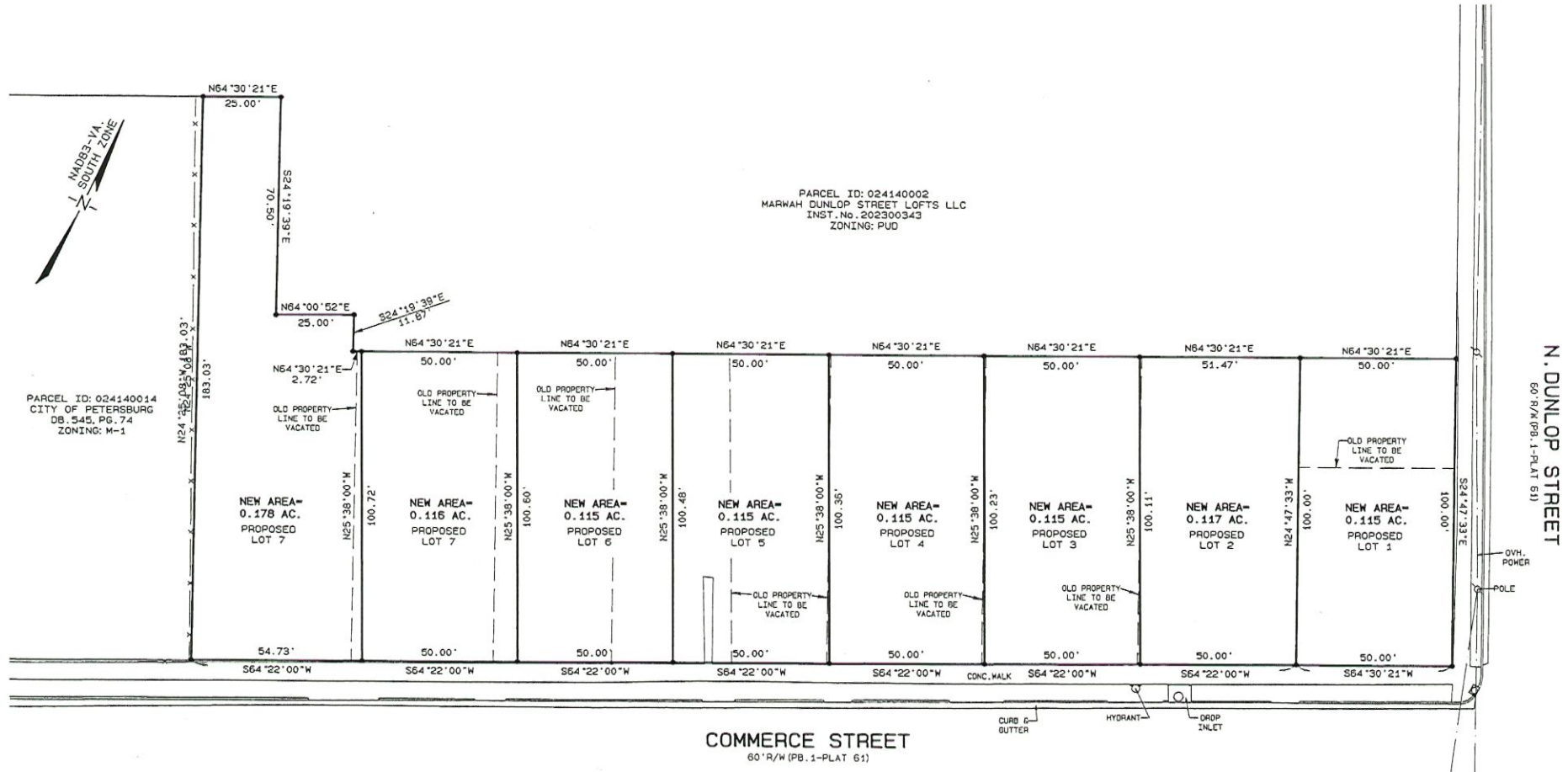


I HEREBY CERTIFY THAT THIS SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS AND CERTIFIED INTERIOR DESIGNERS.

ENGINEERING DESIGN ASSOCIATES, INC.

P.O. 80X 50067		RICHMOND, VIRGINIA 23250	(804) 236-0190
DATE: OCT. 17, 2023	SCALE: 1" = 25'	JOB No: 2023-371	

THIS PROPERTY APPEARS TO FALL WITHIN ZONE 'X' AS SHOWN ON FIRM FLOOD INSURANCE RATE MAP.
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.





City of Petersburg

Department of Planning and
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia 23803

Sandra A Robinson
Zoning Administrator
804-733-2308
srobinson@petersburg-va.org

November 22, 2023

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Dear Owner, Agent or Occupant of each parcel involved; abutting and immediately across the street or road from the property affected:

Notice is hereby given to all interested persons the City of Petersburg Planning Commission will hold a public hearing on Thursday, December 7, 2023, beginning at 6:30 p.m. at the Petersburg Public Library, 201 W. Washington Street, Petersburg, Virginia 23803 located in the multi-purpose room.

2023 REZ-06: A Public Hearing for a request by Barry Jones, owner and representative of Capital City Homes to rezone properties from M-1, Light Industrial District to B-2, General Commercial District to allow for the construction of 8 single family dwellings on the properties addressed as 901, 905, 909, 915, 919, 921, 925, 929 and 933 Commerce St and 208 N Dunlop Street and further identified as TP # 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012 and 024140013. These parcels are zoned M-1, Light Industrial District. 901 Commerce St is zoned, B-2, General Commercial District. The subject properties that are designated under an M-1 zoning classification does not permit for residential usage.

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

A copy of the related material may be examined in the Department of Planning & Community Development in City Hall Room 304, telephone (804)733-2308. The Planning Dept. is open from 8:30am to 5:00pm, Monday - Friday.

Naomi Siodmok,
Director of Planning & Community Development



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Naomi Siodmok

RE: **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 162)**

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 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.

REASON: 1) To support the rehabilitation of blighted properties.
 2) Support housing that is affordable by design.
 3) Create housing opportunities for diverse residents with different price points and needs.
 4) Make ownership more affordable and make building equity accessible.
 5) For renters, make the community associated with a single-family neighborhood more attainable.

RECOMMENDATION: Approval of the ordinance to amend and re-adopt Article 24 Nonconforming Uses and Article 25 Supplementary Height, Area and Bulk Regulations.

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.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Property taxes from rehabilitated properties, taxes from new business establishments.

CITY COUNCIL HEARING DATE: 1/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission, Architectural Review Board

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

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



City of Petersburg

Department of Planning and Community Development

135 N Union St, Room 304

Petersburg, VA 23803

(804) 733-2308

MEMORANDUM

DATE: January 16, 2024

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

January 16, 2024



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.

- 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.~~

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.

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- (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 of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

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 202)

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. 21 W. Washington Photos



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



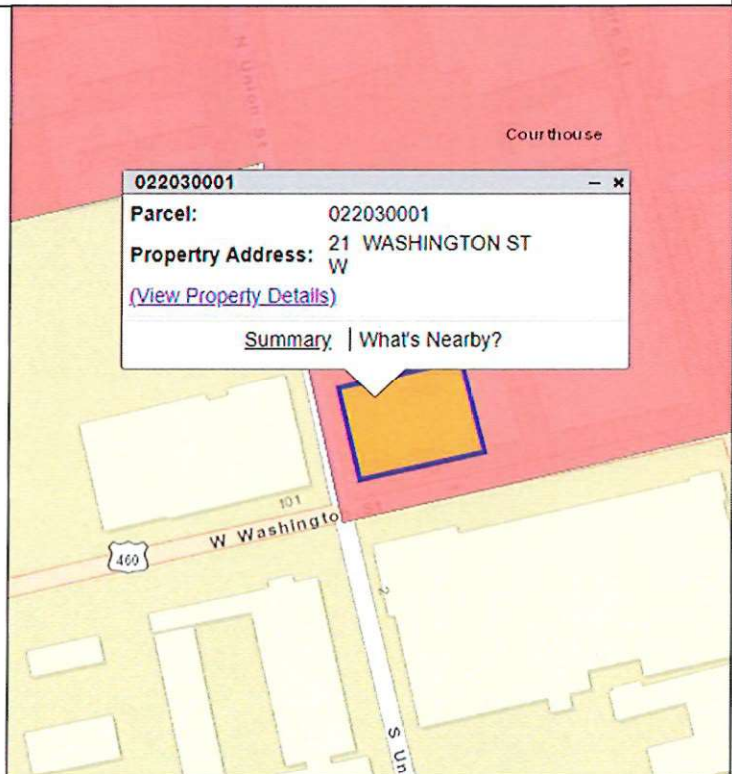
Project Description: Replace metal roof with TPO.

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: Buzzabuzz252@AOL.com
Address: P.O. Box 67, Sutherland, VA 23885 Phone: 804-216-0903

Firm/Contractor to Perform Work: S.W. MacLin E-Mail: Buzzabuzz252@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.



View from 151 W. Washington



View from Market Street



View from Union Street Alley



View from intersection of Union St. and Washington St.



View from Washington St. Alley



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Anthony Williams

RE: **Consideration of amendments to the City of Petersburg Rules of Council. (Page 220)**

PURPOSE: Make amendments/changes to current Rules of Council.

REASON: Make amendments and updated changes to the Rules of Council.

RECOMMENDATION: To approve the attached resolution amending and readopting the Rules of Council.

BACKGROUND: Summary of recommended changes:

1. Page 2 - Rule I, Sec 9 – Currently, closed session must start at 4:00 p.m. – this revision allows for an earlier closed session start time if requested by the Presiding Officer.
2. Page 3 - Rule 1, Sec. 12 – allows the Presiding Officer to cancel a meeting – the rules only allow it by the majority of Council, but the practice has been that the Presiding Officer calls to cancel under extenuating circumstances.
3. Page 3 - Rule 11, Sec. 4 – Note – this requires recording/minutes for ALL meetings unless excluded (see recommended revisions in #7 below).
4. Page 4 - Rule III – Does not make sense “if objection thereto be made by 4 Council Members” – recommend strike this language.
5. Page 5 - Rule III, Sec 4 – Clarifies that back and forth with a speaker can only be permitted as authorized by the Chairperson during public hearing/public comment/public information.
6. Page 5 - Rule V – Moves CM report after Consent Agenda – appears identical to what the Clerk was attempting to address when she provided the editable version of the Rules.
7. Page 7 – Rule V (G) – resolve #3 expressly stating no minutes in Closed Session unless requested by the majority – also removes ambiguity about having the Clerk “present for Closed Sessions” being construed as “in” Closed Session, since this is not current practice.
8. Page 8 – Rule V – Section 4 – Clarifies no discourse (#5 above) also applies to the public information Period.
9. Page 14 – Rule VII – already addresses the concerns you mentioned. Requests for services or information must go through the City Manager.
10. Page 21 Rule X – incorporates a Remote Participation Policy for Council Members

11. Page 10 - Rule V - Section 2 - adds subsection "H" regarding confidentiality of closed session discussion and materials.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. resolution

**A RESOLUTION ~~AMENDING TO AMEND AND RE-ADOPT~~
THE RULES OF COUNCIL ~~AND ADDING CONFLICT OF~~
~~INTEREST.~~**

RULE I. – MEETINGS

Section 1. Regular Meetings. Except as set forth in Section 8 of Rule I, Council shall hold regular meetings on the first and third Tuesdays of each month. Regular meetings shall be comprised of Council "Work Sessions" and Council "Business Meetings." Work Sessions shall be held for the purpose of allowing council to receive information on proposals and other items of city business. No formal action of council shall occur at a Work Session. Work Sessions will be held on the first Tuesday of each month at a time and location properly noticed by the Clerk of Council in accordance with the rules. Business Meetings shall be held on the third Tuesday of each month at a time and location properly noticed by the Clerk of Council in accordance with these rules.

"Formal Action of Council" shall mean the adoption by council of any resolution or ordinance, or the approval of any motion other than procedural motions for the purpose of conducting the meeting. Formal action of council shall not include first readings, schedule public hearings, directions to appointees to have items researched directly or by their staff, direction to prepare future agenda items, and other such requests or direction to Council-appointed personnel.

Section 2. Special Meetings. Special meetings of Council shall be held when called by the mayor or requested by two or more Council Members. The call or request shall be made to the Clerk and shall specify the matters to be considered at the special meeting. Upon receipt of such call or request the Clerk, after consultation with the mayor, shall immediately notify each Council Member and the City Attorney in writing. Such notice shall specify the matters to be considered at the special meeting. Only matters specified in the notice shall be considered at such meeting unless all Council Members are present. The notice may be waived if all Council Members attend the special meeting or sign a waiver.

Section 3. Organizational Meeting. In January of every year, Council will hold an organizational meeting prior to the first regularly scheduled public meeting. The purpose of the organizational meeting will be to adopt the rules. In odd-numbered years, Council will elect a Mayor and Vice Mayor. At least three days prior to the Organizational Meeting, Members of Council and/or City staff shall provide draft copies of any proposed changes to these Rules to all Members of Council, the City Manager, the City Attorney, and the Clerk of Council, which draft changes shall be made available to the public upon receipt by the Clerk in conjunction with the council agenda for the Organizational Meeting. Any changes not submitted in accordance with this Section shall not be considered by council.

Section 4. Quorum. A majority of Council shall constitute a quorum for the transaction of business, unless otherwise required by law or ordinance.

Section 5. Adjournment. If a quorum of Council fails to attend any meeting, whether regular or special, the presiding officer may adjourn the meeting to some later date and notice of such adjournment shall be given to each Council Member by the Clerk. The Clerk shall enter such adjournment on the journal.

Section 6. Presiding Officer. All meetings of Council shall be presided over by the Mayor, or, in the Mayor's absence, by the Vice Mayor, or, in the absence of both, by some other Council Member to be designated by Council and entered of record on the journal. As used in these Rules of Council, the term "presiding officer" refers to the Mayor, or in the Mayor's absence, the Vice Mayor, or, in the absence of both, the Council Member designated by Council and entered of record on the journal.

Section 7. Length of Meetings. No meeting shall extend after the hour of 10:00 p.m. unless Council by an affirmative vote of the majority of Council Members present extends the length of the meeting. The Council Member so moving to extend the length of the meeting shall include in his or her motion the matters appearing on the docket for that meeting to be considered after the hour of 10:00 p.m.

Section 8. Meeting Schedule. No regular meetings of Council will be held during the month of August of each year. Also, there shall be only one regular meeting in the month of December, and it shall be held on the second Tuesday of that month, unless otherwise scheduled by Council. If a regularly scheduled meeting shall fall on a holiday or the day of a general election, this meeting shall be held, instead, on the next Tuesday.

Section 9. Start Time of Meetings. All meetings of Council shall be beginning at 4:00 p.m. with a closed session (or earlier if requested by the Presiding Officer) with the regular meeting beginning at 5:00 p.m., unless a majority of Council Members vote to schedule it at a different time or unless a majority of Council Members inform the Clerk otherwise in writing. Required legal notice shall be given of such change.

Section 10. Place of Meetings. All meetings of Council shall be held in the Union Train Station or Petersburg Public Library unless a majority of Council Members vote to schedule it elsewhere or unless a majority of Council Members inform the Clerk otherwise in writing. Required legal notice shall be given of each change.

Section 11. Virginia Freedom of Information Act. Council whole-heartily concurs with the General Assembly of Virginia that the affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is the beneficiary of all action taken by its own government. Therefore, Council shall conduct its business in a way that promotes increased awareness, by all citizens, of Council's activities and affords every opportunity for citizens to witness the operations of Council except as authorized by the Virginia Freedom of Information Act, Virginia Code 2.2-3700 et seq. Accordingly in addition to those notice and meeting requirements established by law, Council shall give no

less than three (3) business days' prior notice of all special and emergency meetings unless a majority of Council Members inform the Clerk otherwise in writing and all such meetings shall take place at the time and place indicated in Sections 9 and 10 of Rule I. Notwithstanding the foregoing, actions taken at meetings, where a quorum is present and in compliance with other minimum requirements of law, shall not be invalidated by any departure from this Section 11 of Rule I.

Section 12. Cancellation or Rescheduling of Meetings. Once the Clerk has notified the public of a meeting of Council, the meeting shall be held as noticed unless a majority of Council Members or Presiding Officer (under extenuating circumstances) asks the Clerk in writing to cancel or re-schedule the meeting.

Section 13. Roundtable Format. The presiding officer may request that any regular or special meetings of Council be conducted in a roundtable format to create an environment that facilitates thorough and productive discussion. Council Members and the Clerk shall assist in adjusting the set-up of the meeting room to create the roundtable format.

RULE ~~11~~II- CLERK AND RECORDS

Section 1. Clerk of Council. Council shall elect a Clerk who shall keep a neat and accurate journal of Council proceedings and shall be the custodian thereof. After the minutes are read and approved, they shall be signed by the presiding officer.

Section 2. Docket. The Clerk shall prepare and present at each sitting of Council a docket of all matters requiring the attention of Council. The docket of all regular meetings shall be provided to all Council Members no later than five (5) days before Council is scheduled to meet.

Section 3. Form of Ordinances. Council shall comply with Virginia Code 15.21426, which states that:

The object of every ordinance, except an ordinance approving a budget and annual appropriation ordinance or an ordinance which codifies ordinances, shall be clearly expressed in its title. All ordinances which repeal or amend existing ordinances shall identify by title the section to be repealed or amended.

Council shall comply with Virginia Code 15.2-1427(B), which states that:

On final vote on any ordinance or resolution, the name of each member of the governing body voting and how he voted shall be recorded... [t]he governing body may adopt an ordinance or resolution by a recorded voice vote unless otherwise provided by law, or any member calls for a roll call vote.

Section 4. Records of Meetings. Except as provided herein, all meetings, whether open or closed, shall be recorded electronically. The electronic recording shall be produced and maintained by the Clerk; provided, that if a recording is not possible, detailed minutes of the

meetings shall be kept by the Clerk. The Clerk shall maintain accurate and up-to-date Council records, including the journal described in Section 1 of Rule II, and shall make such records available to the public. Copies of the records shall be provided to the public or any requester at his or her expense. A copy of the minutes shall be made available to the public or requester no more than seven (7) business days after the meeting. A copy of the full record, including any recording or transcript, shall be made available no later than seven (7) business days after the meeting. This Section 4 of Rule II shall not apply to administrative meetings, breakfast meetings, open discussions, or other gathering of Council when no official action is expected to take place; provided, that no official action may be taken at such meetings.

Section 5. Notice of Ceremonial Proclamations. Each ceremonial proclamation shall be circulated and filed by 12:00 p.m. on the business day before the meeting at which it is to be considered.

RULE ~~II~~III. - ORDINANCES AND AMENDMENTS

Section 1. Introduction of Ordinances. Every ordinance shall be read by its title when presented. No ordinance shall be amended, suspended, or repealed except by ordinance regularly introduced and passed, nor shall any section of any ordinance be amended unless the whole section shall be reordained. No ordinance shall be considered at the meeting at which it is introduced ~~if objection thereto be made by four (4) Council Members.~~

Section 2. Recording Ordinances. All enacted and adopted ordinances and resolutions shall be recorded in a book to be kept for that purpose and shall be attested by the Clerk as having been enacted or adopted by Council. They shall then be signed by the Mayor.

Section 3. Approval Requirements for Certain Ordinances and Resolutions. No ordinance or resolution appropriating money exceeding the sum of One Hundred Dollars (\$100.00), imposing taxes, or authorizing the borrowing of money, shall be passed except by a recorded affirmative vote of a majority of Council Members. No ordinance appropriating money exceeding the sum of One Thousand Dollars (\$ 1,000), imposing taxes, or authorizing the borrowing of money shall pass on the date of its introduction. The vote on such ordinance or resolution shall be taken by "ayes" and "nays" and shall be entered on the journal, and the affirmative vote of a majority of Council Members shall be necessary for its passage. No ordinance or resolution amending or changing the rate of license fees or taxes imposed by the City of Petersburg shall pass on the day of its introduction.

Section 4. Public Hearing. The presiding officer shall provide an opportunity for the public to be heard on each ordinance or resolution considered by Council. Where specific procedures for public hearing are established by law, such procedures shall be followed. In all other instances, public comment will be heard after a motion for adoption of the ordinance or resolution has been accepted by the presiding officer and prior to discussion by Council. Once the floor has been given to a speaker for a public hearing or public comment, no Member of Council, member of the City's Administration, or person other than the Presiding Officer shall interrupt or engage in discourse or discussion with the speaker unless

specifically authorized to do so by the Presiding Officer. Once Council has started discussing the motion, no further input from the public will be accepted.

RULE IV. – RECONSIDERATION

No question decided by Council shall be again brought forward at any subsequent meeting during the period of thirty (30) days thence ensuing, unless there is a motion to reconsider it before Council adjourns. No such motion to reconsider shall be entertained unless it is made by a Council Member voting with the prevailing side at that meeting.

RULE V - ORDER OF BUSINESS

Section Ia. Order of Business. Unless otherwise provided in accordance with Section 4 of Rule VI, at every regular meeting of Council, the order of business shall be as follows:

1. Roll Call
2. Prayer
3. Pledge of Allegiance
4. Determination of the Presence of a Quorum
5. Proclamations / Recognitions / Presentation of Ceremonial Proclamations
6. Responses to Previous Public Information Posted
7. Approval of Consent Agenda (to include minutes of previous meeting)
- 7.8. City Manager's Report and Special Reports
- 8.9. Official Public Hearings
- 9.10. Public Information Period
- 10.11. Business or Reports from Mayor or Council Members
- 11.12. Items Removed from Consent Agenda
- 12.13. Unfinished Business
- 13.14. New Business
14. City Manager's Agenda
15. Business or Reports from the Clerk
16. Business or Reports from the City Attorney
17. Adjournment

Section 1b. Order of Work Session. Unless otherwise provided in accordance with Section 4 of Rule VI, at every work session of Council, the order of business shall be as follows:

1. Roll Call
2. Prayer
3. Pledge of Allegiance
4. Determination of the Presence of a Quorum
5. Public Comments
6. Approval of Consent Agenda (to include minutes of previous meeting)
7. Special Reports

8. Monthly Reports
9. Finance and Budget Report
10. Capital Projects Update
11. Utilities
12. Streets
13. Facilities
14. Economic Development
15. City Manager's Agenda
16. Business or Reports from the Clerk
17. Business or Reports from the City Attorney
18. Adjournment

Section 2. Closed Meetings.

- A. Council may hold closed meetings only for the purposes set forth in Virginia Code § 2.2-3711. No closed meeting shall be held unless Council has taken an affirmative recorded vote in an open meeting approving a motion that (i) identifies the subject matter, (ii) states the purpose of the meeting and (iii) makes specific reference to the applicable exemption from open meeting requirements provided in Virginia Code 2.2-3707 or Virginia Code 2.2-3711(A). The matters contained in such motion shall be set forth in detail in the minutes of the open meeting. A general reference to the provisions of the Virginia Freedom of Information Act, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting.
- B. Council shall restrict its discussion during the closed meeting only to those matters specifically exempted from the provisions of the Virginia Freedom of Information Act and identified in the motion required by Virginia Code 2.2-3711 (A).
- C. At the conclusion of any closed meeting, Council shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of Council, certifying that to the best of each Council Member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by Council. Any Council Member who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his or her judgment, has taken place. The statement shall be recorded in the minutes of Council. Failure of the certification required above to receive the affirmative vote of a majority of Council Members present during a meeting shall not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with the provisions of the Virginia Freedom of Information Act. The recorded vote and any statement made in connection therewith, shall upon proper authentication,

constitute evidence in any proceeding brought to enforce the provisions of the Virginia Freedom of Information Act.

- D. Council may permit non-members to attend a closed meeting if such persons are deemed necessary or if their presence will reasonably aid Council in its consideration of a topic that is a subject of the meeting.
- E. To the extent legally permissible, a Council Member shall be permitted to attend and observe a closed meeting held by any Council Appointed Board or Commission in accordance with §2.2-3712(G) of the Code of Virginia.
- F. Except as specifically authorized by law, in no event may Council take action on matters discussed in any closed meeting, except at an open meeting for which notice was given as required by Virginia Code 2.2-3707.

~~G. The Clerk shall attend all closed meetings of Council. No minutes may shall be taken during closed meetings of Council but shall not be required unless requested by a majority of Members present.~~ Such minutes shall not be subject to mandatory public disclosure.

~~G.H. All matters discussed in Closed Session shall be considered "confidential." No Member shall discuss the details of any matter discussed in Closed Session with persons who were not present during the Closed Session without the consent of a majority of the Members of Council. The failure to adhere to this provision may be considered "disorderly behavior" for the purposes of 15.2-1400 of the Code of Virginia.~~

Section 3. Consent Agenda. The Clerk, with the approval of the presiding officer, is authorized to prepare a consent agenda for routine, non-controversial matters. The purpose of the consent agenda is to provide a method for the expeditious handling of items which, in the opinion of the Clerk and the presiding officer, will not require discussion and will be approved unanimously by Council. Prior to the consideration of a motion to approve the consent agenda, the presiding officer shall ask if any Council Member would like to have an item removed from the consent agenda for discussion, for further information, or to have a separate vote on that item. There may be a short discussion of consent agenda items to answer any questions or clarify a matter. There shall be no lengthy debate or discussion of a consent agenda item. Matters shall be removed from the consent agenda and placed on the regular docket for debate at the request of any Council Member, with the approval of the patron, or the presiding officer. In the discretion of the presiding officer, any item on the docket may be called out of the order as listed thereon. The consent agenda shall be introduced by a motion to approve and shall be considered by Council as a single item. The consent agenda shall include, by way of illustration but not limitation, the following:

- A. Approval of minutes.
- B. Routine ordinances or resolutions.

- C. Final/second readings of appropriations, ordinances or resolutions which received unanimous approval upon introduction at a previous meeting; and
- D. Any item believed by the Clerk to be routine and non-controversial in nature.

Section 4. Public Information Period. A public information period, limited in time to thirty (30) minutes, shall be part of the Order of Business at each regular meeting of Council. Each speaker shall be a resident or business owner of the City of Petersburg and shall be limited to three (3) 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 their notice, persons who have notified the Clerk no later than 12:00 p.m. on the day of the meeting, and
- 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.

The sign-up sheet will be retrieved by the Clerk two (2) minutes prior to the commencement of the meeting. Only those persons who have notified the Clerk prior to the meeting in accordance with (A) above, or whose names appear on the sign-up sheet in accordance with (B) above, will be eligible to speak. In the event that more than ten (10) people so qualify to speak, Council, by majority vote, may increase the 30-minute period or decrease the three (3) minutes otherwise allotted to each person to speak. Any matter brought before the attention of Council during a public information period shall not be acted upon by Council at that meeting. Once the floor has been given to a speaker during the Public Information Period, no Member of Council, member of the City's Administration, or person other than the Presiding Officer shall interrupt or engage in discourse or discussion with the speaker unless specifically authorized to do so by the Presiding Officer.

Section 5. Business and Reports from Council Members. Each Council Member shall have five (5) minutes to present to Council a business update and report from his or her ward. Information provided during these reports shall be limited to events occurring in the respective member's ward/city and shall not include the proposal and presentation of any new action items by members of council.

Section 6. Decorum of Council Members. Council Members shall refrain from private discourse or other acts tending to distract the attention of Council from the business before it. In debate, a Council Member shall confine remarks to the pending question and avoid use of personalities. It is not the person but the measure that is the subject of debate, and it is not allowable to question or impugn the motives of a Council Member, but the nature or consequences of a measure may be condemned in strong terms.

Section 7. Decorum of Members of the Public. Persons appearing before Council will not be allowed to:

- A. Campaign for public office;
- B. Promote private business ventures;

- C. Use profanity or loud, vulgar, threatening or abusive language or gestures;
- D. Use language which insults or demeans any person or which, when directed at a public official or employee is not related to his or her official duties; however, citizens have the right to comment on the performance, conduct and qualifications of public figures;
- E. Commit any act or disruptive behavior tending to impede or distract the attention of Council from the business before it, including interrupting other speakers, applauding, cheering or jeering;
- F. Make non-germane or frivolous statements; or
- G. Address Council on issues that do not concern the services, policies, or affairs of the City of Petersburg.

The presiding officer shall preserve order and decorum at Council meetings. If the presiding officer determines that the removal of a person other than a Council Member is necessary to maintain order, after warning the person, the presiding officer may order the removal of the person. Unless permitted by the presiding officer, no person may enter the area designated as the dais of the Chamber during an official meeting of Council. No person, except a Council Member or staff, shall be allowed in the anterooms of the Chamber during the course of any hearing or other proceeding of Council, except upon invitation of the presiding officer.

No attention-seeking devices of any kind or nature shall be carried or placed within Council hearing or meeting rooms, with the following exceptions:

1. Articles of clothing and items attached thereto (such as buttons).
2. Signs, placards, posters, and the like, provided that they are not attached to sticks.

No demonstrations are permitted in any area in which a Council proceeding, or a public hearing is being conducted. This prohibition shall not apply to armbands, emblems, badges, or other articles worn on the personal clothing of individuals; provided, that such armbands, badges, or emblems are of such a size and nature as not to interfere with the vision or hearing of other persons at a meeting and do not extend from the body as may cause injury to another. Any person who violates the provisions of this section or who willfully interrupts or disturbs Council proceedings, after a warning to desist, may be removed from the premises. Models, photographs, maps, charts, drawings, and other such demonstrative materials intended for use in a presentation by a specific person in testimony before Council shall be permitted without objection.

RULE VI - ORDER OF BUSINESS

Section 1. Robert's Rules of Order. The rules of parliamentary procedure set forth in the current edition of Robert's Rules of Order shall govern the conduct of meetings of Council, except where otherwise specified by these Rules of Council or otherwise mandated. The City Attorney shall serve as the parliamentarian for the purpose of advising Council when an interpretation on parliamentary procedures is required.

Section 2. Priority in Speaking. When two or more Council Members wish to speak at the same time, the presiding officer shall name the one to speak.

Section 3. Comments and Queries. Council Members are to observe the following rules during the discussion of agenda items:

- A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.
- B. Council Members may address questions to the City Manager or staff present at the meeting in accordance with the procedures and time limits set forth in Section 5 of Rule VI. Staff members should be at a microphone when answering Council Members' questions. All legal questions should be addressed to the City Attorney.

Section 4. Action by Council: Proceeding Out of Order. Items of business will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded. The presiding officer, without objection, or upon the vote of a majority of the Council Members present and voting, may proceed on any item of business out of order.

Section 5. Rules of Discussion and Debate.

- A. **Obtaining the Floor.** A Council Member who wishes to speak, give notice, make a motion, submit a report, or obtain the floor for any other purpose, shall address, and be recognized by the presiding officer before addressing Council.
- B. **Time Limits.** No Council Member may be recognized more than once to debate or make a motion relating to a pending matter until all Council Members who wish to speak have been recognized, A Council Member may speak no more than three (3) minutes during the first round of debate on a pending matter, and no more than two (2) minutes during a subsequent round. A Council Member may yield all or part of his or her time provided by this section to another Council Member. The presiding officer may in his or her discretion modify time limitations with respect to specific matters scheduled for debate.
- C. **Personal Privilege.** Any Council Member, as a matter of personal privilege, may speak no more than ten (10) minutes under new business concerning a matter outside of a meeting that may affect Council collectively, its rights, its dignity, or the integrity of its proceedings, or the rights, reputation, or conduct of its Council Members in their representative capacities only.
- D. **Point of Order.** A point of order is made when a Council Member raises the question to the presiding officer, and seeks a determination by the presiding officer, as to whether there has been a breach of order or Rule. A point of order is not debatable unless the presiding officer permits debate. If the presiding officer permits debate on a point of order, the presiding officer may limit debate.

- E. Appeal. An appeal may be taken from any decision of the presiding officer. A Council Member shall state the basis for appealing a decision, to which the presiding officer may respond. An appeal from a decision of the presiding officer must be made promptly and before other business has intervened. A majority or tie vote of the Council Members present and voting on the question (whether the decision of the presiding officer shall be sustained) sustains the decision. An appeal is not debatable; provided, that the presiding officer may explain the basis for the presiding officer's decision.
- F. Parliamentary Inquiry. A parliamentary inquiry is made when a Council Member raises a question to the presiding officer seeking information about the procedure or business before Council. The presiding officer shall direct the question to the City Attorney. A parliamentary inquiry is not debatable or appealable.
- G. Recognition of Non-Members. The presiding officer may recognize a person who is not a Council Member if the participation of the person would, in the judgment of the presiding officer, enhance the understanding of the matter under consideration by Council. Such person shall be permitted to speak no more than three (3) minutes during the debate on the matter under consideration.
- H. Ceremonial Proclamations. A ceremonial proclamation that has been adopted by Council may be presented during a meeting by the Council Member who introduced the resolution, or another Council Member designated by the Council Member who introduced the resolution. Without objection, adopted ceremonial proclamations scheduled for presentation at a meeting may be presented at a regular meeting of Council scheduled for the same day. During a Council period, no Council Member may present more than eight (8) ceremonial proclamations, except that a Council Member may yield his or her right to present a ceremonial proclamation under this section to another Council Member. No Council Member may speak for more than two (2) minutes on each ceremonial proclamation. No recipient of a ceremonial proclamation may present a display or performance during a meeting. No more than one recipient for each ceremonial proclamation shall be permitted to speak during a meeting.

Section 6. Motions.

- A. Motions Allowed During Debate. When a question is under debate, the presiding officer may entertain only the following motions, which shall take precedence in the order listed:
 - 1. To adjourn.
 - 2. To recess.
 - 3. To reconsider.
 - 4. To lay on the table.
 - 5. To move the previous question.
 - 6. To close debate.
 - 7. To postpone to a day certain.
 - 8. To amend or substitute.

9. To postpone indefinitely.

- B. Withdrawal or Modification of Motions. Any motion may be withdrawn or modified by the mover at any time before it has been amended or voted on.
- C. Adjourn. The presiding officer shall adjourn a meeting when there is no more business before Council. A Council Member may move to adjourn at any time, A motion to adjourn is not debatable, but the presiding officer may inform the Council Members of any unfinished business requiring attention of Council.
- D. Recess. The presiding officer may, without a vote, recess a meeting of Council to another time, day, or place. A Council Member may move to recess a meeting. A Council Member may move to amend a pending motion to recess to set a different length of the recess. If a motion to recess does not specify the time, day, or place at which the meeting will reconvene, the presiding officer may set a time, day, or place. Neither a motion to recess nor a motion to amend a pending motion to recess is debatable. A Council Member may move to recess a hearing or roundtable and reconvene the hearing or roundtable at a future time, day, or place. A recess may be taken under this section without a vote. If Council recesses a hearing or roundtable without specifying the future time, day, or place for the hearing or roundtable, the presiding officer must circulate notice of the new time, day, or place.
- E. Reconsider.
 - 1. A Council Member recorded as having voted with the prevailing side on a question may move to reconsider the question at any time, except as limited by this section.
 - 2. An act may be reconsidered before it has been approved, deemed approved, or vetoed by the presiding officer. A resolution may be reconsidered at any time before its implementation. A motion to reconsider a question considered at a different meeting shall not be in order unless the motion to reconsider has been properly noticed.
 - 3. For the purpose of this rule, a Council Member who was present and voting on a question decided by a voice vote will be considered as having voted with the prevailing side on the question, unless the Council Member had asked to be recorded as voting against the prevailing side or recorded as "Present".
 - 4. A motion to reconsider cannot be made by a Council Member who was absent during a voice or roll-call vote on a question.
 - 5. A motion to reconsider requires the approval of a majority of the Council Members present and voting.
 - 6. If the question to which a motion to reconsider applies is debatable, the motion to reconsider is debatable and the debate may go to the question.

If the question to which a motion to reconsider applies is not debatable, the motion to reconsider is not debatable.

7. If a motion to reconsider fails, the motion cannot be repeated.
8. A motion to reconsider is not required to consider amendments accepted or rejected on a previous reading of a measure.
9. Votes to approve or amend these Rules of Council may not be reconsidered pursuant to this section.

F. Lay on the Table and to Postpone.

1. A Council Member may make an unqualified motion to lay a question on the table, which is not debatable and, if adopted by a majority of Council Members present and voting, shall immediately end debate on the question. If an amendment to a measure is pending before Council, a Council Member may make a motion to lay the amendment on the table, which is not debatable and, if adopted by a majority of Council Members present and voting, shall immediately end debate on the amendment.
2. A Council Member may move to postpone a question to a time certain, which shall be adopted by a majority of Council Members present and voting. A motion to postpone to a time certain is debatable, though it is not in order to debate the merits of the underlying question.
3. A Council Member may move to postpone indefinitely any question pending before Council. A motion to postpone indefinitely is debatable, and it is in order to debate the merits of the underlying question. Upon adoption of a motion to postpone indefinitely, the question may not be reconsidered unless two-thirds (2/3) of Council Members present, and voting agree to reconsider the question.
4. Both a motion to table and a motion to postpone may be applied to main motions only.

G. Motions to Limit Debate.

1. Debate may be limited by a motion to close debate or a motion to move the previous question. Neither a motion to close debate nor a motion to move the previous question is debatable.
2. A Council Member may move to close debate, which shall require approval of two thirds (2/3) of the Council Members present and voting. If a motion to close debate carries, no further debate is in order, except that: (i) each Council Member who has not spoken on the pending question may speak for no more than two (2) minutes;

- and (ii) the presiding officer may recognize the maker of the pending motion.
3. A Council Member may make a motion to move the previous question, which shall require approval of two-thirds (2/3) of the Council Members present and voting. If a motion to move the previous question carries, no further debate is in order on the pending question, and no further amendments to the main motion are in order absent a motion to reconsider the motion to move the previous question.

Section 7. Investigative Powers. As provided by Virginia Code 15.2-1409, Council may make such investigations relating to its government affairs as it deems necessary, may employ financial, legal, and other personnel it deems necessary to assist in such investigations, may order the attendance of witnesses and the production of books and papers and may administer oaths. Council may apply to the Circuit Court of the City of Petersburg for a subpoena or subpoena duces tecum against any person refusing to appear and testify or refusing to produce books, papers or records as ordered Council and the judge of such court shall, upon good cause shown, cause the subpoenas to be issued. Any person failing to comply with any such subpoena shall be subject to punishment for contempt by the court issuing the subpoena.

RULE VII - -COUNCIL – STAFF INTERACTION AND REQUEST FOR INFORMATION SERVICES, AND/OR WORK – DEFINING RESEARCH AND WORK

Discussion of matters of City Business by a member of Council with any member of the City's Administration shall be made through the City Manager or City Manager's designee. All requests for legal services and/or work (including legal research) from a Member of Council

shall be made directly to the City Attorney. Upon determination by the City Manager or City Attorney at their discretion that such request for information, services (including legal services), and/or work will consume a substantial amount of time or resources, or upon the determination of the City Manager or City Attorney, at their discretion that such request for information, services (including legal services), and/or work may be of interest to other Members of Council in their official capacity, the City Manager or City Attorney may share the request and other associated information with all of Council, and may request confirmation by Council of its desire for completion before proceeding or completion with the gathering of such information, the provision of such services and/or work.

RULE VIII – CHANGES AND SUSPENSION OF RULES

No Rule of Council shall be suspended or changed except upon the affirmative vote of a majority of Council Members, or as regulated by the City Charter or other controlling law.

RULE IX – CONFLICT OF INTERESTS

City Council holds the public trust and public interest in the highest regard. To that end, each Member of Petersburg City Council shall comply in all respects with the State and Local Government Conflict of Interests Act, found in Code of Virginia, Title 2.2, Chapter 31, §§2.2-3100 *et. seq.* (hereinafter “the Conflict of Interests Act” or “the Act”) which is hereby adopted *mutatis mutandis* as if set forth fully herein. These Rules of Council shall supplement and not supplant any of the provisions of the Act. In any instance where these Rules conflict with any provision of the Act, the provisions of the Act shall supersede.

The act divides conflicts into three broad sections – “Illegal Conduct and Undue Influence”; “Prohibited Acts”; and “Prohibited Contracts.” Prohibited Acts pertain primarily to formal actions being taken by the governing body, while Prohibited Contracts pertain to actual agreements between the individual Member (or their immediate family member) and the governing body upon which he or she serves.

SECITON 1 - ILLEGAL CONDUCT AND UNDUE INFLUENCE

A. Soliciting or Accepting Bribes – Members of Council are prohibited from accepting or soliciting bribes and from allowing money to influence their formal actions in their official capacity as a public official.

B. Accepting Gifts and Donations – Members of Council may not accept money, loans, gifts, services, business opportunities, or other benefits if it is reasonable to construe that the benefit was given to influence the council member in his or her duties. An exception is made for political campaign contributions – but only if the contribution is used for a political campaign or constituent service purposes and is reported pursuant to the campaign disclosure laws.

Council Members are prohibited from receiving gifts or benefits if he or she knows or reasonably should know that it is being offered to influence him or her in their official duties.

Council Members are prohibited from accepting a gift from a private party whose interests can be affected by the council member’s actions, where the timing of the gift would lead a reasonable person to question whether the gift is being given to influence the council member.

Council Members may not solicit, accept or receive a tangible gift that is valued at over \$100 or a combination of gifts within a year with an aggregate value of over \$100 if it is given to him by (1) a lobbyist, (2) a lobbyist’s principal, or (3) a person, organization, or business that is seeking to be or already is a party to a contract with the City.

C. Use of Confidential or Non-Public Information - Council Members may not use information gained in or by virtue of their official capacity as Members of Council, which is not available to the public, for their own or another person's economic benefit.

SECTION 2 – PROHIBITED ACTS – Discussion, Deliberation and Voting

A. Definitions:

Personal Interest in a transaction. A personal interest exists when an officer or employee or immediate family member has a personal interest in property, or a business and such property or business is:

1. The subject of the transaction.
2. May realize a reasonable foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

A personal interest in a transaction does not exist when:

1. An elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit and the member and his immediate family has no personal interest in the entity.
2. An officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency and the personal interest in the transaction is the result of benefits provided to the member or his immediate family.

Transaction. In the context of a city or town council, a transaction is defined as any matter considered by the council, a council committee or subcommittee, or any department, agency, or board of the locality, if any official action is taken or is being contemplated. §2.2-3101.

B. Application:

The Virginia Conflict of Interests Act regulates the financial relationship of council members and mayors with their city, town and with any other governmental agency that is related to the local government. The Act focuses on preventing situations where public officials and their immediate family members stand to improperly receive financial benefits from acts taken through or by virtue of their official public capacity.

Members are required to comply with all aspects of the Virginia Conflict of Interests Act in instances of a conflict of interest.

C. Prohibition:

Except as expressly excluded herein or by statute, where a matter comes before Council or a council committee or involves any department of the locality, Council appointed board or commission, and a council member has a personal interest in the subject matter or represents the business involved, the council member must:

1. Disclose the personal interest by identifying the interest, including the name and address of the business or property. This disclosure is required whether or not the law requires disqualification of the Council Member, or the council member disqualifies himself out of an abundance of caution. This disclosure may be:

i. Delivered to the Clerk by a signed writing containing the elements above in advance of the matter being presented in the public meeting; or
ii. Recorded in the minutes of the public meeting where the matter is being presented. iii. The disclosure must be kept for a minimum of five years in the records of Council.

2. Except as otherwise provided herein, the Council Member may not vote or participate in any discussion on the transaction.

3. The member may not attend the portion of a closed meeting at which the transaction is discussed.

4. The member may not discuss the matter with anyone in the government who is involved in the transaction.

D. Exceptions:

1. A personal interest in a transaction does not exist if the council member serves on a not for-profit board without pay and neither the council member nor his immediate family has a personal interest in the not-for-profit organization. (Definition of personal interest in §2.2-3101.)

2. No conflict exists if an employee or council member of a locality is appointed by his locality to an ex-officio role in a governmental agency and the conflict exists solely due to the employment with the locality or the employment by the locality is of his or her spouse. See the definition of “personal interest in a transaction” in § 2.2-3101.

3. In order for a council to sell or lease land, state law requires a three-fourths vote of all people elected to council. § 15.2-2100. Section 2.2-3112(D) of the COI act allows a council member to participate in a discussion and vote on a proposed sale, lease, or similar conveyance of land if the council member’s only personal interest in that sale is that he or she is employed by the business that is subject to the contract for the deal.

E. Savings Clause - Where the disqualification of a member results in the lack of a quorum, Council may act by a vote of the majority of the members who are not

disqualified. Even if the law requires a unanimous vote, it only has to be by a unanimous vote of the remaining members.

F. Disclosures –

These requirements are in addition to Annual Statement of Economic Interests required by 2.23115 of the Code of Virginia.

If a transaction affects a group, business, or profession as set forth in § 2.2-3112(B)(1), the council member may participate if he or she certifies in good faith that he or she can represent the public fairly in the transaction. The certification requires the following elements to be identified - § 2.2-3115(H):

- The transaction;
- The nature of the personal interest;
- The fact that the council member is a member of a business, profession, occupation, or group that will be affected by the transaction;
- A statement that the council member is able to participate fairly, objectively, and in the public interest.

If the transaction affects a party that the council member's firm represents but the council member is not involved on behalf of the firm, the disclosure requires the following elements to be identified. § 2.2-3115(I):

- The transaction involved;
- The fact that a party to the transaction is a client of the council member's firm;
- A statement that the council member does not personally represent the client;
- A statement that the council member is able to participate fairly, objectively, and in the public interest.

If either of the disclosures is required, the council member must either state it at the meeting or file it in writing with the clerk of the council or the manager. A written disclosure should be filed before the meeting or, if that is impracticable, by the end of the following business day. § 2.23115(H), (I). In both cases, the disclosure is public. It is recommended that the Member make the disclosure at the meeting, orally, when the transaction is on the floor. It is also recommended that the person sit in the audience for the discussion and vote. This conveys a clearer message of self-disqualification than

simply handing the clerk a written statement. If the disqualification is handed in with no announcement, the public will wonder why the council member is not participating.

SECTION 3 – PROHIBITED CONTRACTS

A. Definitions:

- a. “*personal interest*” - a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of
 - i. ownership in a business if the ownership interest exceeds three percent of the total equity of the business;
 - ii. annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;
 - iii. salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually;
 - iv. ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property;
 - v. personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or
 - vi. an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

- b. “*immediate family*” - "means(i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee." Virginia Code Sec. 2.2-3101 Definitions (Virginia Statutes (2022 Edition))

B. Prohibition - Except as described in subparagraph (C), a Council Member may not participate in a contract with the City or any of its agencies where he or member of his immediate family has a personal interest in the contract as defined herein.

C. Exceptions –

- a. A council member may buy goods or services the City and its agencies as long as they are made available to the public at uniform prices.
- b. A council member may sell goods to the City and its agencies if the following conditions are met, pursuant to § 2.2-3107(B)(3) of the Code of Virginia:
 - i. The purchase must be made by competitive sealed bidding.
 - ii. The contract must be for goods, not services, and the need for the goods must have been established prior to the person’s coming on council.

An example is if the city needs a tractor, if a council member has a tractor dealership, and if the city had bought tractors prior to the council member's election, the dealership could continue to bid on the contract.

c. The council member who wants to sell to the locality must play no role in preparing the specifications for the purchase.

d. The remaining members of council must pass a Resolution in writing that the council member's bidding on the contract is in the public interest. Note: this exception does not apply to providing services, rather only goods. For example, a council member who is an accountant cannot provide auditing services to his or her town or city.

The following eight exceptions to the prohibition on having a personal interest in a contract apply not only to council members, but to all other local government officials and employees as well. § 2.23110(A).

1. A council member may be an employee of the locality as long as the employment predates his appointment or election to council. § 2.2-3107(B)(1). This section of the law also allows employment and service on council if the person was an employee prior to July 1, 1983, whether or not he or she was elected to council after that date.

2. Any sale, lease, or exchange of real property between a council member and his or her locality is allowed as long as the council member doesn't participate in the deal on behalf of council, and the fact that the member wasn't involved is recorded in the public record of the government involved in the transaction. The reason for this exception is that each parcel of real estate is deemed to be unique. If a city needs a certain lot or parcel, the fact that a council member owns it should not prohibit the purchase by the city. § 2.2- 3110(A)(1).

3. The prohibition does not apply to contracts for the publication of official notices, presumably so that the local newspaper may be used for ads required by state law even when a council member is an owner or employee of that paper. This is a balancing of needs: the state code requires many notices to be run in the local paper. Without this exception, those requirements could not be met. § 2.2-3110(A)(2)

4. If the sole personal interest the council member has in the contract is his or her employment by the contracting business and the council member's annual salary exceeds \$5,000, the business may contract with the locality. For this exception to apply, the council member and members of his or her immediate family must have no authority to participate in the deal and must not participate in the deal. Further, the council member must not participate in the deal on behalf of the locality. A typical example is a contract with a large engineering firm that is the council member's employer. § 2.2-3110(A)(4).

5. If the council member is employed by a public service corporation, a bank, a savings and loan association, or a public utility, and if he or she disqualifies himself from

participating on behalf of the city or town and does not participate for his or her locality, then the utility, bank, etc., may contract with the locality. § 2.2-3110(A)(6).

6. The prohibition does not apply to contracts for goods or services below \$500.

7. Program grants made to a council member are allowed if the rates or amounts paid to all qualified applicants are uniform and are established solely by the agency administering the grants. § 2.2-3110(A)(8).

8. If the spouse of a council member is employed by the locality, the personal interest prohibition does not apply if the spouse was employed by the agency five or more years prior to marrying the council member. § 2.2-3110(A)(9). If one spouse is the supervisor of the other spouse, the conflict does not exist if the subordinate spouse earns less than \$35,000 per year. § 2.2-3110(B).

Any questions or concerns regarding requirements or compliance with the Virginia Conflicts of Interest Act may be submitted to the City Attorney as a request for an Informal Opinion or Formal Written Advisory Opinion in accordance with §2.2-3121(c) of the Code of Virginia. Members may also request advisory opinions from the Commonwealth's Attorney or the Virginia Conflict of Interests Advisory Council in accordance with the provisions of the Code of Virginia.

RULE X - REMOTE PARTICIPATION IN COUNCIL MEETINGS (INCLUDING REGULAR, SPECIAL, AND EMERGENCY MEETINGS) AND WORK SESSIONS

A member of Council may participate in a meeting of Council through electronic communications from a remote location that is not open to the public as provided in Code of Virginia § 2.2-3708.3 subject to the following requirements:

(1) On or before the date of a meeting a Council Member wishing to participate from a remote location in a meeting of Council shall notify the Presiding Officer that the Member is unable to attend the meeting due to:

a. a personal matter, identifying with specificity the nature of the personal matter, or

b. notify the Presiding Officer that a temporary or permanent disability or other medical condition that prevents the Member's physical attendance, or a family member's medical condition that requires the Member to provide care for such family member, thereby preventing the Member's physical attendance.

(2) If remote participation is approved, regardless of the reason the Clerk shall record in Council's minutes the remote location from which the absent Member participated, which remote location need not be open to the public. If remote participation is approved by reason of a personal matter, the minutes shall identify the specific nature of the personal matter cited by the Member. If remote participation is by reason of a temporary or permanent disability or medical matter,

Council's minutes shall record that the Member participated through electronic communication means because of a disability or medical condition that prevented his attendance or because a family member's medical condition required the Member to provide care for such family member, thereby preventing the Member's physical attendance. If the absent Member's remote participation is by reason of a personal matter is disapproved because such participation would violate this policy, such disapproval shall be recorded in Council's minutes with specificity.

(3)Remote participation by reason of a personal matter shall be limited in each calendar year to two meetings, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

(4)A quorum of Council must be physically assembled at the primary or central meeting location.

(5)Council shall make arrangements for the voice of the absent Member to be heard by all persons in attendance at the primary or central meeting location.

(6)In the event of a declaration of emergency issued by the Governor in accordance with Code of Virginia section 44-146.7 or by Council in accordance with Code of Virginia section 44-146.21, and for the duration of the emergency, Council may meet without a quorum physically assembled at one location as provided in Code of Virginia section 2.2-3708.2(A)(3), provided that the catastrophic nature of the declared emergency makes it impractical or unsafe to assemble a quorum in a single location, and the purpose of the meeting is to provide for the continuity of City operations or the discharge of the Council's lawful purposes, duties and responsibilities. In such event, Council shall give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with notice provided to members of Council; make arrangements for public access to the meeting through electronic communication means, including videoconferencing if available,; and provide the public with the opportunity to comment at the meeting if the meeting is one at which public comment is customarily received. . The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

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

Clerk of City Council



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Dustin Sloan

RE: Consideration of an ordinance for an SRO Grant Initiative Program in the amount of \$278,561 - 2nd Reading (Page 246)

PURPOSE: To approve sufficient fund allocation for reimbursable grant.

REASON: The Petersburg Bureau of Police was awarded \$278,561 for staffing of SRO positions.

RECOMMENDATION: For the city council to approve the appropriation ordinance.

BACKGROUND: The Petersburg Bureau of Police applied for this grant and was awarded the SRO Incentive Grant Program funding.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

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. Grant Letter
2. Ordinance sro



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

Tracy Louise Winn Banks, Esq.
Chief Deputy Director

Washington Building
1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
www.dcjs.virginia.gov

May 26, 2023

John March" " Altman
City Manager
135 North Union Street
Petersburg, Virginia 23803

RE: 507934-FY24 SRO: SRO Incentive Grant Program

Dear John March" " Altman:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **24-238-B** and was approved for a total award of **\$278,561**, funded through Award Number **2024-FREE-GRANT**. The project period is **7/01/2023** through **06/30/2024**.

Included with this letter is a Statement of Grant Award/Acceptance (SOGA). Please note hard copies of the General Special Conditions, as well as the Reporting Requirements and Projected Due Dates, are now referred to as **Conditions and Requirements** and are posted online at <https://www.dcjs.virginia.gov/grants/grant-requirements>.

In addition to the general Special Conditions, there may be grant specific Special Conditions related to your Grant Award called Encumbrances. If there are any, you are required to adhere to these conditions via the On-line Grants Management System (OGMS) at <https://ogms.dcjs.virginia.gov/>. If you have not previously done so, you must register in order to use this web-based system. The instructions on *Registering for a New Account* and *Submitting Action Item Encumbrances* are posted here <https://www.dcjs.virginia.gov/grants/ogms-training-resources> along with other resources and training videos. All registrants will be approved within 3 – 5 business days.

We will be happy to assist you in any way we can to assure your project's success. To indicate your acceptance of the award and conditions, please sign the included SOGA and return it electronically within the next 60 days to grantsmgmt@dcjs.virginia.gov. If you have questions, contact your DCJS Grant Monitor **Michelle Miles** at Michelle.Miles@dcjs.virginia.gov or via email at **804-225-1846**.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackson H. Miller".

Jackson Miller

STATEMENT OF GRANT AWARD (SOGA)

Virginia Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

507934-FY24 SRO: SRO Incentive Grant Program

Subgrantee: Petersburg
DCJS Grant Number: 24-238-B
Grant Start Date: 07/01/2023
Grant End Date: 06/30/2024

Indirect Cost Rate: _____ % *If applicable

Federal Funds:
State Special Funds: **\$211,428**
Local Match: **\$67,133**

Total Budget: **\$278,561**

Project Director	Project Administrator	Finance Officer
Genevieve Lohr <i>Larry Mann</i> Social Worker 37 East Tabb Street Petersburg, Virginia 23803 804-203-4419 glohr@petersburg-va.org	John March " " Altman City Manager 135 North Union Street Petersburg, Virginia 23803 804-733-2301 maltman@petersburg-va.org	Stacy Jordan <i>Leon G. Jester</i> Chief Financial Officer 144 North Sycamore Street Petersburg, Virginia 23803 804-733-2337 sjordan@petersburg-va.org

***Please indicate your ICR in the space provided, if applicable.** As the duly authorized representative, the undersigned, having received the Statement of Grant Awards (SOGA) and reviewing the Special Conditions, hereby accepts this grant and agree to the conditions and provisions of all other Federal and State laws and rules and regulations that apply to this award.

Signature:

John M. Altman
Authorized Official (Project Administrator)

Title:

City Manager

Date:

11/28/23

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025
FOR THE SRO INCENTIVE GRANT PROGRAM IN THE AMOUNT OF \$278,561.**

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

I. That appropriations for the fiscal year commencing July 1, 2024, in the amount \$278,561, following resources and revenues of the city, for the fiscal year ending June 30, 2025.

Previously adopted Revenue:	\$0.00
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ADD: RE: 507934-FY24 SRO; SRO Incentive Grant Program

Total Revenues	\$278,561
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II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2023, and ending June 30, 2024, the following sums for the purposes mentioned:

Previously adopted	\$0.00
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Expenditures:

ADD: RE: 507934-FY24 SRO; SRO Incentive Grant Program

Total Expenses:	\$278,561
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City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 16, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Nykesha Lucas

RE: **Consideration of appointment/s to the Appomattox River Water Authority (ARWA) Board. (Page 250)**

PURPOSE: To make an appointment to the ARWA Board.

REASON: The terms have expired for the current members and they need to be reappointed to ARWA. The current members are the city manger and the public works director.

RECOMMENDATION: Recommend City Council reappoint Jerry Byerly, Director of Public Works, as the alternate member to the Appomattox River Water Authority Board and reappoint John "March" Altman, Jr as the primary for a term ending December 31, 2028.

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

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

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 1/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Appomattox River Water Authority Board 2023
2. arwa resolution 2024

APPOMATTOX RIVER WATER AUTHORITY BOARD			
Number of Members: 2			
TERM	APPOINTMENT	APPOINTED	NEW APPLICANT
4/19/2022-12/31/2023	John March Altman, Jr., city manager, primary	7/26/2023	
4/19/2022-12/31/2023	Jerry Byerly, Director of Public Works, alternate	7/26/2023	
AUTHORITY:		COMPOSITION:	
Virginia Water & Sewer Authorities Act, Section 15.1-1249 of the Code of Virginia; Concurrent Resolutions of the governing bodies of the Cities of Petersburg and Colonial Heights and the counties of Chesterfield, Dinwiddie, and Prince George setting forth the Articles of Incorporation - Resolution #4692 adopted October 4, 1960. Water Authority began furnishing water on January 1, 1968.		One (1) member and one (1) alternate member from each of the political subdivisions participating in the authority.	
MEETINGS:		TERMS:	
May 15, 2014; June 25, 2014; July 24, 2014; September 25, 2014(1:00pm) , 2:00p.m., Authority Office Lake Chesdin		Four (4) years	
STAFF LIAISON:			
Robert C. Wichser, Executive Director			
Appomattox River Water Authority			
21300 Chesdin Road			
Petersburg, VA 23803			
(804) 590-1145			

**A RESOLUTION REAPPOINTING JOHN M.
“MARCH” ALTMAN, JR., CITY MANAGER, TO
THE APPOMATTOX RIVER WATER AUTHORITY
BOARD AS THE PRIMARY AND APPOINTING
JERRY BYERLY AS THE ALTERNATE FOR A
TERM ENDING DECEMBER 31, 2028.**

BE IT RESOLVED, by the City Council of the City of Petersburg, that it hereby reappoints John M. “March” Altman, Jr., City Manager, to the Appomattox River Water Authority Board as the Primary and Jerry Byerly as the alternate for a term ending December 31, 2028.

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

Clerk of City Council